DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 June 1997

Thursday, 19 June 1997

Answers to questions:

Thursday, 19 June 1997

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.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Moore,** from 51 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.

The terms of this petition 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.

Petition received.

GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1997 [NO. 2]

MRS CARNELL (Chief Minister and Treasurer) (10.32): Mr Speaker, I present the Gaming Machine (Amendment) Bill (No. 2) 1997 [No. 2], together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Gaming Machine Act 1987 to strengthen the accountability and reporting requirements of clubs in regard to their community contributions and club investments, and provides for the tabling of an annual report on community contributions by clubs in the Legislative Assembly by the relevant Minister. Mr Speaker, other minor amendments are also proposed dealing with the installation and technical evaluation of gaming machines.

As I foreshadowed in the presentation of the previous Gaming Machine Bill introduced into this Assembly, the proposals contained in this Bill are the next step in a package of amendments that seek to ensure that all clubs provide adequate information on their operations, strengthen their accountability and reporting requirements, and are genuinely committed to supporting the Canberra community. Mr Speaker, one of the major findings of the report to the Government by the joint industry-government working party on the ACT club industry was the lack of requirements for clubs to be fully accountable for their operations and to provide detailed information to the Revenue Office under the Gaming Machine Act. This lack of detailed financial statistics from clubs makes it difficult to obtain an accurate picture of the industry's performance, in particular, how clubs' funds are being spent, especially to community groups. Mr Speaker, this proposal is considered necessary, therefore, to enhance the transparency and accountability of clubs and provide clear evidence on the level of commitment of clubs to their members and to the wider community generally.

Mr Speaker, from 1 July 1997, a gaming machine licensee will be required to keep a record of all contributions donated to a charitable organisation, or for a charitable purpose, during a financial year. This is to include the name of the charitable organisation, the purpose for and the amount of the contribution. Mr Speaker, in addition to the club's income and expenditure statement relating specifically to the operation of gaming machines currently required under the Act, a licensed club will now also be required to prepare and lodge a statement on its overall financial operations. This would provide a high level of scrutiny on the club's various sources of income derived from gaming profits and, importantly, a wide range of expenditures incurred by the clubs.

Mr Speaker, club licensees will be required, within one month after the end of the financial year, to provide the commissioner with a copy of the record I previously mentioned, together with a report specifying any contributions made by the licensee kept in that record, the proportion of the total gross revenue that is taken from gaming machines, or the proportion of that gross revenue that is derived from gaming machines,

on the licensed premises. With the availability of such information for public scrutiny, the ACT community can now be confident that clubs will be operating within the intention of the law and committed to serving their members and the community at large.

Mr Speaker, it is also proposed to use this opportunity to relinquish the practice of tax officers in the Revenue Office installing gaming machines and verifying machine modifications. Under the proposal, machine installations would become the joint responsibility of the licensee and the relevant supplier. These streamlined procedures will lead to greater efficiency for the industry and for the Revenue Office. While the current practice has been a longstanding legislative requirement, it is now considered to be a regulatory procedure which can be monitored sufficiently and more cost-effectively by the Revenue Office through an ad hoc inspection program.

Currently, Mr Speaker, where the commissioner is required to consider the suitability of a gaming machine, he or she must refer to the technical evaluation of the New South Wales Liquor Administration Board, irrespective of whether the machine has been evaluated as technically suitable by an authorised testing laboratory in another jurisdiction. The Bill proposes a further amendment to provide that, under the above circumstances, the commissioner may have regard to a technical evaluation of a gaming machine from any relevant testing laboratory. This proposal will again result in greater efficiency and timeliness in the process of approving gaming machines.

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

LIQUOR (AMENDMENT) BILL (NO. 2) 1997

MR HUMPHRIES (Attorney-General) (10.38): Mr Speaker, I present the Liquor (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Liquor Act 1975 to permanently provide the capacity to make regulations imposing trading hours restrictions for licensed premises. I am presenting a completely new Bill, rather than making further amendments to Mr Osborne's Liquor (Amendment) Act of last year, as, I am advised, Mr Osborne's legislation was drafted in a manner which was appropriate only for the temporary nature of the trial. This Bill proposes a permanent amendment to the Liquor Act.

As I mentioned, this Bill, similarly to the Liquor (Amendment) Act 1996, enables the restriction of trading hours by regulation. This system enables the making of regulations for specific days, such as New Year's Day and Anzac Day, as occurred during the trial period. If this Bill is passed, I propose to put in place the same trading hours restrictions

as were in place during the trial; that is, the sale of liquor for consumption on licensed premises will not be permitted between 4.00 am and 7.00 am. As was the case during the trial, the restrictions would not apply to minibars located in rooms used for accommodation or to the special licence held by Casino Canberra Ltd.

The Government has decided to introduce this Bill, following consideration of a wide variety of views and issues, including the information contained in the evaluation of the trading hours trial. The Government has received widespread comment on this issue from the general community, the business community, the liquor industry and, of course, members of this Assembly. In particular, businesses located in close proximity to Canberra's late-night entertainment venues, like Civic and Manuka, have highlighted what they see as a positive impact on the amenity of their business environment and the reduction in incidence of antisocial behaviour when opening their businesses in the early hours of the morning. These views have weighed heavily in the Government's decision-making process. It is fair to say that the consultant's evaluation was far from unequivocal in any recommendations on the future of the trial, and, as such, the Government has considered, and is still in the process of considering, the views of a number of parties and members of the ACT community.

Mr Speaker, while we accept that the reported incidence of crime and antisocial behaviour did not change significantly during the trial period, a number of points emerged from the trial that are worth noting: Seventy-five per cent of residents surveyed supported 4.00 am closing; 24 per cent of residents believed that 4.00 am closing reduced crime; there was a reduction in the number of drink-drivers detected, even though this may not be attributable to the trading hours restrictions; and police reported a significant improvement in local amenity in late-night trading areas, particularly noting an absence of intoxicated people when the general public recommence using those public places early the next morning.

Mr Speaker, the Government is presently examining the position that would result from a continuation of the 4.00 am restriction on trading and intends to continue to discuss these issues with members of the Assembly throughout the next few days. The issue is no longer a simple policing issue, Mr Speaker. It is, in a sense, a public safety issue; it is a public health issue; it deals with problems related to excessive alcohol consumption by giving drinkers a signal that there comes a time when the total alcohol consumed moves from recreational to unhealthy. Mr Speaker, it is the Government's view that those discussions with members of the Assembly should occur between now and next week, when I propose to bring this legislation forward for debate. I indicate that the Government's view on whether to proceed with this legislation will depend on the results of those discussions. I hope that members will be, with the Government, searching for a way to be able to - - -

Mr Wood: What a strange approach! You may or may not bring it forward. Is that what you are saying?

MR HUMPHRIES: That is true, Mr Wood; you have got it in one. Mr Speaker, the Government has brought the Bill forward today because the Government believes that it is appropriate to put legislation of this kind on the table and let members of the Assembly see it, so that, when the time comes to make a decision on this next week,

it will be possible for the Assembly to have a clear view about what is being put and what is in issue. No doubt, members would complain loudly if legislation were introduced on, say, Thursday for passage on the same day. I am trying to avoid that by putting this on the table now.

However, Mr Speaker, when it first began this process, the Government made a commitment that it would fully consult with relevant parties both in the broader community and in the Assembly. It has consulted with parties across the community, but discussions with members of this place are still continuing. For that reason, the Government wishes to indicate that in next week's sittings of the Assembly it will have to bring forward a position as to what fate the 4.00 am trial should enjoy. I commend the Bill to the Assembly.

MR WOOD (10.43): Mr Speaker, I move:

> That the debate on this very strange approach by the Government be adjourned.

Question resolved in the affirmative.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1997

MR KAINE (Minister for Urban Services) (10.44): I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

> That this Bill be agreed to in principle.

Members will recall that the Government recently introduced into the Assembly amendments to the penalties imposed on people who drink and drive. The Government is further supporting the drive against this dangerous practice with the amendments now presented. From now on, alcohol-affected people who contribute to traffic accidents can no longer escape the law simply because they are injured and receiving medical attention.

The current provisions of the Motor Traffic (Alcohol and Drugs) Act 1977 already allow the police to have blood or body samples analysed for alcohol or drugs. In the case of injured people, this process was often hindered, firstly, because the police were unable to have the samples taken while injured people were being treated by hospital staff. This meant that the police had to wait around at hospitals while these people received medical attention. Secondly, the law requires that these samples be taken within two hours of arriving at a hospital. This period often expired during the course of treatment.

The overall effect was that many people were unable to be prosecuted because of the lapse of time. With these amendments, this can no longer happen. The amendments will make it compulsory for medical staff at a hospital to take a blood sample from any person aged 15 years or more, if the police have reasonable cause to believe that they may have contributed to a traffic accident. These may include drivers of motor vehicles, injured pedestrians, bicycle riders and horse riders.

As well as aligning ACT laws with the laws of New South Wales, these amendments are a further step toward national uniformity in laws dealing with drink-driving issues. To remain consistent with New South Wales, interstate people transferred to a Canberra hospital as a result of a traffic accident will also have blood samples taken. Blood analysis carried out in the ACT will be accepted in a New South Wales court. This will also apply to an ACT resident transferred to a New South Wales hospital who has a blood sample taken and analysed. That analysis will be acceptable for prosecution purposes in the ACT courts.

The amendments provide for the taking of both blood and body samples, as required. I would like to point out that body samples such as urine provide analysts with a cost-efficient and effective screening method. Savings in complex and expensive blood analysis tests can be made, particularly when checking for drugs. These amendments are a clear indication of this Government's commitment to improved road safety in the ACT. We intend to continue to demonstrate this commitment with practical and effective legislation. These amendments will also ensure that people who cause accidents because they are drink- or drug-impaired must expect to have their day in court. I commend the Bill to the Assembly.

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

TRAFFIC (AMENDMENT) BILL 1997

MR KAINE (Minister for Urban Services) (10.47): Mr Speaker, I present the Traffic (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

> That this Bill be agreed to in principle.

The Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1997 provided for the compulsory blood sampling of certain people who the police believe may have contributed to a traffic accident. This includes non-motorised traffic such as pedestrians, bicyclists, horse-drawn vehicles and so on. Not all traffic accidents are caused by people driving motor vehicles. The Traffic Act 1937 has been amended to allow the same compulsory blood sampling provisions to apply to people not driving a motor vehicle but who the police believe may have contributed to the cause of a traffic accident. Pedestrians, bicyclists and others can cause accidents if adversely affected by alcohol or drugs.

This Government has ensured that all people who contribute to the trauma and high costs of accidents are treated equally. As with the compulsory blood sampling amendments to the Motor Traffic (Alcohol and Drugs) Act 1977, this amendment is consistent with laws in place in New South Wales.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1997

MR KAINE (Minister for Urban Services) (10.49): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

> That this Bill be agreed to in principle.

The cause of most road trauma in Australia remains with the driver of the vehicle. Vehicle condition plays a part in less than 5 per cent of vehicle crashes. By implementing changes to vehicle inspection requirements at the start of 1996, this Government accepted those facts and removed a considerable burden from the ACT community. It is now time to take the next step, in line with policies outlined prior to the last election and announced recently.

We are opening most remaining vehicle inspections to competition from the private sector. This will bring the ACT further into line with other States and Territories, where the majority of vehicle inspections are performed by private enterprise. The amendments allow most vehicle inspections to be performed by authorised examiners in authorised premises. The Registrar of Motor Vehicles will authorise premises and examiners who meet required financial, personal and equipment standards.

Mechanisms for auditing the inspection functions within private sector establishments and the government inspection station at Dickson have been included. An authorisation may be cancelled if the required standards are not maintained. Authorised examiners must perform inspections in accordance with the vehicle inspection manual that the Registrar of Motor Vehicles will prepare and maintain. The vehicle inspection manual will be based on nationally agreed standards. This will result in the same inspection standard being applied in private premises and in the government inspection station at Dickson.

The Government has made it easier for vehicle owners and drivers to have inspections carried out. This has been done by requiring examiners to perform inspections on demand of any vehicle for which they are authorised. Due to community safety concerns, heavy vehicles over 4½ tonnes, taxis, omnibuses and hire-cars will still be tested at the government inspection station at Dickson. Some other vehicles, such as low-volume

imported vehicles, hot rods and highly modified vehicles, will also require a government inspection. Maximum inspection fees will be set for all inspections. These include $30 for cars and motorcycles and $22 for trailers. By setting a maximum fee, the owner of authorised premises will have the choice of charging a lower fee, if desired. Annual fees for the authorisation of premises and examiners have been introduced to help offset the costs of administering the new arrangements. The changes to the Act make it easier to have a vehicle inspection performed, but reinforce the requirements that vehicles be maintained in a safe condition. Mr Speaker, I commend the Bill to the house.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1997

MR KAINE (Minister for Urban Services) (10.53): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill proposes changes to the Motor Traffic Act 1936. These changes specifically deal with parking for people with disabilities and parking in loading zones. I will speak first about the changes affecting parking arrangements for people with disabilities. In July 1996, my department released a discussion paper on parking for people with disabilities, following a comprehensive public consultation process. The recommendations of the discussion paper have the overwhelming support of the organisations and individuals who commented on that paper. The recommendations are now reflected in this Bill.

In addition to existing entitlements, the Bill confers many additional benefits, which I will now outline. Firstly, and most significantly, the amendments allow people with a disability to park free, for varying lengths of time, in any government-operated parking space. If the posted time limit is 30 minutes or less, people with a disability will be able to park for up to two hours. They will be able to park for an unlimited time if the posted time is more than 30 minutes. This change increases the parking options for people with disabilities and should mean that signposted "Class B - Disabled Parking" spaces will be freed up for use by more severely mobility-impaired people.

The amendments also provide for the label to be issued in the name of the person rather than the vehicle. This change eliminates unnecessary red tape and provides more flexible transport options, as people with a disability will no longer be limited to the use of a specific, nominated vehicle. It also means that carers or volunteers can transport people with a disability in any vehicle, providing that the person they are transporting has been issued with a label. Labels will continue to be issued free of charge, but will be issued for

three years for people with permanent disabilities and for periods of three, six, nine or 12 months for people with temporary disabilities. Current medical eligibility requirements remain in place. However, I am pleased to advise that, in addition to current entitlements, blind people will now be eligible for parking labels, enabling them to be transported by carers and volunteers with the same entitlements as others with disabilities.

The Bill also provides for community organisations to be issued with Class B parking labels for vehicles used by, or on behalf of, those organisations. The amendments allow for parking spaces to be designated specifically for the use of particular community organisations. Volunteers transporting people with disabilities will also be entitled to labels. They will be able to park free for up to two hours in government-operated car parks. The expansion of the parking rights of people with disabilities brings the ACT into line with New South Wales and the other States and Territories. The Bill also gives effect to one of the Government's pre-election commitments.

I now turn to the changes affecting loading zones. This amendment follows changes implemented in January 1997, whereby owners of goods vehicles have the option of private registration in preference to the more expensive commercial registration. This Bill formalises the intention that loading zones can be used only by commercially registered and certified vehicles carrying out deliveries. In conclusion, Mr Speaker, I believe that this Bill will improve greatly the accessibility of parking for people with disabilities, it will reward the invaluable efforts of volunteers in our community and it will free up loading zones for those who have a bone fide need to use them. I commend this Bill to the Assembly.

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

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1997

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (10.53): Mr Speaker, I present the Occupational Health and Safety (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Occupational Health and Safety (Amendment) Bill 1997 amends the Occupational Health and Safety Act 1989 in a number of important areas. The primary purpose is to repeal Acts and associated regulations that have been part of ACT law for over 40 years but are now sadly outdated. Those Acts are the Scaffolding and Lifts Act 1957 and the Machinery Act 1949. This gives effect to the Government's commitment to review pre-1980 Acts and to remove them where they are no longer required.

What is proposed is the replacement of these antiquated instruments with modern, performance-based regulations under the Occupational Health and Safety Act 1989. Before this can be done, however, it is first necessary to alter the regulation-making powers under the Occupational Health and Safety Act 1989 to allow for the regulations to be framed. The consolidation of occupational health and safety requirements under the Occupational Health and Safety Act 1989 brings the ACT into line with other States and Territories. This removes a cross-border impediment to ACT businesses operating in the region and represents a reduction in red tape. The proposed amendment also allows the Minister to set fees under the Occupational Health and Safety Act 1989, and amends the powers of the Minister to grant exemptions under that Act. These powers are contained in the older Acts.

Mr Speaker, the Government remains committed to occupational health and safety. In seeking the repeal of these older Acts and regulations, the Government proposes that they be replaced by modern, performance-based regulations under the Occupational Health and Safety Act 1989. These regulations cover the use of plant in the workplace and the certification of operators of industrial plant and equipment. These will be supplemented by codes of practice and other guidance material, as required. The Occupational Health and Safety Council is working to provide me with advice in this area. The regulations will be based on nationally agreed standards that have been declared by the National Occupational Health and Safety Commission. Indeed, the plant standard and the certification standard have already been declared as codes of practice under the Occupational Health and Safety Act 1989. The implementation of these has been impeded by the older Acts remaining on the statute book.

Members will be aware that the building and construction industry in the Territory is in a parlous state. The closure of CFM Kitchens and Canberra Roof Trusses bears mute witness to this. Under the Scaffolding and Lifts Act 1957, a fee called the "notice of intention to commence building work" is levied. Revenue from this in 1997-98 is forecast to be $400,000. The Government is proposing that there be no similar charge under the new regulatory regime for commencing building work in the Territory. This represents a boost for the building industry at a time at which it is sorely needed. Mr Speaker, I commend this Bill to the Assembly.

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

REMISSIONS OF CHANGE OF USE CHARGES
Motion for Amendment

MR MOORE (11.01): Mr Speaker, I move:

> That Subordinate Law No. 7 of 1997, relating to remissions of Change of Use Charges and related matters, and made under the Land (Planning and Environment) Act 1992, be amended, pursuant to the Subordinate Laws Act 1989, as follows:

(1) Regulation 4 - new regulation 12B (page 3)
Omit the new regulation 12B.

(2) Regulation 4 - new regulation 14 (page 4)
Omit the new regulation 14.

(3) Regulation 4 - new regulation 14A (page 5)
In paragraph (1), omit "may", substitute "shall".

(4) Regulation 4 - new regulation 14B (page 6)
In paragraph (1), omit "may", substitute "shall".

(5) Regulation 4 - new regulation 14C (page 7)
In paragraph (2), omit "may", substitute "shall".

(6) Regulation 4 - new regulation 15D (page 9)
Omit the new regulation 15D.

(7) Regulation 4 - new regulation 15E (page 10)
In paragraph (2), omit "may", substitute "shall".

Mr Speaker, the regulations that the Minister tabled with reference to change of use charges rely on a basic principle of our leasehold system; that is that, where a change occurs and that change results in an increase in the value of the land, that increase in the value of the land belongs with the people of the ACT. If you like, that is the pure part of the principle. Then remissions are dealt with, as to what level of charge should be put by the Government in dealing with such remissions. That is the issue we are dealing with today.

Mr Speaker, my personal belief is that there should be no remission at all. I found it very interesting, when I spent some time with the immediate past administrator of the leasehold system in Hong Kong, that they never allow remission on the increase in the value of land in Hong Kong - which is probably why they have so much trouble with development in Hong Kong or which is probably why they have not been able to encourage the development of Hong Kong! That having been said, Mr Speaker, I am also conscious that extrapolating from one country to another, from one system to another, is always difficult and is fraught with a series of confounding factors.

Mr Speaker, one of the difficulties, as I see it, with this subordinate law is that it assists in creating a climate which is conducive to corruption. That does not apply to this particular Minister, whom I have faith in as far as that goes. I am not making any accusations, and I do not want to be construed as making any accusations in that way. But what we have learnt from royal commissions and the Fitzgerald commission, as far as the police go, is that the critical factor is to establish a climate which is not conducive to corruption. So, where I see issues of ministerial discretion being extended over large sums of money, I think that we are at risk of creating a climate that is conducive to that kind of problem.

Mr Speaker, I think it is the responsibility of this Assembly to ensure that we avoid such ministerial discretion if we possibly can; that we avoid putting a Minister or the Minister's delegate in a position where they have to make decisions about large sums of money where they have discretion. It seems to me that these regulations provide that kind of problem.

Mr Speaker, let me speak specifically to regulation 4, where I seek to omit the new regulation 12B on page 3. The reason for this is that the proposed regulation allows the Minister to remit all - 100 per cent - of the change of use charge where the increase in value is caused only by a variation in a common boundary. In other words, the two blocks would be owned by either the same person or other persons who have agreed upon some transfer of leased land. It seems to me that, wherever the principle applies, wherever the value is increased by some action with the land - whether it is a combination of leases or whether it is a change of purpose - wherever there is a change to the lease that allows an increase in value, that increase in value should be paid. Certainly, there should not be 100 per cent remission. There is a sliding scale of remissions, of course; but to accept the current Government policy always to allow 100 per cent remission - in other words, to say, "We are not interested in the increase in value" - is simply to throw away taxpayers' money. Why would we do that, Mr Speaker?

Mr Humphries: It is not taxpayers' money; that is why.

Ms McRae: It is called "rates", Gary. You pick it up in rates.

MR MOORE: I hear an interjection from Ms McRae - I know that she will have a turn in a short while - across the Assembly, saying - - -

Ms McRae: Do not take any notice. I was not talking to you.

MR MOORE: Now, Mr Speaker, she says, with a loud interjection across the chamber, that she was not speaking to me. Mr Speaker, I clearly heard Ms McRae saying to Mr Humphries, across the chamber, "You will pick it up in rates". Indeed, so we should pick it up in rates; but we should also pick it up in the change of use charges. We should also pick it up in betterment.

Ms McRae: Which you do with betterment when you change a lease.

MR MOORE: Unfortunately, it is Ms McRae's misunderstanding of these issues that creates some of these problems. It seems to me, Mr Speaker, that there is no ground for remission. If there is no increase in value, why are we suddenly offering 100 per cent remission? It would simply be unnecessary to put this regulation in at all. Through this policy, the general community is clearly going to miss out on financial gain.

The Government must believe that we have huge sums of money. We are no longer worried about this $100m gap, because we have a Chief Minister who can fill it up this year with some patch-up system. I think Ms McRae will agree with me, and I know that Mr Berry will agree with me, that her system has been to patch it up, to sell and lease back last year, to take $100m from ACTEW this year and $100m for light poles next year. But there are only so many things we can buy and sell.

Mr Berry: She is yours. She would not be there if it were not for you, Michael.

MR MOORE: Yes, Mr Berry, I know that you interject all the time, saying "your Chief Minister". But I sit here and look at the options, and I choose the least worst, Mr Berry - and it is the least worst by miles. When I look at you, Mr Berry, it is the least worst choice by miles and miles.

Ideally, Mr Speaker, a rule should be instituted that assesses the increased value of the combined total of the blocks against the previous combined total of the blocks. This would probably require amendments to the Act. In the meantime, the appropriate response is to remove this unjustified capacity for the Minister to relieve people of their tax liability. That is what it is: It is relieving people of their tax liability.

I return to regulation 4. I also seek to omit new regulation 14 on page 4. The remission capacity appears at first glance simply to benefit the Commissioner for Housing. Casual readers may be deceived into thinking that it is, therefore, a regulation for the benefit of low-income housing residents. It is nothing of the sort. I think, Mr Speaker, it is important to recognise that this is the very antithesis of the whole basis of the rearrangement of the government financial and accounting systems; that, where money is raised or there are costs, they should be appropriately attributed. All this does is shift costs. If, after modification of the lease, the land continues to be owned by the Commissioner for Housing, then the only result is a liability shift between the public accounts. That has no particular advantage or disadvantage to the Territory as a whole. I accept that. It also has no particular benefit to Housing tenants. Indeed, that money could be shifted in a way that is much more transparent.

However, if the block is modified and soon sold to private interests, as would be tempting for the commissioner, then the net result would be private acquisition of improved lease value without the normal change of use charge liability. I see that as, in a way, a scam that gets around this leasehold system. The benefit of this clause would never flow to normal tenancy-purchasers of their housing lease, since they are not usually engaged in having lease purposes upgraded from residential. If, indeed, the Government sees that in some way there is a benefit for the Commissioner for Housing here, then the appropriate way to go about that is to do an aboveboard transaction that can be easily seen. I think that this measure should be omitted.

Mr Speaker, there is a series of discretions that I then refer to. In relation to the third amendment to regulation 4 - in new regulation 14A, omit "may" and replace it with "shall" - if the increase is sound in principle, it should be applied without ministerial discretion. Such discretions amount to unfettered capacity to relieve developers of tax liability. I cannot understand why a Minister would want to have such a discretion. I would have thought that the discretion would be, to a certain extent, like an extra weight that the Minister has to carry or - because Ministers would normally delegate that capacity - a capacity that public servants also would not wish to have. Mr Humphries, having looked at how the Revenue Office operates, I would have thought that the Revenue Office was always reluctant to look at discretions. They much prefer not to have discretions. There are situations where there is very little choice; but, of course, they would be very reluctant. So, I think that this should be dealt with.

It has certainly been drawn to my attention - and I thank Ms McRae for doing this for me - that the "may" and the "shall" are part of the principal Act and therefore should carry through. I do not accept that argument. First of all, it says two things to us. Perhaps this is the time for us to go back and revisit the main Act if that discretion applies, and I can see an argument there. However, having had this drawn to my attention while I was going through this regulation, it still seems to me, because the principal Act allows the discretion, that there is no reason why that discretion must carry through to a regulation. If the main Act carries a discretion, it does not mean that you therefore must carry it through. It still allows a discretion, and in the regulation you can then say "shall".

Mr Humphries: But you are cutting back a discretion which is conferred by the legislation.

MR MOORE: The discretion is allowed by the legislation, but it does not have to be carried through by regulation. I think the discretion should be omitted. This matter having been drawn to the attention of the Assembly, I think we should also go back and revisit it in terms of the main Act.

Mr Speaker, similarly, my amendments (4), (5) and (7) are to do with this matter of discretion. Rather than be repetitive, I will just draw that to members' attention. Under my amendment (6) relating to regulation 4, we should omit new regulation 15D. I cannot see any public benefit in this measure. Exactly the same argument as I put in terms of the Commissioner for Housing applies. As such, it should be omitted.

Mr Speaker, I have moved this motion today, first of all, because it is a normal part of the powers of the Assembly, although not used particularly often. I think most members here would agree that we look at subordinate legislation and, where we disagree with subordinate legislation, we have the power either to disallow or to modify. In this case, I have sought to modify the legislation because, in principle, the legislation - some of which I disagreed with - has gone through the Assembly. Mr Speaker, I commend to members of the Assembly the amendments as I have put them. To make it easier for members, Mr Speaker, I circulated my notes on this matter some days ago so that members would know exactly what I was trying to do. Hopefully, that will enhance the debate today.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.15): Mr Speaker, not surprisingly, the Government is not supportive of Mr Moore's motion today. I am sure that it comes as no surprise to him and no surprise to anybody else. Mr Speaker, Mr Moore's views on the payment of a change of use charge, or betterment, are well known. I understand his perception that increases in the value of land belong to the people of the ACT. I also, in a sense, believe that; but I believe it is delivered in other ways. Indeed, Mr Speaker, I think it is quite wrong to view the capacity of the Government to collect such increases as relying wholly on the application of charges in this way. There are ways in which the community benefits from those sorts of increases in the value of land other than simply through the levying of a change of use charge, or betterment, as it is still known colloquially around the community.

