



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 June 1997

Thursday, 26 June 1997

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The Assembly met at 10.30 am.

(Quorum formed)

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

PETITIONS

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

By **Mr Moore**, from 10 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

By **Ms McRae**, from 105 residents, requesting that the Assembly take immediate action to maintain free access to Tidbinbilla Nature Reserve.

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

Voluntary Euthanasia

The petition read as follows:

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

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

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

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Tidbinbilla Nature Reserve

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the intention of the Carnell government to impose entry fees on *Tidbinbilla Nature Reserve* is a retrograde step which will restrict the access of Canberrans to this uniquely Canberran resource. It must be condemned.

Your petitioners therefore request the Assembly to: take immediate action to defeat this budget move and maintain free access to *Tidbinbilla Nature Reserve*.

Petitions received.

REMUNERATION TRIBUNAL (CONSEQUENTIAL AMENDMENTS) BILL 1997

MRS CARNELL (Chief Minister) (10.33): I present the Remuneration Tribunal (Consequential Amendments) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I ask for leave for my presentation speech to be incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 5.

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

FINANCIAL MANAGEMENT (AMENDMENT) BILL (NO. 2) 1997

MRS CARNELL (Chief Minister and Treasurer) (10.34): I present the Financial Management (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I ask for leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 6.

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

**TERRITORY OWNED CORPORATIONS
(AMENDMENT) BILL (NO. 2) 1997**

MRS CARNELL (Chief Minister and Treasurer) (10.35): I present the Territory Owned Corporations (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I ask for leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 7.

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

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**COMMUNITY AND HEALTH SERVICES COMPLAINTS
(AMENDMENT) BILL 1997**

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.36): I present the Community and Health Services Complaints (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I ask for leave to incorporate my tabling speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 8.

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

CORONERS BILL 1997

MR HUMPHRIES (Attorney-General) (10.37): Mr Speaker, I present the Coroners Bill 1997, together with the explanatory memorandum to this Bill and to the Coroners (Consequential Provisions) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 9.

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

CORONERS (CONSEQUENTIAL PROVISIONS) BILL 1997

MR HUMPHRIES (Attorney-General) (10.38): Mr Speaker, I present the Coroners (Consequential Provisions) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 10.

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

LAW REFORM (REPEAL OF LAWS) BILL 1997

MR HUMPHRIES (Attorney-General) (10.38): Mr Speaker, I present the Law Reform (Repeal of Laws) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 11.

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

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NATURE CONSERVATION ACT - DETERMINATION NO. 111 OF 1997
Motion for Disallowance

MR CORBELL (10.39): Mr Speaker, I move:

That Determination No. 111 of 1997, relating to fees for access to Tidbinbilla Nature Reserve and made under the Nature Conservation Act 1980, be disallowed.

The Labor Party is moving this disallowance motion today to put very clearly on the record that we do not believe it is appropriate for the people of the Australian Capital Territory to pay to access their environment. For us, that is the most important basic principle. We believe that a reserve like Tidbinbilla should be accessible to all people in the Territory without having to pay an entry fee. This has been the consistent position of the Labor Party since self-government. We have always opposed the imposition of entrance fees at Tidbinbilla. In government we never accepted proposals from Treasury officials to implement any form of entrance charge on any of the Territory's national parks or nature reserves, and this is the position we are proud to maintain in moving this motion today.

Tidbinbilla Nature Reserve is a valuable community asset, and it is one which is valued very much by all Canberrans. Canberrans appreciate the access they have to this area. They can take their families, their children and their friends to visit the reserve and to appreciate Australian native animals in a natural environment. They can also enjoy the many walking trails in the national park zone of the reserve, where there are short walks for families as well as long walks for those who are more committed.

The principle of user pays has an insidious and creeping effect in many parts of our society, but I think we have to draw a line when we say that you have to pay to go into a part of the natural environment which is owned by the community and managed by the Territory on behalf of the community. The Tidbinbilla Nature Reserve for over 30 years has been a nature reserve which has been free and accessible to people in Canberra to use and to enjoy. We believe there is no reason why that situation should change.

Tidbinbilla's popularity with Canberrans and people from the surrounding region is demonstrated by the fact that they make up 87 per cent of all visitors to the reserve. Of this 87 per cent, many are of course repeat visitors, Canberrans who go back again and again, taking their family and friends to enjoy the natural environment that Tidbinbilla offers. The remaining 13 per cent are interstate and overseas visitors.

Labor believes that, because Tidbinbilla has had free access for 30 years, this should remain the case. This reserve has been paid for in full through the rates of ACT residents, and it is highly used by ACT residents. We are opposed to the notion that to experience areas of the ACT's natural environment owned and managed by the Territory on behalf of the community you should have to pay. That is why we are moving this motion today.

I would like to move on and address some of the more specific points in relation to the Government's proposal to implement user charges for Tidbinbilla. The first point I want to make is that, despite the assurances of this Government, Labor does not accept that this will be the only entrance charge placed on nature reserves and national parks in the ACT. We do not accept the Government's undertaking that this is a one-off and that charges will not be implemented in other areas. The Government has implemented a user charge for Tidbinbilla only because they can do it at Tidbinbilla. There is only one gate in and out. I am sure that if they could work out ways of doing it in other areas they would do it there, because they accept the notion of user pays. This party, in relation to access to the environment, does not.

The proposals that have been put forward by the Government in relation to entrance charges and the entrance charge regime, we believe, are fundamentally flawed. Through questioning last week in the Assembly, the Labor Party received documents from the Minister which outlined how the Government had gone about calculating the entrance fee for Tidbinbilla. They expect a drop of 45,000 visitors to the reserve. They are the Government's own figures. They expect a drop in visitation. The Government says that this is the worst case scenario; but I would imagine the Government would want to be sure of the amount of revenue they received and they would calculate as much as possible, as much as they could reasonably expect. They can reasonably expect \$270,000.

That also means that they can reasonably expect a drop of 45,000 visitors. On average, this would mean, if you divided it up amongst visitors locally and visitors from interstate and overseas, 39,000 fewer visitations from locals and close to 6,000 fewer visitations from interstate and overseas tourists. In reality, the drop is most likely to occur only amongst local visitors - Canberrans and people from the surrounding region. Overseas tourists and interstate visitors coming to the Territory are more likely to be prepared to go through the gate than are locals, who perhaps are aware of other options.

This drop, according to the Government's own figures, could last for between one and three years. We do not believe that that is acceptable. We do not believe that it is acceptable to put in place an entrance fee that will result in 45,000 fewer people accessing a very valuable area of our natural environment and to be prepared to put up with it for one to three years. That is another reason why we oppose this determination today.

I have raised in this Assembly and publicly alternatives that the Government should be considering in relation to revenue raising. I know that these are being considered by the Government, and they should be pursued. They include sponsorship of the animal enclosures. There are examples in other nature reserves around Australia and overseas of sponsorship not only by corporate organisations but also by local community groups, schools and organisations such as Apex, Lions and so on. They are prepared to sponsor animal enclosures. We believe that is appropriate as long as it is done in a way which is sensitive to the natural environment and does not detract from the attractiveness of the enclosures. That is one option that this Government should pursue if it wishes to raise revenue for the upkeep and maintenance of Tidbinbilla.

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Another opportunity is through franchises at the visitor information centre which is being constructed and which will go ahead whether or not this fee is in place. Franchises for the operation of a gift shop or coffee shop in the visitor information centre are another way in which the Government can raise revenue. Again, I understand that the Government are pursuing these options, and they should continue to do so.

When it comes down to it, this debate is about where the Government spends its money and where the Government raises its money. The Labor Party argues that if the Government had not spent its money on so many wrong priorities it would not need to implement this fee in the first place. I will give the Assembly just one example of this. The Government expects to raise \$270,000 from this fee in the first year, if it is implemented. This is the same Government that spent \$300,000 on a futsal slab beside Lake Burley Griffin which has been used three times. That is \$30,000 more than what they expect to raise from this fee in the first year.

If the Government spent the money where it was needed and if the Government always knew that there was a requirement to improve Tidbinbilla, why did they waste their money on other priorities like that? It is about management; it is about where you spend the money most effectively. With this, the Government's mismanagement basically puts them in a position where they say, "We need to implement user charges for Tidbinbilla". The Labor Party does not accept that argument. There are many other examples of the Government's mismanagement of spending, but I will not go into those right now.

Ultimately, this motion seeks to ensure that Tidbinbilla remains an asset which is available to all Canberrans free of charge. I address some comments now to the Greens and to the Independent members, whose support we will need if this motion is to be successful today. I know that about two weeks ago the Greens indicated their support for the Government's proposal, but I understand that they have since put forward to the Government some conditions on that support.

We have to remember that families with children often are not the people who go on very long walks into national parks. They seek shorter walks with easier gradients. They seek more accessible car parking when they get out into the natural environment, and that is what Tidbinbilla provides. If the Greens want to make sure that people like that have access to the natural environment to learn about it, to experience it and to enjoy an asset that is theirs, then they should be prepared to stop this fee. I think that is very important.

I would also remind them that the Government's proposal for entrance charges does not provide any concession for families visiting Tidbinbilla. The Government's proposal does allow for concessions if you are unemployed, a pensioner, a holder of a health care card or a student in a school group on an organised school visit; but it does not provide a concession if mum and dad and the kids go down to Tidbinbilla on the weekend and pay to go in the gate. This, I believe, is simply inconsistent and a recognition from the Government that if they do allow a concession for that group they will not get enough revenue, because the majority of visitors to Tidbinbilla are family groups.

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It is inconsistent because, when you go to the movies, on most nights parents pay the full adult rate and children get a concession. If you go to a public pool in the ACT, parents pay adult rates and they get a concession for their children. At Tidbinbilla you can get a concession if you are unemployed. If you drive up in a car and there is one unemployed person in the car, you can get a concession. If you drive up and there is a pensioner in the car, you get a concession for the whole vehicle. If you drive up in a car and you have two kids and two adults on board, you do not get the concession. That is simply inconsistent, and it is another reason why this fee should be opposed. I urge the Greens and the Independents to keep those points in mind when making their decision on the debate today.

Maintaining Tidbinbilla as an asset for all Canberrans free of charge is the purpose of this motion today. Accessing our natural environment should not be a matter of whether or not you should pay for it. It should be a matter of being able to go and experience it in a way which is not simply seen as user pays. I commend the motion to the Assembly.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.52): Mr Speaker, we have heard Mr Corbell tell this Assembly in sonorous tones that the Australian Labor Party opposes the charging of entry fees at the Tidbinbilla Nature Reserve.

Mr Berry: It has always done so.

MR HUMPHRIES: The Labor Party believes that it should not be a matter of paying for access to natural values and natural reserves; that one should be able to experience these for free. Mr Berry interjects that that has always been the case - that there has always been a view on the Labor Party's part that there should be no access by fee to nature reserves in the ACT. I want to draw members' attention to a Bill that was introduced into this place in the latter part of 1994. It was entitled the Nature Conservation (Amendment) Bill (No. 2) 1994. The mover of that Bill was Mr Bill Wood, who today sits beside Mr Corbell.

Mr Kaine: They have not spoken to each other lately, obviously.

MR HUMPHRIES: Apparently not. If he had spoken to Mr Wood, perhaps he would have had his attention drawn to a provision in this Bill. This Bill was passed, I think unamended, by the Assembly in 1994. The Bill, by clause 17, inserted a new section 53A in the Nature Conservation Act 1980 which reads as follows:

- (1) The determined fee may be charged for entry into a reserved area.

Mr Berry: Who put that in?

MR HUMPHRIES: Mr Wood did.

Mr Berry: No, the Assembly, you said. You said it was a 1980 Act.

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MR HUMPHRIES: That was in 1994, Mr Berry. Pay attention. The guy behind you was the Minister at the time. Subsection (2) states:

If, at the request of a conservation officer, a person fails to pay the fee for entry into a reserved area, he or she shall not enter the area.

Penalty: \$2,000.

If, as Mr Corbell so earnestly asserts, the Australian Labor Party does not believe in entry fees for nature parks in the ACT, why did the Labor Party introduce that provision into the Nature Conservation Act 1980? Why, Mr Corbell? The record shows that Mr Corbell has no answer to that question.

What it says, Mr Speaker, is that the speech you have just heard from Mr Corbell has been an absolutely and utterly hypocritical load of claptrap from beginning to end. His assertion, hand on heart, that the Australian Labor Party does not believe in entrance fees is belied by the fact that in 1994, a few months before an ACT election, his own party - the man sitting beside him today in the Assembly - introduced the capacity for a Minister, by determination, to charge entry fees. What was that for if not to impose an entry fee in due course?

Mr Corbell: Were entry fees implemented?

MR HUMPHRIES: They would have been if there had been a win by your party at the election in 1995, Mr Corbell. Let us face it.

Mr Corbell: They were not implemented.

MR HUMPHRIES: They would have been if you had been in office any longer.

Mr Corbell: Come off it! Can you see the future?

Mr Kaine: They were not implemented because your lot got chucked out of office. That is why.

MR SPEAKER: Order! The house will come to order. Mr Corbell, you will have a chance to respond, and other members will have a chance to speak after Mr Humphries.

MR HUMPHRIES: Following that legislation, a consultancy was commissioned by the Australian Labor Party. I should go back a step. In the 1994-95 budget, as I recall, provision was made for fees at Tidbinbilla.

Mr Berry: No decision on that was ever made, Gary.

MR HUMPHRIES: Yes, it was. It was made, Mr Berry, because it was in your budget.

Mr Berry: No decision was ever made.

MR HUMPHRIES: It was in your budget. It was made. You sat around the Cabinet table at the time, Mr Berry. You approved it.

Mr Berry: The decision was not to do it.

MR HUMPHRIES: You approved the fees, Mr Berry - actual fees - and then you withdrew from them because you had cold feet. Instead, you commissioned a consultancy and the consultancy said, "Find out what is the appropriate regime for imposing fees at Tidbinbilla". That is all the consultancy said.

Mr Berry: I was the Cabinet Secretary too. The decision was not to do it.

MR HUMPHRIES: No, it was not.

Mr Berry: Yes, it was.

MR HUMPHRIES: No, it was not. If the decision was not to do it, why did you introduce the amendment to the Nature Conservation Act?

Mr Corbell: We never implemented fees.

MR HUMPHRIES: It was a precaution, was it, just to complete the legislative powers available in the legislation? The Opposition is suggesting that we are trying to raise revenue from our natural areas by charging visitors for something that they should have for free, even though it costs over \$900,000 a year to maintain. Mr Corbell has claimed that we are taxing families. I want to explain that introducing charges at Tidbinbilla as a possible means of providing additional resources for the reserve and as a means of providing an absolute bargain for all visitors is essential in being able to upgrade the quality of facilities we offer to people who visit Tidbinbilla in the future.

Mr Speaker, let me run through a number of issues. We are not alone in having entry fees for protected areas. In fact, the ACT is the only Australian jurisdiction, with the exception of Queensland, not to charge entry fees for at least some of their parks. The rates under this proposal are substantially below what is actually charged for a number of parks and conservation areas in other parts of Australia. Indeed, as far as I am aware, most other fees levied at nature parks across Australia do not come with the guarantee that the funds raised will be reinvested for conservation and visitor services in those very nature parks. That guarantee is given in respect of fees at Tidbinbilla. The ACT is among the last to address this issue and, in fact, benefits from being among the last by having the opportunity to learn from others' experience.

I want to mention one example of such learning. The Australian and New Zealand Environment and Conservation Council, ANZECC, prepared a report on best practice in user-pays operations in protected areas. It was released late last year. This document emphasises that revenue raised in protected areas has been accepted throughout Australian nature conservation agencies as a necessary adjunct to central funding. The report argues that adopting best practice procedures, which is what we propose to do at Tidbinbilla, will actually improve conservation outcomes as well as providing better visitor services and better facilities.

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The question is: Why Tidbinbilla? Why have we chosen to do this at Tidbinbilla? Tidbinbilla has particular characteristics which make it especially attractive. It has an established reputation as the ACT's premier nature-based tourism destination. It is a scenic location not too far from the city on tourist drive 5. There are unique opportunities for close observation of local and regional wildlife, including kangaroos, emus, platypus, koalas, and endangered species such as the brush-tailed rock wallaby. It has an excellent ranger-guided walks program and a well-developed visitor information centre with special features such as a large-scale audiovisual display and moonlight hollow.

Mr Corbell suggested that the Government has acted precipitately in introducing fees at Tidbinbilla. Of course, the studies to which I referred before, the studies which Mr Corbell's predecessor, Mr Wood, commissioned when in office, were designed to look at charging not only at Tidbinbilla but also at Namadgi, in the Murrumbidgee River corridor and at the Googong foreshores. They were all on Labor's agenda.

Mr Corbell: They were not.

MR HUMPHRIES: They were, Mr Corbell. You people commissioned a consultancy which was specifically asked to look at those questions. You shake your head. Do you want me to produce the report and show you?

Mr Corbell: I have seen the report, Minister.

MR HUMPHRIES: Then you know that what I am saying is true, do you not?

Mr Corbell: No; I dispute your interpretation.

MR HUMPHRIES: The interpretation that the document was commissioned to look at fees in those areas is evidenced by the fact - - -

Mr Corbell: It is not an interpretation that it was on our agenda, because it was not.

MR HUMPHRIES: If it was not on your agenda, why did you introduce the consultancy and the capacity to charge the fees? Why, Mr Corbell? Answer that question. We have used that document and we have used the carefully planned work done through that process to plan the way that we will charge entry fees at Tidbinbilla and use the revenue raised for services and facilities at Tidbinbilla.

Members will be aware that recently the Commonwealth Government announced that it was going to join in this upgrade of Tidbinbilla by the investment of \$200,000 towards the new visitor information centre at Tidbinbilla. I have to be blunt with the Assembly. The proposal that was put to the Commonwealth Government for the upgrade of Tidbinbilla included a proposal that the ACT Government undertake the upgrade of facilities and services there. I made it perfectly clear that if fees are not to be levied at Tidbinbilla the revenue will not be there to provide for the upgraded facilities. Extra rangers cannot occur. Extra information and resources to visitors cannot occur. The river walk, which has been requested by the Friends of Tidbinbilla, cannot occur.

The upgrade of the water area with a walk beside that area for observation purposes cannot occur. I have to say quite bluntly to the Assembly and warn the Assembly that if these upgrades cannot occur I cannot guarantee that the Commonwealth offer of funding of \$200,000 will continue on the table.

Mr Corbell: That is a threat, is it?

MR HUMPHRIES: It is a threat, Mr Corbell. We have asked the Commonwealth for that money and received the offer of that money predicated on an upgrade of Tidbinbilla. If we are not able to charge fees, we do not have the capacity to upgrade Tidbinbilla. Without the capacity to upgrade Tidbinbilla, we may lose that \$200,000.

This is a stupid, foolish act by people who are opportunistically employing the proximity to an election to grandstand on a matter which they know would already have been law if they had been in office today. Fees would have been charged at Tidbinbilla for at least 18 months at this point if a Labor government had been returned in February 1995, without the slightest shadow of a doubt. We have used the ANZECC best practice model and the experience from other jurisdictions to produce what we think is a modest and appropriate structure for fees at Tidbinbilla. We have announced at the same time that all other parks and reserves will remain free for entry by members of the public; that all revenue raised by this measure will be retained within Tidbinbilla; that the revenue raised will be additional money for Tidbinbilla, that is, we will not reduce the budget to match the amount that has been brought in by the entry fees; and that the funds will be used for conservation and visitor services.

The fees will be extremely modest, certainly by national standards. The fees will be \$8 per vehicle and \$20 for an annual pass. Twenty dollars for a carload of people for an entire year is not excessive. We have deliberately chosen an entry fee based on vehicles, rather than the individual entry to which Mr Corbell fatuously refers, in order to specifically benefit families. How will this work? If a family of, say, five - two adults and three children - arrives there, the day pass of \$8 works out to be just \$1.60 each. You cannot buy a Magnum ice-cream for \$1.60, but with this arrangement you can get access to Tidbinbilla as a family for that amount. For \$20 the same family can obtain entry to Tidbinbilla throughout the year, as many times throughout the year as they wish. If they visit just four times a year, the total cost for each member of the family is just \$1 per visit. Of course, we have concessions on top of those arrangements for benefit card holders, the unemployed, pensioners and volunteer groups.

The Opposition claims that these charges are too high. They refer to the relatively easy way we have made the concessions available as some kind of weakness in the arrangement. I see the fact that we are not particularly rigorous about who uses the concession to get in not as a sign of a lack of foresight about these things but as an indication that we are more concerned about the principle than about whether a particular person gets through the gate on the full fee or a part fee. The Opposition claims that the fees are too high. (*Extension of time granted*) Visitors to Kakadu in the Northern Territory are charged \$12 for an individual pass and \$60 for an annual pass. Uluru is \$10 a day and \$60 a year. Kosciuszko is \$12 a day and \$60 a year. Jervis Bay is \$5 a day and \$25 a year. I think that the arrangement of \$8 a day for a whole family or a whole group and \$20 for an annual pass is extremely good value.

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The entry fee not only provides for entry to Tidbinbilla but also brings with it some facilities and services which are not now offered when you enter Tidbinbilla for free - for example, a map and guide detailing the facilities and programs operating, access to all public areas and eligibility to obtain ranger-guided activities at the reserve. Those things are presently charged for. They will come for free with this entry fee. The sort of value adding which has not been available in the past at Tidbinbilla for families who might be struggling on a few dollars is now available under this arrangement. If I were trying to save some money and I could afford to motor out to Tidbinbilla, I would think that was a very economical way of spending a day for a whole family. Eight dollars gets my whole family through the gate; I have ranger-guided walks provided for me for free once I get inside there; the animal enclosures are for free; the barbecues with electric power are for free; and I have information to show the kids and things to talk about; and I can have a good time with my family. Those who claim that these fees are excessive have rocks in their heads.

We have had much made in this place about visitor numbers. Mr Corbell has quite dishonestly suggested that the Government is planning a reduction - - -

Mr Corbell: I raise a point of order, Mr Speaker. The Minister is imputing an improper motive, and I ask him to withdraw.

MR SPEAKER: Yes, I have to uphold that.

MR HUMPHRIES: Mr Speaker, I withdraw. If the claim hurts, I withdraw it; but the fact of life is that Mr Corbell claims that there is a planned reduction of 45,000 visitors to Tidbinbilla. Any budget that is put together has to make an estimate of the impact of these sorts of changes. Nobody can be sure of exactly how many people are going to come through the gate after fees are imposed. The expectation, based on other experiences in other parts of Australia where fees have been imposed - and they have been imposed in plenty of other places, including in Labor jurisdictions - is that there will be a short-term minimal drop in attendances followed by an increase over a period of time. That is the experience we expect here. Scaremongering about 45,000 fewer visitors is just garbage.

Mr Corbell: Those are your figures.

MR HUMPHRIES: Those are figures based on a worst case scenario, Mr Corbell. The Government accepts that some current visitors may make the decision not to visit Tidbinbilla. We are not trying to discourage Canberra residents or other regular visitors, but it is worth mentioning that in recent times we have also put significant resources into upgrading alternative sites for picnics and barbecues in and around that part of the ACT, including at Point Hut, Pine Island and the Cotter Reserve. On World Environment Day, for example, I launched the new Point Hut facilities worth over \$500,000, which will dramatically improve the reserve for visitors. The point is that, if you are a family that wants to go out and you cannot afford even the \$8 to get through the gate at Tidbinbilla, then there are plenty of other places around Canberra provided with quite adequate facilities where those families can go.

We have had a suggestion that we should pursue sponsorship instead. Mr Corbell recommended to us the model that they use at Western Plains Zoo. The first point I make about Western Plains Zoo is that if you want to go to Western Plains Zoo you will pay, as an adult, \$14.50 to go through the gate and \$7.50 for each child over four. A family of four people can get through with a concessional rate of \$36, plus \$6 for each extra child if you have more than four people in your family. The fees at Tidbinbilla look almost laughably low by comparison.

I have to say that I am not entirely of the view that sponsorship is a particularly good answer either. They have at Western Plains Zoo a new attraction called the McDonald's hippo beach. Sponsored by McDonald's, it is a new beach for hippopotamuses. I have no doubt at all that, if we introduced the McDonald's rock wallaby circus or something at Tidbinbilla, Mr Corbell would be very quick to complain about the commercialisation of that important facility.

Mr Corbell: It has to be appropriate to the context.

MR HUMPHRIES: It has to be appropriate, we hear now from Mr Corbell. I want to finish by making a couple of points about what this will mean for Tidbinbilla. It would be very easy for the Government to do what other governments in the rest of Australia have done and say, "We are going to introduce fees at Tidbinbilla, we are going to put the money back into Consolidated Revenue, and we will see what we can do about upgrading Tidbinbilla further down the track". We have not done that. We have committed ourselves to putting every cent of that money raised - something like \$1m over the next three years or so - back into Tidbinbilla to upgrade it, to improve it, to make it a better facility for the people of Canberra, and to make it a better facility for visitors to this city so that we attract visitors to this city and get visitors to this city to stay longer to see it. That is a worthwhile investment to make. We cannot make that investment without the fee. The money just is not there.

I ask members to reconsider their position on this. I particularly ask the Greens to reconsider their position. Without that investment in Tidbinbilla, we lose something very precious. We lose the chance to improve Tidbinbilla as a nature conservation area and as an area for recreation for families in Canberra. It might be fine that we can get in there for free, but the facility will not be as good as it could be. That is why this Government has put forward this idea. We have been up front about it. We have put it on the table. We have employed the same principles that the Labor Party worked up when it was in government in this place. I would ask members not to tolerate the hypocrisy we have seen opposite and not to block fees simply because those opposite think there is a vote in it at this late stage.

MR WOOD (11.14): As I rise to my feet, I am very happy to stand on my record. That record is one of continuing opposition to the imposition of fees. That record states that I as Minister, and the former Labor Government, did not impose fees for entrance to our nature parks. Mr Humphries has referred to reports and legislation. The legislation says "may impose". It does not say "will impose". He seems to want to pass the blame for this measure from himself to others. It is a fairly frequent characteristic of the Minister. It is a tactic he often uses.

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Let me give you the background to how these things happen. The ACT department of finance is our Treasury. Every year - I guess it is still the case today - governments get from Treasury a list of options for raising revenue, reducing costs and a variety of things. Our Treasury does this just as the Department of Finance at the Federal level comes up with options. Sometimes they get leaked and we see sensational stories about what might happen. In fact, they are nothing but options presented to government. Our Treasury was always very emphatic about examining the prospects of putting a charge on entry to our nature parks.

Mr Humphries: Treasury forced you to put the provision in the Act, did it? Do not give me that, Bill.

MR WOOD: The ALP Government looked at a whole range of options over the period, and this was one of them. I fiercely resisted that, and the Labor Government was more than prepared to go along with my views. The views I expressed to my colleagues at that time were basically two. The first was that we should not impose a charge on Canberrans to see our natural resources that so many of us use. My colleagues and I had the very strong view that we should have ready access, without cost, to our natural resources. The second view to back that up was that it was not a workable proposal. In the end, this Government has come down with the one area where something might have been done, and that is Tidbinbilla. It is a sheer impossibility to impose charges on entry to all of our nature parks and to Namadgi. It is simply not feasible. That was a very good backup to my other argument.

Pressures continued, but we resisted those. I can say quite confidently that if the former Government had stayed in power and I had stayed as Minister that resistance would have continued, both from me and from that Government. It is a strange approach from Mr Humphries that he seeks justification from what he claims we did. The clear fact is that we never imposed a charge. I would like to see Mr Humphries come into this chamber and tell us where there is a sign saying "charge". That will occur only after he gets this Bill passed, if he does. We fiercely resisted charges.

I might add that I am not convinced by Mr Humphries's costing. A cost of \$40,000 to build a booth and associated works is probably a reasonable figure, but then he talks about \$35,000 in staff costs. That is quite an underestimation. In some of the figures I saw it was expected that if a gate were put at Tidbinbilla the cost of manning it would go close to the revenue derived from people going through. I doubt that the Minister is going to be able to have a gate operating from nine until five, or in summer from nine until six, seven or whatever time, seven days a week, for \$35,000 in staff costs. It is a pretty optimistic figure. The plain fact is that the Labor Government resisted a charge and would not impose a charge. The record shows that we did not impose a charge, and I do not think any charge is justified.

MS HORODNY (11.20): I would like first to outline the Greens' stand on the issue of entry fees to national parks, Tidbinbilla in particular, because there has been some misrepresentation about our position. The first that we heard about the Government's plan for entry fees and upgrading Tidbinbilla was at the briefing given to us by officials just before the Minister made his announcement on 13 May. At that time we gave conditional support to the Government's proposal to charge fees for entry into the

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Tidbinbilla Nature Reserve. We knew that the Parks and Conservation Service was struggling, on its existing budget, to meet demands placed upon it for conserving the ACT's natural environment and that there was a need for an increase in its funding. We also recognised that making Tidbinbilla more attractive to visitors, if it is done the right way, could lead to more people becoming aware of the beauty and importance of our local environment and the need to protect it.

We did, however, have a number of concerns about the proposal. In principle, we do not support full user pays for Canberra's parks, because they are a public asset. We all own them, we all pay for them through our taxes, and administratively it would be difficult to collect fees at most of our parks. However, Tidbinbilla is a special case because it was set up primarily as a wildlife reserve with the construction of a series of animal enclosures to allow visitors to experience a range of native wildlife at close range. This involved considerable set-up costs and involves considerable ongoing costs in maintaining the enclosures, caring for the enclosed wildlife and providing interpretation and educational services that would not normally be incurred in other parks. It therefore seems reasonable that visitors to Tidbinbilla pay directly for some of these costs.

It is also the case that some 20 per cent of the visitors to Tidbinbilla are interstate tourists. It is not the case, as Mr Corbell said, that 87 per cent are locals. It is actually 80 per cent. That is clearly spelt out in the document. At present 20 per cent of tourists, those from interstate, are paying none of the costs of maintaining the reserve. The ACT cannot afford not to have these people contribute to the ACT economy.

We therefore supported the entry fees on a conditional basis, with the guarantees and provisions which the Government said they would meet. The conditions were that the Government will not establish entry fees in any other parks in the ACT; local residents will be able to buy a yearly pass at a discounted fee; all the money collected from the fees will be returned to Tidbinbilla to finance enhancements to the reserve; the revenue raised will be additional to, and not replace, the existing budget allocation for park management; and the revenue-raising potential of Tidbinbilla will not be allowed to override the primary nature conservation objectives of the reserve.

Mr Corbell put out a media release saying that we were being hypocritical on this issue because last year in the Assembly, in the debate on nature-based tourism in the ACT, I said that the Greens were opposed to park entry fees. Unfortunately, Mr Corbell took my statement out of context.

Mr Corbell: Of course!

MS HORODNY: You should have read the whole document, Mr Corbell. Our position on entry fees has been consistent.

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

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

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

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MS HORODNY: Unfortunately, Mr Corbell has taken my statement out of context. Our position on entry fees has been consistent and it has been honest. Mr Corbell seems not to have read the determination that was tabled last week, because he insists on talking about the fee being paid on an individual basis rather than by car. The Greens are not totally opposed to the concept of entry fees but just did not support entry fees for Namadgi and Tidbinbilla at that time because we did not believe there was sufficient justification for them, particularly for Namadgi. If Mr Corbell had read on, he would have seen that I said:

While entry fees may be appropriate for some national parks which have high visitor rates and high management costs, we do not believe that there are sufficient grounds for imposing user fees in the ACT.

I then went on to list some general concerns that we had with entry fees, such as whether the costs involved in collecting the fees outweighed the revenue raised and the tendency in some other parks for entry fee revenue to replace government funding, thus skewing the objectives of parks from nature conservation to revenue generation.

The Greens have never totally opposed entry fees for nature reserves. Our view is that, if governments want to introduce fees, then it should be done in a way which ensures that the funds go back to park management, that nature conservation principles are not compromised and that equity issues are addressed. Fees are also appropriate for services being provided to visitors that are beyond the normal tasks of park management and for commercial users of the park who are exploiting the features of the park for their own profit.

The Government came forward with a proposal for fees, and we were willing to consider it against our own criteria, to see whether we would support it or not, or support it with conditions or amendments. We would do this with any proposal put forward by any member in this Assembly. It is really the ALP which is being hypocritical in opposing outright the entry fees. It was, of course, Mr Wood who, as Environment Minister, introduced amendments to the Nature Conservation Act, which we have already heard about, to allow entry fees to be collected. It is no good the Labor Party saying, "It was Treasury that wanted this amendment to go in. We never supported it. Cabinet never supported it". That is absolutely beside the point. What is your argument - that you are at the mercy of Treasury?