Indeed, I do not think Mr Moore is consistent when he says that all increases in the value of land belong to the people of the ACT. When Mr Moore bought his house in Reid some years ago, no doubt he paid a certain price for it, and no doubt, if he went and sold it today - - -

Mr Moore: No; all increases based on change of use.

MR HUMPHRIES: But you did not say that. You said that increases in the value of land belong to the people of the ACT. It is a lease we are talking about. Ultimately, in theory, the Government - the Commonwealth, indeed - owns his leasehold land, and, if there is an increase in the value, it belongs, according to Mr Moore, to the Government, representing the people of the community. The fact is that we do not consistently apply that rule. We apply certain charges in certain cases and not in other cases. As Ms McRae herself interjected across the chamber - - -

Mr Moore: That is why it is called a change of use charge, Gary.

MR HUMPHRIES: Indeed, it is. But you said, Mr Moore, that increases in the value of land belong to the people of the ACT. Only certain increases do, at least under the principle applied by the way in which we regulate this area.

Mr Temporary Deputy Speaker, there are issues to do with remission which need to be explored. In particular, we need to ask ourselves whether the creation of remissions can produce public benefits which are worth while pursuing. For example, the Government announced last year that it was going to provide a 50 per cent remission of betterment in respect of shopping centres that were identified as needing to be revamped and given a fresh outlook in order to be able to face the challenge of changing demographics.

Mr Moore: I disagreed with that.

MR HUMPHRIES: I know that you disagreed with it.

Mr Moore: I think it should be provided as a cash thing.

MR HUMPHRIES: Indeed. The point is that Mr Moore agrees that there should be some benefit conferred on those centres. But he believes, in a very rigid sort of way, that that cannot be done through remissions of betterment; it has to be done through a cumbersome process whereby someone pays the Government money and the Government pays back money to this person.

Mr Moore: It makes it open and accountable, Gary; that is why.

MR HUMPHRIES: It is becoming a dialogue again, Mr Temporary Deputy Speaker. Mr Moore himself asked me, and I have agreed, to table in this place remissions of betterment. So, that is open and accountable, too. People can see that. I do that every quarter. Members see that. They see what remissions are being granted. It cannot be more open and accountable than that, in my view. I think that that is the appropriate way to deal with it.

Mr Moore talked about corruption in the context of this debate. It is a reasonable point to make. Corruption is an issue which can be - - -

Mr Moore: I said it was "conducive to". I was very careful to use the term "conducive".

MR HUMPHRIES: I realise that you are not saying that anyone is corrupt. I realise that you are saying that the avoidance of the appearance of corruption is achieved by having a very open and aboveboard system of dealing with public moneys. The fact of the matter is that governments all the time are making decisions which deal, directly or indirectly, with the allocation of public moneys - and not just in public senses, but in respect of benefits to private individuals and companies. Every day of the week, every Minister makes such decisions. It is impossible to quarantine all such dealings, or at least - the reverse of quarantining - it is not possible to push out every such exercise of discretion in such a way that everybody can see it and every manifestation in which it might occur. I think it is a very difficult proposition. I do not think Mr Moore has fully thought through how that might occur in respect of such occasions, beyond the debate we are having today merely about betterment, or change of use charge.

Mr Temporary Deputy Speaker, I want to emphasise the point - which apparently has already been conveyed to Mr Moore by Ms McRae - that, much as I sympathise with his concerns about subregulations 14A(1), 14B(1), 14C(2) and 15E(2), where he seeks to remove a discretion and replace the word "may" with "shall", the advice to me is very clear that that simply is not possible. Mr Moore might be interested to know this. Originally, we actually did commission the amendments to include the word "shall". We sent it to the Parliamentary Counsel with the word "shall" in those commissioned amendments. The advice which came back from the Parliamentary Counsel, which I will now quote to you, was:

> "may" is reintroduced here instead of "shall" despite your instructions to the contrary of 3/2/97.
>
> The regulations cannot validly require the Minister to remit or increase CUC, because of the nature of ss 184C and 187C.
>
> S.184C(1) of the Act states that "the Minister may, on application by the lessee, remit a CUC ... in circumstances prescribed by the regulations".
>
> Unfortunately, there is no power for the Executive, in the regulations, to take away a discretion given to the Minister under the empowering Act.
>
> If you wish to remove the Minister's discretion, an amendment to the Act will be needed.

Mr Moore foreshadowed that when he spoke in this debate. I would say to him that I am not ill disposed to considering that. I have no doubt that he will go back and talk to the Parliamentary Counsel about that. I am quite prepared - - -

Mr Moore: It should not take long to draw up that amendment.

MR HUMPHRIES: There was probably a snide remark there, which I will not rise to.

Mr Moore: No; I just said that it will not take me long to draw up that amendment to the Act.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The honourable gentleman will address his remarks to the Chair. Mr Moore, desist from interjecting.

Mr Moore: On a point of order, Mr Temporary Deputy Speaker: Who in here is "honourable"?

MR TEMPORARY DEPUTY SPEAKER: Well, who is dishonourable, I suppose?

Mr Moore: As a supplementary point of order, Mr Temporary Deputy Speaker - - -

MR TEMPORARY DEPUTY SPEAKER: There is no point of order. Resume your seat, Mr Moore.

Mr Moore: On a point of order, Mr Temporary Deputy Speaker: To follow up that other one, who is the "gentleman"?

MR TEMPORARY DEPUTY SPEAKER: There is no point of order, Mr Moore.

MR HUMPHRIES: Brutus is an honourable man, but I do not know whether anybody else is.

Mr Speaker, I am happy to indicate to the Assembly that I will be prepared to advise members of the Assembly if I propose to exercise a discretion under those provisions. I am quite happy to do that. That would certainly provide a bit of the transparency that Mr Moore is seeking. I have no great desire to leave the word "may" in there, in preference to "shall"; but he will understand that I am constrained by the terms of the legislation to do that. But, as I say, unless and until there is a move in the Assembly to change those words, I will exercise the discretion by talking to members of the Assembly either immediately before or immediately after such a discretion is exercised.

Mr Speaker, I do not want to detain the house for long. The Government stands by the provisions about boundary variation in regulation 12B. Boundary variations are currently exempted from the payment of betterment under the terms of the regulations. The purpose of the exemption is to allow for minor alterations in the boundary between adjoining owners where there is no net increase in the value of the leases involved. If lessee A wants to assign part of his or her lease to lessee B right next-door, obviously there is an increase for one person and a decrease for another. It makes very little sense to be charging anybody for betterment in those circumstances.

Ms McRae: There is no change of lease.

MR HUMPHRIES: There is no change of lease. It makes no sense at all. The proposed regulation 12B, in fact, is more restrictive than the existing provision, in that it also requires the leases to be granted for the same purpose. That ensures no unearned increment in value to the gaining lessee - if any lessees gain land in the variation - unless that gain is reflected in a parallel loss to the losing lessee. So, there is no loss in added value to the community at all in those circumstances.

If the regulation is disallowed, Mr Speaker, the gaining lessee will probably be required to pay for the land twice. The losing lessee must agree to the variation, and will not be prepared to lose land without being compensated by the other lessee, presumably. So, the gaining lessee has to compensate the losing lessee for the value of the land that he has lost and also has to pay the Government for the correction to the boundary. So, the same variation is being paid for twice, if this regulation is disallowed. That would discourage minor boundary discrepancies being corrected, and that is not in the interests of the broader community.

Mr Speaker, my colleague the Minister for Housing might want to say something about the Commissioner for Housing and his capacity to obtain remissions under the present regulations; but, very briefly, the arrangement already is that 50 per cent remission is available to the Commissioner for Housing for variations that affect housing acquired before the beginning of the Housing Assistance Act in 1987; that is, before 16 December 1987. So, it does not apply to all Housing properties, by any stretch of the imagination, but it does apply to those acquired before December 1987. This regulation merely continues that 50 per cent remission. It is strangely worded, I concede. It talks about 25 per cent of the added value; but you must remember that in section 184C of the Act there is already a 75 per cent remission provided for. So, another 25 per cent brings it back to 50 per cent, which is the existing arrangement.

Mr Moore: Which I disagree with.

MR HUMPHRIES: Which Mr Moore disagrees with; I concede that. But I would say to Mr Moore that it is important, at this particular juncture especially, for us to be aware that it is most important for us to encourage an environment of investment in the city of Canberra. Ultimately, I think, to favour the retention of high rates of betterment and the absence of remissions tends to discourage owners of land - - -

Mr Moore: It encourages unnecessary debate on it.

MR HUMPHRIES: It may be unnecessary, but I want to say it anyway. It tends to discourage owners of land from engaging in work which would attract a betterment fee. That is not the kind of thing we want to be doing at this point in our history. Maybe at other times, maybe when Canberra is booming, we can afford to say, "No, we do not need to remit betterment"; but at this particular point in time that is not true. I think, Mr Speaker, it is very appropriate that we be generous about such things, because we realise that such matters are very significant in decisions made by individual lessees to develop land and, in the process, to create jobs.

MS McRAE (11.28): Mr Speaker, before I begin on the substantive arguments, may I just put on record that I do not believe that any member of the department of land and planning is corrupt; nor do I believe that any Minister for land and planning of this Assembly, before or current, is corrupt. May I also put on record that I profoundly dispute Mr Moore's constant correlations of ministerial discretion and corruption. Corruption has never been proved, although a lot of mud has been thrown. I get particularly agitated because - I know what his press release will say today - by implication, he is going to say, "Labor and Liberal gang up to maintain corruption". I want to put on record here and now that I do not believe a word of it, and it is time Mr Moore put up or shut up, in terms of any allegations of corruption by anyone. I have found many an officer personally hurt by the constancy of these allegations.

Mr Moore: That is what they used to say to John Hatton.

Mr Humphries: To whom?

Mr Moore: John Hatton, who was responsible for the Wood royal commission.

MS McRAE: I would welcome a royal commission if there were grounds for it. I would then listen carefully and perhaps be corrected in my views. But I am sick to death of these allegations being constantly floated and, by implication, my party and any other party in this Assembly being drawn to that low level. Mr Moore, you are a respected member of this community, whose words are listened to carefully. You have a responsibility to not corrupt - - -

Mr Moore: You did not listen carefully.

MS McRAE: Because you made me so angry, I did not listen for the first five minutes - - -

Mr Moore: You did not listen carefully. I was very careful to refer to avoiding systems that were conducive to corruption.

MS McRAE: You were, Mr Moore; but your idea of carefulness does not protect us from the level of allegation that is then imputed from what you say. You may put any colouring on it that you like; but there are many people who are smarting - and I am now one of them - from the constancy of your allegations that there is corruption in regard to land dealing in the ACT, and particularly since self-government. You may counter that whenever you like. You may interject now - - -

Mr Moore: I do not have to. I have never made an allegation of corruption.

MS McRAE: No; exactly. I wish you would, and then at least the matter would come to a head. I do not believe that ministerial discretion automatically leads to corruption or any possibility of corruption. We have an Assembly; we are able to look openly at whatever a Minister has done, and every record is there in front of us. So, Mr Moore, continue at your own will; but let it be known that, by the constancy of those imputations, you have incurred the displeasure and disrespect of a great number of people in the community.

I am very grateful to Mr Moore for having given me his arguments in regard to these regulations, because there is a great deal in what he has to say. It has to do with the principles and the management of the Land Act and the principles and the management of land in the ACT. To that extent, we are in sympathy and in harmony, no matter what he likes to say in press releases. These amendments now put into new regulations what was under the old Land Act. As Mr Moore said, they cover three key areas.

The change in domestic boundaries, as Mr Moore likes to point out, may add some value to some property; but in most cases it is a tidying up and it is not a change of lease purpose. It is a curious thing that this change of boundary should come under the remission area of the regulation, because, in fact, remissions usually apply, or betterment usually applies, to change of lease purpose, not to changes to leases. Whilst it is a curious thing that it is within there, I see absolutely no reason to oppose it. It is a tidying up. It is a straightening out of boundaries, which makes life easier for people who hold those particular leases. In many cases, it is in instances where the leases were never properly defined in the first place, and they need to be defined so that people can buy the property. To that extent, I have no reason to oppose the first of the changes.

The second one - the augmentation of blocks and the management of blocks by the Commissioner for Housing - does present some very interesting questions. Again, I have a fair level of sympathy for what Mr Moore is saying. In the end, it comes back, essentially, to the land account. I think that the land account will deal with these sorts of seeming anomalies. From the time of the Commonwealth's Housing Act, since we have been managing the changes to leases in regard to government housing property, we have had this process of enabling augmentation. It is usually for aged persons homes or to provide greater density for low-income earners. The ones that I am most familiar with are, of course, in Ainslie. They are mostly for a very good social purpose and they mostly come with strong Government approval.

I have heard it argued in the past that no remission should ever be made in relation to betterment; but there are cases where Government intervention is important. I believe that this is one of them. The argument as to whether it should be done by way of regulation in this way or by across-the-board 100 per cent betterment - give it back to Treasury and then Treasury, if it is feeling benign on that day, gives it back - is a valid argument. It is one that has been around forever. It is to do with land accounts. It is to do with how we deal with the value of our land and maintain it for the people of the ACT.

In essence, I have no problem with this regulation. I think it really makes no difference in the long run, in that no private interest is making profit from public land. This is where it is extremely important that we get the betterment regime right. The essence of it is to prevent private gain from a change of lease purpose on our public land, which is owned by government. I have every reason to support anything that ensures that companies or individuals are not running around making profit from our land, at the expense of the people of the Territory. But, in this case, the money that is gained in so-called profit by not having to pay 100 per cent betterment is put straight back into government housing.

It is not as if the Commissioner for Housing can go and throw a great big party for everyone in Canberra every time he makes a windfall gain from not paying 100 per cent betterment. So, it is not money that is lost to the people of the ACT. It is hypothecated and it is used in a particular case.

As I say, I have no problem with the argument that perhaps that is wrong and perhaps we should have land accounts and we should have a process of transferring the money so that it is transparent that this is what is happening. But, in my head, it is transparent. In my head, it is quite clear that the ACT is not losing the money. We may, in this debate, be foreshadowing a policy change. That is fine. Particularly when the Commonwealth-State Housing Agreement is changed, at that point we may have to come back to this and make sure that we do not let it slip away from us. Of course, the properties can be onsold and profit can be made; but, again, even if it does then move to a private landowner after having been Commissioner for Housing property, the profit will come back to housing in the ACT. So, I will not support Mr Moore in this instance; but I am, again, quite sympathetic to his arguments and I think that the matter deserves another look at another time.

The third area is where we remove "may" and put in "shall". One of the points, if we did agree with Mr Moore, is that in the Act it applies to remissions as well as increases, whereas the regulations are only about remissions. So, we have an anomaly there. Again, I am very sympathetic to what Mr Moore is saying, because it underlies what I am saying, which is that, as far as possible, ministerial discretion should be circumscribed and controlled by the Assembly. This is one way to make sure that we understand exactly when a Minister will and will not give increases or remissions. I believe that the policy should be an entirely open one and, even in the area of discretion, it should be guided by either regulation or rules. I do not think that changing it in this instance will do that. We know that the Land Act is coming back for review later this year. As Mr Moore says, it is not a difficult amendment to make, although the consequential amendments will be quite horrific. We are quite sympathetic to looking at the implications of removing the word "may" from the Land Act and putting in "shall" and then looking at the implications of that across the board to ensure that the rules are in place.

Let me reiterate. I do not support Mr Moore. That is not because he is wrong, in many instances - I think that in this case he is right - but this is neither the right time nor the right regulation to put in those changes. I think that many of the policy issues that we are debating deserve another look. In finishing, I just reiterate the point that I, for one, and my party do not concur that there is, has been or will be any corruption on the part of the Minister if he is allowed specifically well-stated and circumscribed discretions.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (11.38): Mr Speaker, there are three proposals in Mr Moore's amendments to the regulations which would affect public housing. Firstly, there is the amendment to regulation 12B. Boundary variations are currently exempt from payment of betterment under the regulations. The amendment proposed would subject boundary variations to betterment at 75 per cent of the added value of the land gained in any alteration to a boundary. On occasions, ACT Housing does have to propose realignments of boundaries. This is something that occurs now and again. An example which will be

coming up soon is that, as part of the Charnwood revitalisation project, there may well be a need to realign a few boundaries. Under Mr Moore's proposal, that would incur betterment of the land. That would be something Housing would have to pay. Accordingly, that could not be supported.

Also, Mr Moore proposes to amend new regulations 14 and 15D. As I think both my colleague Mr Humphries and Ms McRae have alluded to, ACT Housing's client base is changing, particularly regarding the numbers of single people or older people needing accommodation. Two-thirds of new applications for public housing accommodation are from one-person households. However, half of the total stock of public housing is three-bedroom houses. To respond to these changing needs, ACT Housing's programs have focused on improving the mix of housing types.

To address locational and functional needs, the capital works programs involve varying leases for large blocks containing one family-type house to permit a multiunit redevelopment for smaller households. All these lease variations would attract a 25 per cent increase in betterment. As members know, Housing is currently working with Planning and Land Management and the local community to develop a local area plan for Ainslie - and shortly will be doing that with the O'Connor community - that will better address the needs of tenants and the community. The ability for ACT Housing to participate in any redevelopment of housing in the areas will be reduced if betterment is increased.

The proposed amendment would increase redevelopment costs for ACT Housing by increasing the cost of lease variations by 25 per cent and, as a consequence, would reduce the level of ACT Housing's outputs. As regards the national competition policy, more work is planned regarding its application to public housing authorities. However, this is directed more to expanding services to competitive tendering. Wherever possible, steps are being taken to place ACT Housing on the same regulatory and taxation and fee basis as other providers of rental accommodation and owners of residential property. However, the fact that ACT Housing and community housing providers are required under the Commonwealth-State Housing Agreement to offer rental rebates to tenants means that their rental income is reduced and therefore they are at a disadvantage compared to other providers and owners.

Apart from new capital funds for housing acquisitions and redevelopments, all expenditure is derived from internally generated income - mainly rents. Therefore, Mr Speaker, any increase in costs, while being similar to private sector payment structures, will be at the expense of such things as maintenance on properties and/or property acquisitions or redevelopments - things I think we all regard as being crucial to ensure that we have a proper mix of stock for our tenants and that we properly address the needs and the likely future needs of our tenants. That would clearly be a reduced outcome for the housing program. Accordingly, if those particular amendments got through, that would decrease the amount of money available within public housing for the benefit of public housing tenants. I do not think that would be a situation that any of us here in this Assembly would like to see.

MR MOORE (11.42), in reply: Mr Speaker, there are just a few issues that I would like to deal with in reply. Apparently, according to Ms McRae and Mr Humphries, I seem to have indicated that any change in the value of land should belong with the people of the ACT, not with the individual. The written notes that I had in front of me, which perhaps I did not read correctly - and I do not think that matters - say "where a change occurs and that change results in the increase in the value of the land". That is why we call what we are talking about a change of use and a change in the way we deal with the land. That, to me, would include combining two leases. I would consider that a change, as opposed to the increase in value that occurs naturally in terms of inflation and as opposed to actions that individuals have taken that change the value of the land. I think it is just worth clarifying that, Mr Speaker.

Another factor that Mr Humphries raised was that this will discourage minor variations to changes in boundaries. Minor variations to changes in boundaries will also have minor valuation changes. Therefore, the costs will be minimal, if that is recognised. I think that that is really a fairly shallow argument. Mr Humphries put what is probably the most substantive of the arguments here that most of us deal with, which is that this would discourage development. I think the argument really is that investment is a good thing, and therefore anything that stands in the way of investment is a bad thing. I think that oversimplifies the argument.

There is a big difference between wanting to encourage development and wanting to encourage unnecessary development. Development is something that ought to follow economic growth. So, what should happen is that we have a productive enterprise coming to the Territory - and the Government has been successful in bringing some of those to the Territory, for which I congratulate it. That creates the jobs. The jobs, in turn, mean that people need housing and that people need office space. That creates the demand, which then encourages development.

When we have a situation where people change their lease purpose and get an increase in value - in other words, a gift, in some cases of millions of dollars - that encourages people to develop. Then we get the situation, as we see happening around Civic, where you have new buildings created, people move out of their old buildings into the new buildings, and those buildings are left languishing. So, there are problems across the business area associated with that kind of approach.

I think they are the issues that we really need to wrestle with. We have raised these issues in the context of this debate, as we have on previous occasions, but I think they also go to much broader issues.

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

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

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

MR MOORE: Thank you, Mr Humphries. I intend to be brief. It is interesting that Ms McRae is so upset about the way I raised corruption. I felt that I was particularly careful to talk about systems and about systems being conducive to corruption. I certainly want it put on the record that I have never made any public statement about somebody being corrupt - - -

Ms McRae: I will read you an article from the *Chronicle*.

MR MOORE: Ms McRae seems to think I have. I will be very interested in that. If in some way it is there somewhere, then I will correct that statement. It is also interesting that they were the same arguments that Labor and Liberal put in the New South Wales Parliament for years when the Independent member, John Hatton, raised the issue of corruption in the police force. They had examinations into the police force again and again, until the Wood royal commission finally conducted its inquiry.

Mr Berry: He came up with the goods.

MR MOORE: It is not a question of coming up with the goods. It is a question of ensuring that we have systems in place. We can learn lessons from Queensland. We can learn lessons from New South Wales. It is a question of putting systems in place to ensure that we have situations that are not conducive to corruption. That is what I am talking about - putting systems in place that are not conducive to corruption, whether we have corruption or not.

Mr Berry: Here you go again.

MR MOORE: Mr Speaker, I find it particularly frustrating when I hear Mr Berry saying things like "Here we go again", because he just does not seem to be able to wrap his mind around the difference between systems and so forth.

Be that as it may, what I am talking about is systems that are in place to ensure that we have actions taken that are not conducive to corruption. Interestingly enough, in the particular situation that I am talking about, the ministerial discretion - whether the Minister "may" or "shall" - it appears to me from the way both Ms McRae and Mr Humphries spoke that they are quite open-minded about the issue that I have dealt with, although they suggest that I went about it in the wrong way and that I should have gone about it in the principal Act rather than in the regulations. I accept that, Mr Speaker, and will seek to modify the legislation. I will certainly discuss with the Minister what is the best way to get that legislation modified to remove that discretion.

The issue that we are talking about, as far as I am concerned, is certainty in taxation. As far as I am concerned, people who are being taxed and the community who are responsible for taxing should provide a certainty about taxation, and wherever possible we should avoid the discretion being allowed on taxation issues. That is the most critical thing, as far as I am concerned, and that is the greatest import of this motion.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 4	*NOES, 13*
Ms Horodny	Mr Berry
Mr Moore	Mrs Carnell
Mr Osborne	Mr Corbell
Ms Tucker	Mr Cornwell
	Mr Hird
	Mr Humphries
	Mr Kaine
	Mrs Littlewood
	Ms McRae
	Ms Reilly
	Mr Stefaniak
	Mr Whitecross
	Mr Wood

Question so resolved in the negative.

VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of students from Duffy Primary School who are doing the Federal and local government course. Welcome to your Assembly.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Report on Standing Order 207

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

That the report be noted.

MRS CARNELL (Chief Minister) (11.54): Mr Speaker, I would like to table the Government's response to the report of the Standing Committee on Administration and Procedure on standing order 207. The response has already been provided to the chair of the standing committee and all Assembly members out of session. As members are aware, standing order 207 allows the Speaker to suspend any sitting of the Legislative Assembly in the event of grave disorder. This matter was referred to the standing committee in February 1996 following two suspensions as a result of disruptions by observers in the gallery. Members were concerned at the time about the extent to which the standing order applies to disruptions or disorderly conduct in the gallery.

I am pleased that the committee has accepted and endorsed the traditional role of the Speaker in maintaining order in the Assembly. The committee has also recommended the preparation of parliamentary precincts legislation to define the precise limits of the Assembly and make appropriate provision for their control and management. The Government response supports the recommendations but proposes to take the further step of setting the precincts definition within a wider parliamentary privileges law that applies specifically to the ACT Legislative Assembly. The Government undertakes to finalise the legislation for introduction in the spring 1997 sittings.

These matters have been variously considered by the Assembly and the Standing Committee on Administration and Procedure at different junctures. The opportunity has now presented itself to pull all these issues together. Given the commitment to precincts legislation as well as to the broadcasting law, which was considered by the standing committee last year, the Government believes that all these issues should now be resolved through legislation specifically applying to the ACT Legislative Assembly.

In particular, parliamentary privileges legislation for the ACT Legislative Assembly is well overdue. In coming to this view, the Government has noted an Attorney-General's Department issues paper on parliamentary privilege applying to the ACT Legislative Assembly. The paper has already been provided to members. The Attorney-General's Department paper makes the important point that powers and privileges of the Commonwealth Parliament do not always translate well to the ACT. As a result, the laws of privilege applying to this Assembly are not always clear or easy to find. As it is necessary to define the precincts, we should take the step of resolving these other questions at the same time.

The Government, therefore, endorses the standing committee's recommendations but supports taking the wider step of clarifying other matters that relate to the powers and privileges of the Legislative Assembly. Provisions relating to the broadcasting of Assembly proceedings could also be covered by this privileges law, although Mr Moore's Legislative Assembly (Broadcasting of Proceedings) Bill 1995 will cover this aspect. I intend this to be a collaborative exercise, with the common goal of resolving these issues. This is in all our interests and would stand as a significant achievement of this Assembly. Mr Speaker, I commend the Government's report to the Assembly.

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

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Proposed Restructuring of ACT Emergency Services

MR OSBORNE (11.59): Mr Speaker, I present Report No. 4 of the Standing Committee on Legal Affairs entitled "Inquiry into the Proposed Restructuring of the ACT Emergency Services", together with a copy of extracts of the minutes of proceedings. I move:

> That the report be noted.

This was a very interesting inquiry and it ignited a number of passions on both sides of the fence, but I feel that as a committee we came back with a fair and balanced outcome. Mr Speaker, the ACT Emergency Service has been in existence in one form or another since 1949. Throughout this time it has always performed a support role in either emergency or disaster situations. As noted in this report, with the exception of a few paid administration staff, the ACT Emergency Service personnel are all volunteers. They are highly trained and prepared for a wide range of emergency situations. To their credit, these volunteers give up large amounts of their personal time to attend weekly training sessions and they are on call 24 hours a day.

Prior to the Government's restructuring of this service, the ACT Emergency Service was divided into three groups - the central headquarters in Curtin and two depots, one located in Phillip and the other in Belconnen. This restructuring has been in the form of amalgamating the ACT Emergency Service with the ACT Volunteer Bush Fire Brigade Association - also volunteers - with the result that there are now seven joint depots in the ACT and joint middle management and command arrangements in place. This restructuring has brought out a lot of strong opinions, and a number of concerns were raised by the volunteers themselves which the committee has investigated. These concerns covered issues such as the lack of adequate consultation by the Government throughout this process of restructuring, the possibility for slower response times by this joint service, and the overall efficiency of the service. Mr Speaker, as a result of this inquiry the committee has six recommendations. The first recommendation reflects the poor quality of the Government's consultation. Quite frankly, Mr Speaker, it was a disgrace. There are two verbal submissions in the report that I would like to quote from. The first is from Ms Kelly, a member of the Bush Fire Brigade Association. I quote:

> In relation to consultation, I think there needs to be better structures put in place ... Consultation is not just presenting something and saying, "This is what we want to do". I think it means involving at a very early stage people who are doing the work on the ground so that they can help make the decisions and decide the directions. Their experience, knowledge and skills can be a part of that decision-making process. I do not think that has happened in this case.

What an understatement! The second submission which I will quote from, that from the president of the Bush Fire Brigade Association, is even more pointed. It says:

> So far as the decision to integrate the volunteer bushfire brigades and the ACTES goes, we are not terribly happy with the way that the decision was made ... we highlight a point ... that we are volunteers, not paid personnel. We are people who give freely of our time, after hours, during hours, and on weekends; and volunteers should be treated quite differently from paid personnel. The way the decision was made perhaps did not take account of the fact that we give freely of our time, and we do not particularly appreciate being pushed around and being presented with fait accomplis. We figure that we are doing things for the community and it would be nice if the bureaucracy in the ACT recognised that and dealt with us accordingly.

Mr Speaker, the committee agrees with these views and was pleased to hear the Government during the inquiry concede the point that their consultation process was inappropriate. It was very surprising, Mr Speaker, considering that the Government in place came in on promises of being open and consultative. There is that word again.

The second recommendation notes the loss of identity of the ACT Emergency Service in the amalgamation and recommends that this service be given the lead role in storm damage and flooding within the ACT. As I have already noted, the ACT Emergency Service has never had a lead role, as they have always performed a support role. However, given the quality of personnel that this service has on hand and the outstanding training that they receive, the committee feels it would be appropriate for them to have the responsibility for the lead role in storm and flood emergencies. I look forward to hearing back from the Government on that one.

Recommendations 3 and 4 address the use of equipment the service has on hand and more suitable equipment - especially vehicles - that needs to be purchased. Recommendation 5 addresses the need for ACT Emergency Service operations to be covered by legislation. To date, there is no legislation covering ACT Emergency Service activities and therefore no legal basis for claims for personal injury or protection against liability claims for damage. The committee noted that the bushfire service is covered by this type of legislation, and similar legislation for the ACT Emergency Service will, I am sure, prevent problems in years to come.

The final recommendation covers the introduction of a system of public recognition for emergency service and bushfire service volunteers. Given the thousands of hours put into this form of community service, the committee agrees that it is appropriate for these volunteers to be publicly honoured after five and 10 years of service.

Mr Speaker, as a final comment, the committee notes the offer made by the Minister, Mr Humphries, to the Assembly that, if the committee found the restructuring process inappropriate and the Assembly shared the view, he would be happy either to scrap it wholesale or change it significantly. While the committee was not impressed with the way these two services have been pushed together, if the Government implements the recommendations of this report we will not oppose the restructuring at this stage.

Mr Speaker, in summary, I do not know whether this report will please everybody. I am sure that it will not please some members of the Emergency Service, especially from the Belconnen depot; but all members feel that we gave them a fair hearing. We gave all sides a fair hearing. I would like to thank my other committee members for the time that went into it. As I said earlier, it was a very passionate issue and one that certainly got the blood boiling with a number of people, but I feel that we have put together a fair report. My thanks once again go to our secretary, Beth Irvin, for the work that she has put into this report, which I now commend to the Assembly.

MR HIRD (12.08): Mr Speaker, as deputy chair of the Standing Committee on Legal Affairs, I commend this report to the parliament because it gives due recognition to the important service which the ACT Emergency Service provides to the people of this Territory - a service which I am sure does not always receive the recognition it deserves. There have been concerns in the past, Mr Speaker, about the loss of the Emergency Service's identity, and there has been confusion over their combatant role in assistance to the community, particularly in times of storm and tempest.

The committee, as a result of this inquiry and the report that is now before this house, recognises the importance of the Emergency Service in protecting the community by recommending that the ACTES be given lead combatant responsibility for storm damage and flooding within the community. In particular, I commend this recommendation to the parliament because it finally recognises which organisation should have the lead combatant role in such emergency situations. Emergency Services have done an outstanding job in this field over the years. Late last year, for instance, the prompt action of the Belconnen Emergency Service undoubtedly prevented what could have been a serious situation brought on by the severe electrical storms within my electorate in Belconnen.

The committee's recommendations bring the ACT into line with national emergency concepts. This was pointed out by Mr Hodges, the director-general of Emergency Management Australia, who gave evidence to the inquiry. He very rightly observed that the Government's proposals recognised the difficulties in recruiting and retaining volunteers to carry out community work. Volunteers are the backbone of Emergency Services in the ACT, but without proper recognition of their role in the community there is very little incentive for them to give up their time and energy to perform community service. This report, Mr Speaker, goes some way towards rectifying that problem that has existed within the ACT Emergency Service operations for many years by recommending the implementation of five- and 10-year service medals.

The report also recognises the need for Emergency Services to be properly equipped, and there is a recommendation that vehicles more appropriate to their needs ought to be provided. Another important recommendation to come out of this inquiry is that legislation should be introduced to indemnify Emergency Service volunteers against liability for damage or personal injury. If it is good enough to accept volunteers' services, it should be good enough to ensure that they are covered for damage or injury.

Mr Speaker, this inquiry has demonstrated once again that a community such as the Australian Capital Territory owes a lot to its Emergency Services, and I strongly commend this report to the parliament. In doing so, I wish to record my appreciation, as did the chair, to the committee secretary, Beth Irvin, to my colleagues Mr Wood and Mr Osborne, and to those who gave evidence to or appeared before the committee. As the chair said, it was not an easy inquiry and the report will not please all; but I urge the Government to accept the recommendations of the committee, as a lot of time and effort was put in. I commend the report to the house.

MR WOOD (12.12): Mr Speaker, we all acknowledge that the ACT Emergency Service organisation and its volunteers are very important for Canberra. We hope not to need them very often; but, of course, from time to time we meet circumstances where they are invaluable in their support to the community. The personnel in those services are skilled and dedicated and, most significantly, they are volunteers. At the same time, it was clear to me that we needed a stronger and, in some measure, centralised administrative structure. We needed to be sure that when an emergency arose, whether it was of a relatively minor nature or a very serious wide-ranging one, we had responses that were centrally controlled so that it was known exactly who was going to a place, what was happening, and that the people who were responding were the ones skilled and knowledgeable in those areas - that they were the appropriate ones to respond.

The report recommends that the changes undertaken proceed, and I strongly support that because I think the structures now in place are better than they have been before. It is also very important to note that most of the people who were involved in our discussions, most of the people who provide the troops for the Emergency Service, are volunteers. That means a different approach. They are not paid officers of the ACT Government, they are not subject to directions in that way, and I think the means of treating volunteers in this circumstance or in others are very different from the way of treating paid professionals. These are voluntary professionals. They are very good. I think in some instances they would acknowledge that they need a lot more training. One of the things I want to make a particular point about is that that training has to continue. I think there is much more yet to be done in the way of training these volunteers, and I hope that those programs grow, that they expand.

At the administrative level, in particular, I think recognition for volunteers has to take a different path from the way that the paid work force is treated. That perhaps highlights some of the difficulties that the volunteers believe they found themselves in because of the different circumstances that their sort of organisation presents. I think that is now recognised, and I believe that the role of the volunteers will be usefully incorporated into these new structures.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 11 of 1996

MR WHITECROSS (12.15): Mr Speaker, I present Report No. 26 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 11, 1996 - Financial Audits with years ending to 30 June 1996", together with extracts of the minutes of proceedings, and I move:

> That the report be noted.

Audit Report No. 11 of 1996 was presented to the Assembly on 12 December 1996. The audit covers the Auditor-General's examination of the financial arrangements of all ACT government agencies for the year 1995-96. In essence, the audit deals with matters of compliance and efficiency which have come to the notice of the Auditor-General

during the conduct of financial audits. The Auditor also took the opportunity to advise the current position with matters raised in the corresponding audit for 1995. The audit ranged over most agencies and the committee sought and received from the Chief Minister comments on the findings.

The committee's report deals with the more significant issues raised by the audit. These include: The continued use of expensive contract assistance for the preparation of annual financial statements and other financial management tasks; appointment of the Reserve Bank as the Government banker without calling tenders; payment for photocopier leases at about double the cost had the photocopiers been purchased; the level of unfunded superannuation liabilities having increased over the last three years and continuing to increase; weaknesses in controls over trust moneys in the Department of Health and Community Care; traffic and parking fines totalling $4.1m outstanding for more than 12 months; delay by the Department of Urban Services in developing policies dealing with changes in accounting for values of infrastructure assets; the need for identification of strategies to maintain the financial viability of the Legal Aid Commission; and the continuing need for a reliable bond tracking system in the Office of Rental Bonds. The committee's recommendations focus upon most of these matters and require a response from the Government. I commend the committee's report to the Assembly.

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

Sitting suspended from 12.18 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Aboriginal and Torres Strait Islander Community Representatives - Invitation to Address Assembly

MR MOORE: Mr Speaker, my question is directed to you. I refer to the article in the *Canberra Times* this morning in which Mr Osborne indicates that the Ngunnawal people will be invited to address the Assembly. Could you advise the Assembly as to who has been invited to address the Assembly? Is it to happen next Thursday? When issuing the invitation, was account taken of the different groups within the Ngunnawal people? Have you, Mr Speaker, ensured that the appearance at the Bar will be a positive step and not something which will cause unrest within the Ngunnawal people? Can you also advise the Assembly whether members of the community appearing at the Bar will be protected by privilege? What other administrative arrangements or guidelines are in place for this process? Under what standing orders are the members of the Ngunnawal community going to be treated? Will it be as witnesses, under the appropriate standing orders, around page 40, or under a different standing order because they have been invited rather than called?

MR SPEAKER: Thank you, Mr Moore. First of all, let me say that the first I knew of this invitation was at some time between the orange juice and the bacon and eggs at breakfast this morning, which disappoints me greatly because this does raise some quite important issues for this Assembly and for the people who may come before us at some time. I notice that the news report appeared to have everything cut and dried - that it was, in fact, to be next Thursday and that various people were to attend and address the Assembly.

As members would be aware, next Thursday is the last day of meeting before the winter recess and we will, doubtless, be debating the budget; so I am not sure that that would necessarily be the most suitable time. In terms of the people who are invited, I am not aware, Mr Moore, of whether they are totally representative of all indigenous groups in the ACT. Again, that is a matter that I would like to have had the chance to be consulted about so that I, in turn, could consult with people. Questions relating to privilege and the standing orders are matters that I believe should be considered not by this Assembly as such but by your representatives, namely, the Administration and Procedure Committee, and I would hope that we could have the Administration and Procedure Committee examine this next Tuesday.

Mr Osborne did indicate that there may be a motion put later today or that I may be receiving a letter today which would allow me to forward the matter to the Administration and Procedure Committee. If a motion comes before the Assembly today I would hope, without pre-empting debate on any such motion, that the Assembly would consider referring any decision to the Administration and Procedure Committee. As you rightly point out, Mr Moore, a number of important issues have to be considered by this Assembly if we are to receive such people properly.

MR MOORE: Thank you, Mr Speaker. I have a supplementary question, Mr Speaker, in two parts. The first part of the supplementary question is this: Were the orange juice and bacon and eggs because it is your birthday? Being quite keen to support such a motion myself, I am also very keen to make sure that it does achieve its goal. The second part of the supplementary question, Mr Speaker, is this: Will you be doing everything you can to ensure the success of such a process?

MR SPEAKER: The answer to the second part of your question is yes, I will do what I can to ensure that. The answer to your first part is no; it is standard procedure in our household.

ACTION Bus Services

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Kaine in his capacity as the Minister for Urban Services. Minister, the recently tabled report "Review of ACTION Services" by Roger Graham and Associates states:

> ... it is suggested that the cause of the patronage decline in October and November last year was not only due to the employment decline but was also due to factors associated with service delivery standards.

Minister, do you support this view? Why, given your recent statements of support for ACTION, were you not more vocal when you were a backbencher and your predecessor and others were doing their best to dismember the bus service? Why were you defending the cuts, including when you became Minister, that forced passengers away from the public transport system?

MR KAINE: Mr Speaker, the Graham report deals with many ways in which management and the Government, working together with the unions involved, can improve the quality of the service and the standards of the service being delivered by ACTION. I suspect that some of what is in that report is new to some of us, but it may not be new to others.

Part of the question dealt with the fact that I was a backbencher. As a backbencher, I was not involved in the management of ACTION in any way. I was not involved in any management negotiations. I was not involved in any management decisions. I was not on any regular net for the provision of information about even what was going on in ACTION. I hardly think that the Leader of the Opposition can hold me accountable for something that happened when I was in no way involved with the management of this organisation.

I think the important point about this, Mr Speaker, is that one of the first things I did on assuming the responsibility for ACTION in February was to commission a study to determine whether or not there was anything fundamentally wrong with the way in which ACTION was being managed. I have a comprehensive report, an excellent report, that highlights some things that need to be done. I have indicated already that the Government is going to move as quickly as possible to implement the recommendations. Some will take a little longer than others. Some we can implement almost immediately.

One of the things that we will be doing as quickly as possible is making the information about ACTION bus timetables more user friendly, so that people will know where they can go to and from, and that they can get there easily and quickly. There will be no doubt in their minds because the information will not be as confusing as it currently seems to be in the ACTION book. Also, the signage at bus stops will be more consumer friendly, so that people can see where they have to go to get on a particular bus to go to wherever they want to go to. I think that the Government has responded quickly and appropriately to the matters that the Graham report has brought to our attention.

Mr Whitecross now leads a party that was in government for five years, during which time ACTION gradually deteriorated. I did not hear Mr Whitecross or anybody like him complaining at the time. Only since Mr Whitecross has ascended to the doubtful position of Leader of the Opposition has he suddenly become very interested in these issues. One would almost assume from his questions on this issue that he knows all the problems and all the answers, while the rest of us do not. I submit, Mr Speaker, that he is patently wrong in that.

MR WHITECROSS: I have a supplementary question. Minister, do you concede that your claim that the employment decline had led to the patronage drop was nothing more than a convenient fiction invented by you to divert attention from the reduction in service standards presided over by your Government and defended by you personally - something which you have done nothing yet to address - and that you really cannot blame John Howard for the decline in service standards and patronage under this Government?

MR KAINE: Mr Speaker, it was a long question. There is a short answer: No.

Caesarean Births

MS TUCKER: My question is to the Minister for Health and Community Care, Mrs Carnell, and it relates to maternity services. Mrs Carnell, today in the paper it is reported that the ACT still has an unacceptably high rate of caesarean births. Despite the fact that the rate of caesarean births has dropped to about 16 per cent in the public sector, this is still much higher than the World Health Organisation's recommended 10 per cent rate and even higher than the 15 per cent recommended for underdeveloped countries. The rate in the private system is still very high - around 30 per cent, I understand. Has the ACT Government ever done a costing of what the high caesarean rates in the ACT cost the community, in terms of extra operations, extra care and the hidden longer-term costs for factors such as postnatal depression? Can the Minister also inform the Assembly of what the ACT Government is doing to ensure that we get down to the recommended World Health Organisation rate of 10 per cent across both the public and private sectors?

MRS CARNELL: Mr Speaker, the level of caesarean sections has been a very real issue for a very long time in the ACT. In fact, I can remember Mr Berry answering questions on the very same issue when he was Minister for Health. The issue is a very complex one. I am very pleased that the levels of caesarean sections in the ACT have started to fall in the public system, the system that we have some control over.

The issue of caesarean sections is much more complicated than it seems Ms Tucker is aware of. In the ACT, as Ms Tucker may or may not know, the average age of women producing babies is significantly higher than is the case generally in the world, according to the World Health Organisation figures. It probably is the case that we will never get down to the 10 per cent that is recommended by the World Health Organisation, as we have women in significantly higher age groups having babies in the ACT. As Ms Tucker may or may not be aware, the higher the age of women, particularly those having their first child, the higher the level of caesarean sections that occurs.

Mr Speaker, one of the things that we have to look at when considering the levels of caesarean sections in our hospital system is why women have caesarean sections and what the outcomes of those births are. One of the things that we should be enormously proud of in our public hospital system is the fact that the levels of maternal death and child death are very low - particularly maternal deaths. They are significantly lower, as I understand it, than is the case in the world. So you have to weigh up caesarean section rates with maternal death rates. You have to look at the outcomes that we are getting from our

maternity services in the public sector. That is really the only part of the health system that I can speak about, in terms of our outcomes anyway. Our outcomes are extraordinarily good, Mr Speaker, in terms of maternal death and what is occurring with regard to the health of mother and baby. I think we should not underestimate those things. They are extraordinarily important.

Equally, though, we have had a study into caesarean sections under way. I think the approach that we have taken over the last two years is showing some degree of success inasmuch as our caesarean section rates are falling. What is the appropriate level in the ACT, taking into account the general demographics of the ACT? That is an issue that I understand people, such as Professor Elwood, are currently looking at.

MS TUCKER: I have a supplementary question, Mr Speaker. I am well aware of the issues around age, Mrs Carnell, but you pointed out something interesting when you referred to the public sector where you have control. The provision of information to enable women to participate in informed decision-making about birth choices is a critical factor in reducing the rate of caesarean births. You probably are aware that in the United States not only the provision of information but also accountability within the hospital system has made a great impact. It has certainly not increased risk to mothers; it has reduced the level where it has been unnecessary. On the issue of information, can the Minister explain why the Government has reneged on its commitment to develop a maternity information and resource centre available to both providers and consumers, which is the first recommendation of the Strategic Framework for Maternity Services in the ACT 1995-98? That particular recommendation was targeted for June 1995.

MR SPEAKER: It is a very long supplementary question.

MRS CARNELL: It was a very long supplementary question. Mr Speaker, as I understand it, we have not reneged on that recommendation. That report is being worked through. The implementation is occurring. As everybody would be aware, in the next month or so we will be in a position to open the new QEII facility, which will look at outreach services - all the sorts of things that are in that report. To suggest for a moment that the approach that is currently being taken is not working is obviously wrong, because we are reducing the numbers of caesarean sections in our system, but that must always be balanced by what is the best outcome for mother and baby.

Upper Jindalee Nursing Home

MRS LITTLEWOOD: Mr Speaker, my question is to Mrs Carnell in her capacity as Minister for Health and Community Care. It relates to the quality of care at the Upper Jindalee Nursing Home at Narrabundah, which was sold to the private sector in March last year. Can the Minister advise the Assembly whether there has been any improvement in the quality of life for residents at the nursing home since that time?

MRS CARNELL: Thank you very much. Is it not good to have questions that are sensible and logical and about the outcomes that people can expect in the system, Mr Speaker?

Members interjected.

MRS CARNELL: Mr Speaker, I was certainly not reflecting in any way on Ms Tucker's question, which was a very sensible one. I was reflecting on the questions of those opposite over the last few days, which have been ridiculous.

Mr Speaker, when the Government announced its plan to sell Upper Jindalee, in 1995, the issue generated significant debate in the community and within this Assembly. One of the most important reasons for our decision was the fact that the nursing home did not have a good record in providing the residents with the best possible quality of life. The facility was being run largely on a medical model with an overemphasis on hospital-style care and almost no emphasis on providing a homelike environment for the residents.

Mr Berry: That is completely untrue.

MRS CARNELL: Mr Berry says that is totally untrue. I will go on to explain why it is not untrue, Mr Speaker. It is just that Mr Berry, as usual, does not understand the issues. Mr Speaker, I want to emphasise that the nursing care provided under the previous arrangement at Jindalee was of a very high standard. There is no doubt that the nursing care at Jindalee was very good. There is definitely no argument at all about that. But, as everyone who knows anything about nursing homes knows - obviously, not Mr Berry - good nursing care is not the whole equation. In fact, it is only part of the equation.

The other problems, not related to nursing care, were so bad, Mr Speaker, that a monitoring team from the Federal Department of Health and Family Services inspected Upper Jindalee back in 1994. From memory, in 1994 those opposite were in government. The Federal Department of Health and Family Services, then under a Labor government, inspected Upper Jindalee in 1994 and found that the home complied with just two of the 31 standards required of nursing homes. That does not sound really good to me, Mr Speaker. These standards do not cover only the quality of health care provided. They also cover such important objectives - - -

Mr Berry: You just gave up and gave it away.

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

MRS CARNELL: Mr Speaker, those standards cover such things as freedom of choice and social independence for residents, a homelike environment, privacy and dignity, the variety of experiences that residents should be able to have, and safety. When the operation of Upper Jindalee Nursing Home was taken over by Johnson Village Services in March last year - - -

Mr Berry: It was given to them.

MRS CARNELL: Mr Berry is still complaining about it. He is still whingeing about it, Mr Speaker.

MR SPEAKER: Mr Berry is interjecting and talking about giving it away. I will give him away very shortly if he is not careful.

MRS CARNELL: That sounds good. Mr Speaker, the new owners did face a daunting task in bringing the facility up to one that had an acceptable level of care. A Commonwealth monitoring team visited the home in February this year, 11 months after JVS took over, and they went through a full inspection and report. What did they find? Within the last 12 months, the care and treatment of residents has improved out of sight. In fact, the nursing home now meets 29 of the 31 Commonwealth standards. Remember that it was two of 31 under Mr Berry and those opposite. After this Government stepped in and took decisive action - - -

Mr Berry: You gave it away.

MRS CARNELL: Mr Berry says we gave it away. What we did was change it from two of 31 to 29 of 31 in just 11 months. Among the improvements noted by the team were better meals, more activities, more attention to the needs of each resident, better decor and surroundings, and a good knowledge of policies and procedures being displayed by the staff. I am also advised that Johnson Village Services has now informed the department that it expects to comply with all 31 standards within the next few months. I think that the report released by the monitoring team should be required reading for everybody who participated in the debate about Jindalee's future. For that reason, Mr Speaker, I would like to table the report, for the interest of members.

I also want to remind members of a comment made by the Assembly's self-appointed expert, shall we say, on probably everything - business, law, budgets, waiting lists, the environment and patient numbers - and now the self-appointed expert on nursing homes. On 22 August 1995 Mr Berry told the Assembly:

> We have a situation ... where Jindalee Nursing Home is going to be attacked with blind rhetoric, in this Kennett-like move. Mrs Carnell has a clear message for the people of the ACT - "Go and get Jeffed". There is no clearer message than, "Go and get Jeffed; we are blinded by our own rhetoric, and we are locked into all of these ridiculous ideological privatisation outcomes".

Mr Speaker, I think what we see from that is very self-explanatory. Mr Berry could not come to grips with the problem. They met two out of 31 standards. We now meet 29 out of 31. We will meet 31 out of 31. If meeting 29 out of 31 standards is a ridiculous ideological privatisation outcome, Mr Speaker, I will support privatisation outcomes every day.

ACTION Bus Services

MR WOOD: Mr Speaker, my question to Mr Kaine is also about that report on ACTION. Mr Kaine, that report found that the holiday timetable introduced by your Government over Christmas and Easter had been a contributing factor to the loss of patronage. The report recommended that these service curtailments no longer take place. I notice that the Minister has disassociated himself from the previous decisions of Mr De Domenico and his Government. Maybe he will disassociate himself completely from what has happened before. Minister, the report also identified the reintroduction of a service similar to the Nightrider service and stated:

> Later night services should be provided, as in other capital cities, operating from the appropriate late-night patronage generators.

For two years the Opposition has been telling you that the implementation of the summer timetable was having an adverse effect on ACTION. Why did you not listen to us? Why did you spend the money, and how much did you spend on this report which tells you what you should already have known?

MR KAINE: Mr Speaker, I cannot comment on why something was not done previously about the summer timetable. The summer timetable was pretty well over by the time I became Minister. It is very interesting that the Opposition now seems to be taking the view that all of the matters dealt with in the Graham report were already known to them before the inquiry was conducted. They are having themselves on, Mr Speaker. They were no better informed on the reasons why ACTION was suffering some difficulty than I was. If they had been, I have no doubt that they would have been giving me lots of advice. They were giving me no advice at all. All they were doing was trying to find out what I was intending to do to fix the problem.

Even Mr Whitecross, who indicated a couple of days ago that he supported the Graham report totally, is now beginning to raise questions in my mind about whether he does. I would like him to stand up now and tell me whether he really supports the recommendations of the Graham report or whether he does not. Mr Wood might care to do the same. The fact is that the Graham report has raised a number of things which he suggests the Government should be doing to make ACTION more user friendly and more efficient, to use our resources better. We have indicated that we intend to take all of those things under consideration and implement as many of the recommendations as we can as quickly as we can.

One of those things is to restructure the network, to make the ACTION network more compatible with what the users require. That includes increased late-night services - I do not know whether they will be Nightrider services, but late-night services - eliminating the different Christmas and holiday timetables, or, if we are going to modify them, at least follow the same routes and adopt a somewhat similar pattern even though the frequency might be a little less. These are things that I suppose, on reflection, might appear to be obvious solutions to the problem; but I submit that a week ago they were no more obvious to Mr Wood than they were to me. That is why we commissioned an

inquiry to find out what fundamentally was wrong with the approach taken by ACTION, particularly in terms of their networking and fare structure. We got a fairly good response, because we have a number of issues other than just the networking and the fare structure that we have had some constructive comment upon.

I do not think that I personally accept responsibility for the sorts of things that Mr Wood seems to think I should. ACTION, quite patently, has been in some difficulty in recent months. It has been obvious from the number of letters and telephone calls that we all have got - Mr Wood has got them, I have got them, and I am sure everybody else has - complaining that the new timetable did not satisfy the needs of users. I have letters complaining about the fare structure. I suppose in recent months I have had letters ranging across the whole range of issues raised in the Graham report. The fact that you get some complaints about them does not of itself present a solution. You need to sit back and look at the problem and analyse it, to determine what the potential solutions are. We have some potential solutions offered to us now, soundly based, and the Government will be doing its best to implement them so that at the end of the day the interests of the travelling public in Canberra are served - not the interests of Mr Wood or Mr Whitecross, whatever their short-term political ambitions are, not necessarily even the interests of the people who work for ACTION, but the interests of the travelling public. That is what we aim to do; that is what we will do.

MR WOOD: I have a supplementary question, Mr Speaker. May I answer the question that Mr Kaine posed to me?

MR SPEAKER: No, you cannot. You can ask a supplementary question.

MR WOOD: He did ask me.

MR SPEAKER: It was a rhetorical question.

Mr Kaine: Just say whether you support the report or not. Yes or no.

MR WOOD: Certainly, Mr Kaine, we would like to see that service, the Christmas and Easter service, restored to what it used to be. I know that Mr Whitecross, from the day that new timetable came out, was pointing out its deficiencies.

Mr Humphries: Mr Speaker, can we have a supplementary question rather than a statement from the other side of the chamber?

MR SPEAKER: Do you have a supplementary question Mr Wood?

MR WOOD: Certainly, Mr Speaker. Mr Kaine has been pleading ignorance. Can he tell us now whether he is on top of these issues and how rapidly some action might now take place to restore some sense of normality in the ACTION services?

MR KAINE: I think I answered that question yesterday, Mr Speaker. Yes, I am on top of them. I have read the report. It is a comprehensive report. It spells out the issues quite simply and plainly. I submit that even Mr Whitecross will understand them if he reads it. I indicated what that - - -

Mr Humphries: That is going a bit far, Trevor. I would not say that.

MR KAINE: Well, perhaps. I also indicated what my timetable was - that between now and the end of this year I expect to implement most of the recommendations. The exceptions are the revision of the total network - that takes time - and the determination of the fare structure. We had indicated - the Chief Minister did so in the budget speech - that we would be reviewing the fare structure and that an advisory group would be set up to assist us in that; and that, again, is something that is not going to be done quickly. With those two exceptions, and I expect to have both of those in place by no later than the middle of next year - I will be implementing them when we come back after the February election, Mr Speaker - I expect to have most of the other recommendations in place before 1997 is out.