The ALP was also in government when it commissioned a study into marketing strategies and options for ACT nature parks which extensively canvassed the idea of entry fees. Once again, you canvassed the idea of entry fees, so you cannot sit back from the responsibility for entry fees eventually being introduced. ALP members were also silent on the subject of entry fees in recent Assembly debates on reports produced on nature-based tourism in the ACT which led up to this decision. Entry fees to some national parks are found in other States, and I have no doubt that some of these were introduced by Labor governments, or at least maintained by Labor governments. It is very surprising, therefore, that the ALP here has suddenly taken on this crusade against entry fees. My understanding is that the Labor Party's own environment committee, in 1994, also suggested that fees of some sort be introduced.

While we could see some positive aspects in the Government's proposal, we also had some niggling concerns. Firstly, there is our regular complaint with the Liberal Party's commitment to consultation and proper process. This whole proposal for entry fees was announced at the same time as the release of a draft management plan for Tidbinbilla and a draft public works implementation plan. The closing date for comments is 25 July. Both of these plans are based on the entry fees being in place, but this is still a draft proposal. Yet the Government has pushed on with implementing these fees on 1 July, which is next Tuesday, before the community has had a chance to comment on these plans. So much for allowing the management plan to be changed on the basis of public comment.

The other niggling concern we had was the fact that local residents would be severely disadvantaged by this fee. Up until now people have been able to use Tidbinbilla for a range of recreational activities, including walking through the park and picnicking. (*Extension of time granted*) The animal enclosures are a key feature of the reserve, but they are not its only feature. The Government wants to capitalise on tourist interest in Tidbinbilla's captive animals, but this is only a small feature of the total reserve.

Tidbinbilla is in fact made up of two zones - a special purpose zone where the animal enclosures are and, for the other two-thirds of the reserve, a national park zone. Twelve per cent of visitors to the reserve do not go to the enclosures at all but use Tidbinbilla for bushwalking and picnics. They are using the reserve in much the same way as they would use Namadgi National Park, the Murrumbidgee River corridor, or Canberra Nature Park, where entry fees do not apply. It seems to us inequitable that a bushwalker could, say, go walking on one side of the Tidbinbilla Range for nothing but would have to pay up to \$8 for the privilege of walking on the other side, in the reserve area.

The other general concern we have is that all the money that is being raised from the fees is going back into improving the visitor facilities and not into enhancing the actual environment that the public are visiting. As we know, the management of kangaroos at Tidbinbilla has been a major problem, and I would like more effort to be put into avoiding the need for further kangaroo culling there. There is also a need for greater weed control, as there has been quite a deal of infestation of weeds because of the former use of the area as farmland. We would like to see some of those fees going back into the reserve itself.

I therefore put to the Minister a revised fees plan for Tidbinbilla, for entry fees to apply only to the special enclosures at Tidbinbilla and not to the rest of the reserve. This would allow the Government to finance the planned improvements to Tidbinbilla's unique facilities but would not penalise ACT residents using the reserve for picnics and walks, as they can do freely now in any other reserve in the ACT. Our proposal recognises that the special enclosures are more costly to maintain and that it is reasonable for the Government to want to improve them to attract tourists and also to offer a stronger educational opportunity for people to learn more about our natural environment. Our plan would give the Government the income stream it needs, without the inequity inherent in the determination that they have tabled.

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We also put forward a range of mechanisms for how the fee could be collected to achieve our objective. These mechanisms each have their pros and cons, but the problems are not insurmountable. If the Government were prepared to accept our alternative proposal, then I am sure that the Minister's bureaucrats would be able to come up with the most cost-effective approach to collecting the fees. Where there is a will there is a way. We have said quite openly that, if the Minister can give us a guarantee that this provision will be met through a revision to his determination, then we are prepared to support the Government on this measure.

As the Government has not been prepared to compromise in any way on this proposal, then we have no alternative but to oppose the proposal because in its current form it is an inequitable charge on ACT residents. We see no need to rush in this fee when there is scope to modify it to address these inequities. If the Minister had bothered to talk to us well before all the work had been done to establish the entry fees, we could have worked out a compromise solution early on, instead of having this last-minute debate. Really, the ball is now in the Government's court.

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

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on.

CONSIDERATION OF ASSEMBLY BUSINESS Suspension of Standing Orders

MR HUMPHRIES (Attorney-General) (11.35): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent orders of the day Nos 32 and 35, - - -

Mr Berry: Has the 30 minutes run out?

MR HUMPHRIES: No; but I have just moved that we call on Executive business, and the motion was carried, Mr Berry. Will someone give him a wake-up call?

Mr Berry: I would just like to know before you do these things; that is all.

MR HUMPHRIES: Well, I just did it. I just moved it. You could have opposed it if you did not like it. I move:

That so much of the standing orders be suspended as would prevent orders of the day Nos 32 and 35, Assembly business, relating to the Report of the Select Committee on Estimates 1997-98 on the Appropriation Bill 1997-98 and the Government's response, being called on in sequence immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Executive business, relating to the Appropriation Bill 1997-98.

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

APPROPRIATION BILL 1997-98

[COGNATE PAPERS:

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98 -
GOVERNMENT RESPONSE]

Detail Stage

Debate resumed from 25 June 1997.

MR SPEAKER: I remind members that we have previously resolved to debate this order of the day concurrently with the report of the Select Committee on Estimates 1997-98 on the Appropriation Bill 1997-98 and the Government's response. In debating order of the day No. 1, Executive business, members may also address their remarks to orders of the day Nos 32 and 35, Assembly business.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage any Schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the Schedules will be considered by proposed expenditure in the order shown. I remind members that we have previously resolved to consider Schedule 1 by part and appropriation unit for Parts 13, 14, 16 and 18; and by part, appropriation unit and departmental total for Parts 15 and 17; then the clauses prior to Schedule 2 and the title.

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Schedule 1 - Appropriations

Part 13 - ACTION

Proposed expenditure - ACTION, \$26,371,000 (comprising net cost of outputs, \$22,155,000; and capital injection, \$4,216,000)

MR WHITECROSS (Leader of the Opposition) (11.37): Mr Speaker, the appropriation proposed for ACTION in this year's Appropriation Bill implements the third stage of the Government's agenda of cutting back expenditure on public transport in the ACT, winding back the public transport system, reducing its attractiveness to public transport users and generally running it down. It is interesting to note that, since the Appropriation Bill was first proposed by the Treasurer, the Government has tabled the Graham report into ACTION and the Government's response to that report. They swore black and blue that they have acquired this new-found conviction that public transport is a good thing after all; that it should be improved; and that all the things they have been doing in the past should be overturned.

Today the Government have the opportunity to put their money where their mouth is if they are really serious about improving the public transport system in Canberra. This appropriation is based on the Government's old strategy of running down public transport in Canberra, slashing \$12.7m from its budget over three years, reducing the services, and hiking the fares. Mr Speaker, if indeed, as the Minister claimed last week, the Government now has this new-found commitment to improving public transport in the ACT, let them put their money where their mouth is; let us see the Government move an amendment to this appropriation to increase it, to make a more appropriate commitment to public transport in the ACT so that they can fast-track implementation of some of the recommendations of the Graham report and so improve the public transport system in Canberra ahead of the election; not, as the Minister would prefer, ask the community to trust them to do it after the next election.

Mr Speaker, the Graham report identifies what Labor has been saying for two years: Cuts to services have had a detrimental effect on the service; they have discouraged passengers and forced passengers to drop out of the public transport system and desert it. In 1996 we saw a 13 per cent reduction in patronage on ACTION services compared to 1995. The Minister has been able to improve patronage this year only by cutting back on the school buses so that concessional passengers now have to catch route buses instead of school buses. The Minister has tried to apportion to management and workers at ACTION blame for inefficiencies at ACTION; but, of course, the buck stops with the Government; the buck stops with the Minister. Mr Kaine cannot go around saying, "It is not my fault, because I was not the Minister", as he tried to do last week. The people of Canberra simply will not accept his excuses. They want a decent bus service. Trying to blame the workers is a pathetic excuse.

The Minister has made much of the fact that the Graham report identified some work practices which Mr Graham regards as unsatisfactory and leading to inefficiencies in ACTION. But what has his Government done over the last three years about those work practices? It is the Liberal Government that signed the enterprise agreement last year and allegedly was happy to sign the enterprise agreement last year which did not address any

of these work practices. Now they are trying to turn around and say that the workers at ACTION are somehow to be blamed for inefficiencies at ACTION. Yet this Government did not try to address those and have never tried to address those in the three years that they have been managing the public transport system in Canberra. They cannot blame management either, because the Government agreed to do nothing about this.

Mr Speaker, this contrasts with the performance of the previous Labor Government, which did generate efficiencies in the public transport system by negotiating with the Transport Workers Union changes to work practices which reduced the amount of dead running time and which allowed for the introduction of part-time drivers so that they did not have as many people on the payroll at times when there was not a requirement for drivers. The Government have been very quick to blame other people for the problems that they have experienced with ACTION. We have seen them blaming management. We have seen what happened to the former CEO of ACTION when they were looking for a scapegoat for the way that ACTION had been run down and for the drops in patronage. We have all read the articles in the paper about how the Government was undermining him. Then, hey presto, he put in his resignation and went off to greener pastures.

We have heard Mr Kaine try to say that the reason why there was a reduction in patronage in ACTION was that John Howard was sacking public servants. That was a good one! It was all John Howard's fault. We know that the Government likes to blame John Howard for everything that goes wrong in Canberra. Mr Kaine was getting in early with the same theme, saying it was all John Howard's fault. It was not because they hiked the fares by 50 per cent; it was not because they kept cutting back the services; it was not because of their ridiculous holiday timetables or anything else; it was all John Howard's fault. But what does Mr Graham say about this in his report? He says:

Due to the economic data outlined above; and due to the experience of Deane's Buslines; it is suggested that the cause of the patronage decline in October and November last year was not only due to the employment decline -

as Mr Kaine had suggested -

but was also due to factors associated with service delivery standards.

If you cut the service, fewer people use it. If you hike the fares, people do not feel as happy about catching the buses. It is a reduction in service delivery standards, not the employment decline, as Mr Kaine would want us to believe.

Mr Speaker, what about this little gem from the Graham report? One of the conclusions refers to "The non-operation of services on some public holidays and the service reductions over summer" having contributed to problems in the performance of ACTION. It continues:

Once again, this issue relates to one of the major principles of attracting bus patronage, as identified in Chapter 3. It is recommended in Chapter 8 that these service curtailments no longer take place.

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In other words, if people go out to catch buses and find that the buses are not there when they want to catch them, then they say, "It is too hard to catch public transport; I will make alternative arrangements". For two years, this Government imposed on ACTION bus users in this city huge inconvenience for three weeks over the Christmas period. In spite of the fact that a great many people do work over the Christmas period, in spite of the fact that a great many people do rely on ACTION buses to get to work, they imposed a Saturday timetable on ACTION bus users for three weeks. The result was disillusionment with the bus system, compounding the disillusionment that they felt with the cuts to ACTION buses as set out in *Bus Book '96* and *Bus Book '97*. All that has contributed to a disillusionment by the community with ACTION and to the subsequent decline which we have seen in ACTION bus patronage.

Mr Speaker, this Government has been doing its best to destroy the public transport system since it came to office. They set out an agenda cutting \$12.7m out of ACTION and reducing service standards - whether it is holiday timetables, late-night services, evening services, weekend services or just the frequency of normal route buses feeding into the interchanges. They have not pursued Labor's agenda of improving the attractiveness of the bus system; they have instead pursued an agenda of making it less attractive. Now they want us to believe that they have had a change of heart. Now they want us to believe that they suddenly believe public transport is an important issue.

What is the explanation for this road to Damascus conversion that has occurred in the Government ranks? Mr Speaker, like on supermarket trading hours, like their flip-flopping on 4.00 am closing, you can bet your life that the reason they have suddenly decided that they are all in favour of improving the public transport system is that they have some polling back which has said what we have been saying for two years, which is that the public do not like what they are doing to public transport; that the community are angry with what they have been doing to public transport; and that the community expect the Government to provide a decent public transport system. They will not listen to the community; they will not listen to members of this place; but, if their pollsters tell them, "This is going to cost you votes", then suddenly they are interested. It is going to take more than a few kind words from Mr Kaine to persuade the community that they are serious.

Mr Speaker, the Government today have an opportunity to show that they are serious. The Graham report made recommendations which will cost money to implement. (*Extension of time granted*) Improvements in the frequency of services, better services at holiday times, better services in the evening, better services on weekends and a service which is directed to making it attractive to catch the buses, not unattractive, are what Graham recommends. To implement those recommendations is going to cost money, pure and simple. The reason those cuts have been made over the last three years is this Government's relentless pursuit of the agenda of cutting \$12.7m out of the ACTION budget. This budget is further implementation of that agenda of cutting ACTION and reducing the service.

If the Government wants the community to believe that they are serious about providing a decent public transport system, this is their chance to put their money where their mouth is; this is their chance to amend their Appropriation Bill now, to ensure that there are adequate funds to provide the public transport system which the Graham report says we need and for which the community have been asking for the last three years.

The Grants Commission said in their 1995-96 report that this Government was spending \$10m below what they should spend to provide an average level of service. It is time this Government showed its commitment to providing even an average level of service to the community in the ACT. If the Government are serious about a turnaround on public transport, they will move to increase this appropriation. If they do not move to increase the appropriation, the community are entitled to believe that all the rhetoric coming out of Mr Kaine about how he has changed his mind and that the Government now want a better service, not the worst service they have been giving us for the last two years, is just that - rhetoric from a government that is worried about the polls; not a serious commitment to public transport in this Territory.

MS HORODNY (11.50): We are very concerned, of course, about what has been happening to ACTION bus services over the last few years, the most recent cuts being the \$12.7m over the three-year period of this Assembly. That is a lot of money to cut out of ACTION. We have heard from the Liberals that the Labor Party cut \$10m out of the bus service when they were in government. That is also a substantial amount. If you were already unhappy with that then and you thought \$10m already represented a big cut, why did you continue cutting? There is only so much that the bus service can stand.

When we first came to this Assembly we heard from the Transport Workers Union that they could not maintain services with such an enormous cut, but they did say that they could absorb a \$4m cut; so, they were not totally uncompromising, Mrs Carnell. They did say they could absorb \$4m; they could put in place more multiskilling, restructure management and do other things; and \$4m was a cut that they could cope with, even though they had already absorbed the \$10m cut that the Labor Party had imposed. They always said, "If you try to take \$12.7m out, then the service will suffer", and that is what has happened.

Now, after two years in office, you have commissioned a review. I am very pleased that Mr Kaine has commissioned such a review. It spells out major changes to the service. It includes changes relating to industrial issues and to the way services are delivered. You say that you would like to implement these changes, and that is good. We have said consistently that you cannot reduce a bus service, increase the fares for that reduced service, reduce parking fees and have a good outcome for public transport. What that combination spells out is reduced use of buses and increased use of cars.

Roger Graham, at page 27 of his report, said that one of the issues that are being raised by people is that bus fares are actually more expensive than Civic parking charges. Obviously, we need to improve the bus service and then encourage commuters to use that bus service; reward the bus users by keeping bus fares low and maintain the original \$8 all day parking fee. In that way, those who are environmentally responsible would be rewarded and would save money. Those who want to save money could catch buses

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and be environmentally responsible. Those who choose to drive can pay a reasonable parking fee for that privilege. That should not undermine the viability of a good public transport system. I look forward to Mr Kaine putting in place an ACTION bus service with fares and reliability that are competitive with private car usage.

MR KAINÉ (Minister for Urban Services) (11.53): I will be brief because I do not think the debate brought out much that requires a response, except that some of the comments made by Mr Whitecross do need, I think, to be refuted. His first assertion was that the Government had an objective of cutting back expenditure on ACTION and gradually running it down. The Government has no such objective. In fact, Labor did; they began this process of a massive reduction of expenditure on ACTION. At the time, I presume they thought they were justified. Ms Horodny has made the point that a substantial part of the reduction of the expenditure on ACTION occurred during Labor governments. It is a bit rich for Mr Whitecross, who was not even around at that time, to accuse this Government of having an objective of running it down. (*Quorum formed*) On the question of the funding of ACTION, Mr Whitecross says that the Grants Commission tells us that the Government is spending \$10m below what is required. That may be so, but the Grants Commission also tells us that we are significantly overspending on health and education. Would the Labor Party support our bringing back the expenditure on health and education to the standards that the Grants Commission determines? They have not shown any enthusiasm for it until now.

Mr Whitecross talks about this new-found enthusiasm that the Liberal Party has displayed. I would say this is a new-found enthusiasm on the part of the Labor Party about having any regard to what the Grants Commission says. They have always said before that the Grants Commission talks about standards and there is no obligation on the part of the Government to adopt a standard determined by the Grants Commission. Now they are telling us that we should do so. If it is fine for us to adopt that standard for our public transport system, it is equally justifiable that we adopt that standard for health and education, I submit. They had better make up their minds what they want. Do they want us to stick to the standards determined by the Grants Commission or do they want us to stick to our own standards that we determine in terms of our own priorities?

The Leader of the Opposition also spoke about this new-found interest in public transport. I submit, Mr Speaker, that it is the Labor Party that has a new-found interest in public transport. If you go to the Estimates Committee report that was published only a few days ago, what is contained in that about public transport? There is only one small item, and I will quote it:

There was a concern that the decision to allow only one wheelchair space on the new midi buses was based on a commitment to the minimum required by the Disability Discrimination Act ...

The only matter of concern that the Estimates Committee elicited was that the new midi-buses had only one wheelchair space. That was the Labor Party's interest in public transport during the Estimates Committee hearing. Now, only a matter of days later, they suddenly come up with all this great concern about ACTION. If we are talking about a new-found interest, I suggest that the new-found interest is on that side of this house and not on this side.

Mr Speaker, the facts are that earlier this year, when I assumed the responsibility for this ministry, it was obvious to me that there were difficulties within ACTION. Unlike Mr Whitecross, the latter-day convert and latter-day transport expert, I do not consider myself to be an expert on transport; so, I commissioned an expert consultant to examine ACTION and tell me and the Government what was wrong with it. They did that. Now, with that report on the table, Mr Whitecross, with all of that information before him, becomes an expert on the subject which, three months ago, he knew nothing about. To come into this place now and claim to be an expert just shows how shallow Mr Whitecross is. He talks about all of the things that the Labor Party has focused on in ACTION over the last two years. Mr Speaker, we heard nothing about public transport from the Labor Party until February of this year, when I commissioned an inquiry to look into the matter to see whether there were some fundamental problems. Now they start crowing about their two-year record. I would be interested in hearing about their record before two years ago, when they were the Government and when they began the process which they now describe as running ACTION down. They started the process, not us.

Mr Speaker, there were one or two particular matters that Mr Whitecross referred to, both of which came out of the Graham report. He talks about the work practices. He says, "Why have the Liberals not done anything about these work practices?". Mr Speaker, it is a bit rich, since it was his Government that incorporated all of those work practices into ACTION in the first place. Then he says, "Why did the Liberal Party not do anything about them?". Unlike Mr Whitecross again, I am not an expert on transport matters; and it was not until Mr Graham noted this point as being one of several factors - not the factor - that the Government needs to look at that I became aware of them. We will look at them; we will address them over time. But, as I have pointed out before, there are a number of restrictive work practices. Each of them has been negotiated over many years into the conditions under which ACTION employees work, and each of them, I suggest, is going to take some time to negotiate out, because those negotiations will have to take place with the trade unions. It is not going to be done quickly. But we will address them, and we will do our best to negotiate them out, to the extent that they are constraining the efficiency and the effectiveness of ACTION.

Mr Whitecross says that the Government is blaming management. I have never blamed the management of ACTION for anything. This is another one of those fanciful fabrications that Mr Whitecross comes up with from time to time. He even went so far as to say that Mr Flutter was a scapegoat. Mr Flutter was not a scapegoat. I absolutely refute that suggestion. The problems in ACTION had not even been identified by Mr Graham when Mr Flutter left. I simply refute Mr Whitecross's assertion on this matter. There is no substance at all to it, and he would do better to address some of the real problems that the Government is facing and show a bipartisan approach, rather than the approach that he adopts at the moment.

I initiated an inquiry so that I could know what were the problems in ACTION. I have that report. I have given an indication to this Assembly that I intend to implement the recommendations. The Government has adopted a program to implement them.

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Mr Whitecross says, "Do not delay it until after the next election". I have no intention of delaying it until after the next election. I have already said that we will begin to implement corrective action, based on the Graham report, right now. We are not going to wait until after the next election. Mr Whitecross had better stop crowing about that one; it simply is not true. Mr Speaker, as I said, I would prefer to see the Opposition getting on the bandwagon and showing a bit of support for the things that the Government plans to do, rather than trying somehow to prevent from being done these things that will make ACTION a far more effective and efficient service.

MR WHITECROSS (Leader of the Opposition) (12.04): Mr Speaker, I have to rise again because I am so amused by Mr Kaine's remarks. Mr Kaine thinks that I got interested in public transport in Canberra only in February 1997. That coincides with when Mr Kaine became a Minister. If Mr Kaine was in hibernation for two years on the backbench, did not notice my criticisms of ACTION and did not make any criticisms of his own, then that is hardly my fault. I have been totally consistent in my criticism of this Government's agenda of running down ACTION all the way through the life of this Government. If Mr Kaine was asleep, that is not my problem. Far from the Labor Party needing to join with the Government in some sort of bipartisan commitment to having a better public transport system in the ACT, Mr Speaker, it would seem to me that the question that is out there to be answered is: Is the Government going to climb on the bandwagon? The Labor Party and others in this Assembly have been expressing concern about the Government's agenda in relation to public transport for the entire period of this Government. Mr Kaine is the latter-day convert, not the Labor Party.

I reiterate my challenge: If Mr Kaine is serious about improving public transport and he wants the community to believe that he is serious, then, rather than proposing an appropriation which is a continuation of the Government's agenda of cutting \$12.7m out of ACTION over three years and reducing the public transport system in Canberra, this is his opportunity to move an amendment to the Appropriation Bill. I cannot do it; I am not a Minister, but he is. This is his opportunity to move an amendment to increase the appropriation to ACTION, to show that he is serious about providing a better service and about implementing the Graham report. He has not responded; he has not risen to the challenge; and he stands to be judged by the community if he does not.

MR KAINE (Minister for Urban Services) (12.06): Mr Speaker, Mr Whitecross must have been invisible over there. It is no wonder he is considered to be such a joke by the community, if that is the best that he can do. I will not rise to his bait. I have just had expert advice on ACTION. Nowhere in that report is it suggested that we should pour more money into ACTION. There are a number of recommendations that the Government will adopt that will lead to ACTION being a better system. It does not include the Labor Party solution of throwing more money at it. We will make it a more efficient and effective service, without throwing more money at it.

Question put:

That the proposed expenditure be agreed to.

The Assembly voted -

AYES, 10

NOES, 6

Mrs Carnell
Mr Cornwell
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak
Ms Tucker

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

Question so resolved in the affirmative.

Proposed expenditure agreed to.

Part 14 - ACT Forests

Proposed expenditure - ACT Forests, \$131,000 (comprising capital injection, \$131,000) - agreed to.

Debate interrupted.

Sitting suspended from 12.13 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Consultants - Probity Checks

MR WHITECROSS: My question without notice is to Mrs Carnell in her capacity as Chief Minister and Treasurer. Chief Minister, can you explain to the house what probity checks the Government currently employs to vet contractors and consultants prior to their being engaged by the Government?

MRS CARNELL: It depends on the contract, Mr Speaker.

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

MR WHITECROSS: I do not know about you, Mr Speaker, but I would not have called that an answer to my question.

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MR SPEAKER: I thought it was, actually. It does depend, surely, on the contract.

MR WHITECROSS: Yes, I know; but she did not even go on to explain what it depends on or what checks apply in what situations. Mr Speaker, I will assist the Chief Minister by asking this question: What probity checks did your Government use to vet Fay Richwhite before they were engaged to audit ACTEW? Is it not the case that no scrutiny of consultants is undertaken to ensure that they do not have a conflict of interest or a hidden agenda, or have not behaved in an unethical way in past dealings with governments?

MRS CARNELL: That is true with regard to Fay Richwhite, and they have given us in writing an undertaking that they have no conflict of interest.

Sydney Olympics - Brazilian Training Base

MRS LITTLEWOOD: Mr Speaker, my question is to the Chief Minister. I refer to the recent announcement that the Brazilian Olympic Committee has selected Canberra as its major training base in the lead-up to the Sydney 2000 Games. Can the Chief Minister inform the Assembly of what the likely economic and sporting benefits of this agreement to the ACT will be?

MRS CARNELL: I thank the member for a sensible question. Mr Speaker, our success in attracting Brazil marks another major milestone for this Government in ensuring that the ACT takes full advantage - - -

Mr Corbell: This is old news.

Mr Whitecross: Old news.

MRS CARNELL: Those opposite, Mr Speaker, are not interested in taking advantage of such important things as the Olympics.

Mr Whitecross: We already know about it. You told us before.

MR SPEAKER: Order! Settle down, everybody.

MRS CARNELL: They are not interested. That is the problem, and it is the problem for Canberra.

Already Canberra has been selected as one of the five Australian cities to host preliminary rounds of Olympic soccer - they will be at Bruce Stadium - thanks to the hard work of this Government and the support of the ACT's sporting community. Now our efforts to attract international teams to Canberra by raising the profile of the national capital, both within Australia and around the world, are beginning to show very real results.

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I was pleased to announce earlier this month that we had in-principle agreement with the Brazilian team for 280 Brazilian athletes and support staff to base their training in Canberra for six weeks prior to the Olympics, from August to September in the year 2000. As well as that, of course, there will be a number of trips by people coming to Canberra from Brazil in the lead-up to the games. In fact, Mr Speaker, in August this year we are expecting 35 people from Brazil as a lead technical team. Brazil is just one of the several sporting nations that have been targeted by our Project 2000 Task Force, and I can advise the Assembly that we are negotiating with other Olympic teams to establish training and pre-games competition bases in Canberra. One of those that had some profile recently was the French team. The benefit to the ACT economy of just one team, the Brazilian team, will be many millions of dollars, Mr Speaker. This agreement has also signalled to the rest of Australia and to the world that Canberra has been recognised as a centre of sporting excellence with world-class facilities and leading edge sports science, technology and medical facilities.

I want to take this opportunity to congratulate the staff of Project 2000, the team at the Australian Institute of Sport, the ACT Bureau of Sport, Recreation and Racing, ACTSport and everybody else who has been part of achieving this result, Mr Speaker. But, in handing out a few bouquets, Mr Speaker, I think it is absolutely essential to hand out a few brickbats as well; in fact, six of them, Mr Speaker, to those opposite.

Mr Whitecross: I wonder to whom. What a surprise!

MRS CARNELL: You should not be surprised, Mr Whitecross, because you have done everything in your power to jeopardise everything we have attempted to achieve in this area. I refer back to a report tabled in this Assembly in February 1996 which outlined the potential economic benefits of the Olympics to the Canberra region. That paper emphasised how the Government needed to act decisively instead of sitting back and waiting around for something to happen. We got off our bottoms, Mr Speaker, and we got serious about marketing this city, about raising its profile nationally and internationally and talking to key organisations and individuals wherever they may be.

What has the Labor Party been doing for those two years, Mr Speaker? Absolutely nothing but whingeing and knocking everything we have attempted to do with regard to the Olympics.

Ms McRae: Prove it.

MRS CARNELL: I will. I will go on to prove it, Ms McRae. I wonder whether Mr Whitecross, who seems to be a fair-weather sport supporter - when teams are winning he seems to be there, Mr Speaker - has any idea of what will happen to Canberra's profile if the Brazilian Olympic soccer team comes to this city. I guess not. Thinking back to the teleconference I had with Carlos Nuzman from the Brazilian Olympic Committee, he made it clear that one of the reasons why they were attracted to using Canberra as their base was my visit to Brazil in early 1996.

Ms McRae: Oh, sure; and you believed them.

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MRS CARNELL: Mr Speaker, Ms McRae said that she wanted us to prove it. How about I quote Mr Wood in April last year in this Assembly, when he said:

Very little that is constructive can be said about that trip.

Then I had a flick through the hysterical media releases from Mr Berry and other members of the Opposition, which were full of words such as “junket”, “taxpayer-funded holiday”, “waste of time and money”, and “a frolic in South America”.

Mr Berry: Spot on.

MRS CARNELL: Mr Berry said, “Spot on”.

Mr Berry: Yes, we got the futsal slab. What a great achievement!

MR SPEAKER: Order! Silence!

MRS CARNELL: That shows you specifically, Mr Speaker. All I can say is: What a joke, Mr Speaker! Those opposite are simply a joke. Mr Speaker, perhaps the best way to respond to those claims is to recall the remarks of one senior sporting official who was at the teleconference a couple of weeks ago. He said, “Gee, the Labor Party is going to look pretty bloody stupid right now, after everything they said about your trip”. I could not agree more, Mr Speaker.

To be fair, I must say at this point that I was not criticised for my trip by Mr Moore, Mr Osborne or the Greens. They understood, Mr Speaker, that you do have to get out there if you are going to win this sort of business. We have achieved significant spin-off benefits in respect of the Olympics from that trip as well by getting out there and having a go.

Mr Berry: We got a futsal slab. What a great deal!

MRS CARNELL: I think the futsal slab is a great deal, Mr Speaker. What if by some misfortune the ALP is in government when the Olympics take place - a thing that all of us have to dread? Just imagine that they are in government when the Olympics take place. You can just see them out there at the new upgraded Bruce Stadium that they have knocked the whole time. They have been really negative about the upgrade of Bruce Stadium, which is required, Mr Speaker, for us to become an Olympic city. Can you see them out there at the new upgraded Bruce Stadium greeting the Olympic team onto the field? I think they should be far too embarrassed to do that, and I am sure that Canberra will make sure they do not get a chance.

I am quite sure that the ALP will jump onto the Olympic bandwagon when it suits them, Mr Speaker. I just wish it would be soon. The people of Canberra, the sporting community and local businesses know exactly who has been out there promoting this city and they have not forgotten what Labor has been saying. Who secured the Brazilian Olympic team? This Government. Who bagged us? The Labor Party. Who secured Olympic soccer for Canberra? This Government. Who bagged it? The Labor Party.

Mr Whitecross: Nobody.

MRS CARNELL: Mr Whitecross says, "Nobody". What about the Bruce Stadium upgrade? They have bagged it the whole way through, Mr Speaker, and that is absolutely essential for us to have Olympic soccer. This very day we have received another inquiry from a leading European team to open discussions with regard to coming to Canberra. Daily, we are getting significant interest in Canberra. But it would not happen, Mr Speaker, if we sat on our hands, did not get out there, did not go to Brazil, did not upgrade the Bruce Stadium, Mr Speaker, and showed the level of commitment that those opposite show to marketing this city.

MR SPEAKER: Order! There is far too much interjection. I would hate to have to deal with somebody on the last day of these sittings.

ACTEW Review

MR WOOD: Mr Speaker, my question is to Mrs Carnell. Chief Minister, I refer to the consultancy through which you have employed Fay Richwhite and Associates to conduct a study of ACTEW. Are you aware that Fay Richwhite and Associates, after advising the New Zealand Government on the privatisation of New Zealand Rail, then switched sides and formed part of the consortium which purchased the asset? Do you agree with most fair-minded people who regard this form of insider trading as unprofessional and dishonest, or is it the case that these are the types of companies that your Government would rather deal with?

Mr Humphries: Mr Speaker, I rise on a point of order. First of all, this question asks for an expression of opinion. Secondly, it deals with a matter outside the purview of this Minister. He is asking for her opinion about an arrangement entered into in New Zealand about affairs in New Zealand. It has nothing to do with any matter that the ACT Chief Minister is responsible for.

MR SPEAKER: Would you like to rephrase your question, Mr Wood?

MR WOOD: Mr Speaker, if you are ruling on this point of order, I asked her whether she was aware. That was part of my question. Mr Humphries, as usual, is wrong.

Mr Humphries: That part is okay.

MR SPEAKER: Yes; Chief Minister, you may - - -

MRS CARNELL: Mr Speaker, I am not - - -

MR SPEAKER: I uphold the point of order, and if - - -

Mr Whitecross: What?