Waste Building Materials

MS HORODNY: My question is directed to the Minister for Housing and Family Services, Mr Stefaniak, and I gave him notice of it. My question relates to the redevelopment of the Condamine Court public housing complex on Northbourne Avenue. Minister, you have promoted the first phase redevelopment of the two northern buildings at Condamine Court as representing best practice public housing and best practice environmental building design with its energy efficiency and the construction of an innovative grey water recycling system. I understand that work has just commenced on demolishing the two southern buildings in the complex and there is already a considerable amount of building waste piling up around the buildings. Given your desire to make Condamine Court a best practice housing development, what best practice recycling initiatives are you taking with the waste building materials that will be generated from the demolition, and where will any remaining building rubble be dumped?

MR STEFANIAK: I thank the member for the question. In letting any contract for demolition at the Condamine Court development, Housing specifies its requirements for salvage rights for any building materials that can be reused in other similar ACT Housing properties. Those materials include such things, Ms Horodny, as hot-water services, ovens and stoves, door locks, security screens and doors. In the demolition currently under way, all such materials have been collected for reuse, I am advised.

I am advised, Ms Horodny, that over the last week the contractor for the demolition has been removing goods for recycling. Those materials include steel window surrounds, scrap metal and timber that can be readily removed prior to major demolition. Once the structures are demolished, procedures are in place to extract other woods and metals from concrete debris for recycling. Individual examples of recycling include roof tiles and concrete being crushed and reused as road base material. All timber is sold to be recycled into furniture. This detailed process is established through contractual arrangements with the successful tenderer and is detailed in tender documentation and confirmed through post-tender meetings.

In the case of Condamine Court, the successful tenderer is a local firm. They have extensive experience in the demolition industry and they have a longstanding involvement in doing work for ACT Housing. Much of the detailed recycling, Ms Horodny, is carried out at their Hume plant. A further stipulation of the tender contract is that no waste is transferred interstate. Ms Horodny, I am also advised that the stuff that is not recyclable, what we could call the heavy stuff such as bricks and concrete, is sent to Pialligo for crushing. They are materials that cannot be recycled.

I note the first part of your question in terms of the first stage development. Yes, I think that has created a lot of interest in the community for its many environmentally friendly features, notably the grey water recycling and the inclusion of the worm farm within the landscape design. Tenants obviously will benefit greatly from the abundant landscape that uses waste water collected from their showers, laundries and sinks. You might be aware that water is treated on site. Part of the treatment process involves recycled water trickling through an exposed reed bed that also acts as an interesting and attractive landscape feature. Tenants also are participating in a trial of a waste disposal system whereby food scraps are placed in a worm farm on the site and the castings are eventually used to fertilise the landscape. The success of that worm farm, in particular, and the other features of the site, I think, can occur only with the participation of the tenants, and over the past month or so Housing has been working with the tenants to introduce concepts of waste and water recycling. The tenants I have spoken to are absolutely delighted with the new accommodation. Many of them have been tenants there since the early 1960s, so it is a fantastic improvement on what they first came to. If any members have not gone out there and still want to have a look at Condamine Court, I am certainly happy to arrange that. Ms Reilly was at the opening. I think a few members have gone through it; but, if you have not been out to have a look, I would be happy to arrange for that to occur.

MS HORODNY: I have a supplementary question, Mr Speaker. Thank you for that, Mr Stefaniak. You have told us what is happening at Condamine Court, and that is great; but what is ACT Housing's general policy on recycling of demolition waste?

MR STEFANIAK: The standards we are adopting here would be fairly general, Ms Horodny. We have a very strict contract here in terms of the recycling. I think it is not only Housing policy now but also general Government policy that we are recycling in a big way. If there are reusable materials, they are to be reused. If there is waste after that, if it cannot be reused properly, it is to be disposed of. I think that goes not only for ACT Housing but across government.

ACTION Bus Services

MR CORBELL: Mr Speaker, my question without notice is to Mr Kaine in his capacity as Minister for Urban Services. Minister, the recently tabled report "Review of ACTION Services", by Roger Graham and Associates, states that there are a number of inefficient work practices that are currently in place in ACTION. Do you agree that this is the case, or is the report wrong? If this is the case, how do you propose to address these issues in light of the enterprise agreement that you have in place with the TWU? Minister, will you attempt to address the problems during the life of the present agreement or will you leave it to someone else to fix?

MR KAINE: Mr Speaker, it is quite astonishing that a member of the Labor Party would bring up restrictive work practices in ACTION. It is very interesting that, in fact, Mr Graham does identify restrictive work practices as one of the significant factors constraining the efficient operation of ACTION. Indeed, he identifies a number of particular factors that, in his view, constrain ACTION. One, of course, is the lack of split shifts. This causes ACTION to work drivers throughout the day at times when demand is low. Drivers are given 15 minutes to sign off and 15 minutes to sign on, compared to the industry average of five minutes to sign on and 10 minutes to sign off. Drivers - get this one - are entitled to take all meal breaks at their home depot, and this results in an extremely large and expensive amount of empty running to and from the depot so that the drivers can have lunch at their home depot. Drivers spend 25 minutes a day waiting for their bus to be refuelled and cleaned, whereas other bus operators have these tasks carried out by shed staff without the additional time being paid or incurred in favour of drivers. The bottom line is that I think Mr Graham concluded that something of the order of 25 per cent of a driver's time is unproductive time because of this kind of work practice.

Who allowed these work practices to be put into place? The Labor Party. None of these restrictive work practices have been put into place under a Liberal government.

Mr Berry: Who signed the last enterprise agreement?

MR KAINE: Who signed what? What was that question? Who signed what, Mr Berry?

Mr Whitecross: Who signed the enterprise agreement?

MR KAINE: "Who signed the agreement?", they ask. The agreement to put these restrictive work practices in place was invariably signed by the Labor Party in government. I suppose inherent in this question is: Why did the Liberal Government sign the existing EBAs? They were signed in 1996. Restrictive work practices of this nature have been built into the system gradually over a period of years. It probably is going to take just as long to negotiate them out.

Mrs Carnell: Not if they support us. If they would support us, Trevor, we could change it quickly.

MR KAINE: Even if they do, Chief Minister. The employees of ACTION have now come to accept these restrictive work practices as being something that they are entitled to, and you do not remove something that people consider to be an entitlement simply by issuing an edict that it shall be so. What you do when you attempt to do that is what these people over here would love to see us do - precipitate a major head-on confrontation with the trade unions. Mr Speaker, this Government does not intend to do that.

We understand that these restrictive practices were put into place gradually over many years. The existing EBA provides the framework for dealing with work practice issues and has already gone some way to improving them within ACTION. It also provides the framework by which we can continue to negotiate with the unions, over time, to remove these restrictive work practices. If Mr Corbell is aspiring to be the Minister for Industrial Relations in a government after February, I would like him to explain to me how he is going to arbitrarily and unilaterally remove all of these restrictive work practices that his predecessors built into the system over many years.

Members interjected.

MR SPEAKER: Order! Otherwise I will introduce a few restrictive work practices.

MR KAINE: The answer, Mr Speaker, is that it cannot be done quickly and it cannot be done unilaterally. It can be done only through a long process of negotiation. Enterprise bargaining - this is a small lesson for Mr Corbell - is not about one-off solutions; it is about establishing cooperative arrangements between the employer, the staff and their trade unions - all three - to deal with continuous improvement within an organisation. It is not about arbitrary overnight decisions that merely cause industrial conflict and confrontation. Mr Speaker, we understand the fact that there are, in the current arrangements within ACTION, restrictive work practices which need to be addressed. They have been clearly defined by Mr Graham. We will, over time, negotiate those issues with the trade unions, in a spirit of cooperation, in an attempt to make ACTION more efficient. We will not do it by trying to meet them head-on.

Mr Speaker, I have always said, in any comment that I have made about industrial relations, that I have always found trade union officials and members to be reasonable people. I am sure that we can negotiate these issues on a basis of reason and rationality, just as today a meeting of delegates of the various unions involved with ACTION unanimously, I understand, supported the notion, contrary to the intention of the Labor Party, that the Deane's trial should continue. Two or three days ago, no doubt egged on by some of the people over the road here, they were all for an industrial confrontation over the issue. Having had the facts, comprehensive facts, put before them in a meeting which, I understand, took place only about an hour or two hours ago, they have endorsed the pilot study. Once again, Mr Speaker, they have proven my general contention that when they know the facts they are reasonable people. We will continue to negotiate with them on a basis of reason and rationality on these work practices, put into place by the Labor Party over a period of years, in order to eliminate them and make ACTION an organisation that is more responsive to the needs of the travelling public.

MR CORBELL: I have a supplementary question, Mr Speaker. Contrary to the Minister's invitation, I am not going to take lessons from people who, clearly, do not know how to run a bus service, particularly the Minister. Minister, why did your Government, only last year, sign an enterprise agreement with the TWU that, if the Graham report is correct, supports inefficient work practices in ACTION? Minister, is it not the case that you are simply trying to blame the bus drivers for your own mismanagement?

MR KAINE: Mr Speaker, I answered that question. I pointed out that an enterprise bargaining agreement, particularly the one that we have in place with ACTION, provides the framework for dealing with work practices. It does not resolve all of the issues. It cannot. But it provides the framework within which these issues can be negotiated. They have been negotiated already, in some cases. These that have been identified will be negotiated, and I am sure successfully, and Mr Corbell will be delighted at the outcome.

Dog Control

MR OSBORNE: My question is to the Deputy Chief Minister, Mr Humphries, in his role as Minister for the Environment. I think this is close to my first question on the environment, Minister. I have asked you a couple on the arts, have I not?

Mr Humphries: You have.

MR OSBORNE: I hope you are keeping tabs. Minister, my office has received a number of telephone calls lately from members of the public about the banning of dogs from the Tharwa area and the swimming holes in the Murrumbidgee River there. As there appears to be some confusion, could you tell me what the state of play is at the moment regarding that issue of banning the dogs?

MR HUMPHRIES: Mr Speaker, yes, I can, and I thank Mr Osborne for the question. Members may be aware that there has been a longstanding issue of how the Territory deals with a number of sensitive environmental areas in the Territory, particularly the corridor of the Murrumbidgee River, which flows very close to the whole of Tuggeranong. A few days ago I released publicly the final draft management plan for the Murrumbidgee River corridor. That contains a number of proposals about the way in which there should be protection measures in place to ensure the highest possible standard of environmental care for that sensitive part of the ACT. Places like Point Hut Crossing, for example, when first established as recreation areas in the ACT, were some kilometres away from the nearest human habitation. Now they are less than two kilometres from parts of southern Tuggeranong. Therefore, we need to rethink the way in which areas like that, which interact with the Murrumbidgee very dramatically, are managed so as to minimise the bad effect on the environment.

We have made a decision, in the context of the release of that draft plan, that dogs should not be permitted to be exercised in the area around the Tharwa Bridge. That has been a very popular point to which people have been able to go and exercise dogs. However, there has been concern expressed by a number of environmental organisations about the impact of dogs urinating and defecating in and around the river corridor, particularly in the river itself, and as a result the Government has decided to restrict the places where that can occur.

Residents of southern Tuggeranong, for example, who would like to be able to exercise their dogs and walk at the same time can do so at Point Hut. That has been designated as a place at which to do that. There is a capacity there to accommodate a quite large number of people doing that; but the exercising of dogs in the Tharwa Bridge area is not permitted. We have, however, consulted with organisations about that decision.

Tharwa residents, the Canberra Kennel Association, the ACT Companion Dog Club, the Canberra Dog Training Club, the Lanyon Bowl Landcare Group and the Tuggeranong Community Council were all consulted about those decisions, and I think they present the view that this is a fairly satisfactory outcome for what has always been a sensitive balance between amenity and environmental protection.

Deane's Buslines

MR BERRY: Mr Speaker, my question is to Mr Kaine in his capacity as Minister for Urban Services. It relates to the introduction of Deane's buses into Canberra. Today's *Canberra Times* quotes a senior bureaucrat as saying that, in view of the vote by the Assembly yesterday, the department had no option but to agree to the trial and the trial will begin on Sunday - an Assembly-driven decision. Why is the department now choosing to abide by a decision of the Assembly when only last week it chose to ignore one? Do you agree with this bureaucrat's comments and are you concerned that your bureaucrats apparently do not recognise their obligations to consult with workers about changed arrangements in accordance with their enterprise bargaining agreement? On what basis does an Assembly resolution override an enterprise bargaining agreement?

MR KAINE: It is a very curious question, Mr Speaker, and I will do my best to answer it. First of all, there is nothing inherent in the permission to Deane's to pick up passengers on their runs into and out of Canberra that contravenes any agreement that the Government has entered into with anybody. There is no contravention of any agreement. I notice there was a letter to the editor of the *Canberra Times* this morning asserting that I had abrogated three agreements or something. I notice that the writer carefully did not say what they were. The fact is we have not abrogated any agreement.

Secondly, in terms of whether or not we comply with an Assembly resolution, I think Mr Berry is trying to say we would not abide by one last week but we did abide by one this week. The fact is that the resolution that was on the books last week in no way prohibited entering into this agreement with Deane's. Ms Horodny's own words in explanation of what her motion meant made it clear that it did not relate to this kind of incidental cross-border service. So, we were not abrogating an Assembly decision then and we do not intend to abrogate one now. The motion that was passed last night over - - -

Mr Whitecross: No, it was our motion. We all passed it.

MR KAINE: Mr Whitecross tried to deceive this house as to what its intention was. His smart tactic failed. It backfired on him because the Greens sensibly chose to negate it. That is another one that Mr Whitecross lost.

The facts in connection with the agreement with Deane's are that we did not abrogate either an agreement or a resolution of this Assembly. Secondly, we are not cancelling any ACTION bus services as a result of that agreement. In other words, ACTION employees are in no way disadvantaged by that agreement. Indeed, there is a potential for them to gain some advantage from it because the agreement gives us reciprocal rights to run

ACTION buses into Queanbeyan. As I have indicated today to the trade unions in their consideration of the matter today, we will exercise that at a time in the future when we judge it to be economically feasible to do so. We will pick up that option. So that is a potential advantage to the employees of ACTION, not a disadvantage at all.

This is pie in the sky stuff that the Labor Party is trying to float. They are even at odds with the trade unions because, as I have said, only an hour or two ago the trade unions agreed - - -

Mr Berry: They did not have much alternative, did they?

MR KAINE: What do you mean by "they do not have any alternative"? They can go to the Industrial Relations Commission to resolve any conflict, as they always have done in the past, Mr Berry. If they chose to pursue the matter in the Industrial Relations Commission we would deal with the matter there, and we would accept the decision of the umpire, which you will not do. When the umpire comes down with a decision your lot will not accept it. This Government will. Do not try to misrepresent the facts. The employees and trade union officials involved in this issue on behalf of ACTION understand the situation and have accepted the reality of it. They have accepted the good sense and logic of it. It is about time that the members of the Opposition opposite did the same.

Professional Bargaining Australia

MR HIRD: Mr Speaker, may I congratulate you on making another birthday. Happy birthday.

MR SPEAKER: Just give me the present of asking a question, Mr Hird.

MR HIRD: My question, sir, is to the Minister for Industrial Relations, Mr Kaine. Is the Minister aware of the launch today of a new organisation called Professional Bargaining Australia? If so, what effect is the entry of a new organisation like this likely to have on the quality of labour relations in the ACT?

MR KAINE: Thank you for the question, Mr Hird. Yes, I am aware that there was a launch of this organisation this morning. I was unable to go to the launch, so the information that I have is somewhat second-hand; but I understand that that organisation has been set up. It is in business and is offering its service to employees in the workplace in terms of enterprise bargaining.

The first thing I would note about it, Mr Speaker, is the excellent union credentials of the two principals in the organisation, Mr Peter Devine and Mr Craig Shannon. I am sure those names will be well known to the Opposition. They come to this enterprise bargaining business with extensive credentials in that field. As I understand it,

Mr Speaker, they have established this organisation to assist workers to negotiate in staff/employer initiated certified agreements and workplace agreements. The Workplace Relations Act of 1996 entitles employees to appoint a bargaining agent like Professional Bargaining Australia or the APESMA Bargaining Agency, both of which are now in existence and available for this purpose, to negotiate workplace agreements on their behalf.

Mrs Carnell: Isn't it good to see inventive unions?

MR KAINE: It is moving into the workplace environment of the next century, in fact. These old, outmoded, tired arrangements whereby only trade unions could negotiate are being replaced by new and inventive techniques. I understand, Mr Speaker, that there has been some opposition to the introduction of bargaining agents. I wonder from whom. There has been some resistance to it, and I know that some of the unions have not been too overjoyed about it either; but I note the international trends of employee relations in this area and acknowledge that these agencies really are the way of the future. They are the way of the future, Mr Speaker, because they provide a service to protect that 74 per cent of workers who do not belong to trade unions. The trade unions can continue, if the workers wish, to represent that 26 per cent of workers who currently belong to the trade unions - that is a reducing number - but I submit that the 74 per cent who do not belong to trade unions will be looking to organisations like Professional Bargaining Australia to negotiate on their behalf, and that percentage will increase over time.

This organisation, I understand, was launched this morning by the Federal Minister for Industrial Relations, Peter Reith. I note that his reforms focus on a cooperative workplace culture with a genuinely flexible and fair labour market. That is the sort of environment into which we are moving. It seeks to do this by establishing a system with more direct employer/employee relationships and by concentrating on collective and individual bargaining.

Mr Speaker, so far as the ACT is concerned, the ACT Government will not discourage staff from bargaining for individual or collective agreements; nor will it discourage employees who wish to pursue a bargaining agent to act on their behalf. We acknowledge that bargaining agents act to protect employees' interests. We do not take sides, one way or the other; but, if our employees wish to use such an organisation, we will be only too happy to negotiate with them, just as we are happy to negotiate with the trade unions in respect of that 26 per cent of employees who are represented legitimately by them.

MR HIRD: Mr Speaker, I have a supplementary question. Mr Speaker, there was a lot of noise. I know you do not tolerate interjections, so I do not suppose it came from - - -

MR SPEAKER: From either side, Mr Hird.

MR HIRD: No. There must have been a lot of wind from somewhere. If you have not already said so, Minister, who are the principals of this new organisation known as Professional Bargaining Australia?

MR KAINE: The two principals, Mr Hird, are Mr Peter Devine, a former director of the Association of Professional Engineers, Scientists and Managers, Australia, and Mr Craig Shannon, a former executive member of the Australian Public Service Association and the public sector organiser with the Australian Services Union, that is, the Federated Clerks Union. In that connection, Mr Speaker, it might be interesting to quote from something that Mr Devine said this morning. I think his words are quite interesting. He said this:

> Restructuring and reform is what it's all about in the public sector at the moment. It is fair to say that you face some of the most fundamental reforms in the history of the public service. You face a worried staff, apprehensive of further change, preoccupied over the possibility of a once lifetime career being lost and in some quarters a work force displaying outright fear and unfortunately hostility about losing control of their future.
>
> Agreement making in this environment will be difficult if not impossible, especially if the staff have no leadership or the capacity to find professional representation free from political motivation or an agenda of opposition for opposition's sake -

does that not sound familiar? -

> rather than an attitude to explore the benefits of cooperation and mutual benefit for both parties.
>
> ... ...
>
> We believe that the parties don't have the luxury of protracted, drawn out negotiations and political posturing.

That is why this organisation will be of such value to people in the future - because they are not in there for the politics of it; they are in there to get a proper result.

ACTION - School Bus Services

MS McRAE: My question without notice is to Mr Kaine in his capacity as Minister for Urban Services. Minister, can you confirm that your recent claims that passenger journeys for ACTION are improving are based on the fact that concession fares have increased, as stated by the acting CEO of ACTION during the Estimates Committee hearing, and that the reason that the number of concession fares has increased is that you have cancelled over 40 school services and schoolchildren who formerly used those services are now being forced to use route buses?

MR KAINE: No, Mr Speaker, I cannot confirm that. I do know that in the latter half of last year patronage figures on ACTION buses fell away. I also know that since February there has been an improvement in those numbers. I know that on the commuter express services there has been an estimated 40 to 50 per cent increase in patronage since February. Over the whole ACTION bus service the figures have increased by something of the order of 3 per cent. What part each of the different elements that Ms McRae is referring to has played in the net movement down and up, I do not know; I do not have the detail of that available to me. I do know that there was a downward trend. That downward trend appears now to be reversing. I understand that there has been, in general terms, an increase in the number of concessional users. As for why there are more concessional users using the service than there were, say, a year ago, I do not know what the contributing factors are.

MS McRAE: Perhaps you can add to the information you will get for me, Mr Minister. Can you inform the Assembly how many services you plan to cut before the next election in order to inflate declining passenger numbers - numbers declining as a direct result of your Government's appalling handling of the public transport system?

MR KAINE: The answer, Mr Speaker, is none. We will be reviewing our timetabling in accordance with the recommendations of the Graham report. As I said earlier in answer to Mr Wood's question, the new network will not even be in place until about the middle of next year. In the meantime we are not going to be arbitrarily cutting services, or arbitrarily adding them either. Any decision to change the networking will be done on the basis of consumer numbers, consumer requirements, and a proper analysis of the data. We are not planning to arbitrarily cut anything.

ACTION Bus Services

MS REILLY: My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, I refer to your press release yesterday in relation to the introduction of Deane's buses into the ACT. You claimed, "What on earth is wrong, for instance, with elderly people catching a bus which passes close to their home?". Minister, why were you not more supportive of elderly residents when your Government cancelled the buses to the Causeway? Why were you not more supportive of elderly residents when your Government implemented policies that meant that some elderly residents in Weston were no longer able to access public transport? Why were you not more supportive of elderly residents in Belconnen who had to fight tooth and nail to ensure that a bus passed by the aged persons units where they lived? Minister, given your Government's record, why should the Canberra public believe you when you claim that providing better transport services for the elderly is a priority?

MR KAINE: Mr Speaker, unlike Ms Reilly, I think I can say that I have an excellent working arrangement with the senior citizens in this city. Unlike Ms Reilly, I actually go and talk to them occasionally. I do not just pick up what I read in the newspapers and assume that that represents what the ageing citizens of Canberra believe. I actually go and talk to them. I happen to be a member of the ACT Council on the Ageing, for example.

This emotional questioning put forward by Ms Reilly ignores the facts. We have not ignored the needs of the ageing population in Canberra; nor have we ignored any reasonable requests from them. Every request and every complaint from a citizen - ageing, young, or in between - is taken very seriously by ACTION. They go and examine every case of a complaint. They talk to the people involved. In every case brought to my attention, we have gone back, in writing, and suggested how their problem might be resolved. In some cases the route of the buses has been changed to accommodate them.

The thrust of the question is that we are beating up on these poor old people. That is not the case. If Ms Reilly knows of any case where a member of the travelling public, particularly an older person, has a legitimate complaint about the way ACTION buses fail to meet their needs, a complaint which has not been acted upon after being lodged in the right place, I can assure her that it will be acted upon promptly. I doubt that she can put any such evidence on the table.

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

MS REILLY: Thank you, Mr Speaker. That was fascinating, considering the reply I got from the Minister last week. Minister, is it not the case that your new-found compassion is based on opinion polls in your top drawer?

MR KAINE: My feeling is not a new-found compassion, Mr Speaker. I have long sympathised with the ageing, especially anybody over the age of 55. I sympathise greatly with them. I repeat that I do talk to them, and I am a member of the ACT Council on the Ageing. I do not just sit back in my office and smoke that stuff - whatever it is - and dream visions about things that I can attack the Government or the Opposition over. I make sure I have my facts straight first.

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

ESTIMATES 1997-98 - SELECT COMMITTEE
Report on the Appropriation Bill 1997-98 - Government Response

MRS CARNELL (Chief Minister and Treasurer) (3.41): Mr Speaker, for the information of members, I present the Government's response to the report on the Appropriation Bill 1997-98 of the Select Committee on Estimates 1997-98, which was presented to the Assembly on 17 June 1997. I move:

> That the Assembly takes note of the paper.

I would like to thank the committee for its examination of the Government's budget estimates for 1997-98. The Government supports either in principle or in full, all but one of the recommendations. Mr Speaker, in this tabling statement I will not respond to all of the recommendations as they are outlined in the response. I would, however, like to take the opportunity to comment on some of the issues raised.

The committee has recommended that a domestic violence project coordinator position be established. The Government, in its response last year to the Community Law Reform Committee Report No. 9 on domestic violence, announced its decision to establish a Domestic Violence Prevention Council, not a statutory position of domestic violence project coordinator. The Government made it clear at the time, and it remained the Government's view, that the structure which has been proposed for the council will provide the policy and procedural framework to achieve a coordinated interagency response to domestic violence. It would be premature for the ACT to commit itself to the establishment of a statutory position of coordinator before the extent of demand for a full-time coordinator's services is known and it has been possible to evaluate how the structure the Government is proposing has worked. These are issues which will be examined by the council, and we will revisit this issue in light of the domestic violence strategy that the council produces.

Mr Speaker, turning to the 1997-98 budget itself, I believe that it provides a sound basis for responsible and accountable financial management over the next three years. The forecast general government sector operating loss for 1996-97 is now $201m - an improvement of $31m compared to the published budgeted operating loss of $232m. The 1997-98 budgeted operating loss of $211m is an improvement of $13m against the estimated 1997-98 operating loss published in the last year. Total Territory debt of $54.547m was retired in 1996-97, and no new borrowings are forecast for the 1997-98 budget and forward estimates in the general government sector. Our AAA credit rating was confirmed in April. Mr Speaker, I commend the Government's response to the Estimates Committee report on the 1997-98 budget to the Assembly.

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

TIDBINBILLA NATURE RESERVE
Paper

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I indicated to the Assembly yesterday that I would be presenting the determination of fees for Tidbinbilla Nature Reserve. What I can table today, and I now do so, is a copy of the determination relating to the fees for Tidbinbilla Nature Reserve, together with the explanatory memorandum. I have in fact made this determination, but I am advised that the determination needs to be gazetted before it can be laid before the Assembly formally and before any process of disallowance, should any member wish to initiate such a process, can be commenced. For the information of members, today I am producing a copy of the determination, which I am advised will be gazetted tomorrow and formally laid before the Assembly on Tuesday.

COMMISSIONER FOR THE ENVIRONMENT (AMENDMENT) BILL 1997

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

That this Bill be agreed to in principle.

MR CORBELL (3.47): Mr Speaker, the Labor Party will be supporting this Bill. We believe it is appropriate to provide the Commissioner for the Environment with some additional capacity which was not highlighted in the original piece of legislation. My understanding of the Bill is that it makes purely machinery amendments that allow the commissioner to undertake inquiries in public if so directed by the Minister. We welcome this, in that it will give greater accountability to the Commissioner for the Environment. It will allow the public to participate and to gain access to information in any inquiry held by the commissioner in public and generally will allow for a more open process, and we welcome that.

These amendments will also allow the commissioner to report on a broader range of subject matters in the annual State of the Environment Report, and that is also to be welcomed. We also welcome the obligation that the Bill places on the Minister to respond to the Commissioner for the Environment's report formally in the Assembly, and to report on why the Government has not responded should that occur. We welcome all of these provisions. It does seem to be a very straightforward piece of legislation. We believe it will provide a more open process for the commissioner to undertake public inquiries, and it places additional responsibilities on the Government. I flag that the Labor Party will be supporting the amendment that I understand will be moved by Ms Horodny in regard to information included in the annual report. Again, we believe that the proposals she will be putting forward are appropriate. They will allow the commissioner greater breadth in reporting on certain matters, and we will be supporting them.

MS HORODNY (3.49): Mr Speaker, the Greens will be supporting this Bill, with one amendment which I will refer to later. The Bill basically changes the requirement for the Commissioner for the Environment to prepare State of the Environment Reports from an annual basis to a triennial basis. The Greens had some involvement with the development of this Bill. There have been a number of discussions and letters between the Minister and the Greens on this matter over the last year regarding what we would and would not accept in the Bill. We are very pleased to have worked with the Minister on this, and I am very pleased that we worked out the differences of opinion before the tabling of the Bill. I think it would be good if the Minister tried this consultative approach a bit more often, because I think it makes it easier to get passage through this Assembly.

We accept the Government's argument that the existing annual State of the Environment Report shows little variation in environmental conditions from year to year but requires a lot of preparation work. We are prepared to allow triennial reporting, with a number of conditions. Primarily, we do not want the state of the environment to be forgotten about for three years. We still want mechanisms in place to ensure that the Government responds promptly to the recommendations of the commissioner's report. We note that the Bill requires the Government to make a response within six months of the triennial report being released. Ideally, we would have liked this period to be a bit shorter.

However, we note that the triennial report must always be released by the end of March in each pre-election year. We would expect that any government seeking the environment vote would want to make sure that they provide a good response to the State of the Environment Report before the next election.

Apart from the triennial State of the Environment Report, we still want the Commissioner for the Environment to be able to include in his annual report an update on any significant changes, or events over the previous year which had a significant impact on the environment, so that we do not have to wait for up to three years to hear about them. We also want the commissioner to be able to report each year on the implementation of the Government's response to the commissioner's report, so that, again, the Government cannot get away with stretching out its response over the three years till the next triennial report. I understand that it was just an oversight; but the Bill does not include this provision, even though Mr Humphries told us that it would. In a letter that he sent me on 5 September 1996, he said:

> I have no objection to your suggestion that the Commissioner's Annual Report be required to include a report on any exceptional changes or events over the previous year which have a significant impact on the state of the ACT environment, and a report on the Government's implementation of the recommendations of the previous year's state of the environment report. The Commissioner has already made a recommendation to this effect which is supported by the Government.

The amendment that I will be proposing would insert into the Bill this provision for annual reporting. Another aspect of the Bill that we support is that the commissioner will now be able to undertake investigations by holding public hearings. The problem arose when in the Assembly in February 1996 the Greens initiated an inquiry by the commissioner into pesticide use in the ACT. It became obvious in the course of that inquiry that, while the public could provide written submissions to the commissioner, there was no mechanism in place to allow the public to speak formally with the commissioner about their submissions or the submissions of others. This deficiency will be corrected in this Bill.

While the Greens support this Bill, let me take this opportunity to make some general comments about concerns that we have with the state of the environment reporting in the ACT. It has been an ongoing concern to us whether there are sufficient financial and staff resources available to the commissioner to enable him to undertake his responsibilities as comprehensively as possible. We were certainly concerned originally that this change from annual to triennial reporting was just a way for the Government to reduce the workload of the commissioner and thus the resources that were needed for state of the environment reporting. We have received independent advice that triennial reporting will still be sufficient to show major changes in the state of the environment. However, let me put the Government on notice that we will not accept any reduction in the commissioner's budget as a result of this change in reporting requirements.

There is a broader issue about the point of the state of the environment reporting. Ideally, the information that comes out of these reports should be an integral part of government policy-making. If the Government is serious about wanting ecologically sustainable development, as they have said in the strategic plan for Canberra released last year, then it is essential that environmental factors be fully integrated into all areas of Government decision-making. Unfortunately, we see very little evidence of this occurring. For example, the Government's strategic plan for Canberra did not even refer to previous recommendations made by the Commissioner for the Environment, and the ACT State of the Environment Reports were not even mentioned in the strategy's list of references.

We still do not have an independent environment protection authority in the ACT, despite the Minister's announcement on World Environment Day that he has created a new agency called Environment ACT. I understand that this agency was created by just a rearrangement of sections within the Department of Urban Services and that the head of Environment ACT still reports to the chief executive of the Department of Urban Services. If the Government is serious about establishing a separate ACT environment organisation, then it needs to make sure that the organisation has some teeth and that it is able to give independent advice to the Government. It must be integrated with the functions of the Commissioner for the Environment and also the regulatory mechanisms in the Government's Environment Protection Bill.

In conclusion, we are supporting this Bill, but in a broader perspective these changes still do not go far enough in integrating the state of the environment into Government decision-making.

MR MOORE (3.55): Mr Speaker, in rising to support this Bill, I would like to draw members' attention to the fact that the matter was considered in detail by the Planning and Environment Committee when it considered the report of the Commissioner for the Environment and the Government's response to it. I think it is another step along the path that Mr Wood started on when he established the Commissioner for the Environment. That is a path of constantly improving accountability associated with the environment. For that matter, I would like to congratulate the Minister for getting this piece of legislation under way and for his work on this issue. The amendments put forward by the Greens enhance the legislation and, as such, I am delighted to be supporting them.

It seems to me that the expansion of the tasks of the Commissioner for the Environment to provide a regional role as well as an ACT role has been an extraordinarily important step forward in the protection of the environment. It is a step forward that, from my discussions, is recognised very widely in the regional community. That is another issue. I think it is appropriate to give credit to this Government where it is due. I am very pleased to be supporting this Bill and to use the opportunity to congratulate the Commissioner for the Environment on the very positive work that has been done by his office.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.57), in reply: Mr Speaker, I want to thank members for their strong support for the legislation which has been brought forward. It was the product of some discussion and consultation, and I am pleased that we have been able to reach agreement on this Bill and that we can proceed now to clarify the position for the Commissioner for the Environment. I am glad that this is happening at this stage and that we are settling this matter, because technically the commissioner has been in breach of his obligations for something close to a year now in not having produced a 1996 State of the Environment Report. I have assured him that I have agreement from members of the Assembly to support this change in arrangements, and he has rather nervously noted my comments but not been sure what would happen when this reached the floor of the Assembly. I will be very pleased to report to him on the next occasion I meet with him - and I meet with him about every six weeks or so - that the Assembly has given strong support for these changes.

The structure of the Bill is quite deliberate in referring to the delivery of a report by the commissioner by 31 March in each pre-election year. That is designed, obviously, to allow a government to respond to the report within six months. The reference to a pre-election year, of course, is very deliberate, in that it provides for a very comprehensive environment report card to be laid before the people of the ACT prior to governments going to the polls, so that the community can see what progress is being made on the environment.

Perhaps in the future the environment will not be such a significant issue as it is in the general scheme of people's priorities today. Whether that is or is not the case, I think it is important for us now to be able to state what progress has been made on key environmental issues in a context where voters can take that into account when making decisions prior to elections. In saying that, I suppose I need to indicate that, if legislation presently before the house creating four-year terms of the Assembly is ultimately passed, there would be, in theory at least, some question of whether we should change those arrangements. Whether a report every four years would be appropriate is a moot point. Perhaps we would not wish to have reports of that infrequency. I think we would all agree - in fact, we have agreed by our comments so far - that a report every year is too frequent and undermines the impact which such reports should have on the behaviour of governments, government agencies and other parties working in the field of the environment, in terms of performance and output. We hope that, if and when we deal with the question of four-year terms, the Assembly will be able to deal with that issue of when appropriate reports ought to be produced.

I want to make one final comment about the suggestion that there is not an independent environment protection agency - a comment made by Ms Horodny. I would simply disagree with her assertion. We have a Pollution Control Authority and other agencies of government which have statutory obligations independent of the Government which are protected by legislation and which people fulfilling those roles have an obligation to the Government and to the community to fulfil. I think what Ms Horodny would probably like is an office of people who have no direct role to play in the hierarchy of government,

rather like the Commissioner for the Environment. That might be nice, but it is quite wrong to say in that context that the people who have statutory obligations are not independent merely because their pay cheque comes from the government service and they otherwise have a role to play within the structure of government.

Ms Horodny: They do not report directly to you.

MR HUMPHRIES: Ms Horodny says that they are not independent, because they do not report directly to me. I meet with the person who constitutes the Pollution Control Authority at least once a week and discuss with them issues to do with the environment and with their responsibilities as the Pollution Control Authority. That is about as direct as you can get in terms of direct reporting. That is not a statutory provision, but it happens in this Government and it probably happened in the previous Government as well. I do not accept that there is not enough independence there. My view is that the process is quite adequate. If Ms Horodny feels that it should be strengthened, I suggest that she consider legislation to deal with that and bring it forward to this place.

Mr Speaker, I thank members for their support for this legislation, and I will be very happy to convey to the commissioner that there has been such strong support from the members of the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

Proposed new clause 6A

MS HORODNY (4.03): I move:

Page 3, line 16, after clause 6, insert the following new clause:

"**Insertion**

6A. After section 19 of the Principal Act the following section is inserted:

Information to be included in Commissioner's annual report

'20. A report presented, or information provided, by the Commissioner under section 8 of the *Annual Reports (Government Agencies) Act 1995* in respect of a period shall include particulars of -

(a) any special factor which the Commissioner believes had a significant impact on the environment during the period;

(b) measures taken during the period by or on behalf of the Territory in relation to the implementation of any recommendation in a State of the Environment Report under section 19 or a special report under section 21; and

(c) any recommendation in such a report which the Commissioner believes is still to be implemented or fully implemented.'.".

Mr Humphries said in his presentation speech that the Bill will not prevent the commissioner from preparing interim annual reports to provide updated information or a topical report card if he wishes. The reason we have tightened this up is that, although the Bill does not prevent it, it certainly does not encourage it, and we want to see that that is actually part of the process. The amendment makes it clear that the commissioner must provide in his annual reports additional information on the matters included in my amendment but leaves to his discretion what he includes in his annual report, so that it is not imposing on the commissioner a burden over which he has no control.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.04): Mr Speaker, the Government supports this amendment because it believes it further clarifies the sorts of things that the commissioner might report on in non state of the environment reporting years. I think it enhances the capacity of the commissioner to deliver the appropriate messages about the environment at the appropriate time. The amendment is supported by the Government.

Proposed new clause agreed to.

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

Bill, as amended, agreed to.

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997
Detail Stage

Clause 1

Debate resumed from 18 June 1997.

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

ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY REPRESENTATIVES - INVITATION TO ADDRESS ASSEMBLY
Motion

MR OSBORNE (4.05): I ask for leave to move a motion to invite representatives of certain Aboriginal groups to appear before the Bar of the Assembly.

Leave granted.

MR OSBORNE: I move:

That:

(1) this Assembly, noting the apology arising from the report *Bringing them home*, invites representatives of the Aboriginal and Torres Strait Islander Community from the ACT and surrounding region, as determined by the Speaker in consultation with the Standing Committee on Administration and Procedure, to appear before the Bar of the Assembly on Tuesday, 26 August 1997, at 10.30 a.m. for a maximum period of two hours to address the Assembly in relation to this matter;

(2) notwithstanding anything contained in the standing orders, the procedure for the addresses by the representatives shall be as follows:

(a) each representative, having been called by the Speaker, will be conducted to the Bar of the Assembly by the Serjeant-at-Arms and announced;

(b) the Speaker will ask the witnesses to give their full name and the capacity in which they are appearing;

(c) each representative shall have a maximum time of 15 minutes to address the Assembly;

(d) the foregoing rules shall in no way restrict the mode in which the Assembly may exercise and uphold its powers, privileges and immunities.

This motion is a very sensible one. Some people will probably stand up and argue about the way that this is being done. However, I very much believe in what we are trying to achieve here. As you are aware, on Tuesday this Assembly spoke on the *Bringing them home* report. The majority of members rose and spoke on it, all members offering an apology not only to the Ngunnawal people but to all Aboriginal people in general for the wrongs of the past. It was a very worthwhile debate and I am sure it was

well received by the community. However, I believe that we have a tremendous opportunity to invite our indigenous brothers and sisters to the Assembly to address the Assembly on this issue, on this report, and basically on whether or not they have accepted our apology.

I had hoped that we would be able to get them in next week. Perhaps I was a little naive in my discussions yesterday afternoon, in that I thought that it would be adequate just to invite the Ngunnawal people in as three different groups, as they are the people from this region. However, I have taken advice today that the Ngunnawal people in fact represent only between 5 and 10 per cent of the ACT indigenous population. The vast majority of Aboriginal people and Torres Strait Islander people living in the Territory would perhaps feel marginalised somewhat if they were not given the opportunity to address the Assembly, as some of these people have lived in the ACT, I am told, for in excess of 20 years.

I have changed the motion a little bit in the last couple of hours, so that, rather than have them in next week, you, Mr Speaker, invite them in - if we pass this motion - on the first sitting day after the mid-year break, which is Tuesday, 26 August, at 10.30 am, for a maximum period of two hours, with all the different groups having 15 minutes each to address the Assembly. That gives the possibility of eight different organisations addressing the Assembly. The Chief Minister has indicated that she would like to have some sort of lunch or some sort of reception in the Assembly afterwards, which I think is a great idea.

Mr Speaker, this will be a first for the Territory, in that nobody other than members have spoken here. I think it is a tremendous opportunity for us to invite them in. I attempted to do something similar a couple of years ago by inviting the secretary of the Trades and Labour Council, Mr Pyner, in to address the Assembly on the issue of the new contracts with the Government. However, it never happened. Inviting the Aboriginal people to be the first people to address us will be tremendous. I thank members of the Chief Minister's office for enlightening me on the problems of inviting just the Ngunnawal people in. I am led to believe that, if that was the case, then perhaps one of the groups was going to spend 15 minutes attacking one of the other groups. I did not think that that would be in the spirit of what I am trying to achieve here. I am confident that all members will agree that what I am trying to achieve here is in the right spirit. I hope that 26 August is a special day for all of us and that it is as successful as I expect it will be. Paragraph (1) of the motion states:

> this Assembly, noting the apology arising from the report *Bringing them home*, invites representatives of the Aboriginal and Torres Strait Islander Community from the ACT and surrounding region, as determined by the Speaker in consultation with the Standing Committee on Administration and Procedure, to appear before the Bar of the Assembly on Tuesday, 26 August 1997, at 10.30 a.m. for a maximum period of two hours to address the Assembly in relation to this matter;

The remainder of the motion is just about the procedure. I am sure that all members will support this very worthwhile motion.

MR MOORE (4.11): I rise to support the motion. You would be aware, Mr Speaker, that at question time I asked you for some details about this motion. I am delighted that we can get past that stage and move on to the issue at hand. I am very pleased to support the motion. Mr Speaker, when you extend the invitation to various people to appear before the Bar of the Assembly, I hope that in sending the *Hansard* of the speeches on the *Bringing them home* motion you also include comments that were made later in the day in the adjournment debate by me and Mrs Littlewood. I was not able to be in the Assembly at the time it debated the motion; but, of course, I am particularly supportive of that motion.

It is particularly appropriate that the first people to appear at the Bar of the Assembly should be the indigenous peoples from the district. The symbolism of that is very positive. It extends the kind of feeling that was presented in the motion that was carried the other day. It is interesting that the Assembly Standing Committee on Administration and Procedure has considered the matter of calling people before the Bar and giving them that opportunity to speak, as a regular occurrence. The majority of members of the Assembly have rejected that concept. However, what is being done here is quite different. We are saying that there is a particular case of such great importance, not only territorial importance but national importance, that it is appropriate for us to call somebody to the Bar.

A similar situation occurred in Victoria for the first time in some 50 years when Professor Penington was called to address a joint sitting of the Victorian Parliament. It should be an unusual thing and seen as a particularly special exercise. Indeed, that is what it will be. It will also give us the opportunity to see why that piece of wood sits over there on the side of the Assembly. We will be able to see whether it actually works. I think it is a very positive idea. As I mentioned just after lunch in question time, it is a positive idea which I support. I am pleased it is being done in the appropriate way.

MR HUMPHRIES (Attorney-General) (4.14): Mr Speaker, I rise to support the motion which Mr Osborne has placed before the Assembly. I think it is appropriate to bring those people before the Assembly to let them respond to an issue which obviously affects them fairly intimately. It can be very easy for politicians, governments and so on to deal with those issues in a way which does not fully pick up and recognise the sensitivity and concerns of those whom the motion actually deals with, that is, the Aboriginal and Torres Strait Islander people of this community. I think it would be appropriate. It would be a very salient experience for this Assembly to have those people come before the Bar of the chamber and indicate directly to us their reaction to the steps that we have taken or are proposing to take, and in that manner to obtain an impression of the reaction that they have had and a feeling for the way in which they feel or do not feel, as the case may be, that we are addressing their problems. That is an important and appropriate first step.

Mr Moore said that it was appropriate that the first people to appear before the Bar of the Assembly should be the local Aboriginal and Torres Strait Islander people to whom we referred in the motion on Tuesday. I think it is worth noting in passing that Mr Moore did say "the first people". I strongly believe that they should not be the last. I acknowledge that the people referred to in that motion - the Aboriginal and Torres Strait Islander community of the ACT - and their representatives have a very powerful case to be able to have direct input to the legislative process of this community, but I see very strong reasons why that principle ought to apply to a large number of other people and organisations in this community. There are a lot of people with concerns whose point of view deserves to be heard in a direct fashion on the floor of this Assembly. Rather than make a political debate about something else which is on the notice paper, I just want to say in passing that I hope we will use the opportunity of this experience on 26 August to see how well we can apply the concept to other people in this community whose views the Assembly needs to hear in a direct and unadulterated fashion.

I hope that we will agree at the end of that experiment that we have all benefited from having some of the people whose lives are affected by the work we do here appear before the Bar of the Assembly and convey directly to us their views about what we are doing in this place. That can only be healthy and positive for democracy in the ACT, irrespective of what the people concerned happen to say in that process.

MR WHITECROSS (Leader of the Opposition) (4.18): Mr Speaker, I rise on behalf of the Labor Opposition to signal our support for this motion. This proposal to allow representatives of Aboriginal peoples and Torres Strait Islanders from the Canberra community and surrounding region to address the Assembly in relation to *Bringing them home* matters, particularly the separation policies, and the apology motion which was debated in the Assembly earlier in the week, I believe, is an important one. I believe it is particularly important because it forms part of the process of reconciliation between Aboriginal peoples and Torres Strait Islanders on the one hand and the community at large on the other.

Indigenous people have a special place in our community, and this should be regarded as a special occasion - a reflection of the unique relationship and the unique status that indigenous people have in our community and the unique circumstances that arise from the apology motion that was passed earlier in the week. Mr Speaker, I think it is appropriate that the Administration and Procedure Committee and you should have some involvement in finalising arrangements for this. I hope that that can be done in a consultative way.

If I have one concern about Mr Osborne's motion, it is that the timing of this event will be in the middle of the morning on a working day. Perhaps it would have been better for an event of this significance to take place at a time when people who have to work could more easily attend and either participate in or witness the event. An evening sitting might have provided a special opportunity for maximising the capacity of members of the Aboriginal and Torres Strait Islander community in Canberra to be a part of this event. That is my main concern.

I think that the process is a good one. I believe that it does have a special place in our proceedings because of the unique status that indigenous people have in our community. As it was appropriate that we apologise on Tuesday for the separation policies that have been pursued in the past, it is also appropriate that we be aware of the concerns that continue to arise in the Aboriginal community about the treatment of indigenous people at the hands of governments in Australia and aware of their views about appropriate reparation for the injustices that have been done to Aboriginal people in the past.

Mr Speaker, with those comments I would commend the motion and wish you and the Administration and Procedure Committee well in your deliberations. I believe that these things are best done in discussions behind closed doors, rather than through press release and negotiation of amendments on the floor of the house. I hope that a process of discussion can form the basis of any further proposals along these lines in the future.

MS TUCKER (4.22): The Greens also are very happy to see this opportunity for the Aboriginal people to address the Assembly. I think there are some logistics to be sorted out. As a member of the Administration and Procedure Committee, obviously I will be involved in that sorting out. As Mr Moore mentioned, we saw a precedent in Victoria when Professor Penington addressed a joint sitting. Obviously, it was thought to be a significant enough issue for this unusual process to take place. I think it is symbolic of the importance in which all members of this place hold the issue of reconciliation with Aboriginal people that we are happy to see this process here.

I would add one thing. I think our committee system is often useful because it is slightly less intimidating than the chamber. The Social Policy Committee goes out to the community because the committee rooms are quite intimidating as well. I think we need to bear in mind, whenever we invite people here, that it is quite imposing and quite scary for some of them. I hope that that is not an issue in this case. I imagine that many people will be able to put their views forward in other ways also. I commend this motion to the Assembly.

MR WOOD (4.24): This motion follows from the motion we discussed the other day and indeed an earlier motion. I want to say to Mr Osborne that I accept this motion in the spirit of the words and in the spirit of reconciliation and compassion, just as the other day I accepted the motion proposed by the Chief Minister and the words of Ms Horodny and Ms Reilly, who were promoting a point of view. There are a number of people in this chamber who have been speaking out publicly on these issues. I have confidence in the good intentions of all those people. There is nothing else in their agenda in promoting these issues.

MR OSBORNE (4.25), in reply: I thank all members for their support. I appreciate the advice from Mr Whitecross. Whenever I come up with an idea from now on, Andrew, I will check it with you to make sure that it is okay. I thank all members for their support and I look forward to Tuesday, 26 August.

Question resolved in the affirmative.

TRANS-TASMAN MUTUAL RECOGNITION BILL 1997

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

> That this Bill be agreed to in principle.

MR WOOD (4.26): The Opposition will be supporting this Bill. Indeed, this Bill has quite a history and follows a thread in discussions between the Commonwealth and the States and Territories on mutual recognition and on means of improving relationships and removing obstructions in dealings between the various States and Territories. Therefore, it is important to follow through. It follows logically the Australian Mutual Recognition Agreement. That has been in place for some years now. It is a good step, then, to incorporate New Zealand in those same sorts of arrangements. It is about mutual recognition. I think it is about mutual respect. We are not going back to the days when we used to debate whether or not New Zealand should be a State of Australia; that has long passed. But it is clear that, in everything we do, we ought to have closer and better links and less confusing links between Australia and New Zealand. This Bill is an important step in that direction and, obviously, it has our strong support.

MR MOORE (4.27): Mr Speaker, in rising to support this Bill, I must say that it raises a number of issues which are particularly important. I notice we were told in the presentation speech:

> The purpose of this Bill is to give effect to the Trans-Tasman Mutual Recognition Arrangement which was signed by the Prime Minister, all Premiers and the Chief Ministers of the ACT and the Northern Territory last June. That arrangement was subsequently signed by the Prime Minister of New Zealand last July.

I think there is an important lesson to come out of such legislation, mutual recognition legislation and national uniform legislation, and that is this: When Ministers of this Assembly go to ministerial meetings, they already have a very good idea as to what it is that they are being asked to sign. There are discussions that go on at those meetings, and compromises are made. When they go to those meetings they already know. We have no idea what is going on there, and I want to make it very clear to members of the Executive here and any future members of the Executive that, if I do not know what is going on or what you are signing, you cannot sign it on my behalf; you cannot take it for granted that I will support such pieces of legislation.

In this case I am going to support the legislation. It is very important that members of this Cabinet or any future Cabinet understand that that is a critical point. I think it is a sentiment that is shared by other members of the crossbenches. The Opposition probably could not care less. It seems to me that the opportunity is there for Ministers to check with us when there are issues of mutual recognition to be considered. They do not have to do it in a formal way; I am very comfortable about it being done in an informal way. I think this applies to even quite ordinary things such as driving licences,

through to things of such significance as a mutual recognition Bill which deals with trade between us and New Zealand as well as between the States and Territories, as does this legislation. Mr Speaker, this legislation will work within an overall mutual recognition Act of the Commonwealth. I think it will enhance the wellbeing of the people whom it affects - the people of this Territory, who are most important to us, as well as the people of the States, the other Territories and New Zealand. I think it is an appropriate opportunity to draw Ministers' attention to that fact.

In saying that, I have to say that on many issues Ministers are particularly good at consulting with us; Mr Humphries in particular has, on many issues, written or personally spoken to me. I think it is not difficult. But, when we are talking about legislation, each and every member of this legislature has a responsibility to look at that legislation and determine whether or not they can personally support it. Whether or not it has national recognition or national agreement may well be irrelevant. I think it is important to raise this issue now, because I can see that there may be a very embarrassing situation for an ACT government, and the ACT Assembly, when something is signed and then they are told, "Sorry; we are not going to participate in that". I think it is an avoidable situation, and I think Ministers should take that extra step to make sure that any embarrassment is avoided in that way.

MR HUMPHRIES (Attorney-General) (4.32): I just want to make some comments on some of the issues Mr Moore has raised. As a person who has been to a large number of ministerial council meetings and so on over the last few years, I have, from time to time, considered the issues that Mr Moore has raised. I have to say that I am certainly acutely aware, when I represent the Territory and indicate support or otherwise for particular positions, that I, perhaps more than any other Minister representing a jurisdiction, am less able to assure other ministerial colleagues around the table that I can deliver on an agreement that I indicate Territory support for. There are other jurisdictions, of course, that do not have a majority in both chambers of their parliaments. Occasionally, governments face revolts, even from their own backbenchers. One can never be entirely sure in these matters, in any case.

I think I would simply ask members to understand and appreciate the position that Ministers are in when they go to such meetings. Matters that are subject to these sorts of agreements are almost invariably the subject of very long, very protracted and difficult negotiations between the different jurisdictions concerned. It is rare for decisions to be made after a brief period of consultation. One of those rare exceptions was the gun agreement reached last year. But that was obviously highly exceptional, where we had to consult very quickly because we were taking a very big step in a very short space of time.

Ms Tucker: Competition policy was pretty quick, was it not?

MR HUMPHRIES: Not really, no; competition policy was subject to long discussions. In fact, it began under the former Labor Government. It was actually concluded under the former Labor Government, too, as I recall. Those opposite can tell you what the process was with that.

My experience is that those things take a long time to reach agreement on. The negotiation goes on generally at officer level. Occasionally, issues surface for Ministers to deal with, but generally they go on at officer level. Governments get involved in setting directions on occasions; but, for the most part, they proceed at the subterranean level of officials working through issues and getting to a point of agreement. Those negotiations are generally conducted with an eye to the confidentiality of the negotiations. It would generally not be in accordance with the spirit of those negotiations for members to publicly disclose them or disclose them to a large number of organisations or individuals in a particular context such as, particularly, members of other parties in parliament. I am certain that I would have some explaining to do if I went back to a ministerial council on a sensitive piece of negotiating and said, "I have consulted other parties in the ACT Legislative Assembly, and they think this ...". I do not know that I would get a very good reception.

Mr Moore: Then take the risk.

MR HUMPHRIES: Indeed. The point I am making to Mr Moore is that we are in the position that we almost always have to take that risk. We are acutely aware of that.

Mr Moore: I am prepared to move amendments to such legislation.

MR HUMPHRIES: Mr Moore, no-one is detracting from your right to do that. I am simply explaining to you our position as governments that go to those meetings. I have already indicated that I think the situation is unsatisfactory.