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MR SPEAKER: Just a moment. Mr Wood said, "Is she aware ...", and I will allow the Chief Minister to answer that aspect of it.

MRS CARNELL: Mr Speaker, I am not aware of the intricacies of arrangements entered into in New Zealand, but I am aware that Fay Richwhite have been involved in lots of consultancies here in Australia. It seems that the New South Wales Labor Government does not have any problems with using Fay Richwhite. Mr Speaker, here is an interesting report, the Queensland Electricity Industry Structural Taskforce Report of December last year. Fay Richwhite were one of the consultants that were involved in this. They were looking at the reform of the Queensland electricity supply industry. Mr Speaker, if you believe those opposite, it would have needed to be only a short report saying, "Privatise it". Guess what this report does not recommend, Mr Speaker. Privatisation.

MR WOOD: I have a supplementary question, Mr Speaker. Chief Minister, is it common practice to engage companies of dubious ethics and actions to examine and advise on the accounts of public companies, or is it just a practice of your Government? Will you rule out Fay Richwhite being part of a consortium to buy ACTEW Corporation when you sell it?

MRS CARNELL: I think the second part is hypothetical because selling ACTEW is not on the agenda of the Government, Mr Speaker.

MR SPEAKER: I am not so sure that the first part did not contain an imputation.

MRS CARNELL: The first part is not much better. You are quite right, Mr Speaker. I have an enormous problem with those opposite using parliamentary privilege to slur a company that is beyond reproach, Mr Speaker. Fay Richwhite has been used by most governments in this country. It has been used by the New South Wales Labor Government. In fact, Dr Moy, who is, I understand, one of the principals doing the work on ACTEW for Fay Richwhite, is a member of the three-person task force established to recommend structural reform for the Queensland electricity industry, as I have already explained. Dr Moy is also chairman of the New South Wales Labor Government's electricity distribution review group which recommended the restructuring of 25 government-owned electricity distribution outlets in New South Wales. So it seems to me that, if the Queensland Government think they are all right and if the New South Wales Labor Government think they are all right - - -

Mr Berry: Blame somebody else. You are getting a bit nervous, are you?

MR SPEAKER: Mr Berry, if you continue to interject, I will deal with you.

MRS CARNELL: I think, Mr Speaker, it is absolutely unacceptable for those gutless wonders over the other side of this house to use parliamentary privilege to have a go at a company that has worked for most governments in this country, has worked overseas, is a reputable merchant banker, and has operated in a number of parts of the Australian industry from capital market operations to securities and equity markets - in all sorts of areas, Mr Speaker. In fact, the consultancy part of their business is only one part.

If this is a company like what those opposite are suggesting, I cannot believe that they would be registered to operate in securities markets or in equity markets, Mr Speaker, or as merchant bankers in this country. Those sorts of things require companies of good standing. It seems the only people who do not believe they are of good standing are the people opposite.

ACTEW Review

MS McRAE: I refer, again, to the consultancy through which you have employed Fay Richwhite and Associates to do a study of ACTEW, and my question is to the Chief Minister. Yesterday, in answer to Mr Corbell's question about Fay Richwhite and Associates, and again today, you stated that you were happy to employ them and they are "of very good standing". When you engaged Fay Richwhite and Associates to conduct the audit of ACTEW were you aware that Fay Richwhite and Associates have been involved in tax rorts in the Cook Islands which are estimated to have cost the Australian taxpayers millions of dollars, and tax rorts which are estimated to have cost the New Zealand Government between \$2m and \$4m and the Japanese Revenue Office up to \$400m? Do you stand by your statement that they are of good standing?

MRS CARNELL: Mr Speaker, Fay Richwhite and Associates, as I said before, have been employed by most governments in this country. A Fay Richwhite executive, Dr Paul Moy, is a member of a three-person task force and a senior author of a report into the structural reform of the Queensland electricity supply industry. This report involved the most extensive analysis of structural reform of the electricity sector in any jurisdiction and did not recommend privatisation. Dr Moy is also chairman of the Distribution Review Committee in New South Wales - there is a Labor government in New South Wales - which is about the structure of the distribution sector in that State and not about privatisation. Dr Moy is also the independent chair of a key audit commissioned by all governments in the preparation of national competition policy agreements.

Fay Richwhite are an organisation or a company that are used by a lot of governments, but they are also used by an awful lot of people in the private sector as well. I think only about 25 per cent of their business, from memory, is involved in the public sector. I think the rest is involved in the private sector. They are involved in lots of parts of the financial industry. If those opposite suggest that Fay Richwhite are involved in dubious ethics, I think they should walk outside this house right now and say that. If they have one skerrick of real proof about something like dubious ethics, they should have the guts to say it where Fay Richwhite have some capacity to stand up and say that it is not true and prove categorically that it is not true.

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ACTEW Review

MR BERRY: My question is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, I refer to the consultancy through which you have employed Fay Richwhite and Associates to do a study of ACTEW. Yesterday, in answer to Mr Corbell's question about Fay Richwhite and Associates, you stated that you were happy to employ them and that they are "of very good standing". Are you aware that Fay Richwhite and Associates were found to be in contempt of the Davidson Commission in New Zealand - a commission which was investigating the Cook Island tax scams - and fined \$15,000 for spying on the head of the New Zealand First Party, Winston Peters, while he was giving evidence to this inquiry? Chief Minister, are firms who hold the law in contempt and sneak around filming politicians who are giving evidence at commissions of very good standing?

MRS CARNELL: Mr Speaker, I say, again: Mr Berry, walk outside of here and say that.

Mr Berry: Are you aware?

MRS CARNELL: No; walk outside and say that.

Mr Berry: I take a point of order, Mr Speaker. I asked the Chief Minister was she aware.

MR SPEAKER: There is no point of order.

MRS CARNELL: Mr Speaker, Fay Richwhite and Associates have been operating in Australia since 1983.

Mr Berry: No, she is not aware. She never even bothered to do probity checks.

MR SPEAKER: Order!

MRS CARNELL: For the majority of this period, Mr Speaker, Fay Richwhite's activities in Australia have been dominated by its capital market operations, including raising funds on the debt and equity markets and securities trading. Up until 1995 the firm had been an authorised dealer to the Reserve Bank of Australia - - -

Mr Berry: What is the relevance of this, Mr Speaker?

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

MRS CARNELL: Mr Speaker, the relevance of this is that until 1995 the firm was an authorised dealer to the Reserve Bank of Australia and a marketer of all government - - -

Mr Berry: Mr Speaker, I asked no questions about the Reserve Bank of Australia. I asked the question of the Chief Minister - - -

MR SPEAKER: I am well aware of what you asked, and I think the Chief Minister is establishing the bona fides of the company concerned. That is my reading of it.

Mr Berry: I did not ask that question.

MRS CARNELL: You do not care about their bona fides. You are just willing to knock them.

MR SPEAKER: Order!

MRS CARNELL: Mr Speaker, I think this shows something. Mr Berry is not interested at all in their bona fides. He is not interested at all in the work that they are doing in Australia for other governments. He is not interested at all in the fact that this is a company that is doing work for governments all around this country. It was an authorised dealer to the Reserve Bank of Australia. He does not care about any of that. He just wants to use the coward's castle to make unsubstantiated allegations.

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

MR BERRY: Indeed, Mr Speaker. It is a bit hard to make out whether she was or whether she was not.

MR SPEAKER: In which case, sit down if you do not have a supplementary question.

MR BERRY: Why did you go ahead and let this contract to a firm which was involved in dubious practices? What does this say about the probity check you undertake of contractors, if a firm which has been involved in tax rorts to the extent that Fay Richwhite and Associates have - rorts that have defrauded governments of hundreds of millions of dollars - is employed by the ACT Government?

MRS CARNELL: Mr Speaker, maybe he should ask the New South Wales Government, because they are employing them too.

Bruce Stadium Redevelopment

MS REILLY: My question is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, can you confirm that CRI Ltd, who performed the preliminary assessment of the redevelopment of Bruce Stadium, are closely related to CRI Project Management, who have been selected to perform the upgrade, valued by you at \$27m?

MRS CARNELL: Mr Speaker, I understand that some preliminary work was done by CRI which was not associated with the contract.

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MS REILLY: I have a supplementary question. Chief Minister, will you agree that the way that your Government lets consultants who act as preliminary assessors go on to win major contracts leaves you open to the criticism that there are shonky deals going on?

MRS CARNELL: Not at all. Mr Speaker, I think they are very much into shonky deals today. CRI are actually employing local contractors to do the work at Bruce Stadium. They are not actually doing it. Local contractors are doing it. They are managing the process, Mr Speaker, so that we can make sure there are jobs available for local people.

CanTrade Delegation to China

MR HIRD: Firstly, I would like to congratulate the Chief Minister for the effort she put into the Brazil trip. We will all benefit from it as we go towards the year 2000.

MR SPEAKER: Just ask the question, Mr Hird.

MR HIRD: I do have a question; but congratulations, Chief Minister. Last week, Chief Minister, an ACT business delegation led by the chairman of CanTrade, Mr Jim Murphy, departed Canberra to visit China. Can you inform the parliament as to the progress of the delegation and whether they have met with any success in China as yet?

MRS CARNELL: Mr Speaker, the CanTrade delegation - CanTrade is another Government initiative that was knocked by those opposite - under the leadership of Jim Murphy, travelled to China last week. It represents by far the biggest overseas promotional exercise ever mounted by the ACT Government. Again, we are out there giving it a go for Canberra, Mr Speaker, while those opposite whinge. This is a follow-up on the successful delegation to China that I headed earlier this year.

I am delighted to inform members that from all accounts the visit is going extremely well. I will run through some of the achievements so far. The delegation spent most of the past week in the industrial city of Yangzhou, a city notable in China as the birthplace of Premier Jiang Zemin, among other reasons. The delegation mounted a successful trade promotion involving 13 Canberra booths and focusing on areas as diverse as the local wine industry, outstanding tourist attractions, education services and advanced technology. More than 3,000 visitors from Yangzhou and neighbouring areas attended the trade promotion. I know that members of the delegation have been absolutely delighted by the response. In addition, a series of six seminars was run, featuring environmental management, investment and business opportunities, information technology, tourism, higher education and urban planning. More than 400 people attended the seminars, including many government and business representatives.

Mr Speaker, as a result of the trade promotion and seminars, a number of memorandums of understanding have been signed with organisations in Yangzhou, paving the way to greater promotion of ACT tourism and education services in China. An agreement has been reached for the exchange of tourism personnel with Yangzhou, a city that attracts more than three million visitors from within China annually. This tourism exchange,

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Mr Speaker, will be an important vehicle for promotion of the ACT within China at a time when China is emerging as one of the fastest growing sources of tourism for Australia. As well, Yangzhou officials will assist the ACT in discussions on the feasibility of direct charter flights from nearby Nanjing to Canberra.

In the area of education, Canberra has many opportunities in China. It is estimated that there are more new hotels being built in China than in the rest of the world put together, Mr Speaker, creating an enormous demand for hospitality staff and staff training. Representatives from the Australian International Hotel School and the Australian National University are part of the CanTrade delegation and have each signed agreements for collaborative arrangements. For the hotel school it will mean student and academic exchanges with Yangzhou University, opening the way for developing closer relationships which will see Chinese students attending the hotel school here in Canberra. A number of other important agreements have been reached in China, notably one involving ACTEW and its waste water treatment technology. Members will be hearing more about that in coming weeks.

Mr Speaker, the delegation is now in Beijing and will be mounting trade shows similar to those staged in Yangzhou. This will generate new investment and new jobs for the ACT - something I would have thought that all members of this house were interested in. I would like to thank all of the members of the delegation who are in China. We all know that those trips are very hard work, but they are working hard for the ACT.

Consultants and Contractors

MR CORBELL: Mr Speaker, my question without notice is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, is it not the case that in the past your Government has employed LRM Australia to investigate the aquatic needs of the Territory and that the recommendations that they have made - that is, the upgrading of the Civic pool and the closure of the Dickson pool - will benefit their associated company, Leisure Australia? Is it not the case that you have employed CRI to prepare the business plan for the redevelopment of Bruce Stadium and then awarded a company which is linked to CRI the contract to perform the work, which according to you is valued at \$27m? Chief Minister, is it not the case that you are now engaging Fay Richwhite and Associates, who have a track record of advising on the sale of public assets and then buying them, to advise you how to asset strip ACTEW Corporation and prepare ACTEW for sale? Chief Minister, how can the public be confident that taxpayers' money is being well spent when sister companies of firms who prepare the advice are awarded the subsequent contracts?

MR SPEAKER: Chief Minister, did you get the first one? Was it JR or was it LR?

MRS CARNELL: The first one was actually to Mr Stefaniak, but he answered that last week quite a lot of times. I do not think we need to do that again.

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Members interjected.

MR SPEAKER: Everybody will settle down. The Chief Minister has the call.

MRS CARNELL: Mr Speaker, it is true that CRI Project Management Pty Ltd have been appointed project managers for the redevelopment at Bruce.

Mr Whitecross: Are they being paid for it?

Mr Humphries: Mr Speaker, the Opposition has interjected continually on the Chief Minister's comments today.

MR SPEAKER: Yes, I will warn the Opposition. I will warn by name the next person who interjects.

MRS CARNELL: Mr Speaker, CRI will carry out the duties of project manager, including managing design, consultants, quality assurance and the program for the project. They will prepare documentation and a cost plan for the project and, as I said earlier, they will administer contracts, submit monthly progress claims for the project for payment, and submit a monthly report to the Territory. As I said earlier, CRI will employ local contractors, as part of the agreement we had with them, because we wanted to make sure that there were jobs here in Canberra. Mr Speaker, the Bruce Stadium proposal, as you know, has a full exposure for the ACT Government of \$12.3m, not the \$27m that those opposite seem to want to believe. If the project costs more than \$12.3m, that will be funded by the private sector. CRI is a company that has significant expertise in this area. My understanding is that it has had some involvement in the Olympic stadium in Sydney.

MR CORBELL: I have a supplementary question. Is it not the case, Chief Minister, that you have no concept of prudent financial accountability and management of taxpayers' money and the term "conflict of interest", or is it simply that you just do not care?

MRS CARNELL: Mr Speaker, we make sure that we have consultants who can do the job and that the process is appropriate. It is my understanding that we had a probity auditor overlooking the CRI contract the whole way through.

Redevelopment Proposals - Consultation

MR MOORE: Mr Speaker, my question is to Mr Humphries as Minister for the Environment, Land and Planning and refers to the current consultation on areas B11 and B12. Minister, is it true that there was a request for an extension of time by at least one community group for the B11 and B12 consultation period? Is it also true that that has been rejected?

MR HUMPHRIES: Mr Speaker, yes and yes. I was approached by the North Canberra Community Council's Ms Joan Kellett, who will be familiar to Mr Moore. She put it to me that there was a need for further time to consider this proposal. The Government has allocated six weeks for the consideration of the plans. I have had a number of letters from other people about the B11 and B12 proposals and I do not think anybody else - either a community group or an individual - has argued for an extension of time. In my assessment, given the long time it has taken to reach the stage of being able to put something on the table, and particularly given that earlier versions of it and earlier work on it were put out to those groups as well for discussion, the six weeks is adequate.

MR MOORE: I have a supplementary question, Mr Speaker. Just to show there is not just the one person, I will make it clear that I have never discussed this matter of an extension with Ms Kellett. In fact, it was Dr Mac Dickins whom I spoke to on this matter, so that is at least two people. Considering that there are at least two people, two separate groups, who have sought an extension and whom this issue affects very clearly, will you now concede and grant an extension of time?

MR HUMPHRIES: To be perfectly frank, Mr Speaker, I have already considered this issue. I do not think Dr Dickins has put the question of an extension to me. I could be wrong about that; I cannot recall it. I have had a number of meetings with Dr Dickins in the last few weeks. Okay, there are two people who think they should have more time. That is not the tenor of most people's comments to me in respect of this matter.

Mr Moore: But it is the North Canberra Community Council and the Turner Residents Association.

MR HUMPHRIES: I attended a meeting last Saturday, as did Ms Reilly, of the Braddon Residents Association, and there were a variety of views expressed there. Certainly, some members of the association expressed to me support for the proposals, and in fact a desire for them to be implemented quickly. I am not sure that I would be picking up the flavour of most people's comments if I were to say that we need more time for it.

Safety Cameras Trial

MS TUCKER: My question is for Mr Humphries. Mr Humphries, I understand that you are going to trial safety cameras in Civic. Can you tell the Assembly whether or not you are going to take on the recommendations of the Legal Affairs Committee, which looked into this matter, before you start the trial?

MR HUMPHRIES: Incidentally, you are anticipating discussion of something on the notice paper, which is probably contrary to standing orders; but I propose to present the Government response after question time. That response will make it clear that the Government accepts all the recommendations put by the committee except for two relating to the appointment of a privacy ombudsman before a trial can proceed and the enactment of legislation before a trial can proceed.

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Mr Moore: Yes, the two safety protocols.

MR HUMPHRIES: There are other ways of producing protections in the circumstances. The Government's view, Mr Speaker, is that it is important to have that measure in place soon. We have heard, only in the last 24 hours or so, about the increase in juvenile crime in the ACT, supposedly at a greater rate than anywhere else in Australia.

Mr Moore: And cameras are going to help that? Come on, Gary!

MR HUMPHRIES: Mr Moore asks, "Will the cameras help that?". The Legal Affairs Committee of the Assembly recommended that we proceed with a trial to find out. I was lectured the other day about not listening to Assembly committees. I am proposing to proceed with a trial to deal with these sorts of problems which were raised with me by an Assembly committee, and I think it is worth while doing that.

Mr Moore: And how will you look at the results of the trial? You reject the results of other trials, Gary. You rejected out of hand the results of the 4.00 am trial.

MR SPEAKER: Order! This is question time, not a dialogue.

MR HUMPHRIES: Mr Moore is entitled to his point of view. It was not Mr Moore's question, though, was it? It was Ms Tucker's question. Mr Speaker, I can assure - - -

Mr Kaine: The next time for Mr Moore is three days.

MR HUMPHRIES: Yes, that is right. That is true. Three days. Watch out, Mr Moore.

Mr Speaker, I am going to put the position of the Government very clearly on the table. You can see that position and it is open to the Assembly to again stop that process from happening, as ever. As if I need to remind you, the Government is the plaything of the Assembly, so to speak. If the Assembly wishes to prevent this trial from going ahead unless those things happen, then it is open to the Assembly to do that.

MS TUCKER: I have a supplementary question, Mr Speaker. I take it from your answer, Mr Humphries, that you think it is appropriate for the Government to take account of some of the recommendations from an Assembly committee, where it suits you; but you have chosen to ignore the two very important ones regarding privacy and complaints. Does this mean, really, that we need not bother having Assembly committees anymore, because we see such a willingness to ignore what is recommended?

MR HUMPHRIES: Mr Speaker, that is a nonsense question. If Ms Tucker is saying that governments should always accept every recommendation of committees that comes forward, she is stating a very high level of restriction on the capacity of governments to make views - - -

Ms Tucker: With some good reasons for why you reject recommendations.

MR HUMPHRIES: There were, I think, 15 recommendations or so from that committee. We have accepted 13 of the 15. That is pretty good.

Ms Tucker: But you rejected the two that involved this work.

MR HUMPHRIES: You were not a member of that committee, were you, Ms Tucker?

Ms Tucker: No, but I am very interested in the committee work in this Assembly.

MR HUMPHRIES: In your view, they are important. With great respect - - -

MR SPEAKER: Order! Again, this is not a dialogue.

Ms Tucker: He is asking me questions.

MR SPEAKER: I know, and I am reminding everybody that it is not a dialogue.

MR HUMPHRIES: With great respect, there are other views about that. We are the Government. We are putting on the table our response to that. We are accepting 13 of the 15 recommendations, or whatever the number is. We are saying, "This is what we believe". We are not saying that both things referred to in that report - a privacy commissioner or a privacy ombudsman and legislation - should not happen; but we are saying, and I think this is quite logical, that those things ought to happen when there has been some assessment of the trial.

Does Ms Tucker have any concept of the cost of appointing a person to hold a statutory position of privacy ombudsman for the duration of maybe a five- or six-month trial and setting up the infrastructure that goes with that, as well as putting resources aside to frame legislation, very complex legislation, for what could be a trial which results in there being no decision to go forward with such a concept in Canberra? Is that really a good use of our limited resources?

Ms Tucker: We need privacy legislation anyway, Mr Humphries.

MR SPEAKER: Order! Ms Tucker, you have asked your supplementary question.

MR HUMPHRIES: Is that a good use of our limited resources, particularly in view of the fact that at the moment we have a serious problem with crime in the city? I want to deal with that problem. I think we have mucked around for long enough on this issue. We should get on with the business of making a decision.

Licensed Premises - Occupancy Loadings

MR OSBORNE: My question is to the Attorney-General, once again. Minister, I heard a rumour today and I was wondering whether you could tell me whether it is true. The rumour is that the Liquor Licensing Board this week took action against a licensee for a breach of occupancy loadings. I cannot tell you the source of this information, Minister; but, if this rumour is true, could you tell me which licensee was dealt with and what penalty was handed down by the board? As I said, it is only a rumour, but could you confirm whether it is true or not?

Mr Kaine: You are starting to sound like the Labor Party.

MR HUMPHRIES: Mr Speaker, unlike the rumours perpetrated by the Labor Party, this one is true. I can confirm that the Liquor Licensing Board has fined a company in Civic, the Inner City Inn known as Pandora's. Last Monday it fined the licensee of that enterprise \$3,000 for exceeding the determined occupancy loading for the upstairs part of the premises, the disco part. The liquor licensing inspectors alleged before the board that on the evening of 24 April this year and the early morning of 25 April, Anzac Day, the upstairs part of the premises, which has a loading of 344 people, was occupied by 555 people. That is a fairly serious matter. It is not the first offence of overcrowding that has been proven against the licensee of the Inner City Inn, and the board has previously reprimanded and severely reprimanded the licensee for exceeding the occupancy loading.

There are two comments worth making about that. One is that this is the first time, I believe, that the Liquor Licensing Board has used the powers which the Assembly conferred last year to be able to impose penalties, rather than some other body, and I think it has proven to be effective in this case. Secondly, Mr Speaker, it does indicate that there is still a problem, regrettably, with licensees in this city understanding that there are issues to do with the law of this Territory, the breach of which is not going to be tolerated. I think we have to send a message to those licensees that this community expects a high standard. Packing more than 200 extra people into those premises which have a capacity for a certain number of people is quite unacceptable. This is, I hope, only the tip of an iceberg if those sorts of premises continue to flout the law in that way.

Soccer Centre - McKellar

MS HORODNY: My question is to the Minister for the Environment, Land and Planning and it relates to the proposed soccer stadium at McKellar. I understand that the first draft of the lease for section 71, McKellar, for the soccer stadium contained a number of clauses as promised by you at various meetings with residents. These clauses were designed to minimise the impact of the soccer stadium on the local residents. In particular, one clause limited the use of the stadium at night to Friday and Saturday until such time as actual noise levels can be measured. Secondly, there was a clause to ensure that a minimum number of permanent parking spaces were provided on the basis of one car park for four spectators, which ensured about 2,000 car parking spaces.

However, the second draft of the lease conditions has removed the restriction on the stadium's use at nights, which is contrary to your response to the PER on this proposal, and has reduced the car parking requirements to one car per six spectators, and that is a 50 per cent drop. I understand that the soccer club wants to reduce these conditions even further. Could you explain why these conditions are being relaxed, to the detriment of local residents, given the public controversy that this proposal generated and the extensive work that went into preparing the PER and the setting of development conditions that were meant to minimise the impacts of the development?

MR HUMPHRIES: Mr Speaker, I thank Ms Horodny for the question, and I can confirm to her that she has been misinformed about the lease. The lease has been signed. It was signed on the 24th, which was last Tuesday. I have to say that I think it is a very good thing that it has been signed, because it has been a longstanding issue. The people who will benefit from that development of sporting facilities in Belconnen have waited for a very long time to see that, and I am very pleased that we were finally able to wrap up the arrangements.

The Government has not relaxed the standards which were contained in the PER. Those standards have been maintained. The complex, as members may be aware, will include an enclosed soccer ground, a licensed club and an indoor sports hall developed over a 10-year period at an estimated cost of about \$17m. That use is consistent with the Territory Plan. The area has long been zoned for something of that kind. Members will recall that it was subject to a very long and costly process of assessment, that a further assessment was required in the form of a public environment report, and that there was very extensive community consultation, including a round table, about that.

There were negotiations between the club and PALM concerning the extent to which requirements in the PER needed to be met, and at various stages proposals were put forward to move away from the standards being set in the PER. The only extent to which those standards have been modified is by the adjustment in the range of facilities that are foreshadowed by the club at the Belconnen Soccer Club. For example, the arrangements for car parking have been modified but only on the basis that the proposals are not as extensive as those originally foreshadowed in the proposal from the Belconnen Soccer Club. As I recall, it is to do with making sure that facilities of different kinds on the site are not used simultaneously so as to generate a greater need for car parking than would be the case if they were used at different times.

Mr Speaker, I am confident that those standards have been maintained, and that the concerns of the residents have been addressed. I have written to those people recently and explained how that has occurred. I believe, Mr Speaker, that residents will be very happy with the outcome because it does address the concerns that they raised.

MS HORODNY: Mr Humphries, you did not address whether the stadium would be used on Friday and Saturday nights until such time as the noise levels can be properly measured. Can you answer that question?

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MR HUMPHRIES: Mr Speaker, I am anxious not to mislead Ms Horodny, but my recollection is that there was permission for certain activities to occur, providing certain restrictions were in place. I forget what those restrictions were. I will take that part of the question on notice and advise Ms Horodny, but I emphasise that the decisions made do not breach the terms of the public environment report.

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

FINANCIAL MANAGEMENT REPORT Paper

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present, pursuant to section 26 of the Financial Management Act 1996, the consolidated financial management report for the period ending 30 April 1997.

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS Papers and Ministerial Statement

MRS CARNELL (Chief Minister): I present, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of contracts made with Anna Lennon, Martha Kinsman (temporary contract), Paul Rayner (extension), Rosemary Walsh (extension), Sandra Lambert (temporary contract), Sue Birtles (temporary contract) and Allan Eiggins (extension). I ask for leave to incorporate in *Hansard* a very brief statement with regard to the contracts.

Leave granted.

Document incorporated at Appendix 12.

STANDING ORDER 200 - POSSIBLE CONTRAVENTION Paper

MR SPEAKER: I present, for the information of members, a copy of the advice the Clerk provided to me concerning possible contravention of standing order 200 and possible contempt of the Assembly in relation to the motion calling on the Government to take certain action concerning the demolition of buildings on Acton Peninsula. It is a fairly detailed statement, and therefore I think it would be wiser if it were presented now and circulated to members in due course.

AUDITOR-GENERAL - REPORT NO. 6 OF 1997
The Canberra Hospital Management - Control of Salaried Specialists
Private Practice

MR SPEAKER: I present, for the information of members, the Auditor-General's Report No. 6 of 1997, "The Canberra Hospital Management - Control of Salaried Specialists Private Practice".

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

That the Assembly authorises the publication of the Auditor-General's Report No. 6 of 1997.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Inquiry into the Efficacy of Surveillance Cameras -
Government Response and Ministerial Statement

MR HUMPHRIES (Attorney-General) (3.21): Mr Speaker, for the information of members, I present the Government's response to Report No. 2 of the Standing Committee on Legal Affairs, entitled "*The Electronic Eye - Inquiry into the Efficacy of Surveillance Cameras*", which was presented to the Assembly on 25 September 1996. I move:

That the Assembly takes note of the paper.

Members will recall that the Government had hoped to proceed with a trial of closed-circuit television in Garema Place early in 1996 and that this matter was referred to the Legal Affairs Standing Committee on 29 September 1996. The committee has recommended that a fully evaluated trial of closed-circuit television in public places proceed, but only after a number of preconditions have been met. These preconditions include the enactment of privacy legislation covering the use of CCTV in public places and the appointment of an independent ombudsman who would also help develop a code of practice.

Mr Speaker, the Government welcomes the general thrust of the committee's recommendations, but we consider it too onerous to be expected to implement the two preconditions I referred to for the purpose of a trial only. They are onerous because of the personnel and time resources required to put these prerequisites in place. The development of privacy legislation for the use of closed-circuit television in public places would be a first in Australia. A major reason for the worldwide lack of privacy legislation for public place CCTV is that such legislation would be complex. For example, how do you define "closed-circuit TV in public"? How does it differ from a commercial TV station's news footage of an incident in Garema Place? Would the legislation attempt to control who can film in public and, if so, where does commercial television or a tourist taking videos or a family videotaping in a park fit into the legal equation? Would the legislation attempt to control how videos that are taped in public should be used and who should have access to them?

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Mr Speaker, I am not claiming that such issues are insurmountable, but they are complex. What the report recommends is that we must, firstly, put in place complex legislation, appoint an ombudsman and involve that person in the development of a code of practice before we actually put CCTV to the test. I believe it makes more sense to trial CCTV first and, after the trial, if we decide it is worth our while to continue, then to look more closely at the type of regulatory framework we need to support the use of CCTV on an ongoing basis in public.

I want to stress, however, that the Government is not prepared to trial CCTV without guidelines to protect privacy concerns. We believe that a trial should proceed and we believe that it should be subject to a stringent set of guidelines which protect privacy concerns. But there is a vast difference between agreeing to a set of working guidelines for the purpose of conducting a trial and enacting complex legislation before a trial - legislation which is likely to impact upon the media and security industries, let alone the amateur video operator. There is also the added factor that we would have to turn around and dismantle complex legislation should a trial inform us that CCTV is not an appropriate crime prevention measure. Our intention is to test these guidelines as part of the evaluation, to measure their effectiveness in protecting privacy concerns. In this way the trial will inform us better about the type of regulatory framework necessary to support the use of CCTV in the long term.

Similarly, we believe that existing complaints mechanisms are sufficient for the purpose of a trial and it is not necessary to appoint an independent ombudsman. Again, the way complaints are handled during the trial will be an element that is evaluated. In this way the trial can inform us about future options for processing complaints and auditing the system.

Members will see from the paper that I have just tabled that the Government fully supports the other recommendations of the report. We have approached the Commonwealth with a view to funding a carefully evaluated trial on the effectiveness of closed-circuit television. We agree to implement the majority of the recommendations of the "Civic by Night" report and the "Role of Urban Design in Crime Prevention and Community Safety" report. We agree that any public place monitoring by CCTV should be undertaken by properly trained personnel. We agree that signs should be put in place to alert the public to the presence of CCTV monitoring in public places. We agree that during the period immediately following a trial, when various data is being evaluated, the trial CCTV system should be turned off. We agree that the Assembly should be fully informed of the evaluation of a trial.

I trust that the Assembly will endorse the response outlined by the Government and realise that the creation of complex legislation and the appointment of an ombudsman, for what may turn out to be for the purposes of a trial only, would be excessively burdensome. Guidelines and existing complaint mechanisms should be able to protect privacy concerns for the purposes of a trial. It is our intention, then, to commence in the coming summer, in 1997-98, a trial of CCTV in Civic on the basis which I have outlined.

I undertake to report back to the Assembly, well before a trial commences, with details concerning the nature of the guidelines and other aspects of the trial. Mr Speaker, I believe that, if we do not take the opportunity now to explore the potential of CCTV, we may well be denying ourselves the advantage of an effective and powerful crime prevention measure.

MR MOORE (3.27): Mr Speaker, I rise to comment on the Government's paper and to move an amendment to Mr Humphries's motion. In fact, I will move that amendment now, and then speak to it. I move:

After "That the Assembly takes note of the paper" add "and, in noting the paper, this Assembly requires the Government to refrain from any implementation of surveillance cameras that is not in accordance with all the recommendations of the Standing Committee on Legal Affairs report 'The Electronic Eye'".

In Mr Humphries's speech, he made a great deal of the notion that, when it comes to closed-circuit television in public, we need to do a trial and not get bogged down in excessively burdensome problems about complaints and about complex legislation that deals with the protection of civil liberties. Mr Humphries went on to say that details need to be sorted out as part of a trial so that we can understand what is going on.

The Standing Committee on Legal Affairs travelled widely in looking at closed-circuit television and how it was used. The results of their widespread research said that we have to be very careful about the safety issues. We have to be very careful about the civil liberties aspects and we really ought not to proceed unless we have in place some very careful protections. Those protections are the very things that this Government wants to reject and that Mr Humphries, of all people, wants to reject. I have known Mr Humphries to stand up on many occasions to seek the protection of people's civil liberties. Now he says, "No, we will put them aside for a trial".