As members will be aware, I proposed to the national forum of standing committees on the scrutiny of bills in 1994 that they should take up with Attorneys-General the position of Scrutiny of Bills Committees throughout the country, to factor them in at an early stage of these ministerial agreements, so that, when agreements were reached, at least members of those committees had seen the proposals and knew what the uniform legislation looked like before it hit the chambers of various parliaments throughout the county. As my role translated into Attorney-General subsequently, last year - I think it was last year - I took that same proposal to Attorneys-General, wearing a hat as Attorney-General on that occasion. As members will know, because I have reported on this to the Assembly before, Attorneys-General were not interested in that concept.

I am acutely aware of this problem, and I am very anxious for us to find a way around it. Perhaps governments in the ACT and in other places will have to find other ways of dealing with this problem. The day will come when we will reach agreement at the national level and we will come back to this chamber and say, "Here is our agreement. Ratify it", and the Assembly will say no. All we can do is rely on our judgment as Ministers that what we agree to at these council meetings will be acceptable to members of the ACT Assembly, or at least a majority of them. I would simply say that I am aware of what Mr Moore is saying. I am not confident that we always have the right answer. I think it is an issue on which we have to work towards finding better solutions. My view is that the best way of finding those solutions is to have a different process of discussion at the national level, but that is a matter on which there is not agreement at the national level.

MS TUCKER (4.37): Although I am quite sure this Bill will be supported, the Greens will be opposing it in principle. Firstly, I would like to say, as has already been said by Mr Moore, that I am not happy with the fact that we have had no opportunity to have input into the agreement which this Bill is implementing. I raised the same issues in relation to competition policy. This was another issue which had significant implications for the local economy; but it was signed and sealed by the Executive, with no consultation with other Assembly members. I do not think this is good enough; certainly, it is not what I imagined council-style government would be about. We cannot even amend this Schedule to the Bill.

The purpose of the Bill is to give effect to the Trans-Tasman Mutual Recognition Arrangement which was signed by the Prime Minister, all Premiers and the Chief Ministers of the ACT and the Northern Territory last June. The trans-Tasman agreement is about removing regulatory barriers to trade between Australia and New Zealand, and what we are doing here is requesting the Commonwealth to enact legislation on our behalf. Although the legislation is attached as a Schedule, it has not yet been passed. I know the Greens in the Senate will be opposing the Bill in its current form.

The two key principles of the agreement are: Firstly, if goods may be legally sold in New Zealand, they may be sold in an Australian jurisdiction; secondly, if a person is registered to practise an occupation in New Zealand, he or she will be entitled to practise an equivalent occupation in an Australian jurisdiction. As far as the Greens are concerned, our current regime of free trade leaves a lot to be desired. Environmental, social and industrial objectives are the least important factor. The principles of mutual recognition in relation to goods reduce standards to the lowest common denominator. I do not have such a problem with the provisions in relation to occupations.

I acknowledge that there are benefits from free trade; for example, transferring skills and technology not available within an economy and encouraging innovation and international best practice. By that I do not mean the international best practice we hear about from the economic fundamentalists. The other benefit is giving developing countries a fair opportunity to trade. But we do not ever hear about the adverse effects of open slather free trade. We do not hear about the global increase in transport use, which is inefficient and destructive to the environment. We could be exporting wheat to a country and importing it back from the same country, all for the sake of an economic transaction. We do not hear about the loss of local cultures, about the loss of diversity to local cultures, about the constant pressure to reduce standards in the name of economic efficiency.

I acknowledge there are some limited exceptions to the proposed Commonwealth legislation, but they are minimal. The basic principle that is spelt out here is that goods produced in New Zealand or Australia do not have to be subject to local legislation in terms of requirements relating to production, composition, quality or performance, or packaging and labelling requirements. This is very concerning, and the process for exemptions seems to be very inflexible. What this provision means is that goods that meet standards in New Zealand but do not meet our standards, other than the few exemptions in the Schedule, will be able to be sold in Australian jurisdictions. If we did have legislation requiring labelling of genetic food, New Zealand goods would be exempt.

I understand that currently Australia has tougher safety standards than New Zealand in relation to baby car seats. That means that seats made here that do not comply with New Zealand standards will be able to be sold in New Zealand. This is not good enough. I think, as an Assembly, we have an obligation to think much more closely about this issue.

MR KAINE (Minister for Urban Services and Minister for Regulatory Reform) (4.41), in reply: I welcome the in-principle support that the Opposition and the crossbenchers have given to this Bill.

Mr Moore: Kerrie opposed it.

Ms Tucker: You are thanking only some of the crossbenchers.

MR KAINE: Okay. It is one of those interesting Bills where one could perhaps ask: What is the benefit to the Territory of entering into an agreement like this at the Commonwealth level? The benefits are sometimes difficult to define. It may be that no particular benefit flows to the Territory as a result of our entering into this kind of agreement. But I think we would be foolish not to be a part of the system so that we can take advantage of any opportunity that does come our way.

How we get to that point is a question that I know vexes some. But it seems to me that members of the Assembly have to accept the fact that we do operate under a system in which we elect a Chief Minister who then appoints an Executive, and there is an executive government that is responsible for this Territory. That executive government has an obligation to act in connection with other executive governments on a basis of equality. We simply cannot go along to the executive governments of other States and Territories and, indeed, of the Commonwealth and say, "We really cannot negotiate with you". I think people have to accept the fact that, if they are not part of the executive government, very often the executive government has to act for them; we cannot all be part of the process.

In this case, of course, the agreement is something that is being entered into at the Commonwealth level. But, in order for each of the States and Territories to participate, we have to enact our own legislation so that we become part of it. We could stand aside and say, "We are not going to be part of it; we will not enact legislation; we do not want to participate in any benefits that flow from these international arrangements". If we were short-sighted enough, we could say that. I think at the end of the day there has to be the recognition that not every member of this place is a member of the executive government. Executive government has an obligation and a responsibility once in a while to make decisions that are binding on this place and this community. I cannot imagine the circumstances in which, after the event, this Assembly would say, "You did the wrong thing; you cannot speak for me." - and, as Mr Moore says - "Therefore, we do not accept the action that you have taken".

Mr Humphries made the point that, if anybody does feel so strongly about it that they would not want us to enter into the agreement in an unqualified way, I suppose they could amend our legislation, as they could amend any other legislation. That then puts the Government in the position of having to go back to the Commonwealth, the States and

the Northern Territory and say, "Sorry, chaps; we are going to have to withdraw all or part of our support for this Bill". I think that would put us in a difficult position. It would put the Assembly in a position of being ludicrous, if you do not mind my saying so. I think the Bill is something that we are obliged to enact. As I say, it is sometimes hard to define what the benefits are; but one day there may well be a major benefit that flows from this. If we do not have the legislation in place, we will miss that opportunity.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

Proposed new clause 6A

MR KAINE (Minister for Urban Services and Minister for Regulatory Reform) (4.46): I move:

> Page 3, line 4, after clause 6, insert the following new clause:
>
> **Tabling of notices and consents**
>
> **6A.** The Chief Minister shall cause to be laid before the Assembly a copy of -
>
> (a) a notice under section 3 or 6; and
>
> (b) any document containing an endorsement to a proposed regulation of the Commonwealth that is given under subsection 44(4), 45(5), 47(7), 48(5) or 49(3) of the Commonwealth Act;
>
> within 5 sitting days of the publication of the notice in the *Gazette* or the signing of the document, as the case requires.

I present the supplementary explanatory memorandum. I will be quite brief. This amendment requires the Chief Minister to report back to the Assembly on the occurrence of certain events that can take place under the Act; that is, when the Chief Minister fixes a date for the expiry of the Act, when she approves an amendment to the Commonwealth Act or when she endorses any change to the Schedules to the Commonwealth Act, then the Chief Minister - he or she, as the case may be - is obligated by this amendment to report back to the Assembly. It is part of the reporting process which I think other members of the Assembly are referring to. It perhaps goes some way towards alleviating some of their fears.

Proposed new clause agreed to.

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

Bill, as amended, agreed to.

EDUCATION PROVISION - QUALITY AND INTEGRITY
Ministerial Statement

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

That the Assembly takes note of the paper.

MS McRAE (4.48): The paper which I refer to and which is referred to here, although not dated, was circulated much earlier this year and was essentially a precursor of draft guidelines on the registration of new schools in the ACT. I rise to commend the Minister for paying attention this time, because there was a motion on the notice paper before this paper came out; there was considerable concern about the implications of the removal by Dr Kemp, when he came into government, of the small schools' protection that was in the Federal Government's domain. People were instantly rightly concerned that, as a result of the abolition of the new schools policy, we might be disadvantaged in the ACT and find that many schools could set up without the proper checks and balances that we have laboured so hard to put in place.

All I need to say about this paper is that I note that it did foreshadow the publishing of draft guidelines. We have all received those draft guidelines from the Minister now, and I look forward to seeing the public comment and the consultation process that is to happen with those. We can conclude the debate on the maintenance of quality and integrity in the education provision in the ACT when those comments have been gathered and a proper set of draft guidelines for a new schools policy is available for the ACT.

MR STEFANIAK (Minister for Education and Training) (4.49), in reply: I thank Ms McRae for her comments. The draft guidelines are proceeding. They will go before the Ministerial Advisory Council on Non-Government School Education and then come back to the Government. I have just one point to make in relation to this that is worthy of note, and it is a bit of an update. As members may be aware, there was some publicity in the press in relation to it, but there was a meeting of State and Territory Education Ministers in Darwin on Thursday, 12 June. There was considerable discussion there on the Commonwealth's enrolment benchmarking adjustment, amongst other things. I think it is unfortunate that the Commonwealth has not seen fit to provide equal increases to the States and Territories for government schooling. Indeed, Education Ministers from every State and Territory coalition government came out very strongly in their commitment to public education. We were very critical of the Commonwealth's proposed enrolment benchmarking adjustment, and I am pleased that now the Commonwealth has agreed that this concept needs further clarification and discussion.

We are disputing the use of relative shares and average student costs as the basis for reducing funding. Even more unfortunate and more inequitable in a way is the Commonwealth's decision to reduce government funding when the split between the two sectors shifts - the so-called enrolment benchmark adjustment. Using relative shares means that, if the proportion shifts towards the non-government sector at a future time when overall enrolments are increasing, then we receive less Commonwealth funding, even though our overall numbers may be going up. That does not necessarily mean it is good news for the non-government sector either, because they do not necessarily get anything more anyway. But it does have this potentially very significant effect on the government sector. Using average costs means that the Commonwealth will remove from funding to the States and Territories more than they will actually save. It will certainly be greater than the Commonwealth actually funds.

I, along with my colleagues in the States and the Northern Territory, am very concerned to ensure that students in our government schools are treated fairly by the Commonwealth and are not disadvantaged by the transfer of funds to non-government schools on the basis of a questionable distribution mechanism. That is something we are looking at very closely. I am pleased that the Commonwealth did acknowledge that maybe they did need to have another look at it. I hope, as a result, we will see some change which will be beneficial not only to the ACT and our students here but throughout the Commonwealth generally.

Question resolved in the affirmative.

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

Debate resumed from 10 April 1997, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

MR BERRY (4.52): I am pleased to rise to speak to the strategic plan for Healthpact which has been provided to the Assembly. Healthpact is the latest embodiment of what was the Health Promotion Fund established in 1989. Since then, of course, it has developed into a far more vibrant organisation and a far better-funded organisation for the provision of health promotion activities in the ACT. Of course, it is important that these organisations keep a healthy appearance out there in the community in terms of public relations. From time to time, these organisations will need to change their corporate styles and structures to draw attention to the services that they provide. The Health Promotion Fund, as it was first called, I suppose, had just about run its distance and possibly needed another breath of fresh air. As I said earlier, Healthpact is the most recent embodiment of that, with a more formal structure, again embodied in legislation.

I am not sure what Healthpact means to the ordinary person in the street. As somebody closely associated with it, I can see what it means; but, to the ordinary person in the street, I do not think it would immediately mean a terrible lot. One day it might have a new embodiment, with something that is a little clearer to those people who see another corporate name; but I suspect that is some time off. Healthpact is now fairly generously funded by the provision of 5 per cent of the tobacco tax. The levels of funding are about $2m per year, and that is a sizeable increase from the model which was first adopted.

One of the concerns that I would have about this organisation, which has grown fairly quickly, I would suggest, is that it needs to demonstrate very clearly to the community that it is producing something of benefit to the community. I had a look at the performance indicators mentioned in the strategic plan. To the reader, it is not clear how the performance of the organisation can be measured. For example, if you take its highest priority in health promotion activity - that is, smoking - one would expect to see the number of smokers in the community mentioned somewhere as a performance indicator for the fund. For example, if the fund has smoking as its high priority for many more years into the future, as it has done in the past, and it consumes $2m, I think the community is entitled to see a reduction in the number of people who are consuming tobacco, as an indicator of good performance from this organisation.

The same would apply in relation to sun protection, nutrition, exercise, mental health, safe behaviours and community access and participation, which are the programs mentioned in the program priorities at page 7. One noticeable area of health promotion missing from that list is inappropriate drug use, though I do note that on page 15 under "Program Priorities" alcohol and drug misuse is mentioned. I raise that specifically because of my concern that strong messages about inappropriate drug use were somewhat lost in the recent debate about the medical availability of opioids and about other moves in relation to previously prohibited substances. It seems to me that, although there are significantly fewer numbers of people affected by alcohol and drug misuse than in some of the other areas, it is a significant health issue in the community and there are sufficient people affected by it to warrant its high priority. The messages have to be strong.

I hope this organisation is able to deliver to the community a better and healthier society for the money that is provided to it. I, for one, will be looking for some performance indicators which clearly demonstrate that the organisation is producing that healthier community which we ask of it for the money which is provided. It is a sizeable amount of Territory revenue which goes to this organisation, and the community deserves to know that it is producing the goods for the community as a whole.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.59), in reply: Mr Speaker, I am very proud, and I am sure this whole Assembly is, of Healthpact. I am proud that we have managed to increase the budget as significantly as we have. I am proud to have a board of Healthpact that is being so proactive in an area that, I suppose, in the past often may have taken second position to critical health care, to the treatment of diseases and conditions rather than the prevention of such.

I have to say that this strategic plan, I think, shows that vision. The mission statement sets out the sorts of things that Healthpact is doing to ensure that the health of the community is improved over time. It is good that the sorts of program priorities that they have in place are similar priorities to those that the Assembly has chosen over the years - smoking, cancer, sun protection and those sorts of areas. Mental health is something that I know Ms Tucker is very concerned about. It is good that we now have a body that cannot be affected by pressures on health budgets and all the other things that public health money has tended to be affected by in the past.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

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

Debate resumed.

MRS CARNELL: To have a body that is concerned about improving the health of the community, and one that cannot be affected by the difficulties of health budgets - in other words, has its funding fixed at 5 per cent of the tobacco franchise fee - is something that, I hope, everyone in this Assembly supports.

Mr Berry: Only if it performs.

MRS CARNELL: That is an interesting comment by Mr Berry. I was just going to make the point that today I tabled the Government's response to the Estimates Committee report. One of the things that, certainly, Mr Humphries and others would remember is one of the recommendations of the Estimates Committee for years and years - certainly, for the first few years that I was involved - that the Health Promotion Fund should have its funding tied to 5 per cent of the tobacco franchise fee. When those opposite were responding to the Estimates Committee report, every year they knocked that back. I was very pleased that one of the first things we did in government was actually accept that recommendation from us in opposition which we had put forward over a number of years. I think it is working very well.

Mr Berry made the comment that they have to perform. That is true. They do have to perform. But one of the things that have always been most difficult to accept in public health, and will always continue to be most difficult, is that the performance is not short term. In fact, performance in the public health area is based upon health goals and targets - the sorts of things that we can look at in five- and 10-year periods. Unfortunately, I think the problem with public health, not just in this country but generally, is that the timeframes of public health are not the same timeframes as political timeframes, as Assembly timeframes. You cannot run a three-year public health program, simply because you cannot end up with demonstrated outcomes in the timeframes of a government. That is, I think, the reason that, in the past, public health has always taken a back seat to the more obvious ends of Health.

I am very pleased that Healthpact and the Healthpact board have come up with a strategic plan that is significantly outside the timeframes of this Government. I hope - and I know - that they will continue to do so. If we do not have the sort of strategic plan we see in front of us today, our community simply will not have the impetus, the direction and the mission to become a healthier community. I am sure that, over the years, as Health Minister, I will have disagreements with Healthpact; and that is very appropriate. But I know that they have a very strong sense of where they are heading and where the community should be heading in terms of public health.

Question resolved in the affirmative.

CRIME AND SAFETY CONCERNS OF OLDER PERSONS
Final Report of ACT Community Safety Committee - Government Response

Debate resumed from 7 May 1997, on motion by **Mr Humphries**:

> That the Assembly takes note of the paper.

MR WOOD (5.04): Mr Speaker, in this debate I want to challenge the confidence of those who reported on the crime and safety concerns of older persons in the ACT. In his tabling speech, Mr Humphries said:

> The report indicates that in the ACT older people as a group are the least victimised across most crime categories.

That would be correct, I have no doubt. I do not want to challenge that statement. But I am not so confident about the recommendations and this view that old people are the least victimised. They are; but why are they the least victimised? I have little doubt that it is because they do not place themselves in a lot of situations where crime occurs; they do not drink to excess in places around the town; they do not get into brawls there; they do not drive cars dangerously; and they do not go into public places and get into brawls. Older people generally remove themselves from a lot of situations where crime occurs.

So, the statistic that says that they do not get into trouble more, or are not the victims of crime, is one that is a little dubious. If we are to get into a statistical review, we ought to look at some means of weighting those statistics to acknowledge that older people are at home more, they are not out as much, and they are a little more removed from a lot of the situations where crime occurs. Therefore, I think that the concern that older people have about crime is a legitimate one.

We are told that Canberra is the safest city in Australia, certainly the safest city for its size, and perhaps the safest city in the world. That is all right. I know that we say that. But it is not good enough. I do not think anybody in this chamber would dispute the argument that we have to be a lot safer, that we should act to return to some of the circumstances of 10, 15, 20 or even more years ago. Only months ago, there was a disturbing trend of crime in this city, where older people were actually targeted. One criminal knocked on the doors of people he knew to be old and forced his way in. That perpetrator was caught and is now paying the price of that.

There have been other circumstances where older people have been targeted and had handbags snatched. I worry that there is now a disturbing trend that older people are being specifically targeted. It seems unpleasant and unfortunate. It certainly is. But is there that trend? Therefore, is it enough to say in a report that the older people are the least victimised in our community? Is our community changing? Are the old and the weak more vulnerable and therefore more subject to attack?

There is one recommendation that is missing from this report. It is one that I expect we would all agree with, and that is: Stop crime. The recommendations are fine; but let me indicate the headings of those recommendations. The heading for the first series of recommendations is "Overestimates of the risk of being a victim of crime". There are a number of recommendations there to assure older people that things are not too bad. The heading for another range of recommendations, four in all, is "Security advice to older people". Indeed, we should provide such advice. Recently I went to a launch by the Chief Minister of a book giving security advice, mostly on how to better lock up your home. Another four recommendations come under the heading of "Participation of older persons in community safety programs". Finally, there are two recommendations under the heading of "Urban design and public place management programs".

We did need some focus on what, to me, has been a greater risk for older people in recent times because of their vulnerability, as instanced by recent crime in Canberra. I know that the police, the Minister and everybody are wanting to cut that out. I think, in the cases I referred to, the perpetrators have been caught. But we needed to make some focus on that and at least recognise that maybe there is a change in the public and that some people - some particularly unpleasant people - are focusing on the older people in our community. I repeat that I do not think that to say that they are the least victimised is the ideal way to go. Those statistics are heavily weighted against older people, because they do not put themselves in the situations that many others put themselves in.

That said, this report contains some useful things that now, in some part at least, have been recommended. But let us not get away from the basic recommendation and the basic thrust that we must all have: Let us do more and more, and let us work as hard as we can, all together, to stop crime.

MR HUMPHRIES (Attorney-General) (5.10), in reply: Mr Speaker, I thank Mr Wood for his comments. I also feel strongly that a recommendation to stop crime would be worth acting upon, although obviously I would be very interested, following that recommendation, to see the details of the implementation methods. There are two sides of any debate, but particularly of this debate. There is the reality of what is actually happening - the levels of crime, the levels of interaction with particular age groups, the levels of reaction to that crime once committed - and there is the perception or fear of the likelihood of being affected by crime.

Mr Speaker, when we deal with the actual impact of crime - the reality of crime - we must at the same time attempt to address the perception of crime. This report of the Community Safety Committee spent some time in doing that, attempting to find a path between appropriately preparing people - giving people the ammunition, so to speak, to prevent a crime from affecting them - for a possible encounter with crime or a potential for crime to be committed on them, and at the same time easing fears which will affect the quality of people's lives.

I have certainly noticed some occasions of older people being targeted for crime. There have been some quite conspicuous cases, one of which was mentioned by Mr Wood. I think that such cases come to our attention partly because the media are interested in occasions of older people being targeted for crime, because of the public reaction factor. People who react strongly to stories are more likely to consume the media product which is being put before them - by which I mean that people react to particular stories, and that is the sort of story, therefore, that media outlets like to put forward. I am not entirely sure whether or not it reflects a trend; but, to the extent, Mr Speaker, that there are any people in our community who are targeted because they are vulnerable, then we have a task before us collectively to prevent those occasions from occurring and to work towards the effective apprehension of people who might prey on older people or other people who are in vulnerable categories for that reason.

I believe that we have much that we can do. Obviously, this Government's strategy is multifaceted. It is based on increasing the resources available to police and increasing the number of police actually on the beat in our city. There is some evidence that that is having beneficial effects already; but it needs to be carried through in a much more sustained way, considering alternative means to deal with problems of crime, particularly of crime prevention. Having cameras in public places is one measure that this Government believes is likely to have an impact in those areas. Mr Speaker, at the end of the day, there is a personal responsibility resting on all of us to better prepare our community for this kind of issue and to prevent crime in our own homes. I think that we can learn much from this report that is before the Assembly today.

Question resolved in the affirmative.

SCHOOL-BASED MANAGEMENT - EQUITY IMPLICATIONS
Government Response

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

That the Assembly takes note of the paper.

MS McRAE (5.15): This issue will not die and will probably not be finished today, I suspect; but I think that this paper is a fair response to the issues that were raised. The ongoing concerns are real, and no doubt will make themselves more apparent as the year goes on. I think every effort has been made to make sure that the allocation of resources for school-based management in the first place was equitable; but there are some fundamental structural differences between the schools, and the allocation of funding based on historical records placed an uneven burden on schools, as new ones particularly had not produced a pattern of expenditure which was as even as that for a school that had perhaps been around for 20 years. These are difficult problems which the department is not unaware of; but they must continue to be monitored and dealt with in a far more flexible manner than I have seen thus far.

The issue was discussed last year, when it was clear that some small schools were worried about it. I think those small schools are still very worried about it. Although in this paper some attempt has been made to deal with their concerns, I will be very interested to see how the year proceeds and then I will call on the Government to do a fairly major review of how those small schools, particularly, are proceeding. I note that a school resources group was established and that central reserves will be available for unforeseen costs; but, again, it is an untested fund and there is an untested series of unforeseen costs. It will be very interesting to see what the experience of this year teaches us in terms of just how many of the fears that some schools expressed were realised.

The problem for many schools is that it is such a hit-and-miss affair as to whom you get on your board; how your P and C works; essentially, whether your principal can stay all year, because sometimes people are on transfer or are sick. So, there are many circumstances which create unforeseen difficulties for schools, which I am not entirely convinced are being dealt with thoroughly. As I say, I will be very interested to see how they are reviewed. I note that on page 4 it was said:

> Every effort has been made to ensure schools will be adequately funded irrespective of their type or location. Equity of access to educational experiences and equipment will not be affected by devolving more financial responsibility to schools. All students will continue to have access to the equipment necessary for learning.

So, the spirit of what is wanted is there; but whether that can be delivered in practice is what I think we need to closely monitor and together make sure that the real needs of different schools are not overlooked as a result of some need to keep control and a fear that, if we give it to them, perhaps we will have to give it to somebody else.

As I have said in previous debates, a great deal of very sensitive flexibility has to be allowed in this area, and perhaps some better reporting back to the Assembly or reporting back to the parent-teacher community will help people in their ups and downs. The fear with this is that, even if you get school-based management working for one year, due to circumstances like the principal's absence or difficulties within the school, they may have bad patches and good patches. So, it is not something that I think we can just push away and say, "Right, schools; you have got it. Get on with it and manage as best you can". I take the spirit of the paper to be in accord with those requirements, and I urge the Minister to maintain dialogue with us all to reassure both the schools that are concerned and members of the Assembly that their issues are being taken seriously.

The interesting element of school-based management is the one that claims:

> The principles under which ... [school-based management] has been developed incorporate equity considerations. The principles are as follows:
>
> > Improved outcomes for students: increased decision making and resource management enhances the school's flexibility to develop, improve and adapt curriculum.
> >
> > ... ...

The one that is the most hotly contested by people who are concerned about school-based management is how we measure, how we know, that improved outcomes for students are an inevitable consequence of school-based management and how, in fact, all this increased flexibility does help. Many teachers and principals are now finding themselves being administrators and fundraisers, coordinators and managers, rather than educators. There is an inevitable drift away from the focus on teachers and principals being teachers and principals and actually imparting quality education to their students and a drift towards more and more requirements for good administration skills, which are not necessarily useful in producing good education outcomes. So, I think that remains a central area of concern.

I can understand that, in the principles of trying to manage for fairness, accountability, community involvement and transparency, we can eventually monitor all of those and see them; but I think a great deal more thought and perhaps concern have to be investigated and dealt with for the improved outcomes for students. It is not absolutely clear how improving the flexibility of administration and the management of funds in the school is necessarily going to have any better outcome for students. It may be that some school communities think that painting walls, maintaining very high standards of cleanliness and mowing lawns frequently have some educational benefit. There will be others who think that, ignoring all of that, letting the cleaners come in only once a month, not mowing the lawns and buying more computers is the way to improve student outcomes. I understand the notion of leaving schools to make those choices; but it does not necessarily produce a uniform improvement in outcomes.

I see that still in the Government's paper they claim as one of the benefits of school-based management this capacity to convert staff relief resources into cash and vice versa for greater flexibility. I have said before that this is an issue of major concern to me, and it remains an issue of major concern. I cannot see how this is a fair and equitable process. If teachers are sick, teachers are sick, and they need relief. If a school has gone and converted all its staff relief resources into cash and then suddenly six teachers are taken ill, what is the school meant to do? These resources are very costly to replace. It is something that I am not convinced is for the good of the management of our schools.

I understand that many schools look at this relief fund with great glee, because it is a very rich fund; but, again, I cannot see how it improves student outcomes or the running of the school. It leads to inevitable pressure on the teachers who are not sick and puts a great deal of drama into a school when you have a very nasty flu going around, as it is at the moment, and suddenly you have a very large number of teachers not available. What do you do if you have no more relief funds? There are contingency funds; but contingency funds could not cover something as expensive as perhaps six teachers being out for a whole week in a school that has already used up its staff relief funds, let us say, on a spending splurge early in a year.

These sorts of inequities and difficulties have to be monitored. I really worry about this business, because it is a removal of the right for children to have a teacher taking care of them in their own classroom setting or in the right ratio. Inevitably, if the relief fund runs out, children will be sharing classes with others, they will not have a relief teacher there and they will have a less adequate educational experience. I think that this is an area that has to be watched with very careful concern.