It was an excellent report. When the Legal Affairs Committee took on the issue of cameras, I thought, "I am never going to be able to agree with this report because, basically, I cannot see how we can possibly protect people's civil liberties and have surveillance cameras in a public place". The committee looked at the full range of issues. I congratulate the chairman - Mr Osborne - Mr Kaine and Ms Follett. When Ms Follett said to me, "I think, Michael, you will not find the report so bad", I said, "I think, Rosemary, that there is little chance that I will ever support any form of closed-circuit television". In fact, when I read the report I said, "Yes, I could make a compromise of this kind". I could see that, perhaps, with those safety mechanisms in place, you could run something like this and there might be some benefit.

The risks are still high. We know from the experience of the Legal Affairs Committee that the privileges and responsibilities associated with the use of such things are being widely abused in other places. We simply cannot take that risk. That is why I have moved this amendment.

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Mr Humphries: Where is the evidence of that, Michael?

MR MOORE: It is in the report, Mr Humphries. If you talked to individual members of that committee about places they went to and what they saw, then of course you would understand that. The committee, in writing their report, had to be reasonably discreet about how they described what they saw in other places, and appropriately so. To deal with what members of the committee have referred to in personal conversation as inappropriate conduct, they put into place a series of protections and said, "These are the protections we need".

It is just not good enough for the Government to say, "We are going to take all the good, but we are going to reject what the committee has recommended and we are going to put into place instead some other, lame methods". Of course, the other, lame methods are better than nothing, and I know that we are speaking about a trial; but we have just had another trial on 4.00 am closing and it is very interesting that Mr Humphries is very keen to say, "Who cares about the result of the trial? We still want to retain 4.00 am closing". Maybe Mr Humphries will think I am misrepresenting his position on that a little. Perhaps I am. I do not intend to, but that is the sense that I get.

To me, it is critical that these protections be in place first. The Legal Affairs Committee did what the committees do best. They came out with a very sensible compromise and a sensible way through a major difference of opinion within the Assembly, and we ought to respect that result. That is why I have moved this amendment, and that is why I seek support from other members of the Assembly.

MR WOOD (3.33): Mr Speaker, the Opposition will give support to this amendment. Mr Humphries has a habit of trashing reports. Later today we will be examining the action he proposes to take in trashing a report on 4.00 am closing. I wonder sometimes why, when reports are commissioned by the Government or commissioned by this Assembly, no notice is taken of them. I hope that Mr Kaine, now Mr Humphries's ministerial colleague, joins this debate, because the report, as Mr Moore says, is a consensus document agreed by Mr Kaine, Ms Follett and Mr Osborne. It proposes sensible measures that this Assembly ought to put in place before running a trial.

Of course, Mr Humphries, in playing around with words, tried to convince us that this is something extraordinarily complex, something that would take a great amount of work to do and something that therefore should not be used to delay unnecessarily what he would wish to see happen. I do not know why we would want to consider these to be complex matters. We consider all sorts of matters in this Assembly, and I would not think that getting privacy provisions in place is any more complex than anything else.

The basic fact is that we have an agreed report by three groups in this Assembly. There is no minority report in it; it is agreed. It sets down certain basic principles, and those are the principles that this Assembly ought to follow. I believe that it is not the appropriate course for the Minister now to come in and say, "Let us move ahead of that".

He was, I believe, prepared to wait for this report to be tabled. I seem to recall him saying that he would wait on action until it came in. Now he wants to move away from that, simply because the report does not satisfy him. That is not good enough. Let us follow the recommendations in this report and let us put a hold on what the Minister proposes to do.

MR OSBORNE (3.36): I will be supporting this amendment moved by Mr Moore to Mr Humphries's motion, for a couple of reasons. The first is that we went through a very long process in the Legal Affairs Committee in regard to the report entitled *The Electronic Eye*. The committee was handed this issue of surveillance cameras because the Government raised it last year at a time when it did not have the numbers on the floor of the Assembly to go ahead with them. At the time, I indicated my support for surveillance cameras, and that support still stands. However, at the time we did not have the numbers on the floor of the Assembly even to get a trial up, so we took it on in the Legal Affairs Committee.

At the time, the committee was made up of Ms Follett, who is no longer here, Mr Kaine and me. The three of us travelled to Queensland to look at cameras in operation. The pleasing thing for me was that every one of the members on that committee, when they went into this inquiry, moved a certain amount of ground. Their opinions changed somewhat after undertaking this inquiry. I must admit that my blind devotion to surveillance cameras was watered down a little bit after I had seen them in operation, because I could see some of the real dangers. I still support them and I think they can be a tremendous tool, especially for the police; but I can see the potential dangers that they pose.

Without telling tales out of school, I can say that Ms Follett moved a certain amount of ground as well. She was vehemently opposed to surveillance cameras prior to undertaking this inquiry, but she was sensible enough to look at the information and see that perhaps there could be some pluses in installing surveillance cameras. She moved somewhat, as did Mr Kaine, I am sure. If he rises and speaks later, he can tell us. He certainly was very interested in issues of privacy and, from memory, what actually happened to the videotapes and who controlled them. When we were looking at the cameras in one place, we realised that there were no real controls over who could gain access to the tapes. We have already seen on television on the odd occasion shows using footage from surveillance cameras in action. All three of us changed our opinions after undertaking this very lengthy inquiry.

The pleasing thing for me was that it was a unanimous report. All three members - a member of the Government, a member of the Opposition and I as a member of the crossbenches - stood up in support of the report and in support of the recommendations. I think that was a tremendous step. Prior to our undertaking this inquiry, members of the Opposition and members of the crossbenches, apart from me, were opposed to any trial of surveillance cameras. I think it was a tremendous success that we were able to set the Government on the path to having a trial of surveillance cameras.

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Fundamental to this support for a trial, Mr Speaker, were the recommendations handed down by the committee. When I saw the Minister on TV after the report had been tabled in the Assembly, it was obvious to me that he had some problems with a number of the recommendations. One was the recommendation about privacy legislation, and today we heard him also raise the issue of an ombudsman. Bad luck! It was a unanimous report. There was no dissenting report from the Liberal Party member on the committee. He agreed with our recommendations. Mr Kaine agreed that for there to be a trial there needed to be privacy legislation and there needed to be an ombudsman. I do not know what motivated Mr Humphries to pull this on today. Perhaps it is the impending election and he is looking for an issue, or perhaps not.

I would like to state once again my support for surveillance cameras. I do think they can be a tremendous tool. Quite obviously, to get them through the Assembly Mr Humphries needs more numbers than there were when he tried last time, and obviously he does not have those numbers. As I said, all members on that committee moved ground; they all changed their opinion. The Assembly supported the report, and we gave you the ways to go ahead with the trial, Mr Humphries. Unfortunately, you have chosen to ignore a number of key recommendations. It is sad that we have to waste our time debating this issue when you know full well that you will not be successful.

I will be supporting Mr Moore's amendment. In doing that, I would like to reassure Mr Humphries that I believe in the placement of surveillance cameras. I think they can be a tremendous tool, but I think it would have been good if he had looked at our recommendations or if he had had the courtesy to address the Legal Affairs Committee and raise his concerns with us. He did not do that, so unfortunately he loses once again.

MS TUCKER (3.42): The Greens also will be supporting Mr Moore's amendment. There are a few points I would raise. Mr Humphries has talked about the difficulty of dealing with privacy concerns for just a trial. As members are aware, over the last few weeks and during the Estimates Committee process, I have been asking questions of the Minister about privacy legislation in the ACT. I think this issue is a good indication of how we need overarching privacy legislation in the ACT. We also hear discussion about privacy issues related to medical records. Now we see the need to bring in this little patchy part of privacy protection, some kind of privacy protection for a trial of cameras. There are a lot of other areas where the community needs to be concerned right now about privacy issues, about practices that are already occurring in the ACT.

Fair and responsible handling of personal information is an issue of concern in 1997 in the ACT and in all other areas of Australia. The Federal Government is not taking responsibility for this in the private sector, and until there is sufficient pressure on the Federal Government to take that responsibility the onus is basically on the States and Territories. More States and Territories should take the initiative. Some of them are. I understand that Victoria is taking the initiative on IT with their electronic shopfront, and I think another State is doing something too. Obviously, it is not desirable if we have a hotchpotch of privacy legislation around Australia. As I have already said in this place,

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the Privacy Commissioner is developing a code which, when it is developed, can be used as a blueprint. There are issues regarding privacy which need to be given serious consideration. I do not think there is any harm in Mr Humphries taking on overarching privacy legislation before a trial such as this is entered into. There are other good reasons for him to do this.

Mr Humphries thinks existing complaints mechanisms could be used for this trial. I noticed in the *Canberra Times* - I think it was last week - an article about just how pressured the Ombudsman is. Philippa Smith's office is under extreme strain, and they cannot take on any more, apparently. However, they have to take on the complaints that are given to them if it looks as if they require investigation. That is also not very reassuring.

Mr Humphries has upset members here. This report was the result of an Assembly committee inquiry and it needs to be taken very seriously for that reason. As the chair of a committee, I am concerned when I do not see the Government take recommendations very seriously. A large amount of work and time is invested not only by members of this place but also by the community when they cooperate with members of this place to produce these reports. It is disrespectful of their work also.

I notice that Mr Wood is circulating a motion to have the Legal Affairs Committee look at juvenile crime. A number of incidents have been reported in the media. I do not think they were at Civic. They were in Dickson and O'Connor. There are serious concerns about crime in the ACT. I share Mr Humphries's concern about this. I see that Mr Wood is concerned. He wants an inquiry into it. I think we need to be a little bit careful about rushing into cameras, not only for the reasons that have been explained already by other members but also because there is money coming from the Commonwealth, I understand, to look at crime prevention. I think there have already been some utterances from Mr Humphries that he would like the money to go towards the cameras.

Maybe we should wait and see what Mr Wood comes up with. I am also doing an inquiry into children at risk which, to some degree, will overlap Mr Wood's inquiry. There is a lot of work going on in this place, committee work as well, which I hope the Government does give serious attention to. I share the concern of the other members here that you have not taken seriously enough two very critical recommendations of this report. I also believe, as I have said, that you need to take responsibility for privacy in the general sense in the ACT, for the private sector anyway.

MR HUMPHRIES (Attorney-General) (3.47): Mr Speaker, in speaking against this amendment, I want to respond to a few issues that have been raised by members. I particularly want to respond to the assertions that have been made about what has been described as disrespect for the work of committee members and contempt of the Assembly in ignoring recommendations, and other harsh comments about the Government's response to the report *The Electronic Eye*. Before members get too excited about this theme of the Government being in contempt of the Assembly, let me remind members that it is extremely common, and has been ever since this Assembly was begun, for governments to reject at least some of the recommendations contained in Assembly committee reports. Indeed, it has also been the case that the Assembly as a whole has rejected recommendations of Assembly committee reports on occasions - - -

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Mr Osborne: Not when you needed the numbers. You needed the numbers to get the surveillance cameras through.

MR HUMPHRIES: I do not know what you mean by “when you needed the numbers”, but let me say - - -

Mr Osborne: Eight beats nine every time, Gary.

MR HUMPHRIES: Eight beats nine, does it? That is a very interesting set of numbers. I do not think Mr Osborne should ever aim to be Treasurer in an Independent government. Mr Speaker, let me say to him and to other members of this place that our view is that it is nonsense to suggest that we are showing contempt for the Assembly by supporting, as I said, only 13 out of 15 - in fact, it is nine out of 11 - recommendations of the Assembly committee. The other recommendations impose quite onerous obligations on the Government to proceed with a trial. The Government has accepted every one of those recommendations. Few, if any, of those burdens fall on any other municipal body or State government that administers security cameras in this country.

Mr Moore: But we are different because we have both functions.

MR HUMPHRIES: Okay. Very few impose standards of that kind on a city council, a municipal government or a State government, or a combination of those. Those obligations have not been imposed anywhere. In accepting nine of the 11 recommendations, the Government has very substantially accepted the burden placed on its shoulders by the Assembly. However, we have balked at the suggestion that there should be expenditure of what I am told is something like \$100,000 to employ a privacy ombudsman and implement complex legislation on privacy for the purposes of what may be only a three-, four- or five-month trial.

I ask members to consider what they are asking us to do. They want us to spend that amount of money on putting in place mechanisms which may never be of any long-term use to the Territory. They may be dumped at the end of the period of the trial.

Mr Moore: The privacy legislation is long term.

MR HUMPHRIES: The privacy legislation would presumably have a sunset clause in it, because the trial itself has a sunset clause.

Mr Moore: No, it should be broad privacy legislation and just have a bit to do with this.

MR HUMPHRIES: Okay; we are going to have broad privacy legislation. I make the point very clearly that privacy legislation is a very complex matter. It took years to develop at the Commonwealth level. The ACT still has not developed privacy legislation, because it has relied on the Commonwealth legislation. Right or wrong, that is what has happened. To now have to go through the exercise of developing privacy legislation would be a cost to the community, a cost to the taxpayer, and would result in considerable delay in the implementation of this kind of protective concept - a delay of several months, if not several years.

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I see that a lot of people on the floor of the Assembly are listening at the moment. It is nonsense to say that the Government is in contempt of the Assembly because it accepts only nine of 11 recommendations. If Mr Moore or anybody else maintains that governments are in contempt in those circumstances, there are lots of reports - in fact, I dare say almost every report ever presented to the Assembly - that governments have had some degree of disagreement with.

The Government, in its response today, has proposed a trial over the coming summer. I can assure members that it will not be possible - Mr Moore, I hope you are listening to this - to implement legislation in time for that to occur. It is expensive, and it is not possible to do it in the time available. I say to members again that, if they want to have this trial junked, then passing this amendment is the way to do it. My party makes no bones or expresses no regrets about going to the next ACT election and making it clear that we have measures that we believe would improve the safety of people of this Territory and we have been blocked from implementing them by the Legislative Assembly.

Mr Moore: You have already had the report for 10 months. You could have had it drawn up by now.

MR HUMPHRIES: Where was the money coming from, Mr Moore, to pay for the development of such legislation? Where was the money, Mr Moore?

Let me go to another point that has been raised in this debate. We are told that we need privacy legislation to protect people who are subject to these cameras. Let me surprise members by pointing out that there is already privacy legislation which comprehensively protects people in these circumstances.

Mr Moore: That is Federal legislation.

MR HUMPHRIES: Indeed, it is Federal legislation. Members of the committee, I think a little bit hastily, accepted some comments made by the head of the privacy branch of the Commonwealth Human Rights and Equal Opportunity Commission. In a report published in New Zealand, Nigel Waters said:

The Federal Privacy Act 1988 is the only information privacy law in Australia with legally binding rules. It regulates the handling of personal information by Commonwealth government agencies and all users of consumer credit information and Tax File Numbers. It does not cover video surveillance.

In commenting on that, the committee said:

The Committee is very concerned that people's right to privacy is protected. It considers that not only should there be legislation to protect people's privacy but that it should include penalties for inappropriate access, use and disclosure of recordings.

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What the reaction today overlooks is that the Government is proposing to operate a trial in which the only people who will have access to that video information are Australian Federal Police officers. They, of course, are part of an agency of the Commonwealth Government and are therefore fully subject to existing privacy legislation. There is no need for further legislation in respect of that operation. If we were having a trial in which a private security firm were monitoring the cameras, yes, there would be a deficiency in legislation. But there is not when Commonwealth officers, namely, Australian Federal Police men and women, are the only people with access to those cameras and to the tapes produced by them. It is nonsense to talk about legislation in those terms.

I have also put to members of this Assembly that the Commonwealth Ombudsman almost certainly has a role to play in the enforcement of Commonwealth privacy legislation and certainly has a role to play in the work of Australian Federal Police officers. So why do we need to appoint a separate special privacy ombudsman when we already have an ombudsman with full jurisdiction in this area, namely, the Commonwealth Ombudsman? Any breaches of the legislation would be by Commonwealth officers, namely, Australian Federal Police officers. That is why the Government has rejected the recommendations of the committee. They were not well thought through. We already have the legislation in place and we already have the Ombudsman in place. It would be nonsense to produce another person to do the same job as the present Commonwealth Ombudsman. It would be nonsense to produce legislation to do the job which is already done by the Commonwealth Privacy Act. What is the reason for it? There is, of course, no reason.

I said before that I thought it would cost \$100,000 to develop legislation. I asked for a costing on the preparation of privacy legislation and the establishment of an ombudsman's position. My advice was that the budget for such measures would be roughly as follows: A consultancy to evaluate the trial itself would cost \$50,000. If you added extra costs for monitoring personnel for the purposes of a trial, you would have another \$22,000. If you set up privacy legislation, you would be looking at \$59,000 in costed time. That includes research, community consultation, industry consultation, and drafting. They are not my figures; they are the figures I have from my department. The employment of an ombudsman, presumably on a part-time basis but with backup support such as secretarial support and so on, would cost \$60,000. That is \$119,000 for us to implement a trial that could be as short as four or five months. I do not believe that the Territory needs to spend that money or to waste that time.

I make one last comment before sitting down. I was told that there are problems with the operation of security cameras elsewhere. It was not said exactly where. Indeed, there was a suggestion about misuse of cameras elsewhere. Mr Moore has indicated to me that his attention was drawn to paragraphs 4.3 to 4.9 of the report, which make reference to the fact that there is little formal complaints process in place in respect of cameras in Brisbane. Comments are made elsewhere about the lack of arrangements in place to protect members of the public. (*Extension of time granted*) The suggestion is that there are problems with other places. The problems identified in this report are not problems with misuse of the cameras. They are problems with a perceived lack of protection, but no explanation was given of where that actually results in abuse of people's privacy.

I have maintained all along that it is very hard to see what it is that people do in public places that deserves to have privacy protection. What am I supposed to be doing in a public place that I want to keep private anyway? Can someone answer that question for me? We have not had documented cases in Australia, at least not that I am aware of, of the abuse of these cameras in public places. We have had documented cases, I am aware, of abuse of cameras in private places. I understand that there are cases of people having been filmed in change booths in stores and also doing other things in private premises. That certainly has been the case. But I am not aware of any abuse of cameras in respect of public places - none at all. There is certainly no evidence of that in this report. Where is the abuse we are trying to protect against? Where is the need that we are spending \$119,000 to address? I do not know.

I do know, however, that security cameras have produced significant benefits in the detection and prevention of crime. Only a few weeks ago a serious incident in Ipswich in Queensland, in which some Aboriginal people were attacked by security guards, was caught on video camera and the tape is being used to effect the prosecution of those who attacked those Aboriginal people. Benefits flow from these cameras. That cannot be doubted. We have benefits on the one hand, and we have no demonstrated problem on the other hand. No-one has yet produced a single case in the ACT or elsewhere in which cameras in public places have resulted in some misuse. Why are we hesitating to make this decision? This is a very unfortunate decision for the Assembly to be taking, and I ask members to reconsider the foolishness of what they are doing.

Question put:

That the amendment (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 9

Mr Berry
Mr Corbell
Ms Horodny
Mr Moore
Mr Osborne
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 6

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mrs Littlewood
Mr Stefaniak

Question so resolved in the affirmative.

Motion, as amended, agreed to.

PAPERS

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

Calvary Public Hospital - Information Bulletin - Patient Activity Data - April 1997.

The Canberra Hospital - Information Bulletin - Patient Activity Data - April 1997.

Department of Health and Community Care - Performance report - First three quarters of 1996-97 - The Canberra Hospital, Calvary Hospital ACT Incorporated and ACT Community Care, dated June 1997.

Remuneration Tribunal Act -

Determination No. 18, including statement No. 18 for part-time holders of public offices, dated 3 June 1997.

Determination No. 19, including statement No. 19 for full-time holders of public offices, dated 3 June 1997.

Statement for Members of the ACT Legislative Assembly (No. 20).

SUBORDINATE LEGISLATION

Papers

MR HUMPHRIES (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for approval of a code of practice, determinations and an instrument of appointment.

The schedule read as follows:

Animal Welfare Act - Approval of Code of Practice for the Humane Control of the Fox - No. 110 of 1997 (S168, dated 18 June 1997).

Building Act - Determination of fees - No. 120 of 1997 (S182, dated 24 June 1997).

Land (Planning and Environment) Act - Determination of fees - No. 119 of 1997 (S181, dated 24 June 1997).

Parole Act - Instrument of appointment to the Parole Board of the Australian Capital Territory - No. 121 of 1997 (S183, dated 24 June 1997).

NATURE CONSERVATION STRATEGY Papers

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.06): For the information of members, I present the draft nature conservation strategy for the ACT, together with an invitation for public comment and an executive summary, and I move:

That the Assembly takes note of the papers.

Mr Speaker, I have a quite long speech, but it is really not very controversial. I can promise members that they are not going to want to die in the ditch while I am reading it. I ask for leave to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 13.

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

ASSEMBLY BUSINESS - PRECEDENCE Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent the order of the day, Assembly business, relating to the disallowance of Subordinate Law No. 111 of 1997 being called on forthwith.

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NATURE CONSERVATION ACT - DETERMINATION NO. 111 OF 1997
Motion for Disallowance

Debate resumed.

MR OSBORNE (4.09): Mr Speaker, I must admit that I have learnt a little bit on this issue. When fees at Tidbinbilla Nature Reserve were announced, I was quite disappointed. Looking back on the issue, I think I was disappointed because we had a budget presented which spoke of no new taxes and no new fees, yet very soon after that budget the Minister, Mr Humphries - - -

Mr Humphries: Vote against it, Mr Osborne. Go on, be a man!

MR OSBORNE: Mr Speaker, I would like to remind Mr Humphries that I am walking a very fine line here at the moment. It will not take a lot to push me one way or the other.

MR SPEAKER: There is an even finer line for the Chair, Mr Osborne.

MR OSBORNE: Mr Speaker, my initial reaction to this whole issue was one of disappointment. Some of the fees proposed were, in my opinion, a little high, given that the vast majority of people who use the Tidbinbilla Nature Reserve are Canberrans. I sympathise with Mr Corbell on this issue. However, Mr Humphries and his department have come up with some very interesting arguments. Mr Speaker, I find it interesting that the Government have changed their tack on this issue of all money raised going into Consolidated Revenue. I agree with Mr Humphries when he says that all money collected at Tidbinbilla will remain at Tidbinbilla. I had a meeting with the Minister at lunchtime and I think we moved some ground on this issue. I believe that he is going to stand up in a little while and make a couple of announcements in regard to the fees to be charged.

I do not particularly want to go back into the history books, but the issue of fees for certain areas of Canberra is not a new issue. I am led to believe that the previous Labor Government had it in mind to introduce fees not only at Tidbinbilla but also at Pine Island in my electorate. They were looking at charging a fee of about \$4 to visit Pine Island and \$8 a car for people going into Tidbinbilla, so it is not a new issue. It is not one that the Labor Party has always been opposed to.

The one thing that concerned me was the \$20 fee to be placed on families for a 12-month pass. I think that is perhaps a little too high. As I said, the only people who would use Tidbinbilla more than once would be residents of the ACT. I think Mr Humphries has agreed to a compromise on that one. The people most likely to buy that annual pass are people who live in the Territory. Mr Humphries is going to talk about that. I hope he is also going to talk about some sort of incentive for children to join a Tidbinbilla nature club or something like that. I think that would be a tremendous move on the part of the Government.

I hope that Mr Humphries will stand up and allay my fears on this. He cannot move anything today. However, if he gives us his word that he will do that in the future, I am prepared to go with them on this. As I said, I do not think it achieves anything if we stand up here and yell and carry on, one side does not move and the other side

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refuses to move. With a minority government, it is all about compromise. I am pleased that the Government has agreed to compromise on this issue and to lower the fees for Canberrans wanting to visit Tidbinbilla Nature Reserve, which is their very own. Unfortunately for Mr Corbell, I will be voting against his motion and I will be supporting the Government, given that Mr Humphries has moved some ground and the people who will benefit from that are Canberrans.

MR MOORE (4.15): I put the following motion on the notice paper on 20 February 1996:

That this Assembly rejects any move by the Government to institute charges for entering Canberra nature parks or the Namadgi National Park.

At the time I worded that I was conscious that it did not cover Tidbinbilla. This issue of charging for entrance to Tidbinbilla has been on the agenda for such a long time, as Mr Osborne mentioned. When I take my family to the pictures, I know that it is going to cost me well over \$30, probably \$35. If I take them ice-skating, it is going to cost at least that much money. If I take them out to Tidbinbilla, it is certainly going to cost me more than \$8 in petrol and wear and tear on the car by the time I get there and back. When I make decisions about where I take my family, I weigh up costs against what benefit there is for them or future generations.

I was originally very reluctant to support the Government's approach when Mr Humphries and his staff first mentioned it to me. However, slowly I came around to the way of thinking that, in fact, we could wind up with a much better Tidbinbilla and that it would be really worth the while of somebody like me taking the family there. I could say, "Yes, I will contribute \$8 to this because I am going to get something much more than I get when I take my family out to Namadgi". We enjoy going out to Namadgi. We enjoy walking through that area. It is fantastic. I will reject any attempts to charge for entrance to that national park. That is why my motion is still sitting there on the notice paper waiting to be brought on, should it be necessary.

In the case of Tidbinbilla, though, I have gone very carefully through the processes that were being prepared. I am of the opinion that on a cost-benefit analysis - and that is what we do - we are better off charging in the way proposed. That is not to take away from what Mr Corbell is doing. I can see that effectively he has done the same sort of cost-benefit analysis as I did. In the end, his analysis came down on one side of the line and mine came down on the other side of the line. I do not think our positions are so far apart. However, the crunch comes, as it did with issues such as circuses. You have to come down on one side of the line, even if there are good arguments on both sides. That is the way votes go; that is the way decisions are made.

Mr Osborne has sought some compromise from the Government, and I understand that a compromise is being appropriately considered. I thought charging \$8 for a family was very fair. It is very rare that you can go somewhere with a family and get a family price. In fact, it makes it much cheaper for somebody like me. Mr Osborne will be looking forward to an even bigger family than mine with his four children and who knows how many more to come. I think we really need to step back from this

and ask whether it is

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such a penalty or such a burden on a family that they cannot manage it. I feel that it is not. It will be a great benefit for families to be able to access the sort of nature experience which will be contained in one place where it can be protected, access the advice of rangers and so forth. I am satisfied that the way it is being handled and is proposed to be handled is very good. That is why I have no hesitation in supporting this concept of Mr Humphries's. In other words, that is why it is that I will be rejecting the move by Mr Corbell.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.20): Mr Speaker, I have spoken already, but I seek leave to make a few extra remarks.

Leave granted.

MR HUMPHRIES: I promised to put some comments on the record for Mr Osborne's benefit, so I want to do that.

Ms McRae: But he is not here.

MR HUMPHRIES: Yes, he is. He is over there. He is looking at things from a different perspective, Ms McRae. Mr Speaker, I had discussions with Mr Osborne over lunchtime, and I have taken on board the comments he has made about the need to make sure any restructuring of access to Tidbinbilla accommodates the needs of families. It was my view, and has been my view, that \$20 for an annual pass for a family or group to get access to Tidbinbilla is a very reasonable fee indeed. Certainly, by comparison with any fee charged anywhere else in Australia for any other equivalent park or reserve, this is an extremely good fee. I nonetheless understand the nature of Mr Osborne's concerns. As I was hectorred earlier this afternoon, the Government has to accept that it has to make compromises to achieve certain objectives.

I indicate to the Assembly that, if it rejects Mr Corbell's disallowance motion today, I will modify the determination tomorrow, touch wood - certainly by Tuesday, when the fees become effective - to reduce the \$20 for an annual pass to \$10. That will be a package aimed at families. If under that \$10 annual pass a family wishes to visit only once, the actual cost to each member of the family will be \$2. If they visit four times a year using that annual pass, the cost to each member will be 50c. I defy anybody to find better entertainment value than that in the ACT at the moment. For that \$10 pass, members of the family will receive a Tidbinbilla map and guide, access to all public facilities and use of things like barbecues. They will also be eligible to take part in ranger-guided activities. The family will also receive additional benefits, including a family-focused newsletter and a booklet for the children who are part of that party. This is part of improving the educational element of Tidbinbilla. It is no secret that the Government has plans to upgrade the educational elements of Tidbinbilla in the near future. I believe that that will be quite achievable within the framework put forward today. Mr Speaker, I invite members to accept the modifications to that package and to reject Mr Corbell's motion.

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I have a suggestion for members of the Labor Party opposite. They have put it to this place that they have always been opposed to fees at Tidbinbilla. They say that, notwithstanding the evidence, they would have never contemplated the concept. They can indicate their bona fides on that subject in a very simple way here today. Mr Corbell is about to speak and make some comments to close this debate. Let him commit the Labor Party, when returned to government, to abolish these fees. If he believes that these fees are inequitable, let him kiss goodbye to the quarter of a million dollars revenue generated for Tidbinbilla by promising to abolish the fees. It will not be hard to do. It will take just a stroke of a ministerial pen to write, "Simon Corbell, MLA, Minister for the Environment". I invite him to make that commitment now.

MS HORODNY (4.24), by leave: I still have a concern with the proposal, Mr Humphries. The main concern is that 88 per cent of people going to Tidbinbilla visit the enclosures and 12 per cent use the barbecue areas and do not visit the enclosures. The 12 per cent are the people I am concerned about. If people just want to go into that reserve to walk to Fishing Gap or any other places or just to have a picnic, they will now have to pay.

The concern I have is where the money is to be spent and where the money is to be collected. I wanted to separate the groups of people who are going into the costly areas, the animal enclosures, which is where the majority of the upgrades will occur. If most of the money to be generated from these fees is to go towards those animal enclosures, then it is visitors going to those areas who should pay. People who are merely passing through or stopping to have a picnic should not be paying for those facilities.

When I spoke with Mr Humphries the other day about how much of the money would be spent on the larger area of the park, particularly on weeds or kangaroo fertility control, my understanding was that very little of that money would be going into those conservation measures. Once again, I wonder why money that will be used in a small proportion of the park will be raised from people who use the park more generally, who wander through or have a barbecue there. People who just want to walk through or to have a picnic will now, I believe, not go into the park. These are the people who will now be excluded. They are the people you have already factored into the drop - - -

Mr Humphries: They can pay \$10 to get a year's access, Lucy.

MS HORODNY: People who are just walking through do not want to pay \$10. That is the inequity in what you are proposing. That is what we tried to work around. We proposed a voucher system so that people who are just wandering through do not need to pay and those who are going to enclosures do pay.

Mr Humphries: Do you want to employ rangers to enforce it?

MS HORODNY: No. Mr Humphries was very concerned that a lot of people would cheat - would park and go into the animal enclosures. Mr Humphries, there are people now all around Canberra who park their cars, do a bit of shopping or whatever and come back to their cars and by chance they have not been picked up. Are you factoring that in?

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Mr Humphries: What?

MS HORODNY: That is true, Mr Humphries.

Mr Humphries: Most of them get booked. They get parking tickets.

MS HORODNY: No, they do not necessarily get booked at all. It depends on whether a parking inspector happens to chance on their car. You have a great concern for people cheating, but I believe that that would be a minority of people. I would like to put on the record that we are concerned that there will now be fewer people using that park. They are the people who want to walk through the park or picnic there. You are now excluding those people. Our position is that, instead of excluding them, you should let them go through the park and not pay.

MR CORBELL (4.29), in reply: Mr Speaker, the ALP's commitment on this issue is clear and it always has been. We have never, in government or opposition, accepted the implementation of entrance fees for Canberra's nature parks and reserves and national parks, and we will not do so now. I want to respond to a few issues that were raised by Ms Horodny in the debate. Ms Horodny suggested that I had taken her quote in relation to the Greens' position on fees out of context. I say I have not. I will read her complete quote to you:

The Greens do not support the introduction of entry fees to Namadgi and Tidbinbilla or any other nature reserves in the ACT. While entry fees may be appropriate for some national parks which have high visitor rates and high management costs, we do not believe that there are sufficient grounds for imposing user fees in the ACT.

That is from *Hansard* of 20 June last year. I have to ask Ms Horodny and the Greens: What has changed? Are there sufficient grounds now just over a year later? I simply want to put that on the record. Nevertheless, I am pleased that they have been convinced, somewhat reluctantly perhaps, to support Labor's position on this issue and effectively to endorse their original view of 20 June, and we of course welcome that.