The equity program came under great scrutiny early in the year and was amended by the Minister after quite a deal of outcry. It is an issue that I know the Minister has his ministerial advisory committee looking at. It is an issue that I am extremely interested in, because it is very difficult. I have no qualms about saying that this is an exceptionally difficult issue. For historical reasons, we have relied on the Commonwealth's definition of disadvantaged schools because it has come from the disadvantaged schools fund and it has been a Commonwealth responsibility to distribute these funds. On that basis, the ACT has come up with only one or two schools that actually fit into that category. It being a national category, one would expect that very few schools in the ACT would be as disadvantaged as other schools around Australia.

However, what we have to deal with here is the relativities within our own system, never mind the rest of Australia. So, I will be very interested to see whether we can come up with a better definition of who needs this equity support, not just through the equity programs as they have been defined, and how to better meet those needs within our system, with our own definitions and comparisons, rather than a national one. I know that the ACT Council of P and C Associations has been grappling with this issue. I know that many other jurisdictions have tried to deal with this issue. I understand that it is fraught with difficulty. But I urge the Minister to keep his advisory committee working pretty hard and long, and to provide them with as much information as they need,

because it is something that we need to be assured that we are on top of and can deal with and that these students who are at risk are not put further at risk with both school-based management placing further strains on their schools, which it inevitably will, and then the absence of a schools equity fund that allows flexibly for their needs to be administered and thought about properly.

I just took this opportunity to raise a few concerns. It seems to me that the Government, at least in this paper, has taken on board some of the issues that have been raised. It is not insensitive to the issues. But I foreshadow that there are schools that are struggling and that will continue to struggle and will need a lot of assistance. I think that we, as an Assembly, whilst noting this paper, should urge the Minister to provide as much flexible support and understanding of these variations as possible. In many cases, they will not be permanent. We know very well that schools go through ups and downs. The mere giving of extra support one year would seem to me to be a catalyst for improvement the following year rather than a commitment that would go on forever. We will wait and see. As I say, I do not think this issue is closed.

MS TUCKER (5.26): I support most of what Ms McRae said. I will be brief, because I think she has covered most of the issues and it is late. In the paper, the Minister, or whoever wrote the paper, pointed out that when market forces have come into play with schools there have been quite serious repercussions in the UK and other places. He seems pretty sure that it will not happen here. I hope not. I see that he supports market principles in just about everything else he does. I can see a very strong philosophical approach that is about market principles in schools too, when he says that choice is an important aspect of the ACT system. If that is combined with school-based management or a lack of equity payments, market forces result in disastrous consequences. We can see that quite clearly in other countries.

Right now, we have the Smith Family providing a scholarship for children to go through our public school system. I think that says it all. That is why I am really worried, and probably why Ms McRae is really worried, in seeing something like school-based management in that climate, where added strain is put on principals, who have become financial managers. I have heard Mrs Carnell say on several occasions, when things have collapsed in various areas, that it was not anything to do with her; it was the financial management of that group that was at fault. It would be extremely unfortunate if we saw that hands-off approach applied to schools that get into trouble.

The equity issue is of huge concern. As Ms McRae said, equity payments are complex. Already this year, we have seen huge stuff-ups, basically, in that area, which makes it difficult for me to feel confident about how this Minister is handling this issue. It was only through extreme political pressure that the Minister reconsidered his approach at that time. I see rhetoric in this paper and I see acknowledgment of concerns, but I am not reassured that all will be well. I will be watching with Ms McRae to see that there is very serious attention given to these issues.

MR SPEAKER: There is a lot to watch, Ms Tucker.

MR STEFANIAK (Minister for Education and Training) (5.28): Mr Speaker, naturally, with anything that is a little bit different, there are always some reasonable ongoing concerns. Generally, a number of the points Ms McRae mentioned have a lot of merit. Obviously, she has expressed a number of concerns which some people in the system have. I will come to the positives later, Mr Speaker; I will just deal now with a few points that have been made.

Ms Tucker: Please - - -

MR STEFANIAK: I do not want to be terribly long either, Kerrie; do not worry. Ms McRae mentioned some ongoing concerns with a few small schools, and that is so. That is why the department has such things as help desks or even people who go out and assist. We realise that in Canberra we are blessed by having a pretty homogeneous population, people spread right throughout the city, no real ghettos or areas of extreme social disadvantage like some other cities, although there certainly are pockets of it. We are lucky that, in most situations, on a school board you will always find one or two people who have relevant expertise and some good ideas, who really can assist a school in terms of enhanced school-based management. We are also blessed with some very skilled teachers and some very skilled principals. I think that is of immense assistance, too, when we talk about enhanced school-based management.

Ms McRae talked a bit about hit-and-miss - whom you get on the board and whether the principal stays all year. Those are quite relevant. Those things do happen. You might have an absolute champion as chair of a board, who suddenly leaves, and you might have trouble replacing that person. You might have a problem of a principal going halfway through. I hark back to the fact that in the ACT we are blessed with some very talented people in our community and certainly some very talented teachers and school principals in the system to take up the reins, should that happen.

Ms McRae also mentioned the question of relief funds. She also suggested that there is certainly a trial and error factor there. In terms of that, I suppose it is very much a matter for the schools themselves to see what is best to accommodate the unique needs of each school population. I would imagine that there might be a little bit of trial and error in that, and occasionally maybe a bit of error. I hark back to what we have set up in the department to assist, as far as we can, each individual school with any problems it might have.

Ms McRae mentioned the equity fund - I will come back to that shortly - and also flexible support and understanding that the variations are not necessarily permanent. I think that is an important point. I hope that what we have set up will provide that flexible support and that understanding of the fact that there are variations between schools. I was pleased to hear Ms McRae say that she certainly would not see that as being permanent.

To date, we have had a few individual problems. There have been a few schools - and they have generally been small schools - that have had a few problems, and the department has instructions in place to help them. In the vast majority of cases, we have seen people within the school take to this, not quite like a duck to water, but certainly appreciating the increased flexibility and, in many instances, the ability of the school to have the discretion to spend up to $5,000 on maintenance and things like that, whereas, before, they were restricted to $1,500. I have seen already some instances of schools doing some very good things as a result of the increased flexibility that they have.

Ms Tucker mentioned market principles. She criticises Mrs Carnell and this Government in relation to that; but I suppose she has a hang-up on the other side of the fence, in terms of being overly negative about them. I do not think market principles are the be-all and end-all, Ms Tucker. There are a lot of factors that come into account here; but, certainly, I do not think you should discount them as much as you perhaps do. One of the things we have been able to do here, and I think it must be apparent from the procedures the department has already put in place, is learn from mistakes in other areas. We can learn from mistakes made by New Zealand and the United Kingdom. Perhaps Ms Tucker concentrated a little bit too much on the negatives there, rather than on the actual positives.

In relation to the schools equity fund, as Ms McRae indicated, whilst it is not a huge amount of money, there are certainly a lot of complexities there, and a lot of work has already been put in by a lot of people, in terms of trying to get that right. Ms Tucker talked about what she called "stuff-ups". In actual fact, the special committee that is looking at that now is still to report to me. After all the hype and the hoo-ha in relation to that, on all the information provided to me, including information from the union, it basically got back to the fact that the only actual figures, apart from hearsay and anecdotal evidence, that anyone actually produced were those 1991 figures. There was one document - a 1995 document - where one suburb in the far south of Tuggeranong was mentioned. They were unemployment figures, but none of the other subjects were mentioned.

Ms Tucker: You do not look at the situation?

MR STEFANIAK: We are looking at the situation, Ms Tucker, and I will tell you this too: Because I am interested in the welfare of the students and because we are not talking about a huge amount of money but we want to distribute it as fairly as possible, I will err on the side of giving people the benefit of the doubt in relation to this. It is interesting to note that Ms McRae was quite right here. It is not an easy process. The specialist group - comprising the union, principals, P and C representatives and the department - which is examining that and reviewing it is not finding it an easy task. But the ministerial advisory committee is looking at the long term and at the best way of doing that. I think it is handy to have a small group to actually suggest the allocations. The group I have suggested, of those representatives from those four most important areas within the education set-up, is keen to continue in that role. I see great merit in that. So, I think, what we will end up with on a permanent basis is a very effective use of that schools equity fund, which I think is a very good initiative and will greatly assist in this particular area.

Mr Speaker, schools have been taking on increasing responsibilities for the management of a range of resources. As I indicated, I now want to look briefly at the positives. The feedback from schools, I think, generally has been very positive. That is not a surprise to me. The consultation process undertaken on extended school-based management was thorough and comprehensive. The knowledge and the on-the-ground experience brought to bear during that consultation were bound to result in a process that could only benefit our schools and our students. In addition, the implementation of the initiative was very carefully planned, taking into account in a considered and cooperative way issues raised during that consultation period. The extended school-based management model incorporates the requirements which were clearly identified as priorities by the community during that process. Those were that the community wanted outcomes for students, fairness, accountability, community involvement, and transparency. Mr Speaker, that is what they are getting.

It is clear that the concerns raised by Ms Tucker earlier on the equity aspects of extended school-based management were, in a way, satisfied even before she uttered them. Far from detracting from the principle of equity that has always underpinned school education in the ACT, extended school-based management extends that principle, and it is further enhanced by the schools equity fund. Mr Speaker, the new arrangements will result in enhanced equity of access to educational resources. Extended school-based management will increase community involvement in the resource decisions, increase transparency in allocating resources and improve mechanisms for review and adjustment of allocations. Significant effort has been put into ensuring that the initiative contains a very explicit model for allocating each of the items funded. The new arrangements focus particularly on transparency and on equity implications.

As well, Mr Speaker, a school reference group has been established to monitor implementation of the initiative. Extended school-based management has provided schools with the means to review and adjust their allocations to areas of greatest need. Mr Speaker, the school resources group meets at least four times a year. It has been established to support schools by monitoring the extension of school-based management, overseeing the school assistance program, adjudicating on requests from schools for reviews of their resource allocations, and identifying significant issues that might impact on the success of school-based management in our schools. That resources group is made up of school principals as well as departmental representatives. Mr Speaker, that group is just one of the mechanisms we have put in place to assist schools in the transition. Others include a schools assistance program, a range of help desks for schools to contact, a school-based management coordination unit and a professional development program for school-based management providing training and advice for principals, bursars, registrars, janitors, parents and support staff.

Mr Speaker, the extended school-based management model now operating in ACT schools gives schools the flexibility to allocate school resources according to their needs and the priorities of the individual schools. I think it contributes significantly to the effective use of funding available for government schooling. It enhances the transparency and equity of schools resourcing and, Mr Speaker, it is an ongoing process.

It is something that the department is closely monitoring. As I have indicated a few times in this house before, if any individual school does have a problem, they should let me or the department know. There are all those mechanisms there to help them. Mr Speaker, I commend the paper to the Assembly, and I thank members for their comments.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Uranium Mining

MS TUCKER (5.39): I wish to speak about a very important issue - uranium mining in Australia.

Ms McRae: Good God!

MS TUCKER: The Federal Government is proposing several new uranium mines across Australia. Ms McRae is not interested. That is fine. I will get this on the record and I will say it in every adjournment debate that I can until it is absolutely useless, because right now we are having this looked at by the Federal Government and I think it is probably the most scandalous and most inappropriate thing that is happening in Australia right now; that is, this Federal Government's approach to uranium mining. Yesterday, Mr Moore said that he wondered what things done by our generation now future generations would regret. I can tell you: This will be the thing that we will be condemned for.

Right now, the EIS for the Jabiluka mine has been lodged with the Government, and Senator Robert Hill has 42 days in which to respond. The EIS should never have happened, because it is a ridiculous proposal. Jabiluka lies within the Kakadu National Park, a World Heritage area, 20 kilometres north of the existing Ranger mine. Uranium ore extracted at Jabiluka would be processed at the ageing Ranger uranium mine, which has a history of minor and major accidents. There is no way that this uranium mine cannot impact severely on the World Heritage values of Kakadu.

The mine would generate significant quantities of contaminated water that would need to be discarded, adding to the already critical water management problems that threaten Kakadu's precious wetlands. It would also pose a radiological risk to workers. An increase in lung cancer from uranium mines has been reported in many studies.

The Jabiluka proposal by ERA would also include a road and bridge construction in a previously undisturbed area. The Aboriginal people of the area - the Mirrar people - are also opposed to this mine. They have indicated that they will accept no mining royalties if the mine proceeds. On this basis alone, the mine should not proceed. They also launched action in the Federal Court, on 11 June, challenging the validity of the Jabiluka mineral lease. Other proposals are the Kintyre deposit - 1,200 kilometres north-east of Perth - Yeelirrie and Honeymoon. All are in arid areas and would require underground water, which poses huge risks of ground water contamination - not for five years, not for 10 years, but for hundreds of thousands of years. There is also a proposal on the table to expand Roxby Downs.

Uranium is a serious hazard to both people and our planet for a greater length of time than any of us can even imagine. Radioactive waste can remain a hazard for hundreds of thousands of years. There is still no proven technology for safely storing waste. It is one of the most toxic substances on the planet, and these costs will be borne by future generations. I say this in our local parliament because I believe that, if we had more politicians standing up in local parliaments and speaking against this Federal Government's policies on uranium, we might see some change. I wish that I could see support on this issue from other members in this place, who would join me in the adjournment debates for the next sitting period, next week.

Question resolved in the affirmative.

Assembly adjourned at 5.42 pm until Tuesday, 24 June 1997, at 10.30 am

ANSWERS TO QUESTIONS

Attachment A

MINISTER FOR BUSINESS AND EMPLOYMENT
LEGISLATIVE ASSEMBLY QUESTION
Question No. 413

Business Services Centre

MR CORBELL: To ask the Minister for Business and Employment - In relation to the ACT Business Services Centre-

(1) When did the Business Services Centre shopfront, located in the North Building, cease operation?

(2) What were the services formerly provided by the Centre to prospective business operators and what forms of ongoing support did the Centre provide for business operators already in operation?

(3) How many face to face business interviews were conducted by the Centre from 1 January 1996?

(4) How many business related phone and counter inquiries did the Centre receive from 1 January 1996?

(5) How many people attended the Centre pre-business seminars for small business intenders from 1 January 1996?

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

(1) The Business Services Centre shopfront, located in the North Building, ceased operation on 31 December 1996.

(2) The Business Services Centre had four components; First Stop Information Service; helpSHOP; ACT AusIndustry and the Agents Board. The First Stop Information Service has been contracted to Business Link. The First Stop Information Service provided a referral, information and seminar service for business and potential business operators in the ACT. In addition to the services provided by the First Stop Information Service, ACT AusIndustry and helpSHOP, which are now part of Business Development in the Department of Business, the Arts, Sport and Tourism, provided and continue to provide support for business operators already in operation.

(3) The Business Services Centre had 1,157 business contacts between 1 January 1996 and 30 June 1996. A similar number of contacts were conducted between 30 June 1996 and 3 1 December 1996. No formal records were kept after 30 June 1996. In addition, the helpSHOP service provided business advice from a mobile van travelling around local shopping centres. 3,500 services were provided by helpSHOP from the 1 January 1996 to the 31 December 1996.

(4) The Business Services Centre handled 5,788 telephone and counter inquiries between 1 January 1996 and 30 June 1996. It is estimated that a similar number of telephone and counter inquiries were handled between 30 June 1996 to December 1996. No formal records were kept after 30 June 1996.

(5) 355 people attended the Centre's pre-business seminars for small business intenders between 1 January 1996 and 30 June 1996. It is estimated that a similar number of people attended the Centre's pre-business seminars from 30 June 1996 to December 1996. No formal records were kept after 30 June 1996.

Attachment A

MINISTER FOR BUSINESS AND EMPLOYMENT
LEGISLATIVE ASSEMBLY QUESTION
Question No. 414

Business Link

MR CORBELL: To ask the Minister for Business and Employment - In relation to ACT Business Link -

(1) What Business Link services are to be provided under the contract awarded to the ACT Chamber of Commerce and Industry.

(a) What is the period of service provision under the contract.

(b) On what date did the contract specify that service provision commence.

(2) Does Business Link have a shop front presence. If so,

(a) where is this shop front located; and

(b) what are its regular hours of operation.

(3) How many face to face business interviews has Business Link conducted since the beginning of service provision.

(4) How many business related phone and counter inquiries has Business Link received since the beginning of service provision.

(5) How many people attended Business Link pre-business seminars for small business intenders since the beginning of service provision.

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

In relation to Business Link -

(1) The ACT and Region Chamber of Commerce and Industry is contracted to provide business information, advisory and referral services to ACT Businesses, known as Business Link. The period of the service provision is from 20 January 1997 to 19 January 1998. Service provision commenced on the 20 January 1997, database recording of inquiries commenced on the
1 February 1997.

Business Link is subject to a thorough accountability process to ensure that it fully complies with the requirements of the contract. This process includes:
(a) a follow-up system for all inquiries;
(b) a customer satisfaction survey sent out to all clients and reported on every six months; and
(c) a Supervisory Committee of senior ACT Government and business representatives to continually improve service provision.

(2) Business Link's shop front presence is located at the ACT and Region Chamber of Commerce and Industry premises; 12A Thesiger Court, Deakin. The regular hours of operation are 8:30am - 5:00pm Monday to Friday.

(3) Business Link service has refocussed the business inquiry service to encourage more productive contacts. A detailed initial inquiry survey is completed during the first visit or telephone call to clearly establish the clients needs. Printed information is provided to clients with general inquiries. Clients with specific needs are offered a 30 minute face-to-face interview. Interviews have been conducted with 82 clients from the beginning of data base recording on the 1 February 1997 to the 1 April 1997. All inquiries and interviews are followed up with a letter and phone call. The objective of this practice is to encourage further contact with Business Link if it could be productive.

(4) Business Link has handled 486 business related phone and counter inquiries from the beginning of data base recording on the 1 February, 1997 to the 1 April 1997.

(5) 16 people attended the first Business Link pre-business seminar for small business intenders. One seminar has been conducted since the beginning of service provision.

Attachment A

MINISTER FOR BUSINESS AND EMPLOYMENT
LEGISLATIVE ASSEMBLY QUESTION
Question No. 415

Business Commencements and Cessations

MR CORBELL: To ask the Minister for Business and Employment - In relation to the number of businesses in the ACT - how many businesses have

(1) ceased operation in the ACT since 1 March 1995;

(2) begun operation since 1 March 1995;

(3) ceased operation in the ACT since 2 March 1996; and

(4) begun operation since 2 March 1996.

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

The following information, provided by the *ACT Registry*, register of business names, relates to the registration of business names only. This information does not accurately reflect the numbers of business starting and finishing, because business names may be registered and never commenced and businesses may cease operation without deregistering the business name. The number of businesses that have deregistered a business name between 1 March 1995 and 2 March 1996 is 372. The number of businesses that have registered a business name between 3 March 1995 and 2 March 1996 is 4259. The number of businesses that have deregistered a business name between 2 March 1996 and 13 May 1997 is 499. The number of business that have registered a business name between 3 March 1996 and 13 May 1997 is 5324.

An alternative indicator of business commencements and cessations is provided by Australian Securities Commission (ASC) data on corporate insolvencies and terminations and new companies incorporated. The data only relate to incorporated businesses so exclude unincorporated businesses (such as sole proprieters and partnerships). Provisional unverified data are available on a monthly basis. However, due to the data being significantly affected by the timing of lodgement and processing of corporate documents, official data are only released on a financial year basis.

Additionally, the data are allocated amongst states and territories on the basis of the place of incorporation rather than where the business is carried on. As a result, data for the ACT include businesses that are incorporated in the ACT but are physically located interstate.

Provisional unverified data for the eight months from 1 July 1996 to the end of February 1997 indicate that there have been 144 corporate and insolvencies and terminations in the ACT. This was more than offset by 1 021 new incorporations during the period.

Official data for 1995-96 indicate that there were 237 corporate insolvencies and terminations as opposed to 1 219 new incorporations in the ACT.

Over the twenty month period since the commencement of 1995-96, the ACT has averaged 19.0 corporate insolvencies and terminations and 112.0 new companies incorporated per month. This compares favourably with an average 19.3 corporate insolvencies and terminations and 94.1 new incorporations during the previous three years. This is despite the ACT economy slipping into recession as a direct result of the massive reductions in both spending and employment by the Commonwealth Government.

A further indicator that the general plight of ACT businesses has not significantly worsened despite the economic downturn is provided by the latest data on payroll tax collections in the ACT. Payroll tax collections are estimated to increase by $3.0 million during 1996-97, relative to 1995-96. This is despite a reduction in the tax rate imposed from 7.0% to 6.85% and an increase in the threshold from $600 000 to $700 000 from 1 January 1997.

Attachment A

MINISTER FOR BUSINESS AND EMPLOYMENT
LEGISLATIVE ASSEMBLY QUESTION
Question No. 416

Business Services Centre

MS TUCKER: To ask the Minister for Business and Employment - In relation to the contracting out of the Business Services Centre -

(1) Was an evaluation conducted to gauge the level of community satisfaction with the service before it was contracted out to the private sector.

(a) If so, what were the results of the evaluation.

(b) If not, how has the Government received client feedback on the effectiveness of the Business Services Centre and other ACT Government funded business services.

(2) Can you provide detailed information on (a) the outcomes that were agreed to be delivered with the service; and (b) the progress to date in meeting these outcomes, in particular

(i) the value of the contract;

(ii) the number of staff employed to run the service by the organisation that won the tender;

(iii) the number of clients to be assessed on a quarterly basis;

(iv) the nature of the service to be delivered;

(v) how the outcomes the Government has agreed to differ from the service that was delivered before being contracted out;

(vi) the processes the Government has in place to monitor compliance with the contract and the effectiveness of the service.

(3) Has the Government received any feedback on the operation of the new service.

(a) If so, what were the results.

(b) Does the Government conduct regular client satisfaction surveys about the quality of business services in the ACT generally.

(c) Does the Government conduct regular client satisfaction surveys about the quality of the services delivered by this particular service.

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

In relation to the contracting out of the Business Services Centre -

(l) There was no formal evaluation survey carried out to gauge the level of community satisfaction with the service before it was contracted out. However, there was considerable consultation with major business groups in the ACT.

(1b) The Government has received feedback on the effectiveness of the Business Services Centre and other ACT Government funded business services through two mechanisms. Firstly, Customer Focus Groups were undertaken by the Department of Business, the Arts, Sport and Tourism in September 1996 specifically dealing with business services. These Groups indicated that there was a poor perception of the public services provided by the former Business and Regional Development Bureau including the Business Services Centre. Two of the major irritants were identified as a lack of customer focus and service and poor communication and consultation with business. Secondly, customer satisfaction surveys are part of the Purchase Agreements between the Department and the Government. A recent survey undertaken by the Business Development area indicated a high satisfaction with business services.

(2a) The outcomes that were agreed are:

(i) the provision of and access to timely and professional advice for small and medium sized business operators and potential business operators to support them in the establishment and operation of their businesses;

(ii) the reduction of the incidence of failures by businesses in the ACT;

(iii) the provision of access to professional advice and best practice for business operators seeking to develop their businesses;

(iv) the measurement of all outputs;

(v) the provision of regular and detailed reports to Government and industry, to assist in future planning and issues management;

(vi) the provision of relevant, quality assured seminars and workshops for business operators, at an affordable price;

(vii) the combining of the resources of the ACT Chamber of Commerce and Industry and the Confederation of ACT Business, and through this synergy add value for new business operators;

(viii) the provision of information and advice on Industrial Relations;

(ix) the maintenance of a close working relationship with the Department of Business, the Arts, Sport and Tourism; and

(x) the provision of advice which is at all times objective, unbiased and designed to assist clients achieve best practice, and at no time should membership of the ACT Chamber of Commerce and Industry or the Confederation of ACT Business be a prerequisite for assistance.

(2b) Business Link has met these outcomes by providing these services to some 486 clients up to 1 April 1997. It has provided regular quarterly reports to Government on its activities and has maintained a close working relationship with the Department of Business, the Arts, Sport and Tourism both formally through the quarterly reports and the Supervisory Committee, but also through regular referral of clients to other business services and meetings with departmental officers.

(2) (i) the value of the contract is $180,000;
(ii) the number of staff employed is 3;
(iii) the number of clients who assisted in the March quarter was 137; The June report is not due yet.
(iv) the nature of the services to be delivered is the provision of business information, advisory and referral services;
(v) the new service being provided has far more comprehensive service objectives as set out in the answer to question 2(a).

(vi) The processes which the Government has in place to monitor compliance with the contract and the effectiveness of the service include:

(a) a follow-up system for all inquiries;

(b) a customer satisfaction survey sent out to all clients and reported every six months;

(c) a Supervisory Committee of senior ACT Government and business representatives to continually improve service provision; and

(d) the provision of a quarterly activity report.

(3) The Government is in the process of receiving feedback on the operation of the service from the first six monthly customer satisfaction survey, as required in the contract arrangements. However, the Government has asked for an informal report on the numbers of clients handled up to 1 April 1997.

(a) This report indicates that the service has handled 486 business related phone and counter inquiries from the beginning of data base recording on the 1 February, 1997 to the 1 April 1997. 16 people have attended the first Business Link pre-business seminar for small business intenders. One seminar has been conducted since the beginning of service provision.

The first six monthly customer satisfaction survey has only recently been mailed. Responses are starting to come in but are yet to be collated.

(b) The Government, as part of its Purchase Agreement with the Department of Business, the Arts, Sport and Tourism seeks customer satisfaction levels with the services provided as a performance measure. Customer satisfaction surveys are therefore a basic requirement in fulfilling this performance measure.

(c) The Government does not conduct regular client surveys about the quality of the services delivered by Business Link. It has, as part of its contract, a requirement to conduct six monthly customer satisfaction surveys, the first of which was initiated in May 1997. The responses are currently being sorted and collated. The report on the survey is not due until the end of June.

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 417

Housing Trust Tenants - Evictions

MS REILLY - Asked the Minister for Housing and Community Services -

(1) How many tenants were evicted from ACT Housing properties during the period of 1 July 1995 to 30 June 1996

(a) by date;

(b) by reason;

(c) by gender; and

(d) by property type.

(2) How many tenants were evicted from ACT Housing properties during the period of 1 July 1996 to 7 May 1997

(a) by date;

(b) by reason;

(c) by gender; and

(d) by property type.

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

TENANTS EVICTED FROM ACT HOUSING PROPERTIES DURING THE PERIOD OF 1 JULY 1995 TO 30 JUNE 1996

Month	Total Warrants Executed
July 1995	5
August 1995	0
September 1995	6
October 1995	3
November 1995	4
December 1995	5
January 1996	1
February 1996	0
March 1996	0
April 1996	0
May 1996	13
June 1996	6

TENANTS EVICTED FROM ACT HOUSING PROPERTIES DURING THE PERIOD OF 1 JULY 1996 TO 7 MAY 1997

Month	Total Warrants Executed
July 1996	2
August 1996	3
September 1996	13
October 1996	7
November 1996	12
December 1996	6
January 1997	6
February 1997	19
March 1997	18
April 1997	21
7 May 1997	3

Figures available are not broken down into reason, gender or property type because this information is not readily available. To obtain this information would involve an unreasonable diversion of resources.

The two main reasons for carrying out an eviction are because of rental arrears, breach of tenancy such as unauthorised subletting; neighbourhood complaints and damage to properties.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 418

John Dedman Parkway - Maunsell Pty Ltd Consultancy

On 13 May, **Ms Horodny** MLA asked the Minister for the Environment, Land and Planning the following questions:

1. In selecting Maunsell Pty Ltd as the consultant for undertaking this study:
   (a) what tender process was followed; and
   (b) how much is Maunsell being paid for this study.