What I particularly want to address in closing the debate today is a claim made by the Minister, who threatened members in this place earlier today when he said that if the fee did not proceed the Federal Government's funding for the construction of the visitor information centre could very well be withdrawn.

Mr Humphries: That is true.

MR CORBELL: The Minister says that it is true. Minister, I have checked with the Commonwealth Department of Industry, Science and Tourism and they have provided me with some advice on this matter. The department is responsible for providing the ACT Government with the grant. A condition of the grant is that the ACT Government match fifty-fifty the funding of \$200,000 from the Commonwealth. In the ACT Government's

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submission for that grant, the ACT Government indicated that they would be providing \$185,000 for roads, \$64,000 for other associated infrastructure and \$300,000 for the water supply. All of those items are capital works items. They are in this budget already, Minister, and they will not be changed as a result of the fee.

The advice I have received from the Commonwealth department says that the grant will be made as long as the ACT Government matches the \$200,000 in kind, in whatever way. The \$185,000, the \$64,000 and the \$300,000 are there. If the fee goes ahead or not, the Commonwealth will pay the money. The contract has been signed with Canberra Tourism. On this issue, Minister, you have been caught out deliberately threatening members of this Assembly and trying to convince them to support your proposal on the basis that the funding for the visitor information centre will not go ahead.

Mr Humphries: Mr Speaker, Mr Corbell has suggested that I have deliberately misled members of the Assembly. That is a breach of standing orders, and I ask him to withdraw.

MR CORBELL: Mr Speaker, I will withdraw the suggestion that he has deliberately misled the Assembly, but the Minister has misled the Assembly. Perhaps he did it unknowingly, but he has misled it.

MR SPEAKER: Mr Corbell, just withdraw it and let us get on with the business. We have a lot of business to do.

MR CORBELL: Minister, if you apologise for inadvertently misleading the Assembly, I will withdraw.

Mr Humphries: Mr Speaker, you have asked him to withdraw. He has refused to do so. I think there is a course of action open to you.

MR SPEAKER: There is only one course of action if you do not withdraw, Mr Corbell.

MR CORBELL: I withdraw, Mr Speaker.

MR SPEAKER: Thank you.

Mr Wood: It does not change the facts.

MR CORBELL: It does not change the fact that the Commonwealth has committed this funding and that this funding will proceed whether or not the fee is put in place. The Minister knew that when he made his statement. He should apologise to the Assembly now for putting that statement out of context. It is virtually blackmail, and the Assembly should not accept it. The Government has not in any past statement linked the introduction of the fee to the funding of the new visitor information centre or to any other project outside of the four they specifically mentioned in an answer to the Assembly last week.

Mr Whitecross: Be a man, Gary.

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MR SPEAKER: Order! The next person who interjects I will warn and that will then be followed by a naming. I will maintain that for the rest of this session, no matter how long it lasts.

Mr Wood: It was not always the way, but anyway - - -

MR SPEAKER: I warn you, Mr Wood.

MR CORBELL: Mr Speaker, the four projects that the Government has specifically linked to this scheme are the employment of three additional staff, a wetlands observation deck, new river trail work and additional promotional materials. Those are the four projects, no others. No other conditions apply, and the Minister should not have said that there were some. The reality is that other projects at Tidbinbilla will still proceed, including the upgrading of roads and the improvement of the water supply system. The brush-tailed wallaby enclosure and the water supply system will be upgraded with funds from the existing capital works budget.

Unlike the Minister, we need to be very clear about what is being funded by the fee and what is not. Unfortunately, it would appear that the Government has been prepared only to muddy the waters and to threaten members who may have been undecided on this issue. The Government is also seeking to justify its position on this issue of fees by saying that, because it believes that the Labor Party would have done this if we were in office, then it is okay if they do it.

Mrs Carnell: You said that the Labor Party had never supported this.

MR SPEAKER: Order! Chief Minister, I have said that if people continue to interject I will deal with them, and I mean that. We have a lot of work to get through.

MR CORBELL: Mr Speaker, I wish she would leave so easily at other times as well. Mr Speaker, the Minister is predicating his own actions - - -

Mr Humphries: Mr Speaker, I rise on a point of order. Obviously, Mr Corbell has cast aspersions on your independence and your lack of bias.

MR SPEAKER: I did not hear it, as it happens, Mr Humphries.

Mr Humphries: The comment was that it is a pity you are not prepared to be so enforcing at other times. I think that was the comment.

Mr Berry: No, he never said that, Mr Speaker.

Mr Humphries: What did he say, Mr Berry?

Mr Berry: He said, "I wish Mrs Carnell would leave so quickly at other times". That is what Mr Corbell said. I heard him quite well. Re-creating history is a fashionable event for you, but that is not what happened.

MR SPEAKER: It has been confirmed. Continue, Mr Corbell.

MR CORBELL: Mr Speaker, thank you for that ruling.

Mr Whitecross: You misled the house again.

Mr Berry: You misled the house again.

Mr Humphries: Mr Speaker, both Mr Berry and Mr Whitecross have again said that I have misled the house, and again they should be asked to withdraw.

Mr Whitecross: Mr Speaker, I confirm that I did say that Mr Humphries had misled the house again, and I withdraw.

MR SPEAKER: Thank you. Mr Berry?

Mr Berry: I said that Mr Humphries had misled the house, on the evidence that was presented in the Assembly, but I withdraw for the purposes of - - -

MR SPEAKER: Let us get on with the business of the house.

MR CORBELL: Mr Speaker, the Government is seeking to justify its position on this issue by saying that, because it believes the Labor Party would have done so if we were in office, then it is okay if they do so. He is predicating his actions on a hypothetical future which never occurred. He has such a lack of confidence in his own position and judgment that he seeks to justify his decision on fees by creating an imaginary world which only he can see. Quite clearly, it is absurd to justify a Government decision on some hypothetical future, a future which never occurred. The Minister should have the courage to justify his decision on the situation now, not on some past or future which never occurred.

Mr Speaker, I would also like to address the issue of the Government being prepared to put forward a compromise which suggests a lowering of the cost of an annual pass for visitors in a car and the provision of other facilities for children.

Mr Berry: Your boss misled the Assembly.

Mr Humphries: Mr Speaker, I rise on a point of order once more. I have to make a very serious protest about this. Mr Berry, again across the chamber has made reference to me misleading the house. It goes beyond simply repeating - - -

Mr Berry: No, I did not.

MR SPEAKER: I will name the next person - - -

Mr Berry: He is oversensitive. Mr Speaker, I did not say - - -

Mr Humphries: He did, Mr Speaker.

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Mr Berry: No, I did not say that you had misled the house. I said that your boss had misled the Assembly, and she has been censured for that, Mr Speaker. It certainly was not a reference to Mr Humphries. Those are the facts of the matter.

Mr Humphries: Mr Speaker, this is a gross abuse of standing orders.

MR SPEAKER: You will withdraw that, Mr Berry. I am sick and tired of gratuitous comments while people are speaking. The next person who does it will be named.

Mr Wood: On either side?

MR SPEAKER: I name Mr Wood.

Mr Berry: Mr Speaker, those are matters of fact which - - -

Mr Humphries: Withdraw, Wayne.

MR SPEAKER: Withdraw.

Mr Berry: There is no requirement to withdraw, Mr Speaker, because they are matters which are on the Assembly record. Mrs Carnell misled the Assembly and was censured. I cannot withdraw that. It is a matter of fact.

Mr Humphries: Mr Speaker, in the context of this debate, comments that members have misled the house can only be interpreted as a way of making an allegation without having to face up to the reality of standing orders.

MR SPEAKER: Then I have no alternative. If you are not prepared to withdraw, Mr Berry - - -

Mr Berry: Mr Speaker, the Assembly decided - - -

MR SPEAKER: If you are not prepared to withdraw, you know the action I will have to take.

Mr Berry: Mr Speaker, I withdraw it, to avoid being chucked out unfairly.

MR SPEAKER: Thank you. Sit down and be quiet. I have named Mr Wood.

Mr Wood: I seek your indulgence, Mr Speaker. I have other things I wish to speak on. I will observe your rulings.

MR SPEAKER: Thank you.

MR CORBELL: Mr Speaker, I would like to address the issue that the Government and the Minister have now raised, of putting in place a compromise which suggests a lowering of the cost of an annual pass for visitors in a car to \$10 and the provision of other facilities for families and children. (*Extension of time granted*) Even though there are not many members here now, I would suggest to those who are listening that, if the Government thinks it can get support for this fee by lowering the annual pass rate, it should think again. Once the fee is in place, there is only one direction in which this fee will head, and that is up. While it may seem relatively inexpensive now, experience with fees in other parks has always demonstrated that it will be continually raised over a period of time. What may appear to be inexpensive now will almost certainly not be in two, three, five or 10 years' time. Then the cost to families and to other people who wish to access this facility will be considerable.

Once you support this fee and put it in place, you give de facto support for its maintenance and for its continual rise. Only by saying now that entry fees to nature reserves should be opposed will you be able to make sure that all people in our community can enjoy access to this important part of our natural environment and, more importantly, have the ability to experience Australian native wildlife at close hand. Mr Speaker, that is Labor's commitment in opposition to this fee, and I urge other members to make that commitment also.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave, under standing order 46, to make a personal explanation.

MR SPEAKER: Proceed.

MR HUMPHRIES: I thank members for their indulgence. Mr Speaker, Mr Corbell has suggested that I was aware that the Commonwealth had attached conditions to the grant of \$200,000 to the ACT which would render it unlikely or inconceivable that the Commonwealth would withdraw its funding if the ACT was not in a position to invest money in Tidbinbilla. Let me say, first of all, Mr Speaker, that the investment Mr Corbell talks about is in the coming year's budget. Of course, there is already a decision by the Government, which has been tested today, to raise fees at Tidbinbilla. If it were to be the case that it was not possible to proceed with those fees, then obviously priorities would have to be reconsidered. That might well lead to an incapacity to deliver on the things that Mr Corbell said were a precondition of the grant of Commonwealth moneys.

The second point, Mr Speaker, is that the ACT Government put a submission to the Commonwealth in which it mentioned certain things that it believed were going to happen. If subsequently those things do not happen, then the submission from the ACT on which the Commonwealth based its decision clearly has changed and it is obviously open to the Commonwealth, on that basis, to reconsider its position.

Mr Berry: Mr Speaker, standing order 46 requires - - -

MR HUMPHRIES: I have finished anyway.

MR SPEAKER: I uphold your point of order anyway, Mr Berry.

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Question put:

That the motion (**Mr Corbell's**) be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 8

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

Question so resolved in the negative.

APPROPRIATION BILL 1997-98

[COGNATE PAPERS:

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98 -
GOVERNMENT RESPONSE]

Detail Stage

Schedule 1 - Appropriations

Debate resumed.

Part 15 - Attorney-General's Department

Proposed expenditure - Attorney-General's, \$58,015,200 (comprising net cost of outputs, \$46,647,200; and payments on behalf of Territory, \$11,368,000)

MR WOOD (4.48): I am pleased to be able to be here to speak to this matter. Contained in the budget papers are some of the aims of the Attorney-General's Department, expressing their wish to see that the administration of justice is very sound and well delivered. I want to take the opportunity to raise a couple of issues which seem to me to demonstrate that justice is not always delivered. We recognise that there are often many injustices in the world.

I want to ask whether the Minister, today or at a later date, would give a report on the outcome of considerations arising from the Jadric case. Members will recall that this was the case of a person in Canberra who, against the best advice that was given to him - I know it was given frequently and often, and in very understandable terms - did not take steps to see that he would not lose his house. You will recall the case. He did have good advice and he simply ignored it. What happened then was that the house was sold from under him in quite unsatisfactory circumstances. At the time I think the Law Society was going to have a look at it to see whether it was done properly, and I recall that the Minister said he might review the procedures in place in such events.

The law does allow the property of people to be seized and sold when they have not paid their debts to the court. In this case Mr Jadric was quite uncooperative and declined to allow possession of any of his moveable assets. In the end it was the immoveable asset, the house, that was sold. It was the means of selling that caused considerable disquiet. It caused, I think, some review of the actions of those people who were at the point of putting those actions into place. Mr Humphries probably does not have the answer today, but I want to point out that this was an injustice in the end in the way it was done. I would want to hear, and I am sure the community would want to hear, the outcome of that case, to see whether there is any means of recompensing Mr Jadric, if possible - and it has to be possible - and whether procedures have been changed so that such events cannot occur again in the future. We may have times when people simply refuse to take the advice they are offered, but we ought to be able to see that it does not proceed in quite the way it did on that occasion.

The other matter I wish to raise concerns a case that went to the Administrative Appeals Tribunal and that tribunal recommended that the Government should fund, perhaps to 75 per cent, the cost of the appeal. This case concerns a Mr Russell, who maintains obviously a quite extensive aviary of birds. I want to say to Mr Humphries that I think I was caught out once or twice because I did not go back and look very carefully at the files and make sure I had the full story in front of me. I would encourage Mr Humphries to do that. Mr Russell appealed on matters concerning a refusal of the conservator to allow him to have certain birds. That was a long and expensive appeal before the AAT.

Some of the points raised in that finding by the AAT make interesting reading. I think Mr Humphries should read that whole finding from the AAT, to get a grasp of what happened. Let me quote one part of it:

... the agency -

the government agency -

did not meet satisfactory standards of administration in the way in which it dealt with the matter ...

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Another quote is:

... he -

that is Mr Russell -

was not treated fairly in the way his application was dealt with.

A further quote is:

... the failure to accord natural justice to Mr Russell ... invalidates the decision to refuse him a permit to import birds.

There is further reference in that report to draconian legislation, legislation, incidentally, that I think I was responsible for introducing into this house; so that is not Mr Humphries's doing. But just those quotes invite, I think, a very detailed examination of this case. In the end, when Mr Russell made application for some part of those legal fees to be paid, the Minister, perhaps through his agents, refused.

I think the case ought to be reviewed. To be fair, it is quite clear, on reading the literature, that there was considerable tension between Mr Russell and Government employees. I think Mr Russell might acknowledge some part in that. That may be the reason why the AAT suggested that 75 per cent of the appeal costs might be paid by the Government. The AAT makes only a recommendation. It cannot tell Mr Humphries that that is what he should do. In the end the Government did not accept that recommendation. I do not want an answer from Mr Humphries today. I want to send him some of the literature on this and allow for a careful reconsideration of the case. If it is reconsidered, I think we can say that justice is being delivered. That is the aim we all have. That is the case also with the Jadrics. Some steps do need to be taken in that case also to ensure that justice is delivered.

MR HUMPHRIES (Attorney-General) (4.55): I will respond briefly to Mr Wood by saying that the Jadric matter obviously was a matter of concern. I can advise the house that I am due to receive a report from the working party, consisting of the Law Society and officers of my department, very soon. It might even have arrived in my office. It will consider ways in which some of the problems associated with that matter can be avoided. I think Mr Wood is right to say that that is a symbol of access to justice or the appropriateness of justice, and an indication of justice being in a form which suits the needs of particular people. I believe we can do better in that area, and that ought to be the result of the working party report. Obviously, I will be reporting to the house on the way in which that proceeds.

I am afraid I do not know the result of the Russell matter. I do recall reading the AAT decision in respect of that matter and I recall making a decision in respect of that. I cannot recall whether the decision was favourable or otherwise towards Mr Russell, but I will find out and let Mr Wood know.

Proposed expenditure agreed to.

Proposed expenditure - Maintenance of Law and Order, \$53,837,200 (comprising payments on behalf of Territory, \$53,837,200)

MR WOOD (4.58): Mr Temporary Deputy Speaker, I want to comment favourably on one aspect of this and to make some additional comments. In the budget the Minister indicated, I think, that a further 18 police will be placed on the streets as a result of some changes at the courts and some additional hiring of police. That is fine. I can only applaud that. But I want to issue a caution. Putting police on streets should not be seen necessarily as the answer to crime. There is a whole background to crime that I think requires further examination.

I think societies in general pay too little attention to it. I used a quote in the Assembly the other day which has a lot of currency around the Western world at the moment. It was used in the US, I think, by its President, and then pinched by the new Prime Minister of Britain; that is, that we should be tough on crime but tougher on the causes of crime. That is the reason why I intend later in the day, last thing - I think it will take only a little time - to move a motion that this Assembly look at the causes and maybe some of the solutions - they are so difficult to determine - of juvenile crime.

Mr Moore: Prevention is always better than cure.

MR WOOD: That is right, but it is pretty hard. It is easy to come down with stern measures, to put police on streets and to say, "This is crime prevention"; but that is really only the last thing. There are more important things that should be done. I would expect that we were all concerned to read in the paper today of a document, I think, being tabled somewhere at a crime seminar, that shows that juvenile crime in Canberra is on the increase.

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): 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.

QUESTIONS WITHOUT NOTICE

Acton Peninsula - Demolition of Buildings

MR HUMPHRIES: Mr Temporary Deputy Speaker, I table responses to two questions I took on notice last week. One was from Ms McRae about the dumping of spoil from the demolition of the former Royal Canberra Hospital. (see page 2302)

Wanniassa Enclosed Oval

MR HUMPHRIES: The other was from Mr Osborne about the lease of the Wanniassa oval to the Tuggeranong Valley Rugby Union Club. (see page 2303)

APPROPRIATION BILL 1997-98

[COGNATE PAPERS:

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98 -
GOVERNMENT RESPONSE]

Detail Stage

Debate resumed.

MR WOOD: Mr Temporary Deputy Speaker, the committee, I am sure, will have a close look at some of the factors behind juvenile crime. We need to attend to the problems. I am disappointed to see an upward spiral in that paper. I expect the Minister is also. In my time as shadow Minister for Police I do not wish to sensationalise crime figures. It is easy to pick out figures and say, "Crime is increasing, Minister; do something about it". But I recognise that these are societal problems. They are not the Minister's doing. Indeed, government sometimes finds it very difficult to respond to them.

I had some figures given to me at the Estimates Committee hearing, as a result of a request I made, that show that violent crime is on an upsurge in Canberra. Armed hold-ups and violent affrays have increased quite alarmingly. Almost every day we seem to hear of someone holding a knife against a poor young girl at a supermarket somewhere, or a gun being held. The difference between a knife and a gun, I think, sometimes reflects the difference between criminals coming from Sydney to carry out these attacks and locals who do not have access to hand guns. It is a concern.

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I can recollect the Minister some time ago, when he was on this side of the house, giving his predecessor a list of crime figures. I will not do that, because Mr Humphries is not responsible for the increase in crime, any more than Mr Connolly was at the time. But it is important that we look and see what can be done; look at all the provisions in our community, all the factors that arise, and try to deal with the problem at its source rather than respond to particular events at the time. We should be looking ahead, five to 10 to 15 years, and trying to pose solutions. In his response Mr Humphries might, however, indicate whether he was satisfied with the dispensation of the Major Crime Squad, which was a decision taken by the Federal Police Commissioner, as I understand it. We are going to have 18 more police. I think it is a good idea to have police spread as widely and as visibly as possible around the community. Has that particular move by the Federal Police proved to be justified? It may be six of one and half-a-dozen of the other in the way we deal with our crime.

I know that the Minister in this Assembly has views about our ability to make clear comment on the way the police do things in this town. I think on that occasion, or perhaps it was another occasion, the Minister was told of changes in policing at the same time as the rest of the community was told about them. Maybe his communications are a little ahead of that these days. The main function I look for arising out of this today is the support of the Assembly later in the day for the reference I am proposing to the Legal Affairs Committee. I have made my speech on that now, and I will not make it again later in the day.

MR OSBORNE (5.05): I will be brief, Mr Temporary Deputy Speaker. I rose to acknowledge the work of the Minister, especially in regard to police on the ground.

Mr Moore: The Tuggeranong police station.

MR OSBORNE: Mr Moore mentioned the Tuggeranong police station. I think that may have been in the last budget.

Mr Humphries: Yes, we are building it in this budget.

MR OSBORNE: I hope you have allocated enough money in this budget to fit it out, not like the Tuggeranong Arts Centre.

Mr Humphries: Fit out? Oh, no! There will be a floor. It will have a floor.

MR OSBORNE: It will have a floor. I am pleased to hear it. On a serious note, I think it is a tremendous step forward - it is the first time in my memory - that more police will be on the ground. Mr Humphries has allocated some money to allow police to be freed up, to be out doing what they do best, which is serving the community. I think it was a tremendous step forward and I would like to congratulate the Government on that. I think it is important that we, as politicians, acknowledge the work of the police force and other law and order services in town and continue to support them as much as possible. I congratulate the Minister. I think there will be 18 new police officers on the ground, and that is a tremendous step forward. I believe the review that we have not yet seen recommends that we could do with some more. I would hope, if you are Minister at the time of the next budget, Mr Humphries, that you will accommodate that request.

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MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (5.07): I want to make a few comments in this area. First of all, I think it was timely and appropriate that additional police be provided in the ACT. I emphasise that it is not necessarily an absolute increase of 18 police; it is an increase of 18 police who are actually available on the beat. Some of those are police being transferred from other jobs because they are being freed from those jobs by the creation of additional resources in other areas. For example, the requirement for police to look after cells and court duty will be removed. That duty will be given to somebody else and the police will then be free to get out on the streets of Canberra. There are lots of criminals, for example, in the precincts of the court, but not a lot of crime, at least as far as I am aware; so it is good that there is a move into the areas where crime can be tackled directly. Mr Osborne has complimented me on the creation of additional police and I thank him for that.

I think it is worth picking up the point which Mr Wood made - that it is a double-edged sword to have additional police on the beat. This was underscored by an exercise a couple of years ago in Civic where, as a result of concerns about problems in Civic, we had a number of police there. The police got out there and followed through, using the new team-based approach, to pursue a number of elements of crime that were taking place on the Civic pavements, so to speak. They included things like drug dealing, assaults and other things happening at night. That exercise was quite intensive and quite a few police were placed in that area.

The result was not a diminution in the level of crime; it was quite the contrary. There was a very sharp increase in the level of crime. The reason, I suspect, was that offences were being picked up that previously had not been picked up - "victimless offences", if you like. A drug deal, for example, that might not have been detected before because the police were not there, was picked up by the police and that resulted in another crime being recorded which was not previously being recorded. Thus the figures were going up.

Mr Moore: It is about records of crime, not about crime itself.

MR HUMPHRIES: Indeed. Mr Moore has picked up the point that we need to be looking at the way in which crime is recorded and we have to know how to interpret the figures to get the true picture of what is going on. Very shortly, Mr Temporary Deputy Speaker, I will be tabling the first of a series of quarterly reports which will be published and which will tell us what is going on in these areas and help us to refine a better picture of what is occurring in our city and where to look to find answers to problems. I think that will fit in with the thrust of what Mr Wood is proposing in the way of this inquiry into juvenile crime. At least it will help with the information available in the public domain.

The other way in which crime rose was by police following through on particular criminal activities and tracing people who were committing crimes to other areas where they discovered other offences being committed. For example, rather than arresting drug dealers, in some cases they followed the drug dealers to other places where they found stolen goods rackets under way. They apprehended a number of other people and again more crimes were recorded as having been committed. Mr Temporary Deputy Speaker,

the Government believes that we need to be very sensitive about the way in which we interpret those figures, but we do need to accept that what the community expects of governments and politicians is that they will deal with the basic problems occurring to individuals on the streets of Canberra, and that is a fairly fundamental concern of any government.

I accept and will speak in favour of the Legal Affairs Committee looking at the causes of juvenile crime; but I emphasise that, in our view, the primary responsibility of government has to be, in a sense, to deal in a reactive way with crime taking place in the community. If we were to say to a victim of crime, "We cannot deal with your problem because we are pursuing a preventative approach somewhere else", I think we would miss the point. I am not saying that those two things are inconsistent; I am saying that they need to be prioritised, and that is the way I would prioritise them.

It is true, Mr Temporary Deputy Speaker, that there have been some unwelcome trends in crime figures. Violent crime, in certain categories, is certainly up; but it is interesting to note, particularly in the context of the debate about the Domestic Violence (Amendment) Bill later today, that in fact domestic violence over the last two years has been down. The trend over the last two years has been downwards fairly consistently for domestic violence. I am not sure what to make of those figures, but I hope it is a sign of some impact of a number of measures that have been taken over the last few years by this and a previous government to deal with some of those issues in a preventative way.

I thank members for their support. I agree with Mr Wood that just putting police on the beat is not the answer to crime. Other devices need to be employed. Dare I say it; things like security cameras need to be looked at. I hope that members will be involving themselves in a sophisticated debate about the way in which we can deal with those problems. I am encouraged by today's debate that that is capable of occurring.

Proposed expenditure agreed to.

Proposed expenditure - Attorney-General's Department, \$114,942,400 (comprising net cost of outputs, \$46,647,200; capital injection, \$3,090,000; and payments on behalf of Territory, \$65,205,200) agreed to.

Part 16 - Emergency Services Bureau

Proposed expenditure - Emergency Services Bureau, \$26,073,000 (comprising net cost of outputs, \$21,361,000; and capital injection, \$4,712,000)

MR WOOD (5.14): I wish to ask the Minister a question. I want to know when he is going to get the pilots licence for his helicopter. It is a significant event. I do not think there is anything in Mr Humphries's career in this Assembly on which he has placed more at stake than the acquisition of this helicopter. He has really put a lot on it. He set up a committee at one stage. I do not know whether it still functions or not, or whether indeed it ever functioned. It may be, from what I hear, that events are coming to a conclusion. It may be that we are not too far now from coming to agreement with the New South Wales Government to get this combined operation under way.

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I might say that I do not recall that when Mr Humphries began his campaign there was any reference to doing this in association with the New South Wales Government; so I would not accept, as a reason for not having the helicopter, failure to come to that agreement, because it was not part of the deal at the outset. I think it is time that Mr Humphries indicated the extent to which he has been able to reach agreement, if at all, with the New South Wales Government, and where this helicopter proposal is at. Is it still on the ground, or is its motor about to start?

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (5.15): I do not have my pilots licence as yet, Mr Wood, but when I do you will be very welcome to be my first passenger.

Mr Wood: No way.

MR HUMPHRIES: Oh, Mr Wood, be braver than that. You need to take risks in life, and I certainly have when it has come to pushing this particular issue. Mr Temporary Deputy Speaker, the move to get a rescue helicopter service for the ACT is a personal campaign of mine. (*Quorum formed*) I am pleased to see so many members down here to hear my remarks about the Emergency Services Bureau budget, and I thank them for their interest.

Mr Wood asked me what the progress is and when we are likely to see lift-off. I have promised or foreshadowed lift-off of this project within certain timeframes a number of times in the past and I have been disappointed on each of those occasions. I, therefore, have firmly resolved, as a new year's resolution, not to make predictions about something which is going to happen in the future in this area. I will predict the arrival of a helicopter when I see its rotor blades turning and the pilot there and everything about to happen, and that is when it will occur.

Mr Berry: It has been a stunt from the start, Gary.

MR HUMPHRIES: It is unfortunate that there has been some criticism of the proposal. Calling it a stunt and so on is very unfortunate. You really get the impression that there is nothing whatever that this Government can do in any field at all that is of any value or worth when it comes to the views of those opposite. I certainly look forward to the day, no matter how long and hard it has to be fought for, when - - -

Mr Moore: Mr Wood just congratulated you.

MR HUMPHRIES: He did, but Mr Berry does not seem to share the same point of view. I look forward to the day when we can have this service in the ACT. I would hope that even the fiercest critics of the service will see, when that happens, when that day arrives, that the ACT community and our region will be better covered and better protected by its existence. If it has meant a lot of heartburn, the tearing out of hair, the slashing of wrists, and other political manoeuvrings and stunts, as Mr Berry puts it, to get to the point, will it not all have been monumentally worth while? Will it not have been a major step forward for this community and will not we all be prepared at that stage to join together and welcome its arrival?

Mr Wood: But I will not fly with you.

MR HUMPHRIES: You will not fly with me. Mr Wood, I am sure that when the helicopter arrives and its maiden flight is about to occur there will be lots of interest in seats, so your place will be quickly snaffled up by somebody else.

Mr Wood made the small point that the concept, when originally announced by me when in government, did not include the New South Wales Government, and that is true. At that time it was the intention of the Government to establish a service on a different basis, a less elaborate basis, and to provide it with the use of volunteers and a helicopter donated at that point by Dick Smith, and with other facilities. It was to be on a very different basis from the one now being talked about. I make it clear that we would have to go back to that concept if the New South Wales Government did not come to the party on what is being proposed.

I maintain that the New South Wales option is the best one to pursue because it does result in a significant contribution by the New South Wales Government, which is only appropriate because their citizens get the bulk of the benefit of such a service, and a more professional service from the outset. It means full-time paid paramedics, full-time access to doctors, professional pilots - that is pilots who are paid to do that job rather than volunteering - and a properly maintained and serviced helicopter available to meet the needs of the people of this region. I am hanging out for that option because I think it is the best option. I acknowledge that if it is not the option we ultimately achieve we will have to go to something else. I hope members will share the view that it is better to go for that level of service at the outset, rather than something which might not meet our needs appropriately.

Proposed expenditure agreed to.

Part 17 - Department of Education and Training

Proposed expenditure - Government Schooling, \$230,468,800 (comprising net cost of outputs, \$230,092,800; and payments on behalf of Territory, \$376,000)

MR MOORE (5.23): I wish to make a few comments. My concern is still the one that I raised early in the piece, and it has to do with the growing disparity between government schooling and non-government schooling. It is not to do so much with the actions taken by the Minister here or the Government in their budget but, rather, what I perceive as the actions that need to be taken. I have made it very clear that I consider any cuts to the education budget to be reprehensible; I made that very clear in my election platform. Reprehensible conduct means that I would no longer be able to support somebody in government.

There is an additional element that now applies to the education funding. The reason behind the approach I have taken is that I think it is critical that we do not see government education going backwards compared to non-government education. I believe it is critical because it is the single most significant factor in social justice, in terms of giving the young people an equal go in society and an equal chance to have the tools with which they can manage and advance within society. If the private school sector improves to

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such an extent that it leaves the government school sector behind, then we will see an increasing move of students into the private school sector, as parents say, "No; I have to do the best thing by my child". Who could blame them? Of course, parents are always going to do the best thing for their child, if they can. The outcome will be that there will be more and more marginalisation within the government school sector. That is the philosophy behind the search, as far as I am concerned, to ensure that our government schooling stays as good as it is, stays equivalent in standard to the private school sector, which I consider it is now, and does not wind up dropping backwards.

There is a new challenge for governments to ensure that they maintain the quality of education at least equivalent to, if not better than, the private schools. My observation of some of the private schools in Canberra, and parents of children who have been in private schools, is that there are some reasons, as far as I am concerned, why our government school sector actually does much better than the private school sector. But this is under threat by the Howard Liberal Government. It is under threat as there is an attempt to change the balance between government and non-government education. I have no trouble about the choice that people make. Often that choice is made, for example, on religious grounds. I have no objection to that, provided that every student has a chance to have an education that is equivalent to that of any other student. As far as I am concerned, that is the critical factor in social justice terms. Over the next few budgets we may well have to look at increasing education funding in order to maintain that balance. I think that is the most fundamental thing in this part of the budget. Whilst there are a series of other details that have been dealt with in other parts of the budget, I think that is the important message that needs to come through as far as this line of the budget goes.

MS McRAE (5.27): I would like to reinforce what Mr Moore is saying. We are at a point of transition in government education, with a new attack from the Federal Government which has a quite clear intent to let the market rip and let private schools operate almost willy-nilly. To give the Minister credit, the paper has now come out and he has acted with some speed to ensure that the ACT does not suffer from that policy. But, as Mr Moore pointed out, it can suffer in a whole range of different ways and, by default, through funding, present choices which are more attractive.

I pick up Mr Moore's point and move on to the points I want to make. For me, the big disappointment with this budget is, I suppose, more in the papers than in the actuality. I can hardly complain about a budget that maintains funding in real terms, particularly in such a huge budget area. Education is fast becoming the most expensive single item of government expenditure. Therefore, it will take quite some effort for government to maintain the expenditure. That sets up a challenge now for any government. It is not one that I would in any way put down or try to denigrate, because it is of such importance to the ACT.

The real concern is with the nature of the papers that we are given with the budget. It goes back to the theme that I have pursued in a couple of other areas. With regard to these papers - and I have said it in my press release about this budget - you read them and you almost say, "Look; no hands"; it is as if the whole thing is going of its own momentum, without any policy direction or any reflection of government activity in the

previous year or in the years to come; it is as if the goals that we want to achieve in education will somehow self-sustain; and it is as if everybody understands that these generalities, as worded in the outcome, of providing people with essential skills and helping equip them for further education, will happen of their own accord.