2. What other consultants (a) bid for the study; and (b) what financial amounts did they propose for undertaking the study.

3. What other consultancies has Maunsell Pty Ltd been engaged for the ACT Government (a) over the last 5 financial years; and (b) the amounts paid to Maunsell for each of these consultancies.

4. How did the Government address the potential conflict of interest held by Maunsell Pty Ltd in that this company is expected to undertake an independent assessment of the need for this Parkway when this company also undertakes engineering work for new roads and could financially benefit from future decisions to build the John Dedman Parkway.

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

1(a) A database of all consultants who have registered interest in performing engineering consulting work for the ACT is maintained by the Department of Urban Services. This database was interrogated and a short list of four consultants selected, including Ove Arup and Partners, Snowy Mountains Engineering Corporation (SMEC), Maunsell Pty Ltd and W P Brown and Partners. These four consultants were invited to provide a proposal for the study. The proposals were assessed by a three person panel and the study awarded to Maunsell Pty Ltd.

The selection process broadly followed that recommended by the Association of Consulting Engineers, Australia, and criteria against which the various consultants' proposals were evaluated included: relevant experience of the firm; technical skills of the team; methodology; time performance; recorded past performance on tasks performed by Totalcare; and price.

1(b) Maunsell Pty Ltd's price for the originally defined work was $227,650. The project allowance, including contingencies, is $300,000.

2. Ove Arup and Partners had a combined submission with W P Brown and Partners. Their price for the originally defined work was $250,000, and had a project allowance of $300,000.

SMEC Australia's price for the originally defined work was also $250,000, within a project allowance of $300,000.

3. Following is a list of consultancies undertaken by Maunsell Pty Ltd for Totalcare (formerly ACT Public Works) over the last five years, together with consultancies undertaken for the Planning and Land Management Group during the same period. It should be noted that, in many cases, the amounts paid to Maunsell Pty Ltd include monies which that firm will have paid to sub-consultants, and the total figure does not necessarily represent payments to Maunsell Pty Ltd only.

It should also be recognised that the total amounts expended on consultancies undertaken by Maunsell Pty Ltd represents a proportion only of the total budget for consultancies during the periods in question. The information in the following table does not include any payments made through the Department of Health, Department of Education and the Chief Minister's Department.

Consultancies (1992/93 - 1996/97)	**Amount Paid**
Planning and Land Management Group	
Horse Park Drive/Gas Pipeline, Gungahlin Alignment and Engineering Study	$94,975.00
Canberra Parking Plan	12,000.00
Casey Estate Engineering Services and Link Road Study	18,800.00
EDM Base, Watson - Pillar Stabilisation - Inception Report	1,450.00
EDM Base, Watson - Pillar Stabilisation - Geotechnical Investigation	2,150.00
Total	$129,375.00
Totalcare (including former ACT Public Works Group)	
Mirrabei Drive-Ginninderra Pond 3 Distributor Inclusive	$405,283.00
Study of Future Transport Options for Canberra	241,896.00
Woden Valley Signage for Pedestrian Crossing	900.00
Yamba Drive/Hindmarsh Drive Signal Upgrade	12,374.00
Flemington Road/Northbourne Avenue Traffic Signals	52,630.00
Monaro Highway Benefit - Cost Study	2,950.00
Yamba Drive/Hindmarsh Drive Traffic Signal Upgrade	3,544.00
Exhibition Park Master Planning	59,550.00
ACT Public Hospitals Redevelopment Package 27b/3	8,050.00
Woden Valley Hospital Package 25 - Carpark Structures	130,317.00
Pine Island Recreation Area Traffic Calming	15,550.00
Nicholls Distributor Road Adjacent to Community Precincts	63,750.00
Gungahlin Drive Connect to Barton Highway	441,119.00
Intertown Public Transit Corridor D St. 1 (Technical Design)*	0.00
Drakeford Drive Duplication Isabella Drive to Johnson	244,829.00
Morshead Drive-Kings Avenue Roundabout Improvements	145,273.00
Watson Traffic Management Traffic Capacity Improvements	32,060.00
Various Areas Guardrails and Other Safety Measures	4,858.00
Safety Measures Mt Ainslie Drive	5,162.00
Morshead Dr. St 2-Russell Dr. Road Capacity Improvements	188,897.00
Federal Highway Duplication Route Option Evaluation	52,985.00
Watson & Downer Urban Consolidated Traffic Management	60,632.00
Mugga Lane Landfill Extension	63,200.00
John Dedman Parkway Environmental Impact Statement	102,620.00
Watson & Downer Traffic Management Trips Model	13,412.00
Intertown Public Transport Route Development*	0.00
Morshead Drive- Duplication Stage 3*	0.00
Civic Square/Ainslie Avenue Forward Planning Engineering Issues	10,000.00
Civic Square Refurbishment 1996/97	60,762.00
EPIC 96/97 Master Plan*	0.00
Total	$2,422,603.00

* No payments made to date

4. I reject the suggestion that, because Maunsell Pty Ltd does other transport analyses and engineering work for the ACT Government, there is a conflict of interest from its role as the consultant undertaking the John Dedman Parkway corridor and environmental study.

Each of the consultant organisations invited to tender for this consultancy is involved, to a greater or lesser degree, in similar activities to those in which Maunsell Pty Ltd is engaged. It should be apparent that the road design, construction, transport planning and environmental assessment skills which each of the invited consultants possesses are all important to undertaking a study of the nature of the current John Dedman Parkway corridor and environmental study.

It is nonsense to suggest that involvement in the current John Dedman Parkway study confers any advantage on the consultant doing that work. The reports and documentation produced as part of the study will form inputs to any future construction activity, and these will be available to any organisation which might be selected to undertake construction work in the future. Any future work on a future road or other transport facility will be subject to the usual tendering processes followed by ACT Government agencies.

It is unlikely that a future John Dedman Parkway will be constructed in any configuration before the turn of the century, and, more likely than not, the timing would be well into the first decade of the 21st century. This assumes, of course, that a decision will be taken to proceed with the John Dedman Parkway, and it is an implicit requirement of the current study that alternatives be evaluated and the need for the parkway be fully justified.

MINISTER FOR TOURISM
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No 419

Canberra Tourism - Office Accommodation

MR CORBELL - Asked the Minister on notice on 14 May 1997:

(1) Has Canberra Tourism recently relocated and/or refitted its office accommodation in the CBS Tower. If so,

(a) where has the relocation taken place from and to;
(b) when did it take place;
(c) what was the cost of the relocation and/or fit out; and
(d) was the funding for this relocation and/or fit out a budgeted item in the Canberra Tourism budget for 1995/96.

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

(1) Canberra Tourism did relocate and refit it's office during 1995/96.

(a) Canberra Tourism relocated its office from the 8th Floor CBS Tower to the 13th Floor CBS Tower.

(b) The relocation took place over the period 5-8 April 1996.

(c) The cost of the relocation and/or fit out was $31,118, comprising relocation of workstations, removalist fees, installation of power poles, rewiring and the installation of data outlets.

In addition, Accommodation Services spent a further $12,641 relating to design fees.

It should be noted that under the terms of the current 5 year lease, and taking into account a negotiated 6 month rent free period, Canberra Tourism pays less per square metre for the 13th Floor than was previously paid for the 8th Floor.

(d) Funding for the relocation ($31,118) was not specifically budgeted for in the 1995/96 Canberra Tourism budget. This is because the decision to relocate was made after the 1995/96 budget was finalised.

The cost of relocation was paid for from Canberra Tourism's general administration budget. The additional cost ($31,118) was matched by savings in corporate costs such as travel, research, and consultancy fees.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 420

Housing Trust Properties - Sales and Vacancies

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) How many properties were sold in the suburbs of (a) Ainslie and (b) O'Connor by ACT Housing from 1 February 1997 to 12 May 1997.

(2) Can you provide the following details of these properties above.

(a) the location including street address;

(b) what was the sale price;

(c) was the sale price above or below valuation;

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

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

(f) what was the method used to sell each property;

(g) if the property was not vacant (i) where was the tenant relocated to, and (ii) what time period was given to the tenant to relocate; and

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

(3) As at 12 May 1997,

(a) how many vacant ACT Housing properties are there in (i) Ainslie and (ii) O'Connor; and

(b) how long have each of these properties been vacant.

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

(1)

(a) Two properties were sold in the suburb of Ainslie between 1 February 1997 and 12 May 1997.

(b) Four properties were sold in the suburb of O'Connor between 1 February 1997 and 12 May 1997.

(2)

(a), (b) and (c),

LOCATION	SALE PRICE	+ OR - VALUATION
11 Baker Gardens Ainslie	$136,500	sold within valuation
16 Hawdon Street Ainslie	$120,000	sold within valuation
35 Wandoo Street O'Connor	$143,000	sold within valuation
20 Boobialla Street O'Connor	$147,000	sold within valuation
4 Cockle Street O'Connor	$148,000	sold within valuation
7 Tate Street O'Connor	$163,000	sold within valuation

(d) All the above properties were vacant at the time of decision to sell.

(e) N/A

(f) All of the above properties were sold at auction.

(g) N/A

(h) All properties were vacated as the result of the tenant's decision to move.

(3)(a)(i) There are eight vacant properties in Ainslie as at 12 May 1997. Six of these are awaiting redevelopment, and two are awaiting leases and eventual sale.

(ii) There are seven vacant properties in O'Connor as at 12 May 1997. All of these properties have been earmarked for redevelopment purposes.

There are also thirty seven properties in O'Connor, (of which twenty eight are flats) and fourteen properties in Ainslie, (of which two are flats) which are undergoing maintenance for return to re-allocation.

(3)(b) Vacancy dates are as follows:

LOCATION	**DATE VACANT**
AINSLIE	
2 PATERSON STREET	APRIL 1994
4 PATERSON STREET	MAY 1994
23 HAWDON STREET	DECEMBER 1994
4 RUTHERFORD CRESCENT	MAY 1994
27 COX STREET	JULY 1996
20 TYSON STREET	JULY 1996
22 TYSON STREET	JULY 1996
12 HAWDON STREET	JANUARY 1997
O'CONNOR	
19 FAUNCE CRESCENT	FEBRUARY 1996
24 HAKEA STREET	FEBRUARY 1996
36 HAKEA STREET	DECEMBER 1996
20 HARDMAN STREET	FEBRUARY 1997
22 HARDMAN STREET	FEBRUARY 1997
24 HARDMAN STREET	FEBRUARY 1997
9 LILLY STREET	MAY 1997

NOTE

12 Hawdon Street is to be demolished June 1997 and replaced with a five bedroom home

Numbers 20,22 and 24 Hardman Street are to be demolished June 1997 and replaced with eight garden flats

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 422

Housing Trust Properties - Sales

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) How many three bedroom houses have been sold between 1 April 1997 and 12 May 1997 and what was the location by suburb of each of the dwellings sold.

(2) How many four bedroom houses have been sold between 1 April 1997 and 12 May 1997.

(a) what was the location by suburb of each of these dwellings sold; and

(b) what was the sale price of each of these dwellings

(3) How many single dwellings with more than four bedrooms have been sold between 1 April 1997 and 12 May 1997.

(a) what was the location by suburb of each of these dwellings sold; and

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

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

(5) For each of the dwellings sold as listed in (1), (2) and (3)

(a) were they sold by auction or through agent sales or to the sitting tenant; and

(b) was the sale price above or below the listed price

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

(1) and (5)

A total of 24 three bedroom houses were sold by ACT Housing between 1 April 1997 and 12 May 1997. The details of these properties are listed below.

SUBURB	SALE PRICE	DATE SOLD	SALE TYPE	+ $ -	MAINTENANCE
NARRABUNDAH	$100,000	4/4/1997	Post Auction	within range	$4,465
KAMBAH	$77,000	4/4/1997	Post Auction	within range	$1,140
CHARNWOOD	$72,000	4/4/1997	Post Auction	- $3000	$1,085
HACKETT	$120,000	11/4/1997	Post Auction	within range	$186
BELCONNEN	$101,000	11/4/1997	Post Auction	+$1000	$3,035
MACQUARIE	$100,000	11/4/1997	Post Auction	- $5000	$2,555
CHISHOLM	$85,000	11/4/1997	Post Auction	within range	$5,049
RICHARDSON	$85,000	11/4/1997	Post Auction	within range	$3,760
REID	$218,000	11/4/1997	Post Auction	within range	$1,545
DOWNER	$95,000	11/4/1997	Post Auction	within range	$3,935
WANNIASSA	$79,500	18/4/1997	Post Auction	+$4,500	$3,953
YARRALUMLA	$175,000	18/4/1997	Auction	within range	$2,340
O'CONNOR	$143,000	16/4/1997	Post Auction	within range	$4,895
CHARNWOOD	$74,000	24/4/1997	Post Auction	within range	$4,370
KAMBAH	$86,000	24/4/1997	Post Auction	within range	$3,865
RICHARDSON	$85,000	22/4/1997	Post Auction	within range	$3,950
KAMBAH	$83,000	24/4/1997	Post Auction	within range	$4,225
DEAKIN	$184,000	16/4/1997	Auction	+$19,000	$490
MACGREGOR	$84,000	30/4/1997	Post Auction	within range	$540
O'CONNOR	$148,000	30/4/1997	Auction	+$1,000	$4,335
WANNIASSA	$76,000	2/4/1997	Post Auction	within range	$3,530
WANNIASSA	$82,000	7/4/1997	Post Auction	within range	$4,865
STIRLING	$100,000	2/4/1997	Sale to Tenant	market value	NIL
KAMBAH	$88,000	2/4/1997	Sale to Tenant	market value	NIL

(2)

Nil

(3)

Nil

(4)

All ACT Housing properties sold by auction have basic repairs and maintenance carried out to bring them up to a saleable standard and to maximise return. The extent of repairs is determined by the state of the property when it is vacated. The cost of maintenance on each property sold between 1 April 1997 and 12 May 1997 is listed in the table above.

(5) (a)

The method of sale for each property is set out in the table above. The term used is defined as follows:

Tenant	- sold to the tenant for price supported by licensed valuer;
Auction	- sold by nominated agent at auction;
Post Auction	- sold by nominated agent after auction for price supported by licensed valuer.

(5) (b)

The listed price of a post auction property is generally set at or above the valuation range depending on market feedback. This allows for flexibility in negotiation. Between 1 April 1997 and 12 May 1997 there were two instances in which properties were sold below the valuation range. Both properties remained unsold post auction for many weeks. The valuations of both properties were re-appraised by the Australian Valuation Office during this time, and the price reduced accordingly.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 423

Housing Trust - Waiting Lists and Vacancies

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

(1) For each of the following household types -

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

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

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

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

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

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

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

How many people, who have applied for rental accommodation from ACT Housing, are listed on the wait turn list as at 12 May 1997.

(2) How many people by household type, listed in (1), are listed on the transfer list at 12 May 1997.

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

(4) For each of the following dwelling types:

(a) 2 bedroom house;

(b) 3 bedroom house;

(c) 4 bedroom house;

(d) bedsitter flat;

(e) 1 bedroom flat;

(f) 2 bedroom flat;

(g) 1 bedroom Aged Person Unit; and

(h) 2 bedroom Aged Person Unit.

What is the average wait-turn waiting time, by each regional office area, as at 12 May 1997.

(5) By dwelling type, listed in (4), how many ACT Housing dwellings are vacant as at 12 May 1997 and by regional office area.

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

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

Housing Waiting List

12 May 1997: 4,448 applications

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

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

	12 May 1997 %
Elderly Singles*	7.84
Elderly Couples*	2.55
Young Singles	29.44
Singles	19.75
Large Families	2.64
Medium Families	8.94
Small Families	25.07
Groups/ Other	3.77
	100

* The percentage shown under Elderly Singles and Elderly Couples in Question 385 as at 30 June 1996 were inadvertently transposed.

(2) Transfer Waiting List

12 May 1997: 1,070 applications

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

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

At 12 May 1997 the waiting list for public housing (including the two sub-categories about which there is no capacity to differentiate) contained the following gender distributions.

	Couples*	**Single Adult Male***	**Single Adult Female**
With Dependent Children	7.92%	3.91%	23.36%
No Dependents	4.78%	30.84%	29.19%

* Includes Groups/Other

(4)

12 May 1997 Average Time in Months

	Belconnen	**City**	**Woden**	**Tuggeranong**
2 B/H	42	47	48	59
3 B/H	16	54	34	48
4 B/H	30	37	47	75
B/S	N/A	12	2	N/A
1 B/F	52	40	50	63
2 B/F	9	6	21	55
1 B/APU	36	62	53	86
2 B/APU	57	45	76	64

(5)

Vacant Tenantable as at 12 May 1997

	Belconnen	City	Woden	Tuggeranong
2 B/H	2	4	1	2
3 B/H	7	5	6	15
4 B/H	1	0	0	2
B/S	0	30	29	0
1 B/F	1	17	9	1
2 B/F	4	29	4	0
1 B/APU	0	1	0	0
2 B/APU	1	4	0	0

Vacant Untenantable* as at 12 May 1997
(Property Numbers)

Belconnen	City	Woden	Tuggeranong
86	102**	146	38

* Cannot be categorised by style/bedrooms
** Excludes Condamine Court

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 424

Martial Arts Schools

Ms McRae asked the Minister for Sport and Recreation - In relation to Martial Arts Schools in the ACT -

(1) Is there a code of conduct in place for the schools.

(2) If not, are the schools regulated or monitored in any way.

(3) If so, (a) what are the regulations; and (b) how are the schools monitored.

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

(1) **A Code of Conduct**

Currently, there is no Code of Conduct covering the conduct of Martial Arts Schools in the ACT. However, there is provision under the *Fair Trading Act 1992* for a mandatory code of conduct to be developed and implemented.

The term "martial arts" is a generic term (similar to football) used to describe various disciplines of martial arts like karate, kung-fu, aikido, kendo renmei, judo, ju-jitsuans, taekwondo, koshiki, savate, silat, sports chanbara, Thai boxing, tai chi chuan, wu shu and kick boxing.

At the moment, there is a plethora of martial arts organisations involved in a wide range of disciplines throughout Australia, many of which are commercially driven and, as a result are fragmented in their operations.

In Australia martial arts classes are offered by a diverse group of providers, including private businesses, traditional sports clubs some of which are affiliated with community groups and individuals engaged by municipal recreation centres. Classes are conducted in a wide range of facilities such as private clubs, school/church halls and indoor and outdoor community facilities.

The Australian Sports Commission (ASC) has spent a considerable amount of time attempting to resolve the range of issues that arise involving the martial arts. In light of the size and profile of the sport and the ASC's priorities for sports development, the Commission has determined only to recognise, assist or fund those martial arts sports that are on the program of the Olympic or Commonwealth Games.

The benefits flowing from industry funded codes of conduct are well known. They provide a flexible and cost effective approach to problem areas and allow businesses to be proactive rather than merely reactive in dealing with consumer problems and needs. An industry Code of Conduct for martial arts schools could go a long way to addressing some of the parental concerns about enrolling their children in these schools. For instance, an industry code could set bench marks for ethical business practices and address issues like safety, instructor qualifications, grading levels and equipment standards to enhance the performance of martial arts businesses in the eyes of consumers.

The ACT Consumer Affairs Bureau has broad experience in the development of industry codes of conduct and is available to assist martial arts schools develop an effective industry code of conduct for the provision of martial arts instruction in the ACT.

Regrettably, I understand that various attempts, at a national and state level, to set up a peak governing body to coordinate the activities of these diverse martial arts schools has been unsuccessful, mainly due to the fragmented nature of the industry and the inability of industry participants to agree.

Victoria is the only jurisdiction to have attempted to regulate the industry, but, largely because of the problems noted above, regulation has not been a successful exercise. The Victorian Government has recently legislated to deregulate the industry, and is now encouraging self regulation.

(2) and (3) **Regulation and Monitoring**

The commercial conduct of martial arts schools in the ACT is regulated through the general law, including common law contract, tort/negligence law and statutory consumer protection law including the *Fair Trading Act 1992*, *the Consumer Affairs Act 1973*, and the *Door-to-Door Act 1991*. In relation to kick boxing and boxing, these sports come under the control of the *Boxing Control Act 1993*.

The ACT Consumer Affairs Bureau administers and monitors compliance with consumer protection legislation and is responsible for investigating allegations of unfair business conduct, including complaints about misleading or deceptive conduct, unconscionable conduct or false or misleading representations made in relation to the carrying on of a business.

The monitoring of the business conduct of martial arts schools occurs when a complaint has been received by the Bureau. I understand that to date, the Bureau has only received three complaints, since 1995, against certain martial arts organisations in the ACT.

APPENDIX 1: Incorporated in Hansard on 17 June 1997 at page 1629

1997

THE LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

RATES AND LAND TAX (AMENDMENT) BILL 1997

PRESENTATION SPEECH

Circulated by the authority of the Chief Minister and Treasurer

Kate Carnell MLA

Mr Speaker, this Bill amends the Rates and Land Tax Act 1926 to introduce a new rating system for the ACT, which delivers on the Government's commitment to address the problems experienced by many ratepayers under the previous system.

This system achieves better equity by incorporating both the capacity to pay of property owners and in part the user pay principle relating to the level of services received. It includes the following components:

- a fixed charge to apply to all except rural properties;
- an ad valorem charge based on unimproved valuations;
- a rolling three year average of unimproved property values;
- a rate free threshold to apply to all property values; and
- separate revenue targets to apply to the residential and non-residential sectors.

Members will recall that the Government presented an Exposure Draft of this Bill in December 1996 which identified a fixed charge of $220, a threshold of $19,000, a rating factor of 1.07% and revenue targets of 85%:15% to

apply to the residential and non residential sectors respectively for the 1997-98 rating year.

The Exposure Draft also identified a rolling three year average of 1994, 1995, and 1996 unimproved property values for the 1997-98 rating year. At the Assembly's direction, that has been changed to an average of 1995, 1996, and 1997 values.

Mr Speaker, the rating system has been remodelled following inclusion of 1997 values and the reduction of the 1997-98 CPI estimate since the preparation of the Exposure Draft.

The result is that for 1997-98 the threshold will still be $19,000, the fixed charge will be $220 per property, and the rating factor has been adjusted to 1.0734% for residential properties and 1.1110% for non residential properties.

The residential and non residential revenue targets will remain at 85:15 respectively, which, Mr Speaker, reflects very closely the actual ratio of property values for these sectors following the inclusion of 1997 values. On that

basis, the revenue targets have had little or no impact on rates bills for 1997-98.

This Bill also clarifies the imposition of the fixed charge to apply to all individual units within a unit title, and simplifies the calculation of rates by removing any fraction of a dollar from average property values.

Mr Speaker, the rating system identified in this Bill will provide more certainty for all ratepayers, and reduce the significant variations in individual rates liabilities.

It is a reflection of this Government's commitment to providing a fair deal to all Canberrans through a predictable and fair rating system.

I commend the Bill to the Assembly.

APPENDIX 2: Incorporated in Hansard on 17 June 1997 at page 1629

1997

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Unclaimed Moneys (Amendment) Bill 1997

PRESENTATION SPEECH

Circulated by the authority of
Kate Carnell MLA
Treasurer

I am pleased to present to the Legislative Assembly the Unclaimed Moneys (Amendment) Bill 1997.

Trustees of regulated superannuation funds and approved deposit funds are required to pay the unclaimed superannuation of persons reaching pension age to the Commissioner of Taxation.

However, the relevant Commonwealth law provides that such payments should instead be made to a State or Territory if there is State or Territory legislation that requires such payment.

These amendments make provision for such a requirement.

The amendment also allows a superannuation payee who has an entitlement to unclaimed moneys and has yet to receive payment, to claim against the Government to claim that money.

In future, trustees will be required to pay the unclaimed superannuation to the ACT.

I commend the Bill to the Assembly.

APPENDIX 3: Incorporated in Hansard on 17 June 1997 at page 1630

1997

THE LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1997

PRESENTATION SPEECH

Circulated by the authority of the Chief Minister and Treasurer

Kate Carnell, MLA

Mr Speaker, this Bill introduces amendments to the Territory Owned Corporations Act 1990 which will provide the necessary legislative support and infrastructure for the Government to administer an equitable system of tax equivalents for Territory owned corporations.

Subjecting Territory owned businesses to tax equivalent regimes is in accordance with the national competition reform program.

In 1994 the then Treasurer agreed with the States, the Northern Territory and the Commonwealth on the principles for implementing the competition reforms. In 1995 the ACT became a signatory to the agreements giving effect to the national competition policy.

Mr Speaker, a key component of the national competition policy framework is to eliminate

resource allocation distortions by creating a level playing field for government and private businesses.

The tax equivalent regime subjects government businesses to the same tax requirements as the private sector. In addition to state and local government taxes and charges, government businesses will be subject to the equivalents of Commonwealth income and sales taxes.

Under the Statement of Policy Intent signed by the Commonwealth and all States and Territories, the ACT will raise from ACT government businesses an amount of income and sales tax equal to the amount which would be paid by them to the Commonwealth if they were not exempt as Territory bodies. To ensure revenue neutrality the Statement of Policy Intent guarantees that each government will retain the tax collected from its businesses.

Mr Speaker, an ACT tax equivalent regime was needed to apply the principles of the Income and the Sales Tax Assessment Acts, the rulings of the Australian Taxation Commissioner and to establish a framework for interpreting the application of Commonwealth tax legislation to ACT government businesses.

The Territory Owned Corporations Act, as introduced in 1990, requires government owned corporations such as ACTEW and Totalcare Industries to pay tax equivalents. However the Act does not provide adequate guidelines as to how such tax is to be assessed and paid. This Bill addresses these deficiencies by introducing provisions that deal with issues such as the provision of separate income tax and sales tax equivalents, the timing of payments, the issue of amended assessments, penalties and objection and appeal rights.

Mr Speaker, the Bill also incorporates Treasurer's Instructions which have been developed in

consultation with concerned Territory owned corporations, ACTEW and Totalcare Industries. These Instructions set out how and on what basis both income tax and sales tax equivalents will be assessed and collected.

Following these amendments the Territory Owned Corporations Act and the Treasurer's Instructions will provide a tax equivalent regime which is uniform with those being implemented in the States, and conforms with the treatment of specific issues determined by the Joint Commonwealth/State Standing Committee on Tax Equivalent Regimes.

Mr Speaker, the introduction of the ACT tax equivalent regime and this amendment of the Territory Owned Corporations Act and their application to government businesses is not the end of the reform process. It is another step in a process linked to government's broader reform agenda including:

- financial management reform
- greater transparency in administration and accountability
- greater service focus
- adding value to services, and
- focus on outputs and outcomes rather than inputs.

The development and application of commercial disciplines to government businesses is consonant with the national drive to increase efficiency and effectiveness of government service delivery. It is an integral part of the Government's desire to maximise the return on community funds and to provide services where and when they are needed.

Mr Speaker, in conclusion, I am happy to advise that the Government has successfully developed the framework for achieving a tax equivalent regime in the ACT that meets our obligations to the States and Commonwealth under the national competition policy and puts our businesses on a competitive tax footing with private businesses. The measures contained in the Territory Owned Corporations (Amendment) Bill 1997 are a necessary part of the process and I commend the Bill to the Assembly.

APPENDIX 4: Incorporated in Hansard on 17 June 1997 at page 1653

[Photocopied and hand numbered page 1916 attached]