Let me give some examples of what I am on about and see whether perhaps we can address them better in this budget area. For instance, anybody listening to the education debates of the last couple of years would have heard a lot about special education; about alternative programs like SWOW, which is sort of special education but not really; about the inclusion of children with disabilities in programs; and about the expense of special schools and their role in society. In the last year, we have heard a lot - again, driven by Dr Kemp, more than locally - about literacy. I will come back to literacy. We have heard a lot about sport; we have heard a lot about violence in schools; the Minister has a new advisory council; we have heard a lot about equity issues; we have the new schools program being battered, through the efforts of Dr Kemp; we have heard a lot about teachers and their needs for professional education; we have heard over the years a lot about high schools; we have heard a lot of talk about ongoing educational needs which used to be provided by evening college and which have now moved to the CIT; we have heard a lot about college reforms; we have heard a lot about school closures - 12 key issues that have been part of very active debate in the community and in the Assembly. If you look at these papers, it is as if none of that has ever happened and these things are happening outside of how ordinary education is delivered. That is not necessarily wrong because, in many instances, these issues have not attracted new funding or old funding or do not have a specific budget item.

It seems to me to be a problem that if there are issues of concern that should be dealt with within the education system - and, to be fair, probably are being dealt with there - we see no evidence of that in the most public and important of the public policy areas of government, that being the budget. We see the overarching motherhood statement about what education is trying to do. We see in the detailed pages the various targets that have been set and, in some cases, whether or not they have been achieved. But again we do not come back, it seems to me, sufficiently to: What are we trying to achieve; how are we dealing with issues; what are our priorities; do we have changing priorities that have emerged over the year?

With the output classes, the quantity and the target measures that we have - although we get a good ongoing flow of how schools are working, how parents are responding and how the system is responding - I am not satisfied that they are dealing in any way with new priorities and changes. I will be very interested to see over the years whether this method of accounting - and I am not critical of the method - is continued. What I am suggesting is that governments can get away with an awful lot by having these output measures, by having these targets and by having everything clearly defined. All it does is define the status quo and the structure of things as they are. It gives us no measure of whether any of the real concerns that are raised from year to year have been dealt with and no qualitative measure of how the system is changing, adapting and coping.

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Within special education we see nothing. We see nothing in the budget papers that says that this Government is in any way doing anything to include more people in mainstream education. Yet I am sure it is. We have no output measure for that, and we have nothing in the outlook, in the priorities or anywhere in here to tell from the budget papers just what this Government is trying to do about the big issues that are really important. The violence in schools report came out only a year ago and had some very clear recommendations. I am very disappointed to see that nothing was done about one of them, and that was for a much better integrated approach across different departments to dealing with children at risk. We see nothing of that here.

The literacy question is sort of dealt with in departmental initiatives, which shows some reaction to the types of pressures that are on the system. They suggested increased support for literacy in the early years, through the extension of the first steps program and other literacy programs to build on the national benchmark initiatives. We do see some evidence of some of the things that are being done, but not in any way a comprehensive list that checks back to say, "What are we trying to do? Whom are we trying to do it for? How are we getting close to that? What has changed in the last year? What is going to change in the next year?". That seems to me to be the big picture that is missing. Perhaps it is priorities that are necessary; perhaps it is some check back; perhaps it is some other referencing. It does not all have to be in the budget papers.

If you read these budget papers, you have absolutely no notion of how the major issues that I have raised are being dealt with. There is absolutely no mention of the Ministerial Advisory Council on Government Schooling. That council is tackling some of the most difficult and contentious issues in the education system. It is their work that is actually going to make some qualitative difference to educational outcomes. Yet in the budget papers that then put money against the things that are most important, we have no measure of that. It intensely troubles me that, in a department as big as this and as crucial as this, we seem to be pushing away the qualitative work that is being done and pushing away what is perhaps working at the school level, at the ministerial advisory council level or even within the department. We have no measure of it.

It is almost ridiculous to read the things that are initiatives. I understand why they are here; they are the ones that are funded. This is important for accountancy; I understand that. In terms of what a government has to present in budget papers, it is the nuts and bolts and the money. But it seems to me that it just leaves a gap here, that opens up for ridicule. To include a new high school; extending literacy programs; a review of the learning assessments program, which is one of the major initiatives of the year; complete implementation of school-based management; and so on, as if they are all of equal importance and as if they are the only things, is the problem. This reads as if they are the only qualitative changes that are happening in the system. To me, that is a matter of grave concern and seems to leave open the accusation that we are not getting very far in achieving some of the major objectives of what the Department of Education and Training should be on about and that we are perhaps allowing no change to ever happen by not demanding that our budget papers actually reflect not just the quantity of the nuts and bolts but also the qualitative changes that we need to see in the education system each year.

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

MS McRAE (5.37): I will take my second 10 minutes now, Mr Temporary Deputy Speaker, and get it over and done with. To complete my theme, what I am calling for is a much better articulation of priorities; a much better articulation of how the budget allocation feeds back into those priorities; what the major objectives are in any year; and where, in each year, those objectives might change. I think it is of grave concern that major issues like violence, ongoing adult education, equity issues - equity issues were really hot in the last year; they were an issue of major concern - are not built in as a measurable process of change and are not able to be found in our budget papers.

As I have said, does it need to be in here? It could be cross-referenced to other major policy documents. Maybe we just need a better outline of who is responsible for what. I think the nature of the papers in front of us, from both the department and the Minister, lead us to a situation where we think, "Is this it? Is this all they are doing in education?". It seems very thin and in no way reflects the work that we are all aware of on the ground and the types of changes that need to be undertaken and kept an eye on. For instance, college reforms were begun this year. It is going to take three years before the full range of changes is in place at Narrabundah and Hawker colleges and probably a full three years before the new assessment process is in place for the colleges. It may not, in itself, require a specific budget allocation, but it is a changed priority within the department; it is a changed outcome that the Government is working towards. In the key budget papers we do not know anything about it; we have no record that anything is happening at the college level that will actually result in a new process of assessment documentation and a new outcome in terms of the type of product that the Education Department is giving out to the market. That is a very easy example to demonstrate what I am talking about.

I am sure it is still departmental policy to include more students with disabilities in all levels of mainstream schooling, but we have nothing to demonstrate that. I am sure it is still Government policy to review and change teaching practices and the quality of education in high schools. It has been an ongoing drama for years. I know that they are looking at the middle schooling process at Nicholls. We see nothing of that. We know that Mr Stefaniak has his ministerial advisory council working on equity, but we have nothing to show that there will be any qualitative change or a change in the delivery of product as a result. I do not mind at all where all that ends up. I stand to be corrected that all I am talking about, everything I am on about, may well be better put in annual reports and then be cross-referenced; I am not sure.

I am not an expert on accrual accounting, but I do feel that we have lost something very important. If it is simply reduced to the unit cost of every activity and it is simply reduced to output classes and the various targets against that, we somehow, somewhere, need to have a better grasp of the whole picture of the qualitative objectives of the department and the overall output; otherwise, as a community, we stand to lose some of the things that I think ought to be talked about and looked at. It puts even more pressure, then, on the Assembly to be vigilant and keep an eye on these things; otherwise, you get a more and more hands-off approach. We have school-based management; we have advisory councils; we have other forums where decisions are made.

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Eventually, all the Minister does is tick off the budget and say, "A million dollars this way, a million dollars that way; on we go"; and, collectively, through either the Government or the Assembly, we have no public measure of the qualitative issues that I am talking about.

I will leave that as, again, more a series of thoughts and concerns, rather than a major criticism. I think we will all evolve into the new system in time. Should I be stuck here next year, my criticisms may be a little more focused and developed. But they are the issues that I would like to put on the table. I think they are matters that do concern anyone who goes to the budget papers to find out what the Government is doing in education. I would be very interested to see whether there are other ways of dealing with the issues that I have raised.

MS TUCKER (5.43): I would like to make a few comments as well in this area. I have been concerned about the issue of equity in our public school system, and I have said that many times in this place. I feel it is at risk at the moment. I do not see that this Government is necessarily as aware of the dangers of this as I would like. I am very concerned that something as crucial as education - public access, equal access to high standard education for all people in Australia - is indeed fundamental to, in a way, creating a civil society. I believe education is absolutely critical if we are to achieve that goal. I do not believe government understands the implications of some of the policies and the directions that they are moving in - that is, the Federal Government, as Mr Moore pointed out, as well as our local Government - particularly in the way that they seem to think that market principles are pretty well okay in the school system. I support what Mr Moore said. I believe it is okay to have choice. I am not saying you should not have any independent schools at all. I think there is a place for them. However, we must see always an absolute insurance and assurance that the public system is of the highest level and the highest quality.

I also support what Ms McRae said. I think there is a little bit of an ad hoc nature to some of the policy decisions that have been taken by this Government in the area of education; for example, the Minister's personal passion for sport. I do not have a problem with sport, but I do have a problem when I see other areas not given equal focus. We have seen important positions cut in the central office of Education. They were assisting schools in the ongoing development of curriculum. I do not think it is appropriate that that has been basically handed over to the schools, with assurances that it is okay because the curriculum development work has been done. It is never really done; it is something that is evolving. If individual schools are left on their own to do that, which is good to a point, and they are not informed by a central agency which has the resources to do that developmental work, then there is definitely a danger that the schools will suffer as a result.

We all know only too well that the schools are already pretty stretched. We do not see people sitting around having cups of tea; we see teachers with heavy workloads; we see classes with large numbers of students; we see an increasing number of students with particular difficulties such as learning difficulties or behavioural difficulties; we see a push for integration of children with a disability in the public system, which is fine if it is working. I do not think it is necessarily appropriate for every child with a disability.

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However, I do support the principle where it does work. It does not work if the support is not there; it does not work if you are actually just increasing the load on the other teachers. No-one will benefit from that at all.

We have seen also from the Government a great passion for testing and monitoring. I can see a function and a use for testing and monitoring, of course, as well; but, if that is not followed up by adequate resourcing of the results of that monitoring and we do not resource appropriately what comes out of that testing so that we can actually change the results, then what is the point? We just keep measuring. I would even suggest that we do not need to measure as much as we do, because I think it is pretty clear to most teachers which students in their class and, indeed, in their school are the ones who need the extra help. They know what sort of help they need. They want it, but they are not getting it. We are just getting more measurements.

This came up in the violence in schools inquiry very clearly in terms of the understanding that teachers have of the complexity of the problems that some of their students have and that they really are not able to deal with those sorts of problems. They have a full class of children to look after. That task is made much more difficult by the presence of one or two students who have particular issues or problems that need support. Basically, the whole class - the child with the special needs and the mainstream class - will suffer as a result and, of course, the teacher can become very stressed. I have been visited by a couple of teachers who have actually left the service because of that stress.

We had the Government committing an additional \$90,000 per year to assist with the literacy programs, but I was disturbed to find out yesterday that last year's allocation still had not been spent. Once again, Mr Stefaniak was claiming that he had to work out how best to spend it. I think that speaks very poorly for the Education Department, basically, because, if they did not know already how to spend that money, then they did not have a really good hold of what was going on in their schools. Teachers have been telling them that they need help for a long time, ever since I have been in this place. It is a pity that the people concerned did not get together with those teachers and find out pretty quickly exactly where this money should go and how to spend it. I did notice - and I made it clear in the question - Mrs Carnell's justification for that money coming from that source. One of the advantages or reasons that Mrs Carnell gave was, "These kids need it now. We are going to get this money to these kids now, when the need is". That was also particularly ironic, when we find out that we are still working out what on earth we can do with it because we apparently do not know.

Of course, there has also been the issue of alternative education in the ACT and the appalling performance by this Government in that area, even leading to the point where we had an Ombudsman's report claiming that, basically, the issue of consultation had been mismanaged absolutely. We now see an alternative education program at Dickson College and a proposed one on the south side. We see no extra resources being allocated to this. Once again, it seems as though these sorts of programs are apparently seen to be not needing extra resources and able to be managed just as a normal allocation of funding, which is not the experience of the previous programs in the ACT, two of which have collapsed due to resource problems and teacher burnout. The students at the middle of the School Without Walls issue, of course, and the parents of the community are the ones whom I feel most sad for.

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I noticed today Mrs Carnell saying very strongly that the Labor Party were irresponsible in using someone's name in this place at question time. I was reminded of the scandalous affidavits that were dropped on the desks in this place by the Minister to try to avoid a censure motion on his mismanagement. I was reminded of the scandalous comments the Minister made when members of the school community were sitting in the public gallery. It did not sound very convincing to hear Mrs Carnell being so shocked and horrified by the mention of someone's name in this place by the Labor Party. Another issue that was raised during the Estimates Committee hearings concerned remarks by the chief executive of the Education Department that in the future we may have fewer teachers and more paraprofessionals. I am very concerned about that trend as well. Mr Moore made that point pretty clearly here. I would support that concern. I think we have to be very careful how far we move down that track.

In conclusion, on government schooling, I would just like to say again that I believe that to have a civil society you have to give the absolute highest priority to education within it, particularly the public education system. I repeat: We do have a scholarship system run by a charity, the Smith Family, to help students get through our public education system. I think the fact that we have come to that is absolutely shocking. In fact, I was talking to an elderly man who has always been a Liberal voter, interestingly enough, and when he saw that pamphlet for the scholarship for the public school system he said, "This will change my vote".

MR STEFANIAK (Minister for Education and Training) (5.53): I think I might deal, firstly, with Mr Moore's comments, then Ms Tucker's and then Ms McRae's. I thank members for their comments - in most instances, anyway. There were some quite constructive comments. Mr Moore is very concerned, and I would suspect rightly so, in relation to the Federal Government's enrolment benchmarking adjustments scheme. As he is well aware, I reaffirmed the Government's commitment to public education, as did all the other State and Territory Ministers, at the recent MCEETYA meeting in Darwin. Indeed, it was most relevant, I think, that the coalition Education Ministers called upon the Commonwealth to recognise the impact of the EBA scheme on public education and the need to review its scheme. That scheme does need reviewing; it needs further clarification. State and Territory governments contribute over \$13 billion to public education, while the Commonwealth contributes some \$1.4 billion, or about 10 per cent, in specific payments. The current proposals under that EBA scheme serve to penalise State and Territory systems, despite increasing enrolments. We feel that strategy is manifestly wrong. The Commonwealth does have a role to play in coordinating some approaches to educational policies. However, it is the States and the Territories who provide the lead in setting educational policy in Australia.

The Commonwealth, I understand, gives the ACT only about \$352 for each primary school student and about \$520 for each secondary school student. However, under their scheme, the proposal is to deduct \$1,700 per student from government school funding in respect of shifts in enrolments. There might be a glimmer of hope there, in that the Commonwealth indicated that it would look at it again and there could be room for some adjustment. I would hope, Mr Temporary Deputy Speaker, that that does occur and that where there is room for adjustment it will be made. It may well be that that adjustment will serve the Territory well because at this stage we have not seen any particularly

huge shift. There seems to have been some slight demographic change in government schooling, and whilst there is a slight increase in the Catholic education system there is a decrease in the Anglican and other non-government systems. Indeed, the Catholic education increase seems to have been largely because of the greater enrolments at the relatively new Nicholls Holy Spirit School. Luckily, we have not yet seen any dramatic effect in the Territory. In Victoria and New South Wales it is a different story. It seems the EBA scheme is wrong, and we need to be very careful of that. I am now hopeful that, as a result of pressure brought on the Commonwealth by every State and Territory, they will revise that. I thank Mr Moore again for raising that, and indeed Ms McRae, who has mentioned that as well.

Ms Tucker mentioned a number of things, including equity in the public school system and sport. This Government, I think, not only is well aware of that but also has done a number of things to assist, including the schools equity fund and our readiness to really bend over backwards in terms of assisting schools and even relooking at any schools that might well need assistance. I have already spoken on that at length earlier this session; so, I will not go any further. There have been a number of initiatives this Government has taken, for Ms Tucker's benefit. I have a list of some. Yes, we have put a rightful emphasis on such things as physical education and health. We have conducted and are in the process of finalising the very lengthy but very thorough special education review. There has been literacy and numeracy testing. It is not only testing; you might note that we took into account the P and C's request for a review to take appropriate action as a result of what we find from the literacy and numeracy review. We are looking at better ways of spending money there. That is something we have done. Whilst we accept there might be a few hiccups in relation to school-based management, the enhanced school-based management, I think, is something that will greatly benefit schools. Already we are getting some very good feedback on that.

In regard to vocational education and training in schools, quite clearly, we have excellent retention rates - about 91 per cent - but still only a third of those kids go on to university and tertiary education. What about the rest of them? Assisting them in practical courses that might get them into jobs is terribly important. This Government, well before the Federal Liberal Government, had a great emphasis on improving vocational education and training opportunities for our senior students in Years 11 and 12. We have also, as you can see in this budget - and it carries on from previous ones - upgraded science areas and technology areas in high schools and colleges around the town. That is terribly important in terms of keeping our government schooling system at the forefront in those areas. I thank Ms McRae for her comments.

I remind Ms Tucker that the Government has increased education funding by the CPI increase and indeed this year, with the CPI increase at 1.75, it is the CPI increase plus; it is more like a 3 per cent increase. I think that is terribly important as well. With the literacy and numeracy fund, as I indicated, I think, in answer to a question, the key stakeholders - the union, teachers, principals, et cetera - wanted more time to do it properly. I do not have a problem with that. Ms Tucker, in relation to your claim about part of those affidavits, they stayed in this Assembly. Unfortunately, we cannot control what the press does in terms of accessing information they can get from the court. I do not think any of that was handled atrociously at all.

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I remind Ms Tucker perhaps especially - and Ms McRae might be aware of this - that the comments on this budget from a number of the key stakeholders were not too bad. In fact, I recently got a letter from the P and C about something else - so, I am certainly not going to table it - which started off with congratulations to the Government for maintaining education funding in this budget. Certainly, I thank them for those comments. That is so. I even noticed comments by the union, the AEU, in relation to this budget that, because of the current economic situation, they really did not have too much cause for complaint. I think that is certainly a quite realistic attitude by the union.

Ms McRae mentioned a number of points. She mentioned we had maintained funding. I thank her for acknowledging that. She mentioned concerns about the budget papers and some 12 very important areas in terms of matters that were not dealt with in the papers. I also note Ms McRae indicated that perhaps these should be listed in the annual reports. That might be the correct place. Like you, Ms McRae, I am not an expert as to where they should be. I hear what you say, and I think there is a fair bit of strength in what you say. That may well be a better place for them. I think if they appeared in the budget papers, which are just that - budget papers - quite clearly, each volume would be as big as *Webster's Dictionary*. That probably would not be desirable. There is certainly a lot of force and strength in what you say. Maybe those things should be highlighted somewhere. Like you, I am not an expert. Perhaps the annual reports would be a better place.

All in all, I think this government schooling education budget indicates this Government's commitment to public education. It has a number of significant initiatives. It ensures that we maintain our promise to increase funding in real terms and in accordance with the CPI. In fact, it goes a little beyond that. That is important because of some of the very important initiatives such as the extra money for literacy and numeracy training. There is extra money to upgrade the Year 12 student record-keeping system, which is absolutely essential - not only the government school system but also the non-government system uses it - so that those students will be able to get their certificates at the end of the school year. It serves other purposes as well.

I thank members for their comments. All in all, I think this budget certainly brings home the fact that this Government well and truly has a very strong, abiding and ongoing commitment to public education in the ACT. We have an excellent system which is, I think, acknowledged throughout the country. We keep seeing excellent results, the most recent being in the maths and science area by our nine-year-old kids. Last year, with the 14-year-olds, I think we were first in Australia and second in the world; and second and third, respectively, this time around. I think the senior kids, the college students, will probably have some results out fairly soon. I think that indicates the success of our public education system in the Territory. This budget, I think, as much as we possibly can in these difficult economic times, will continue that success and will continue to provide the quality of education that we do have.

I would now, just in closing, like to pay tribute to everyone in that system. Those results I mentioned recently in those international competitions speak volumes for the dedication and skills of the respective teachers. Because of the success of our system, I would like to pay tribute to the very dedicated teachers we have and, at the departmental level too, to the dedicated staff within the Department of Education and Training.

Proposed expenditure agreed to.

Proposed expenditure - Non-Government Schooling, \$72,866,100 (comprising net cost of outputs, \$1,332,800; and payments on behalf of Territory, \$71,533,300) - agreed to.

Proposed expenditure - Vocational Education and Training Services, \$8,449,000 (comprising net cost of outputs, \$8,389,000; and payments on behalf of Territory, \$60,000) - agreed to.

Proposed expenditure - Vocational Education and Training Services through the Canberra Institute of Technology, \$50,069,000 (comprising net cost of outputs, \$50,069,000) - agreed to.

Proposed expenditure - Children's, Family and Youth Services, \$77,150,900 (comprising net cost of outputs, \$44,132,900; and payments on behalf of Territory, \$33,018,000)

MS REILLY (6.04): Mr Temporary Deputy Speaker - - -

Mrs Carnell: Don't speak for half an hour.

MS REILLY: Surely, in a democracy you encourage discussion and debate, Mrs Carnell.

MR TEMPORARY DEPUTY SPEAKER: Ms Reilly, address your remarks to the Chair.

MS REILLY: There are a few issues I wish to raise in relation to this part of the budget. In relation to Family Services first, it is pleasing to see the introduction of mandatory reporting and the training that has been implemented so far. But I still want to raise the concerns that I have raised previously, because it is important that we keep this in mind, with the introduction of mandatory reporting: We will need to continue to train people because of staff turnover. People need to ensure that they are trained. We must ensure that there are sufficient funds for training. I am quite sure this Assembly and other people in the community will continue to examine and review how mandatory reporting goes this year, its first year. It is a big step for the ACT; it brings the ACT into line with other States. But it is also important that, by its introduction, we do not actually end up creating more harm than we do by not having it. I see \$200,000 has been allocated for more Family Services staff to deal with mandatory reporting. We need to analyse, as the year goes on, Minister, whether this is going to be sufficient funding.

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In relation to the \$600,000 for substitute care, we also need to continue to see whether this is sufficient. But one of the issues I do have with substitute care - and there appeared to be little in the budget on it - is that there seems to be a failure to recognise the importance of values in this process. If we are providing substitute care for children who require it, what are we providing for the families where these children come from? How are we helping those families manage the obvious difficulties they must have if they need alternative care for their children? I would like to see some attention given to family support within our community.

If you look at some of the knocks that families have had to bear recently, they include: Unemployment in the ACT has increased quite considerably; there have been redundancies by the Commonwealth and ACT governments, and this affects families, how they think about themselves and how they function; there have been changes by the Federal Government to child-care costs; there are increasing costs in a number of areas that also affect families. The changes to the HECS payments affect those families with older children who wish to participate in higher education. It affects also women and men who wish to take on further education to change their job and career paths. We had the announcement this week, about discontinuing payment of the dole to unemployed young people who are 15 and 16 years old. Then there is the fact that families would have to take a lot of responsibility for young people over the age of 17 as well, if these people are not in employment, training or schooling at this time.

These changes will also put a lot of pressure on families in which young people are not in school or in employment. There are a number of reasons quite often why they are not in training or schooling. The additional pressure on families means that these families will need support at this time. I understand that a number of young people who are trying to bypass the system have been trying to enrol in CIT courses. The problem is, of course, that they need money to be able to do this. In some cases, there are no places left in the areas in which they might wish to enrol. This puts additional pressure on families within the ACT. I would like to see more recognition of the need for family support than there appears to be in this budget.

If we consider Youth Services as well, one of the things that have happened in the past three to four years is the decrease in funding for youth centres. There seems to have been a failure to recognise increasing costs, and we need to address that. On the one hand, youth have been affected by a number of changes coming through Commonwealth Government policies. They need additional recognition through ACT policies to support them as they try to manage the new processes that are around.

When I asked the Minister during the Estimates Committee process whether he was concerned about the Ombudsman's report on police and youth, I was surprised that he had not taken account of it. It is not just a police matter; it is also a youth matter. I realise there have been various responses to this Ombudsman's report, but it must be recognised that there must have been some basis for the original examination and investigation. It is very disappointing that the Minister for Children's and Youth Services is not concerned about the relationship between young people in the ACT and the police.

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If the complaints and various case studies in that report are true or even partially true, we need to address this issue and improve that relationship. If the police consider that it is not an issue they need to take up, I would have thought the Minister for Youth Services would consider it an issue that he might need to take into account in some of the work that he is responsible for.

There are a number of other issues that I will just mention in relation to some of the problems facing youth. There is an increase in youth suicide; there is a failure to have comprehensive youth health services; there are problems with young people accessing mental health services in the ACT; and there is an increase in injectable drug use. These are all issues that, as a community, we need to face up to. I am not saying that we are not; I just think we need to recognise that these are problems and issues within this community which are not going to go away and which are not going to turn into pumpkins or something else; it is something we must address. I think the Ombudsman's report on the police is a good example of a way that we could have come at an issue from another direction.

There has also been a failure in some respects to fund services for Aboriginal and Torres Strait Islander young people in the ACT and for young people from different ethnic backgrounds. When the Gugan Gulwan Aboriginal Youth Service lost its funding through ATSIC I was very disappointed that the Minister for Youth Services was not able to find ways of assisting these people. They were providing considerable assistance to young Aboriginal people to maintain their schooling. There are various youth grants that have been announced. There was one announcement a couple of months ago. I got a list the other day; and, yes, I agree they were on that list.

But one of the matters that concern me about those youth grants, even though they cover a number of different organisations and there are a number of different activities that come into it, is that a lot of those are very short-term projects. There seems to be very little long-term strategy in relation to youth services. I know, Minister, you will tell me all about your youth strategy, but that also is almost a wish list that does not seem to address any long-term planning about what is going to happen to youth services. It would be interesting if that youth strategy were broader in some of its aspects and not just a yearly review of what it is going to achieve. There are listings in that strategy for Aboriginal and Torres Strait Islander services and there are the NEB services, but action would have been better than reviewing them.

The other concern I have in relation to youth services in general is the emphasis that has been put on traineeships rather than permanent jobs. Some useful things can come out of traineeships; but, as we have seen with the recent media interest in the young people who are on the graffiti program, what happens at the end of that time, when you have finished your traineeship - whether it is for six months, 12 months or whatever - if there are still no jobs? For these young people, their hopes have been raised. They may have gained new skills, but there is nowhere to use them. Surely, for a number of them, the prospect of further unemployment and, if they are under the age of 21, no money is very daunting. It is not the sort of thing that makes you feel positive and wanting to get out of bed in the morning. Then you fit that stereotypical picture of the young unemployed doing nothing. But I can understand, with the number of knocks they have had to face in some instances, it would be very hard.

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Moving on to the more general community services - and I raised this in my speech in reply to the ACT budget in May - I suppose that this - - -

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

MS REILLY: I seek an extension of time.

MR TEMPORARY DEPUTY SPEAKER: Could I just guide you by suggesting that you can speak again for another 10 minutes. You might wish to do that.

Mr Berry: She might want to have the extension as well as the 10 minutes.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I am not asking for your interjection; I am giving guidance to the member.

Mr Berry: I was giving her some advice.

MR TEMPORARY DEPUTY SPEAKER: She may or may not wish to exercise that option.

MS REILLY: I seek an extension, Mr Temporary Deputy Speaker. (*Extension of time granted*) One of the concerns I have about this budget - and it ties in with some of my previous remarks - is that in the area of community services this budget smacks of adhocery; there is a little of this and a little of that. It is hard to get an integrated picture of what is going to happen with community services in the ACT. Looking at some of the budget allocations for community services, one gets the impression that these decisions were not based on any understanding of demand in the community or any indication of knowing what the level of demand in the community is. It has been claimed at various times that there have been no cuts in community services. If you look at the budget allocations, you probably will not find cuts in most cases or will find small cuts in various areas.

But the other thing to note is that there have been no increases either. Having no increases fails to recognise changing demand and fails to recognise increasing costs, because decisions about the funding levels for community services are being made with no figures on what is in demand in the community for community services. What has happened is that the supply side has been left static. But in most instances we do not have any acknowledgment of change of demand, because there has been no demand analysis done in the ACT. A number of community services can tell you - and because there has been no money for a demand analysis it is anecdotal evidence - that there is an increasing use of community services in the ACT. It is not surprising when you look at a community that has just lost 7,000 jobs.

Mr Berry: Plus Mrs Carnell's 1,600.

MS REILLY: That makes it 8,600 jobs lost. These job losses do not affect just one individual. Those individuals often have family members; they have extended families in the ACT. Obviously, there are a number of issues that can arise when a family

member loses a job. Even that fact alone would suggest that there would be more demand for community services within the ACT. But there appears to have been no recognition of this.

If you look at the number of shocks that this Territory has had to cope with in the last 15 months through Commonwealth decisions, you can understand why community services are an important part of our Territory. If nothing else, the failure of the Commonwealth Government to recognise that Canberra is the national capital adds to the problems within this community. What we are asking a broad spectrum of community services in the ACT to deal with is the aftermath and changes that have come from the Commonwealth budgets and Commonwealth policies. We have had to manage with the loss of jobs and few or little jobs for young people; we have had to deal with the changes to child-care policy and increasing fees; we have had to deal with changes to disability allowances and changes to aged care that will start to affect people in the ACT now that the new Bill has been introduced. We are going to have more people staying at home and needing care, and the community service groups - in that broader sense, covering a number of services - will have to assist these people and give them support. We need to recognise the work that they do. It would make it easier to understand the full extent of their work if there were a demand analysis and the funding could reflect this demand, because there have been changes in the ACT. There have been changes in what is required for community services, and we need to look at how we manage that and what funding we provide for them.

This budget has failed to recognise the changing circumstances of the ACT. It would benefit all the community - and, in fact, it would be an effective measure within our community - if we could have some analysis of what is happening and community services that reflect that. It could actually lead to a much stronger community and be beneficial for all.

MS TUCKER (6.20): As members are well aware, the Social Policy Committee has an inquiry into issues that are obviously related to this portfolio area. I do have some concerns about how well the Government is across the issues of, say, unmet need in the community and the agencies which are providing the services in the area of community support for, basically, work related to Family Services work. This is for young children and youth. It is also, of course, related to the juvenile crime issue that Mr Wood raised today. All these issues are related and can be found to be clearly connected with family issues and what is actually happening in our community for people who are struggling in any way. Whether they are issues of unemployment, family strife or harassment of any kind, children will suffer in environments that are not reasonably harmonious; and children will leave home as well.

In all the committee work I have done in the Social Policy Committee we have come out with recommendations which tie in with each other. They also tie in with similar inquiries carried out in the Federal Parliament and in other parliaments in Australia and overseas. They tie in quite nicely as well with the work of international organisations which look at issues of child abuse and children and families. It is always about support, family support, early intervention and prevention; rather than dealing with the issues at the end. That is because it reduces not only the amount of human suffering but also the economic costs in the long run in dealing with these problems.

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I know it is a long-term view; I know it is complicated; and I know it is resource intensive to take this preventative and early interventionist line. I acknowledge that. I hear the Government say it, but what we have to accept is that governments have been saying this forever. They have been talking and thinking about their three-year cycle or four-year cycle, or whatever it is that they have. We continue to have to pay the costs of previous governments not doing that preventative work. We are now actually determining that that will be the case in the future. If you look at who are in our gaols, who are unwell, who have mental illness, who have been shattered by abuse, you will see that, if we had been able to appropriately support those people early on, a lot of those situations would have not arisen at all; for the rest, hopefully, the harm would have been reduced significantly because the support would have been there to begin with.

I think family support is particularly important. We do see some programs in the ACT - Barnardos, for example - where they have one-to-one support within homes for families; they work in a way that is not intrusive but supportive; and you can see very good results from that. You can actually see parents or sometimes single mums who are struggling to find a new confidence, a new self-esteem and greatly increased and improved parenting skills, which is fantastic for everybody. It is obviously the way that we want to go. No-one wants to be removing children from homes.

The introduction of mandatory reporting, of course, is a very important issue and has occurred in recent times. That makes it even more critical that we do have an understanding of the unmet need in the area of support for people who come to the notice of Family Services. Whether it is a notification or a consultation, there are still going to be resource implications. I note that consultation is a new measure and a new method. It is less invasive, and I support that. But I do believe it has resource implications as well. I have heard too many times that right now we are seeing young people inappropriately accommodated in refuges and so on because there is nowhere else. We know the issues around Marlow Cottage, it being the shelter under the Act; the really difficult young people that they have to deal with sometimes; and the inadequacy that they sometimes feel in dealing with these complex issues.

I will continue to be very alert as to how the Government is handling this area. I am sure we will get a lot more information through our Social Policy Committee. I also hope that, in the process of the inquiry, the Government will respond, which they have done with other inquiries we have held. I think there has been a really good relationship which has led to good outcomes in a number of areas - particularly disabilities, I am thinking of at the moment - but not so good outcomes on violence in schools, I am afraid. I feel you are still in a bit of a state of denial on that one. It can work well. I hope it does in this very important area in our community.

I think someone else said there are increased stresses on families in the ACT at the moment, probably due to unemployment and other social factors. I think we have to actually understand that, too, as policy-makers and particularly as a government. That is why I believe it is important that you do really stay in touch with those agencies providing the support. If they are getting stressed and are not accommodating people's needs, the consequences are very sad, alarming and expensive in the long run. I would just like to state that one more time.

MR STEFANIAK (Minister for Education and Training, Minister for Housing and Family Services and Minister for Children's and Youth Services) (6.26): I thank members for their comments. Firstly, I will reply to just a few points Ms Tucker made. Yes; certainly, I would hope that the relevant departments and areas are helping you in that inquiry. If they are not, let me know, Ms Tucker. Obviously, that is a very important process, and we can get some very good outcomes from sensible deliberations and consideration. I note that when we took over government Family Services - and we concentrated a lot on that - did have some very unmet needs. Staffing, particularly, was down. I think they were about 12 to 15 positions down in April and May 1995. We moved very quickly to resolve that. Obviously, that has helped. It is a stressful area; it is an area where people can get burnout very quickly; and it is an area where we have some exceptionally dedicated staff who do a very difficult job in very trying circumstances. I certainly know quite a few staff there personally, and they do an excellent job. It is a hard area. I will come back to some of Ms Reilly's points.

Ms Tucker raised the issue of the report on increased violence and crime. There are two aspects, I suppose, to crime. A report I saw in the paper - it might have been the editorial - indicated that, in terms of the punishment side, they had not really analysed how effective the "three strikes and you are out" policy is. A criticism of our courts often is that they are too lenient; and sometimes a short, sharp, reasonably severe punishment at the right time can actually help someone and deter them from crime. I note, however, the report in the paper stated that an analysis of the States which have introduced that has not actually been done yet. From personal experience in the courts here, that certainly does, in some instances, seem to work.

However, one thing that is needed in terms of the bigger picture is jobs. People being actively engaged in employment or training that has a good likelihood of leading to employment is something that is going to be very beneficial indeed. This budget is a jobs budget and is especially aimed at youth and young people; it is especially aimed at giving people a chance in a very difficult situation in Canberra at present, with the Federal Government cutting jobs in the Federal Public Service.

Ms Reilly: They are not jobs; they are traineeships.

MR STEFANIAK: Look who is talking. One of the great criticisms of your previous Federal Government was that they were all traineeships and they did not lead to one single job. This Government, I think, has actually created a quite considerable number of jobs.

Mrs Carnell: It is 7,300 since last November.

MR STEFANIAK: It is 7,300 since last November. In terms of addressing some of the severe problems such as tendencies for people to get into crime and other things like that, if you are gainfully employed or have training that is going to lead to a chance of gainful employment, that is a very good long-term means of addressing a lot of problems. That is certainly something we have placed a lot of emphasis on.

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I had the pleasure of launching - you could not come, Ms Tucker, but Ms Horodny came - the Belconnen youth unemployment task force, which has done some excellent work with a wide range of people in the Belconnen area in terms of youth unemployment. Often it has been difficult getting some of these kids actually involved; but, when they do get involved, they get a lot of benefit out of it. I have spoken to several of them who have actually now got themselves into some form of employment as a result. That task force, of course, continues; it reassesses what it is going to do; it will come back in September with some more ideas after it gets people commenting on a number of its very wide-ranging recommendations; it is working actively in the community. Those are the sorts of initiatives we have funded to again give some of the youth who might be classed as marginalised and in real need of assistance confidence to get out and do something positive with their lives. In that instance, the thing that is a great fear to all young people is this: "Am I going to get a job at the end of my schooling or at the end of my course of education?"

You mentioned early intervention. We have done a fair bit there, too. Our Youth Connection program has some very positive feedback from young students in Years 6, 7, 8, 9 and 10, especially those who get into trouble as a result of truancy and who are starting to show signs of antisocial activity at that age. Getting in early there with that service has proved to be quite successful indeed. I have some very good feedback from a number of people in relation to that.

You mentioned consultation on mandatory reporting. One of the things that actually does is that it often enables early intervention to assist families before a situation gets to a stage where mandatory reporting becomes a necessity. I think things like that have greatly assisted the process. One thing in terms of mandatory reporting which is relevant to what you both said is that, by staging the training through various areas, we have been able to monitor it. There were additional staffing requirements. We have provided money for additional staffing now. I think the Chief Minister, when we first said we would introduce it, said that we would continue to monitor it and look closely at it; and, if need be, if actual staff were needed, we would provide that funding as the need arose. She is nodding her head. That still goes, of course, Ms Tucker and Ms Reilly. The careful monitoring, the careful training and the staging of the introduction of mandatory reporting - and I think that has gone very well - have enabled us to introduce it with some additional funds, but in such a way that it is manageable. You indicated we have increased funding for substitute care by \$600,000. I think that is a very significant step.

I have probably addressed a few of the points Ms Reilly made. In relation to Gugan Gulwan, Ms Reilly, as a result of funding cuts to ATSIC by the Commonwealth, ATSIC cut their funding by \$135,000. Whilst we did our best to try to get that decision reviewed, that was not possible. ATSIC, however, have continued, with some support, to assist them. We have maintained our support to Gugan Gulwan. We provide half a teaching position; a further youth services grant of \$12,850 for holiday programs; a youth development initiatives program grant of \$10,000; and some one-off funding for a number of youth sector initiatives as a result of the delayed implementation of the youth support program. Those initiatives are of assistance to Gugan Gulwan, Ms Reilly. I understand that they are currently in the process of also negotiating with ATSIC in relation to a number of matters.

You also mentioned police and youth. There are a number of very fine initiatives the police in the ACT conduct. Having been involved with youth in a number of areas, from coaching various football and basketball team, through to being a Children's Court solicitor and a prosecutor in a number of jurisdictions, I can certainly tell you that the police in the ACT seem to get on very well with youth, compared with the police in some of the States. We have a number of great initiatives. I was delighted to see, in the *Canberra Times*, Project Saul, an initiative of Senior Constable Steve Neuhaus, written up. Constable Neuhaus and his dedicated team, including Bob Cameron and some other police who have a lot of experience in bush matters, take marginal youth - in fact, often kids who are at the brink of going to Quamby; some might have even spent a short period of time there - out on a lot of good adventure training activities. They have had some fantastic results. No program is going to deliver you 100 per cent results with everyone; you are dealing with human beings. But that has been a particularly good program which has really helped a lot of kids and turned them around. There are a number of other very good programs, too, such as the programs the Police and Citizens Youth Club run. They run some excellent programs for youth.

Talking about youth centres: Certainly, there is often a big congregation of youth in Civic. Talking to Mary Lowa at the Civic Youth Centre, she has told me on a number of occasions over the last couple of years that the police and the youth have a very good rapport there. She has been very impressed with the attitude of a lot of the police there. Apart from that sort of rapport, you have to appreciate the criminal justice system, Ms Reilly; and that is that there are always going to be some people that will automatically complain to the IID or the Ombudsman when they are picked up by the police; it is almost a standard operating procedure. When you are dealing with some people in the criminal justice system, be they adults or juveniles, some of them are quite experienced in it; some of them have committed some very serious crimes. Police have a very difficult job to do there. The AFPA and some of the police, I think, have already commented on instances in that report in terms of whether or not they accept it all. I do not know the details. I make no further comment, except to say that they have already made comment on that.

I do know that police have an exceptionally difficult job to do. They deal with some exceptionally difficult people. In Canberra, I think they have - rightly so - an excellent reputation in terms of fairness and going about their most difficult duties. I commend them for their efforts in upholding the law in Canberra, for the generally very good rapport they have with youth and particularly for some of the excellent individual programs and efforts individual police make in terms of youth. (*Extension of time granted*) My experience as a prosecutor has been that the police often bend over backwards, especially with juveniles, to see whether they can do anything to stop them from being involved in a life of crime. In fact, they are often much more effective than a lot of other government agencies in helping kids. I think they do a good job there. I think we need to be careful when we criticise the police. That having been said, this Government has pushed a number of programs and funded a number of programs involving police and youth, and very successfully too, and will continue to do so.

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Mr Speaker, in this area, I think we have done some things that needed to be done. We have introduced mandatory reporting; established a youth strategy; and established, I think, a very good rapport with the youth community and, especially, kids who access a lot of the youth services. If you look at the youth strategy, you will see how many services there are. I have personally visited all the youth centres, met a lot of the young people there, and enjoyed a few games of pool with them and a bit of a chinwag. It has been very good.

There is one thing which I will conclude on, Mr Speaker, which our youth in Australia - and the ACT is no different - I think really want to have portrayed, and that is what events like Youth Week do. They are sick and tired of the negatives. The vast majority of our youth are highly skilled, level-headed, sensible young people. Most of those who have some problems are going to be put back on the track, and we have a lot of systems in place to help them. I think the youth of the ACT and the youth of Australia generally want to see a positive image portrayed of them. I am pleased that at the last Youth Ministers meeting, which was just before the Education Ministers meeting, one of the two main points that came out Australia-wide was that kids want a positive image portrayed of youth. The media might sensationalise the negatives. The negatives relate only to a very few youth. The vast majority are not in need of special assistance even, and they want a positive image. I think things like the Rock Eisteddfod, which Mrs Littlewood went to, indicate the great skills our young people have. Some of the events of Youth Week do that, too. On that positive note - and I think it is important to have a positive note in this area, Mr Speaker - I will close.

Proposed expenditure agreed to.

Proposed expenditure - Department of Education and Training, \$444,925,800 (comprising net cost of outputs, \$334,016,500; capital injection, \$5,922,000; and payments on behalf of Territory, \$104,987,300) - agreed to.

Part 18 - Treasurer's Advance

Proposed expenditure - Treasurer's Advance, \$13,100,000 (comprising capital injection, \$13,100,000) - agreed to.

Remainder of Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister and Treasurer) (6.41): May I close the debate?

MR SPEAKER: Yes.

MRS CARNELL: Thank you very much.

Mr Berry: I will give you your last chance to convince us.

MRS CARNELL: Mr Speaker, I do not expect to convince those opposite - - -

Mr Moore: I take a point of order. I do not think this closes the debate. I think it is the same system. You can speak as many times as you like and, Mr Speaker, I think I am correct in saying that we can speak for two periods of 10 minutes.

MRS CARNELL: Okay, I do not close the debate.

Mr Moore: You will have a go at it, though.

MRS CARNELL: I will probably speak just once anyway. Mr Speaker, I speak at the end of this debate. I decided that I would give a prize. I have to say that the only prize I could possibly give as a result of this debate is to Mr Moore. The reason I would have to give a prize to Mr Moore - - -

MR SPEAKER: What about me?

MRS CARNELL: You did lead for a little while. Mr Speaker, the reason why Mr Moore gets a prize is that he is the only person in this whole debate, of those around here, who said how they would pay for the things that they want. What we have ended up with in this debate is the most amazing heap of rubbish I have ever heard. This is important. This budget was brought down in very difficult times. As the papers say, this budget has revenue of \$1,439m. Unfortunately, we have expenditure of \$1,649m. That tends to indicate an operating loss of \$211m. So I would have thought, Mr Speaker, that in the budget debate the Government would have ended up with criticism and some helpful suggestions on what to do about the operating loss. I would have thought that this Assembly could have been very critical of the Government for coming down with an operating loss.

Mr Moore: Yes.

MRS CARNELL: And Mr Moore was. But I have to say that he was the only person. I would have thought that those opposite, the Opposition, would have been saying, "Government, this is definitely not good enough. You have to address the operating loss". But, no, Mr Speaker. We ended up with a budget debate in which everyone opposite came up with significant new expenditure. Mr Corbell wanted \$15m for tourism promotion.

Mr Corbell: I did not say that, Chief Minister.

MRS CARNELL: Yes, he did. He said that we should be spending the same amount as Tasmania and the Northern Territory.

Mr Corbell: Show me where I said that, Chief Minister.

MRS CARNELL: He wanted \$15m, Mr Speaker. On ACTION we ended up with the view that the cuts that the ACT Government has put in place are simply unacceptable. That is \$10m, conservatively, Mr Speaker. On public housing, it was a minimum of an extra \$5m because it was very naughty of us to let that \$5.3m or \$5.6m go to the Federal Government. We should have got it back and we should have spent it. If we spent it on public housing, Mr Speaker, we had to get it from somewhere else. So, Mr Speaker,

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conservatively, that is an extra \$5.6m on housing. We also have calls to spend more money on children's services, more money on family support, more money on mental health, more money on disability services, more money on people from non-English-speaking backgrounds, and more money on youth services. Mr Speaker, do you want me to go on? All the way through there were calls on the Government to spend more money in almost every area.

I have to say there was one area where those opposite said they would spend less. Guess what that was, Mr Speaker. It was business incentive packages. We spend \$1.2m on business incentive packages in this coming year, altogether. Remember that this is a budget with an operating result of a loss of \$211m. Already those opposite have managed in this debate to suggest, conservatively, an extra \$50m worth of expenditure, on my basic calculations here. That is not getting into what they really wanted for children's services. There was more money on capital works, too. We must not forget that - \$94.6m was not enough there; we should be spending more. So, Mr Speaker, a minimum of an extra \$50m on top of the \$211m, and where was their saving? It was on business incentive packages, \$1.2m. This year \$700,000 has produced \$37m in new investment over three years and 700 extra jobs. That is the area where those opposite want us to save money. Mr Speaker, if we got rid of all of it, the whole \$1.2m, and gave the \$37m worth of new investment and 700 new jobs - that is this year; we expect significantly more next year - a whole miss, they still want nearly \$49m worth of new expenditure on top of the \$211m projected operating loss. What a joke!

Mr Speaker, on top of the extra expenditure, we have revenue. In a budget, as those opposite should know, there are two sides. You have a revenue side and you have an expenditure side. You potentially have borrowings as well. On the revenue side we have heard those opposite knock back every new tax that has been suggested or every tax increase that has been suggested. Mr Moore suggested a bed tax. I do not agree with a bed tax. I do not think it is appropriate. Those opposite knocked it back. In the case of rates and land tax, they wanted to spend, or they did spend, an extra \$315,000 this year on a valuation that was not necessary; but I have heard nothing to indicate that they might raise rates or land taxes above the approach that this Government has taken. I would be happy to hear it, if they wanted to. They have been negative about the road rescue fee. With regard to the debits tax, they extended the concession regime to cost the Government more money. So, Mr Speaker, in the revenue area they have done everything they can to reduce our capacity to raise revenue, spent more money, and reduced revenue.

What is the answer there? The answer is borrowings, Mr Speaker. They have only two options if they go down the path they go on expenditure, and that is to borrow, and give our kids a significant debt in the future, or raise taxes. We have gone on with the debate for three days and they have not come up with one new revenue option. Mr Moore did. I do not agree with it, but at least he did, Mr Speaker. They have not come up with any areas, apart from business incentives, where they think we should spend less money. What they must be suggesting is that the ACT Government go into significant borrowings. I do not believe that that is an appropriate approach. I think our AAA credit rating is enormously important for the future of this city.

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I think those opposite have shown their true colours in this debate. They have shown that they would spend more money in government. They have said that they would spend more money on ACTION, public housing, education, health, children's services, family support, capital works, youth centres, mental health and disability services. Those are the areas that they said they would spend extra dollars on. Fine, Mr Speaker; they have indicated what they would do in government. Where would they get the money, Mr Speaker? From only two places - new taxes, taxes above those in New South Wales, or borrowings. I do not accept either of those approaches. I think the approach we have embarked on, in attempting to increase revenue where we can, in line with New South Wales, and decrease expenditure where we can under the current economic circumstances, and to have no new borrowings in the general government sector this year, is the appropriate approach.

Mr Speaker, those opposite are going to vote against this budget, yet they have come up with no alternatives. I have to say that in opposition we never opposed a budget. We accepted - - -

Mr Berry: Ha, ha, ha! You came up with some scatterbrain ideas.

MRS CARNELL: That is true; we never opposed a budget, because we accepted that the people of this city had a right to elect a government, a government that could get on with the job. We might not have agreed with the approach they took, but we never opposed a budget.

MR BERRY (6.50): What a swaggering braggart of a Chief Minister we have here in the ACT. What a terminal case of selective amnesia we have in this Chief Minister. Mr Speaker, Mrs Carnell must not have been listening during the course of the debate to hear the criticisms that were levelled at her management of the ACT economy. Mrs Carnell must not have heard the criticism of the extra \$80m that has been put into Health since she became Health Minister.

Mrs Carnell: So, you would cut \$80m out of Health.

MR BERRY: Mrs Carnell must not have heard the criticism of her for her \$30m worth of savings out of Health.

Mrs Carnell: So, you would cut \$80m out of Health.

MR BERRY: Of course, Mrs Carnell, when you add this up, this is a \$110m credibility gap that you have.

Mrs Carnell: Okay. So, you would cut \$80m out of Health.

MR SPEAKER: Order!

MR BERRY: Mrs Carnell, we are halfway there now. You talked about the \$200m operating loss. We are halfway there and we have only just started. Mrs Carnell must not have heard about the criticism over the \$3m or \$5m, depending on whose estimates you look at, that was wasted in the industrial dispute here in the ACT. Was there no

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criticism of that? Of course there was criticism of that. Mrs Carnell must not have heard the criticism of the \$6m that she has poured into the Acton site so that she can prepare it to give it to the Commonwealth. Mrs Carnell must not have heard all of those things. We are starting to get closer to \$200m, Mrs Carnell.

Mr Stefaniak: No, you are up to only about \$9m.

MR BERRY: You forgot about the \$110m credibility gap, Mr Stefaniak. You cannot add up either. The fact of the matter is that there has been constant criticism levelled at the way that you have managed the economy in the Territory. Constant criticism has been levelled at you over your handling of the budget, your magic three-year budget - the magic pudding. Mr Speaker, it is all over the place.

What of the small change? Mrs Carnell has had enough small change to build us a little futsal stadium, an outdoor stadium for an indoor game. It is probably the best one in Australia. Each time it has been used the outdoor stadium where you play indoor games has been empty. Mr Speaker, what a joke!

Mr Whitecross: Where did they hold the national championships? Indoors?

MR BERRY: They held the national championships indoors. Why did they not go out of doors? Because it is an indoor game. You usually play indoor games indoors, and outdoor games on an outdoor futsal stadium. But there is no such thing as outdoor futsal because "futsal" means indoor football. So, Mr Speaker, what a joke this Chief Minister is.

She stood up there, swaggering all over the place, saying that nobody has criticised her management of the Territory's economy. What a joke! That was just a brief list of the mistakes that this Chief Minister has made and we are already halfway to her operating loss. This is the Chief Minister who swaggers about, in all her self-importance, saying what a great job she has done, and the record shows something enormously different. Mr Speaker, this budget is another smoke and mirrors budget, the same as the others. It is about as believable as the three-year budget. It is ideologically unsound. It is contrary to the future interests of the Australian Capital Territory. Let us have a look at the comments about superannuation, Mr Speaker. Those opposite made great play of the issue of superannuation, lamenting the future situation that the Territory would find itself in. Well, they have contributed to it by a factor. Labor, in office, put four times as much into its budget as did Mrs Carnell in respect of superannuation.

Mrs Carnell brags that this is the greatest thing since sliced bread, but I think she has missed the point. The fact of the matter, Mr Speaker, is that this budget is no better than the three-year budget and it does not solve the Territory's problems. Mrs Carnell came into this place and said that nobody else has had any ideas. She did not want to talk about our ideas. She did not want to talk about our criticisms of her mismanagement and overexpenditure throughout the budget. Future generations will have to pay for the waste that this Chief Minister has imposed on ACT budgets in the past and has built into structures. It is not supportable.

MS TUCKER (6.56): I would like to respond to a couple of the comments Mrs Carnell made. It has been quite clear that we have been interested in looking at and discussing revenue raising possibilities with Mrs Carnell, but we have never been offered that discussion. Mrs Carnell has always said quite clearly that she is not interested in it; she does not want to see any increase in taxes and so on. I would like to get that clear straightaway. She knows that is quite clear. Obviously, we have supported Mr Moore on the bed tax, but I have given up talking about revenue raising in this place because Mrs Carnell always says, "We do not want any more taxes. We know you Greens do. We know you Greens are interested in taxes". We were interested in tax reform before the term was apparently even discussed here. Mrs Carnell has said quite clearly every year we have discussed this, "I am not interested in what you Greens say about taxes".

The other thing I find a bit concerning - in fact, very concerning - about what Mrs Carnell said is that she seems to be insinuating or implying that, because we are raising issues of concern in the community, representing our constituents, particularly representing constituents who are vulnerable and who are disadvantaged in this community, somehow this has no value because we cannot explain to her how to manage her budget and how to pay for it. We do not have the Office of Financial Management at our fingertips, we do not have the resources to do that; but it is our responsibility in this place to point out if members of this community are suffering, and they are. That is what I will continue to point out where I see it. I believe it is my responsibility to do that.

I have even heard that Mrs Carnell said to a constituent who went to see her, "You tell me how to pay for it and I will do it". That is not an acceptable answer, Mrs Carnell. That is a cop-out. That is a political answer that is quite disrespectful of the issues that are being raised in this place. I think it is perfectly legitimate that you should be looking at what we can do to meet these very critical needs. These are not luxuries that we are talking about. Mental health is not a luxury. Services for mentally ill people are critical, if you are meeting your responsibilities as the Government. We are talking about people with a disability. That is not a luxury. That is a basic responsibility, as, of course, we would always say is the environment that you need to be looking at.

Of course, there are issues about how you are going to develop a sustainable industry plan in the ACT to help raise revenue. Of course, we acknowledge the revenue problems that you have and the Commonwealth cuts that you have to deal with. But I do not think it is appropriate that you try to just totally devalue what is said from other places in this house because we do not tell you exactly how to do it. I repeat: We do not have Mr Lilley and Mr Ellis to advise us. We do not have full information.

Mrs Carnell: They can come and help you.

MS TUCKER: I am voting against the budget again because we have been irrelevant in this place. Mrs Carnell, you have said that we are irrelevant, and I will continue to protest at that lack of consultation coming from you on the matter of the budget. That is why we will vote against this budget. I maintain my right to do that. You saw today quite clearly that I will not just throw away government and cause instability for any light reason, but we will make that oppositional protest to you so that it is quite clear that we do not accept the role you have given us on the crossbenches in this place.

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Mr Moore and Mr Osborne made a choice about supporting money Bills. That is fine. That is their choice. I do not make a judgment on it. But that has meant that you have therefore made a choice that you do not have to consult with us. We do not see our priorities in your Government's budget. We were invited this time eight days before you published it. I think it was about a day before it went to the printer. So I will say to you quite clearly that this is not how consultative government works, and that if we are ever in a situation where we become relevant we expect to have a lot more input.

MR SPEAKER: I understand it is the wish of the Assembly to suspend for dinner.

Mrs Carnell: Can't we finish? Does anyone else want to speak?

Mr Whitecross: Yes, I want to speak.

MR SPEAKER: It is entirely up to the Assembly.

Mrs Carnell: Can we finish?

Mr Osborne: Yes, get it over and done with.

Mr Whitecross: I am happy to speak. I will not speak for long.

Mrs Carnell: If there is only one more speaker we could finish the budget, could we not?

Mr Whitecross: It is up to you people.

Mr Berry: The agreement was 7 o'clock and the leader wants to speak. Dinner would be a good idea.

Mrs Carnell: It is just that we have to keep all the Treasury officials over dinner; that is all.

MR SPEAKER: How many more people wish to speak?

Mrs Carnell: If there is only one, can't we do it?

MR SPEAKER: It is the wish of the Assembly. Do you wish to suspend now or not?

Mr Berry: No; we will come back later.

Mrs Carnell: No. If there is only one speaker, let us not keep officials who do not need to be kept for another hour.

Mr Berry: I am sure they can afford a Hungry Jacks hamburger. They will be right.

Mr Osborne: No. Let him speak. Get it over and done with. Come on.

Mrs Carnell: Let it be over and done with.

MR SPEAKER: Thank you, Mr Osborne, for making a decision. Proceed, Mr Whitecross.

MR WHITECROSS (Leader of the Opposition) (7.01): Mr Speaker, it is good to see that, as usual, Government members make their decisions based on what the Independents want. He is an influential man, Mr Speaker.

MR SPEAKER: Let us get on with it.

MR WHITECROSS: Mr Speaker, I want to raise a couple of matters. Mr Berry addressed some of the issues to do with the funding of the budget, in answer to some of the concerns that the Chief Minister seemed to have. Ms Tucker also made what I think is a very important point, which is that it is the role of the parliament to hold the government accountable, to criticise and to raise concerns. It is not the role of the parliament to provide all the alternatives and all the fine detail for the government, Mr Speaker. For evidence of the foolishness of that approach, you only have to go back to 1994 when Mrs Carnell tried to do it. Mrs Carnell came out with her famous one-page alternative budget. What were the two largest savings items that she was going to use to fund her budget proposals? The largest item, Mr Speaker, was Health. She was going to save \$30m from Health. Well, has she not made big progress on that? She spent a million dollars on the consultancy to tell her how to do it - - -

Mr Berry: Eight to one she was going to get.

MR WHITECROSS: Yes, for every dollar she spent she was going to save eight. That is right. She spent a million dollars so she should have saved at least eight million.

Mr Berry: A bit more swaggering went with it, too.

MR WHITECROSS: Yes, and she had promised to save \$30m before the election in her alternative budget. What has she actually done? Every year more money goes in. This is the Chief Minister who had to come crawling back to the Assembly the first year and say, "Please, can I have another \$14.2m because I could not manage my health budget and I need some more money?". That was the first year. The next year she said, "I am keeping that \$14.2m and can I have a bit more as well?". Then the third year she has come back and said, "Can I have some more again, please?". It is \$80m over three years. This is the Government that was going to save \$30m, Mr Speaker. That was the first revenue item out of her alternative budget back in 1994.

What was the other one? ACTION. I will give the Government half marks for that because they have cut the \$27m they had promised out of ACTION. What have they got to show for it? They have a report from their own consultant who tells them that they have stuffed it up; that they have stuffed up the public transport system in Canberra and that they should now undo all the changes that they have been making over the past three years. After cutting \$27m out of ACTION and reducing the frequency of services,

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introducing a holiday timetable, cutting back on evening services, cutting back on late night services, cutting back on weekend services, and hiking the fares by 50 per cent, they have been told they should now go the other way; they should increase the frequency of services; they should abandon the idea of holiday timetables; they should improve the late night services; they should improve the evening services; they should improve the weekend service so that it is a more attractive proposition for people to use the buses.

They were the two big items in Mrs Carnell's glorious alternative budget. She has never made the Health savings. I will not go into the VMO contracts which she rushed to sign in the first weeks of her Government and which the Auditor-General said saved nothing. Not only did she not make savings; she kept coming back to the Assembly asking for more money. Then you have the ACTION savings which they did make; but, in the process of making them, in the process of relentlessly and doggedly sticking to them, they damaged the public transport system in Canberra to the point where their own consultant tells them that they stuffed it up and they should come back and fix it.

Mrs Carnell might not know what to do next, Mr Speaker. When there is a Labor government she will see. She will see that her inaction over the last three years is not the way to run a government and that you can have a government which actually does things. This Government's actions over the last three years were all based on reports commissioned by the Labor Party. How often do you see it? Again and again they come in and say they have this wonderful idea for something to do, whether it is driver training or whatever. Where did they get the idea from? From a report commissioned by the Labor Party. They do not have any ideas of their own. The only ideas that they have had in three years have been ideas they got from reports commissioned by the Labor Party, except for a couple of classics like blowing out the health budget and destroying the public transport system in Canberra.

Mr Speaker, the Labor Party does not apologise for criticising this budget; and the Labor Party does not apologise for voting against it if we believe the priorities in it are wrong, and we do. It is not our job, it is not the job of the Opposition, to praise the Government, to give them a slap on the back and say they are doing a great job when they are not, and we will not.

There is one other thing I want to say, Mr Speaker, in conclusion. The Chief Minister, in her remarks, falsely claimed that the Labor Party has opposed every tax increase that the Government ever proposed. That simply is not the case. The Labor Party has always taken a responsible approach in relation to revenue proposals put forward by the Government. We considered them and we expressed concerns about them, as we did with the road rescue fee and as we did with the debits tax; but we supported those tax increases. Let us not let stay on the record the lie that Labor opposes sensible revenue measures proposed by the Government. That does not mean that we will not propose measures to ameliorate the adverse social impact of those tax increases when we are concerned, as we did with the road rescue fee and as we did with the debits tax.

Mr Speaker, our biggest criticism of the road rescue fee was not that they imposed it. Our biggest criticism of it was that they said they did it to provide a fifth ambulance and we did not get one, not for months and months. In fact, we did not get one until the Labor Party embarrassed them into providing it. Those are the facts, Mr Speaker.

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That is why we are so angry about this Government's performance. Again and again they let this community down. Again and again they mislead this community. Again and again we see wrong priorities from this Government. That is why we have chosen on previous occasions and again today not to support their budget. Their priorities are wrong and this is our protest against their wrong priorities.

Remainder of Bill agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 8

NOES, 7

Mrs Carnell

Mr Berry

Mr Cornwell

Mr Corbell

Mr Hird

Ms Horodny

Mr Humphries

Ms Reilly

Mrs Littlewood

Ms Tucker

Mr Moore

Mr Whitecross

Mr Osborne

Mr Wood

Mr Stefaniak

Question so resolved in the affirmative.

Bill agreed to.

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

Debate resumed from 17 June 1997, on motion by **Ms McRae**:

That the report be noted.

Question resolved in the affirmative.

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

Debate resumed from 19 June 1997, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Sitting **suspended** **from** **7.14** **to** **8.18 pm**

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RATES AND LAND TAX (AMENDMENT) BILL 1997

Debate resumed from 17 June 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (8.18): Mr Speaker, Labor will be supporting this Bill. I hope that the Chief Minister was listening then. Labor will be supporting this Bill, which is a revenue measure. Just let me make that clear: Labor will be supporting this Bill and is satisfied that the Government has finally met the fairness test and its election commitment to introduce a new fair rates system. It took them three years, but they finally got there. This Bill is the culmination of a lot of work on rates over a number of years by the Assembly. I believe that the people of the ACT now have a rating system which is fair. The use of three-year rolling averages, as put forward by Labor in 1994 - - -

Mrs Carnell: And never implemented.

MR WHITECROSS: We did not get a chance, did we, Mrs Carnell? But we would have.

Mrs Carnell: You had five years.

MR WHITECROSS: You could have done it in 1995 and saved us a lot of trouble, but you did not. The use of three-year rolling averages, as put forward by Labor in 1994, will smooth large fluctuations in rates in the years to come. It is disappointing that the Government has taken three years to get it right. The Government have prevaricated for three years, despite their election commitment that they would introduce a new fair rating system and despite the \$72,000 of taxpayers' money which they spent on a review to produce a report that they had no intention of implementing.

Labor could not allow this Government to break an election promise and continue to cap rates using 1994 land values. Labor could never support the approach of the Government, because it destroys the relationship between rate charges and land values and the concomitant notion of equity as between ratepayers and their ability to pay. This is the very foundation upon which the rates system in the ACT and in other places is based. Mr Speaker, I believe that it is an appropriate basis for collecting rates.

Labor supports the new rating system. The inclusion of Labor's proposal of three-year rolling averages will assist in smoothing out fluctuations in valuations and therefore in rates bills. Labor announced that we were going to do it. We would not have had over two years of prevarication on the issue. We would not have kept using out-of-date 1994 valuations, as this Government has done. A Labor government would not have ripped off Belconnen, Gungahlin and Weston Creek residents, as the Liberals have done through their mismanagement of this issue over the last two years. Inner North and Inner South residents are now paying for the Liberals' mismanagement of this issue. If this rating system had been introduced last year or in 1995 - indeed, as it could have been - they would not now be experiencing the sudden increases in their rates.

The other two main tools of the new rating system - the flat fee component and the \$19,000 threshold - are also supported by Labor. However, Mr Speaker, I would like to say that a flaw in the flat fee component is that it is not linked to any explicit services provided by the Government. Such a link would have meant that the rationale for the charge was transparent, rather than its current situation, where it appears to be a charge plucked out of the air by the Government. I also need to make clear to the Assembly that the rates tools should not be manipulated in an arbitrary way by the Government. This system should be used to ensure that rates are fair, and not used in order to manipulate the system to get a result that suits the government of the day. Labor will not stand for this, and we will not do it in government.

The 85 : 15 split between commercial and residential property rates is supported by the Government as it appears to reflect the status quo; that is, that 85 per cent of rates are paid by residential users and 15 per cent by commercial users. We will monitor this issue, Mr Speaker, to ensure that it is not manipulated in the future. This new rating system has been a long time in coming - too long in coming, in my opinion, Mr Speaker - but Labor welcomes the fact that it has finally come and that the ACT will now enjoy a fair rating system.

MR MOORE (8.22): Mr Speaker, I rise to support this piece of legislation. I think it is an important improvement in ensuring an equitable rates and land tax system. As Mr Whitecross says, it has been a long time coming. I think that the compromises that are made here are compromises that, in the long term, will be of benefit to the community overall and recognise some of the problems associated with rating.

It has been interesting to me, Mr Speaker, to see that the Chief Minister has been using this legislation as an opportunity to say that the reason we have had an increase in rates in the Inner North and the Inner South and a decrease further out is that the vote was forced on them and it was not the Government's fault at all. This is the sort of spin that we are getting used to, Mr Speaker. Unfortunately, it was entirely unnecessary. The reason had nothing to do with the Government being forced to respond to the Assembly's vote - and there is no doubt about it, they were, and reluctantly - but the problem was much less than it would have been had it been allowed to go on for another year. It is as simple as that. This situation arose because the Government decided to peg the rates at a certain level. It was the pegging of the rates that created the broader discrepancy rather than allowing the percentages to continue or bringing in these changes earlier. So, I think we have to be very careful, when we are discussing these things, Mr Speaker, that we do not put just one slant on it, as opposed to another slant, because invariably there are two parts to the story. It was interesting to me to see how gullible some elements of the media were in picking that up and missing the real story.

Mr Speaker, it seems to me that the Government has brought before us a fair and equitable piece of legislation that is about ensuring appropriate revenue. I am happy to support it, but not without saying once again that this question of revenue is a very important question. It is something that we are going to have to look at responsibly.

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I think, as we go into an election, both the Labor Party and the Liberal Party, in particular, are going to have to be able to demonstrate to the people of Canberra that they are going to be responsible, not only in saying that they can make cuts to the Public Service, if indeed they can find spots to do it - if they want to use that line, they should identify where they are going to make such cuts, because I think that the Public Service in the ACT is really suffering because of their cuts - but also in saying how they are going to manage to balance the budget and how they are going to look at revenue. These are critical issues that people who wish to vote for responsible members of the Assembly and a responsible government or alternative government ought to take into account.

MRS CARNELL (Chief Minister and Treasurer) (8.26), in reply: Mr Speaker, I thank members of the Assembly for their support for this Bill. I agree that it has taken a long time to get a Rates and Land Tax Bill on the table in this Assembly. I have to say that the preferred position of this Government was to continue with a CPI increase. We believed that that was something that the people of Canberra could have relied on. A 1.75 per cent increase this year would have been significantly better than some of the very large increases - and the not so large increases, shall we say - that some suburbs have seen. I was interested in Mr Moore's comments about fairness, equity, accountability and so on.

It is interesting for me to note that the Labor Party appears to be letterbox dropping those suburbs that have had reductions in their rates, suggesting that it is their responsibility; that they actually own this rates system. I have to tell you that it is very tempting to letterbox drop the suburbs that have gone up and say, "Mr Whitecross owns this system. It is not our system. We would have gone to a 1.75 per cent increase, something everyone could cope with". But I think, if you are going to own a system - and we do that in government all the time - you have to own both ends of it, Mr Speaker; you have to own both the reductions and the increases. But it is a very interesting approach, shall we say, by those opposite and not necessarily based on fairness, equity or honesty, Mr Speaker.

I do not believe that there is a perfect rating system. All of the input we have had into this whole approach to come up with a new rating system has shown that there is probably no perfect system. Equally, I do not believe that the system we have on the table now is as good as our preferred system; but I believe that it is a damned sight better than the system we had before. Mr Speaker, if the old system, which was based solely on unimproved capital values, had been used for 1997-98 the variations between this year's and last year's bills would have been much larger for many Canberrans - not for all Canberrans, but for many. We set out on this track of trying to find a better rating system after we saw the huge variations under the Follett Government.

It was interesting to me to hear Mr Whitecross say, "I own this system. It has taken us a long time to get the Government to accept this new rating system". Mr Speaker, we have been in government for two years. They were in government for five years. What does that tell you about our new rating system? If two years was too long for Mr Whitecross, why did the previous Government take five years and still not change it?

Mr Moore: It may seem like only two years to you, but to us it feels like 2½.

MRS CARNELL: I can understand that. Do you want to know how long it actually feels to me? No, we will not get into that. Mr Speaker, I am very pleased that those in the Assembly support this approach. I am very pleased that Mr Whitecross owns it - that Mr Whitecross owns both the reductions and the increases that are part of this approach - and I thank Mr Whitecross for the new system.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1997

Debate resumed from 17 June 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (8.30): Mr Speaker, Labor will be supporting this Bill, which institutes a tax equivalent regime for Territory-owned corporations. This Bill provides the legislative framework through which the Government can administer a system of tax equivalents for TOCs. The TOC Act, as it is currently, does not provide adequate guidelines for separate income tax and sales tax equivalents, the timing of payments, appeal rights and penalties. The Bill ensures that such taxes can be assessed and paid. It is in accordance with the national competition reforms which the Follett Government signed onto in 1994. These tax arrangements will ensure that government businesses are subject to the same tax requirements as the private sector, creating a more competitive business environment. Labor supports the Bill.

MR MOORE (8.31): Mr Speaker, I rise to support this Bill, which, as I see it, imposes effectively a phantom tax liability on government business entities, which in turn puts them on an equal commercial footing with private business. That is a concept that I am comfortable with. It certainly fits into general competition policy. So, provided that you accept that conceptual policy - and indeed I do - then the Bill has no difficulty.

There is a question I have about the proposed new section 30G, on page 5. Where the commissioner is satisfied that things are fair and reasonable, then there is the ability to waive or find remissions or refunds. I have not quite understood why that is the case, and I wonder whether the Chief Minister would mind explaining that provision to me. I do not think it undermines the character of the Bill, but it is one that I was more curious about than anything.

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Mr Speaker, I think that what we will actually see as a result of this is a shift of money from such enterprises through to the Government. That, of course, is something that this Chief Minister does not need. She is quite adept at pulling \$100m out of such businesses or at finding another way, such as selling the light poles to ACTEW, to pull the money out. Interestingly enough, this has that effect; but, at the same time, it means that when such businesses are competing commercially they do not automatically have as huge an advantage over ordinary businesses as they might. It is interesting, because since I have been in the Assembly one of the most common complaints I have had from businesses is about government-owned corporations actually competing with private business in an unfair way. I think this will go some way to address that.

MRS CARNELL (Chief Minister and Treasurer) (8.33), in reply: Thank you very much, Mr Moore. On the basis of my not being able to actually get back there to get a briefing - - -

Mr Moore: I could keep going for a while.

MRS CARNELL: I would suggest, Mr Moore, that you actually walk around there and find out what the answer to your question is. Mr Speaker, it is a unique approach; but earlier today we did say that this Assembly acted somewhat differently from other assemblies.

Under the national competition policy adopted by the Commonwealth, State and Territory governments, the ACT is required to subject Territory-owned businesses to a tax equivalent regime. This is to ensure that such businesses are liable for the same taxes and charges as private business. I think it is something that we would all agree is very appropriate. While the Territory Owned Corporations Act 1990 does require government-owned corporations such as ACTEW and Totalcare Industries to pay sales and income tax equivalents to the ACT Government, it does not currently provide adequate guidelines as to how such taxes will be assessed and paid. This Bill addresses these deficiencies by introducing provisions that deal with such administration issues as the timing of payments, assessment, penalties and appeal rights.

Mr Speaker, the Bill also incorporates into the Act the Treasurer's instructions for the tax equivalent regime. These detailed instructions set out how and on what basis both income tax and sales tax equivalents will be assessed, and they have been developed in consultation with ACTEW and Totalcare. Mr Speaker, the passage of this Bill will ensure that the ACT achieves a tax equivalent regime, as required under the national competition policy. I am very pleased that those in the Assembly support this Bill.

I hope that Mr Moore has actually received the answer to his question in the course of this debate.

Mr Moore: I will be happy to explain it to you later.

MRS CARNELL: I am very happy to have it explained to me later. Mr Speaker, there are always ways to cut red tape, and I think we just did it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DISTINGUISHED VISITOR

MR SPEAKER: I would like to recognise the presence in the gallery of Mr David Lamont, a previous member and, indeed, Minister of this Assembly.

Ms McRae: Mr Speaker, as a point of order: We have a special chair for Mr Lamont. Do you remember? That is what all that was about. Invite him in.

MR SPEAKER: I would say that it is a matter for Mr Lamont whether or not he wishes to sit over there.

UNCLAIMED MONEYS (AMENDMENT) BILL 1997

Debate resumed from 17 June 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (8.37): Mr Speaker, Labor will be supporting this Bill, which will enable the ACT to collect unclaimed superannuation benefits from superannuation funds registered in the ACT. The Bill is complementary with Commonwealth legislation, which provides that such payments can be made to the Territory, provided that there is Territory legislation. Labor certainly would not oppose a Bill which may see increased revenue to the ACT, Mr Speaker, and I will be supporting the Bill.

MR MOORE (8.37): Me, too.

MRS CARNELL (Chief Minister and Treasurer) (8.37), in reply: Can I say, "Me, three."? Mr Speaker, I am very pleased that those in the house tonight support the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LIQUOR (AMENDMENT) BILL (NO. 2) 1997

Debate resumed from 19 June 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (8.38): Mr Speaker, in the middle here, between the Government and the Opposition, is a row of books. They physically separate us; but they outline the debates that have been held in this Assembly since its beginnings, not so long ago. Nowhere in those books do I think that you would see as strange an occurrence as happened when Mr Humphries introduced this legislation just a very short time ago, when he read his prepared speech and said, "I commend this legislation to the house. Please vote for it". Then he also said, "Hang on; I do not know whether we are going to have it passed. I want to think about it still". That was a very strange approach by the Minister to this legislation. I have not seen it before.

At the request of this Assembly, the Minister commissioned a report; but the report, it seems, did not tell him what he wanted to know. So, he wants to trash the report. He wants to do away with it. Now, I think, the machinations are such that we are about to extend the extension of the trial. We had a trial for a set period. Then the Minister, and perhaps others, wanted an extension. So, it was extended. Now we are going to extend it again, while the Minister mucks around and tries to come up with some solutions. I see the ideas that have been proposed by the Greens. I think it is a very strange way to do business. It does not seem to me that the Minister or the Government know what they want to do.

In fact, we had a commitment in this Assembly, given by this Minister - by this Government - some time ago, that there would be a trial for a certain period and, at the end of that, we would decide whether we would hold to 4.00 am or some other time of closing, or continue the 24-hour trading that has applied in recent times. The commitment has been repudiated. It is not there. We have these interminable extensions. What is going to happen, come 30 September, if these amendments get up tonight? What is going to happen on 30 September? Is the Minister or are others going to come into this Assembly and say, "We still do not know. Things still are not in place. Let us extend it further."? Every three months in this Assembly we will go through the process of extending the trial.

Mr Speaker, like others in this Assembly, I am concerned about some of the culture attached to the consumption of alcohol in the ACT, as elsewhere in Australia. I think it leads to a lot of undesirable attitudes by a relatively small number of people. Most people in this community drink and enjoy alcohol and present no problem to anybody else in doing so. Most of the outlets provide alcohol, and there is no problem attached to that. Unfortunately, a minority of people abuse the rights that they have.

Some people have the very strange attitude, which I do not understand, that it is much better to get drunk publicly than to get drunk privately. I do not believe that I have ever been drunk in my life. I have had a few beers or a few glasses of wine from time to time. But I can tell you that, if I were likely to get drunk, I would want to go away somewhere quietly, where my foolishness would not be observed and nobody would know about it.

Mr Humphries: Why break the habit of a lifetime, Bill?

MR WOOD: I do not propose to break that habit, Mr Humphries.

Mr Humphries: You talk about being foolish in private, when you are, in public, here, all the time. Why break that habit?

MR SPEAKER: Do you mean to say that the behaviour here is sobriety?

MR WOOD: Some people in this community cause very considerable community disruption by seeking to get drunk in public. We see that when the Summernats come to town. It is a fine event that we want to see continued, yet a few people would try to ruin that. We had - and we have it back again - a fine food and wine frolic. There are some people who want to abuse the privilege they have and the fine surrounds they have by making a nuisance of themselves in front of a lot of other people. I certainly agree with the Greens and anybody else who says that we must take steps to change this alcohol culture. I will absolutely support that at any time, in this Assembly or out of it.

We had a commitment to have a trial. The trial is over. The report on that trial should not be trashed. It was carried out by a respected, prominent academic, whose methodology seems to me to be quite fine. The report said that there seems to be no particular benefit from the 4.00 am closure, and I think that is what we need. Like others, since then I have listened to people in the community - to the Police Association and to others - who have disputed that. But I think the words are there, the research is there, and we should take note of it.

By all means, let us sit around a table, as the Greens would like us to do - and I am willing to cooperate - and look at measures to begin to change the culture of some people in respect of alcohol consumption. But let the commitments that were given in this Assembly be carried forward. Let us go back to 24-hour trading. I actually think it does not make much difference whether we have 4.00 am closure or 24-hour trading. But that is the system that has operated. That provides some consistency and some easy means of operation and recording. There are only a very few outlets in town that want 24-hour trading. So, I think that is the system we should go back to. That is what we were told would happen after the evaluation - that we would take the recommendations or the findings from that and act upon them. Now, we are not going to do that.

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It is possible, Mr Speaker, to change the culture of a society. That is what I think we need to do in respect of some people and alcohol consumption. I think the society's cultures have been changing. When we look at cigarette smoking and the use of tobacco, we find that the culture has changed most significantly, over a relatively short period, when you think about culture change. I think the culture has changed rather more rapidly in Australia, certainly on the part of some people, in respect of gun ownership. The general acceptance of changes in gun laws indicates that.

So, those two very significant moves give me encouragement that we can also change some of the culture attached to consumption of alcohol. I think, in this case tonight, the Minister should simply stand up and carry out some of the assurances that flow from his commissioning of the report some time ago. Let us revert to 24-hour trading. Let us also get on and see whether we can do something about the problems attached to alcohol consumption.

MS TUCKER (8.46): Mr Speaker, since we have been in the Assembly, there have been a number of debates and discussions about drugs and their related harm and about minimisation of that harm. It is interesting that some members and groups in society have quite different approaches to particular drugs. As a society, we seem to have extreme tolerance of abuse of alcohol in particular. It is seen as almost unAustralian to say, "Let us do something about changing attitudes to alcohol abuse". It is even painted as wowsersism. Yet when we talk about other substance abuse it is called "a public health matter", even "a moral matter", certainly not "wowsersism".

For example, Mr Berry and the Labor Party have taken a very strong stance on tobacco and other drugs and have even pushed the hard line of prohibition, in the interests of public health. Some members seem to be absolutely against any drug law reform and harm minimisation initiatives such as the heroin trial. Mr Moore has raised these issues many times in this Assembly, and he has been a great proponent of harm minimisation strategies. The Greens have been very sympathetic to all proposals which might minimise drug-related harm in the community. This includes addressing the underlying social problems which cause abuse of substances.

Mr Wood alluded to those more underlying cultural factors. I personally think that a round table discussion is not going to do a lot, although it is useful. I am not saying that it is not useful, but the discussion about why we are so reliant on drugs in our society is very complex. Basically, I have been much more pragmatic than that at this point. I have been looking at how to apply a standard harm minimisation approach, in particular, to this issue of alcohol abuse in our community.

When the trial of 4.00 am closing was first raised, we were concerned that such a trial might have negative impacts, such as were reported to have resulted from a similar trial in Darwin. We asked that a literature search be carried out by the Government before they made a decision to start such a trial. This was done, and the consultants reported that similar trials carried out in different locations within and out of Australia were inconclusive. The Government decided to go ahead with the trial anyway. At that time, we stated clearly our concerns about this process.

We now have the final evaluation of the trial. Even though the consultants have stated, in their executive summary, that they do not think the imposed closing time made a significant difference to harm related to alcohol use, I believe that the issues raised by this whole debate are complex and serious. In this consultants report, less measurable accounts of how 4.00 am closing has produced some benefit - through things like a change of consciousness about drinking, greater amenity for other users of the city and Manuka, and the interface between the night people and the day people - have been glimpsed. They have gained strength. The results of this particular trial have been complicated by other factors, such as police practices changing just before the trial began - which were quite significant changes - and changing social conditions in Canberra, particularly increased unemployment. There are a lot of complicating factors in this.

I cannot accept Mr Wood's argument that, because this report did not say, "Go ahead", we should therefore blindly obey and not think past that; that we should just say, "We said, 'Let us have a report'. If the report says, 'Go ahead', we will; but, if the report says, 'Don't', we will not". It seems to me that the report itself was inconclusive and it raised issues which need to be considered. I think it is a bit of a cop-out to just say, "This report was not conclusively saying, 'Definitely go ahead'; therefore we will not". We have to be more thoughtful and we have to look at this more comprehensively.

I know that there are issues about this Government getting consultants and getting reports and then ignoring them. In particular, there has been debate today about the Assembly's committee system being ignored by the Government. I support those concerns about the Assembly's committees. I think it is a different issue, however, from getting a consultants report like this, which, like all the reports that have been done on this issue, is pretty inconclusive. Some reports have been more definite. The one in Perth that Mr Humphries gave me, which has been carried out recently, was more conclusive. It was actually more in favour of a reduction of trading hours and a definite time for closing. As I said, there is a great variety. I do not think it is enough to just say, "The report said this. Therefore, you should do that".

I have read a number of the reports and reviews on the issue. There are common findings, definitely. With extended trading hours, there has been a corresponding shift in the timing of serious alcohol-related incidents, including drink-driving offences. What was interesting about this report was that we actually saw a decrease in drink-driving offences. Once again, it is not clear why; but, for heaven's sake, I think we should be glad that there has been a drop in that. That, in itself, makes me feel that I want to stop and think pretty carefully about it. If there is even a possibility that this has had some impact, it is worth considering. However, it has not been my overriding impression that we need to stick with the 4.00 am closing to deal with the issues that have been raised by this whole debate. Members are well aware of that.

Also, in all the reports, there is evidence that an increase in overall alcohol consumption has a corresponding increase in alcohol-related violence. This has come out from all the reports. Public opinion surveys have also indicated that the majority of opinion is in favour of alcohol control policies. Alcohol control policies may not necessarily be 4.00 am closing or 2.00 am closing, but they are in favour of government taking control. In New South Wales, 70 per cent of respondents to a study put in place there were opposed to the relaxation of trading which was introduced by their Government.

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What is also definitely undisputed is that alcohol is a drug which is widely abused in our society. This abuse has clearly documented costs and other not so clearly documented costs. I can tell you that 5 per cent of all deaths, 30 per cent of all road deaths, 23 per cent of all suicides, 51 to 73 per cent of assaults, 40 per cent of domestic violence offences, 77 per cent of street offences, 58 per cent of malicious damage, 59 per cent of noise complaints and 20 per cent of all medical work are related to alcohol harm. We do have a problem. It is a significant public health issue.

The trial of 4.00 am closing was in response to concern about these issues. However, in my view, enforcing the time of closing will not necessarily solve the problems, or even any of them; but it may solve some of the problems. It may have some advantages. I believe that we have to address the problems in a more comprehensive way. What has been quite clear in all the reports is the importance of serving practices in licensed premises. We must address this issue. Accountability must be improved, maybe through the process of licensing and perhaps how the liquor licensing unit works. The Australian Hotels Association has told me that it is happy to work with the Minister on this issue. They have constantly said - and I am sure that they have said it to all members - that there are only a few premises where licensees are not being responsible, and they feel generally that everyone else is suffering because of those few people. So, they are happy to see greater accountability in their industry. There needs to be a process whereby perhaps each year licensees show that they are meeting their obligations to train staff in appropriate serving practices. Quite possibly, as I said, the liquor licensing people could operate more effectively.

The code of conduct for security personnel needs to be speeded up - this is consistent in all reports - to make sure that there is an accreditation system for people in that industry. There needs to be recognition of the fact that availability of transport is absolutely critical if alcohol-related harm is to be reduced. This also has come out of all the reports. In relation to extended trading, the report from Perth came out with the conclusion that there needed to be effective public transport. It was interesting that licensees in that State wanted to see that the licensees who traded past a certain hour partly funded the additional transport to be made available at the time that they stayed open. That is another interesting approach that has been taken there.

The report also thought that the level of violence and drink-driving should be very closely monitored by police. I noted in that report that, when police apprehend anybody for offences related to alcohol, they always ask where was the last place of drinking. Members here have pointed out that this would not be particularly useful in prosecution; but it would certainly be useful for police in looking at their data. They could certainly see - and they could communicate it to the liquor licensing board - where the trouble spots are. Then they would obviously be able to focus their attention where it was relevant. So, I think that sounds like a pretty useful suggestion as well from Perth. They also had a proposal there that an additional harm reduction levy should be applied to those premises or licensees who trade past a certain time, which is something that perhaps will be discussed here. I think the period of time is slightly different in Perth. There was a much greater difference between those premises that were granted an extension and those that were not.

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Mr Speaker, in an attempt to address the real issue that is before us today, the Greens came up with a series of proposals, the major objective of which was to put in place more accountability in the liquor industry and a greater focus on harm minimisation and improved late-night transport, as well as the formation of an alcohol advisory group, which would include police, hotels, clubs, community, liquor licensing and possibly, as Mr Moore suggested, an academic who had expertise in population health. Yesterday, at the round table meeting, we discussed some of these issues. I am very pleased that members have been prepared to meet and discuss this issue in a cooperative manner, and for that I thank members here tonight.

I am sorry that Mr Wood attended for only a short while, and I am a bit disappointed in his response, because I believe that my supporting or asking for a three months' extension of 4.00 am closing is actually quite appropriate and fits in with the strategy that we discussed at the round table yesterday. I think there is a good lever in that. We need to keep 4.00 am closing because it is giving some comfort to members of the community who believe that it was helping. It is quite possible that it did help, and I am convinced of that in certain areas. In fact, it has already been discussed quite a lot in the media that there were advantages and that police resources were freed up. While we have difficulties, while we have irresponsible serving, while we have people who have drunk too much, it is very useful to have more police resources freed up in those peak hours, because this is about safety in Civic or Manuka. So, you cannot deny that there is some use in that.

In relation to the interface between day and night, it has been quite clear from people who have spoken to us that it has made a difference to some people. I think it is quite reasonable to ask that that three-month period be set so that we can move together, cooperatively, with all the stakeholders to find ways of addressing the issues, so that we are not just looking at 4.00 am but we are looking at the whole evening and we are looking at processes which will ensure that there will not be such a necessity for actually resorting to a closing hour.

Hopefully, if these measures are put in place and they work, there will not be the pressure to have a 4.00 am closing, or even a 2.00 am closing, or any closing, because this thing will be handled responsibly. Obviously, it is never going to be perfect; but I think we could have a vast improvement in the situation. If that happened, then I think the pressure for the closing principle would be off, which obviously some members in this place are not at all comfortable with. It sounds to me like a win-win situation. I have circulated the principles that we agreed on in the round table. I would like to table them now so that they are on the record.

Leave granted.

MR MOORE (8.59): Mr Speaker, it was very interesting to listen to the arguments that were put by Ms Tucker as to why we should continue the closing for another three months. Some of them I consider quite valid; most of them I consider entirely invalid. I believe that the main thrust of her logic was that there were some advantages; that those advantages were primarily over police resources - - -

Ms Tucker: And amenity.

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MR MOORE: Mainly over police resources - and that, therefore, we should continue the three-month extension. She also talked about - and I will come to it - the perception of the improved amenity; the perception, not the amenity. I will take that first. It is quite clear, Ms Tucker, that the report said that there was a perception among some people that there was a reduction in crime; there was a perception among some people that there was an improvement in amenity. But that was not verified by the general findings of the report.

But what the report said - and on this part I agree wholeheartedly with you - was that there were some advantages in the rearrangement of police resources. However, we can get that same advantage in the rearrangement of police resources through a whole series of methods. We would get the same advantage in the rearrangement of police resources by closing down every establishment, other than in a particular area. So, that would provide exactly the same logic. I think there is a fallacy in the logic. It is the same fallacy, by the way, that Mr Humphries used when he introduced the legislation. He said:

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 ...

So, now the arguments put by our Attorney-General, for heaven's sake, are that, if the perception out there is that there is a reduction in crime, that is a good enough reason for us to go ahead and take this kind of action. That is an appalling piece of logic. What it says is that, provided we can whip up a certain perception amongst people, we should make policy decisions based on that perception. That is what I am concerned about in terms of the logic.

The reality is - and anybody can see it here - that there will be an extension of three months to this area. There is actually some logic behind that. I disagree with it, but I will wear it. The logic is that we want to get these other important issues into place. The measures that Ms Tucker has just tabled are indeed important harm minimisation methods in dealing with alcohol. I think that most people, if they wanted to argue against those, would have a difficulty in arguing against them, because they are the sorts of methods that we should have been talking about in the first place, instead of this business of chasing a closure time.

I had always opposed the 4.00 am closure. I agreed that a trial would be appropriate so that we could actually look at the results of the trial and see whether 4.00 am closing, or 3.00 am closing, or whatever it was, would make any difference and enough of a difference to then give us a reason to say, "Yes, we will interfere with a business. Yes, we will interfere with what people do in their leisure time". You have to have a good reason for doing those things, and you have to have very solid outcomes to show that it is an appropriate thing to do. Just because it happens to be more convenient for the way the police run their roster is not a good enough reason to take action.

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Mr Speaker, the only reason that I can see left now for retaining 4.00 am closing for three months is that a message is clearly there for licensees, so that they are keen and enthusiastic to adopt the harm minimisation measures that Ms Tucker has put out. That part I agree with and that part I will accept. But I will make it very clear that, when the time comes at the end of the three months, I am not interested in any further extensions. The process that we have gone through is that originally there was the Liquor Act, and then the Liquor (Amendment) Act 1996 to limit the closing time up to 19 April. Then the Liquor (Amendment) Act 1997 extends it to 30 June. Now we have the Liquor (Amendment) Bill (No. 2) 1997, with its amendments, extending it until September, without proof.

It was logical to run a trial; but it is only ever logical to run a trial if we are going to look seriously at the outcomes of it; otherwise trials are a waste of time and a waste of money. Mr Speaker, the thing that concerns me most of all is that we will get into a frame of mind where we are going to say, "Yes, we will run trials", and we will not look at the outcomes. I am sure that if members here believed that I had that attitude to the most talked about of all the trials since the beginning of the ACT Assembly, the heroin trial - the attitude that I would ignore the outcomes of that and just want to continue the policy - they would have a very different view. But, indeed, as I have discussed with each and every member here at different times, I certainly do not have that attitude. If, at any point in it, the outcomes are an increase in harm, then as far as I am concerned it will need to be aborted and we will need to go and look for other methods and work on those.

Mr Speaker, it seems to me that what may come out of this trial process and the round table discussion is some very good broad outcomes of how we should handle this particular situation to continue the reduction of harm associated with the use of alcohol. Probably what we should have done was put our efforts into that in the first place and ask the broad general question, "How can we go about taking extra steps to reduce harm associated with the use of alcohol?", rather than going for these very populist, easy-style solutions. Almost invariably, when we are talking about harm associated with drugs, populist, easy solutions simply do not work and they wind up causing many more problems than they solve. Mr Speaker, I am prepared to wear this last bit of extension very reluctantly. I must say that, if I thought I had the numbers, I would probably oppose it. But, certainly, I will be working hard to ensure that it does not extend beyond this three-month period. That is it. That is how the shutter should come down.

MR HUMPHRIES (Attorney-General) (9.07), in reply: The Government thanks those members who have been prepared to support the legislation before this place and indicates that we believe that it is appropriate to extend the operation of 4.00 am cessation of trading in alcohol beyond the present expiry date, which is next Monday.

Mr Wood: Are you going to extend it again after that?

MR HUMPHRIES: If you want us to extend it, Mr Wood, we will think about it; but for the time being - - -

Mr Wood: I am not proposing that at all.

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MR HUMPHRIES: We have heard you talk about how you want to go off and drink somewhere in private and we heard all sorts of bizarre things in your comments before. All I can say is that the Government's view is that we are a long way from being able to determine exactly what role extended trading hours are playing in the problems to do with the abuse of alcohol in our community. Therefore, we have some more work to do before we can decide what the fate of 4.00 am closing should be.

Ms Tucker has referred to a round table between the parties in this place concerning the future of 4.00 am closing and about a range of other initiatives which are designed to deal with the problems of alcohol abuse in our community, from a harm minimisation point of view. Mr Speaker, I am a believer in a harm minimisation approach to a number of serious problems to do with the use and abuse of legal and illicit drugs in our community. I therefore think that this approach should be pursued, if possible, in this area as well. I support further exploration of the issues which are outlined in Ms Tucker's paper, which she has already tabled. I believe that it represents a way of our being able to get to the heart of the issue, which is so important to the wellbeing of our community and which, as Ms Tucker has already indicated, costs this community countless millions every year through abuse of alcohol.

Mr Speaker, I suppose, to be very succinct - and I want to be brief tonight because of the hour - there is a very simple reason why we need to come back and explore this issue further.

Mr Corbell: You do not know how to be succinct.

MR SPEAKER: Order!

MR HUMPHRIES: Obviously, Mr Moore, he must have had some sort of little headache this morning that left him with a bit of a wobbly sense of balance. So, I will be very succinct indeed. I recall a serious assault which occurred a year or so ago in Canberra. It was a very serious assault. It occurred after there was an altercation between two groups of people in particular premises trading late at night in the ACT. The two groups moved outside these particular premises. They had gone to a place nearby. They had been in a fight of some sort, and one person had been very seriously assaulted.

Mr Speaker, subsequently I happened to be talking to the licensee of the premises concerned, and I put it to this person that what had happened was a matter that he, as the licensee, needed to be concerned about because the problem had originated on his premises and moved off them and manifested itself in a serious assault. His response to me was, "It was not my problem. It did not happen on my premises". Mr Speaker, I believe that that summarises the nub of the problem we have to deal with here. We have to make the liquor industry in this town - particularly that relatively small sector of the industry which chooses to trade late at night - understand that problems that flow from the abuse of alcohol are problems that all of us have a responsibility to deal with, but most particularly the licensees themselves.

It is not sufficient for them to say, "This incident, this particular criminal act or this act of social irresponsibility occurred outside my premises". That is not a sufficient answer to that issue. Therefore, Mr Speaker, we need to find ways of being able to better link those licensees - those traders in alcohol - with the problems which that trade is causing. I accept that there are question marks over whether cessation of trading in alcohol at 4.00 am is the full answer to that issue, or indeed even a partial answer to that issue, and I think that the issues which have been put on the table tonight in the document that has been tabled do go some way towards addressing that link or those links. For that reason, Mr Speaker, I believe that we need to go further down that path.

I will briefly say, before finishing, that I think we have all seen the comments of the Alcohol and Other Drugs Council of Australia about research from the National Centre for Research into the Prevention of Drug Abuse. They have indicated in that research a very clear link between trading in alcohol for extended periods and a whole series of social problems - violent and sexual assaults; people leaving hotels and getting into cars and involving themselves in car accidents; the simple larger consumption of alcohol and the issue of violence, road crashes and accidents after midnight, causing a great cost to the community through additional police and emergency services expenses.

Mr Speaker, I do not know whether it has been tabled already, but I want to table the media release from the Alcohol and Other Drugs Council in which those findings are summarised. I think that we need to explore this issue better and further, and I believe that the next three months will give us that opportunity. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (9.14): Mr Speaker, I ask for leave to move together the four amendments circulated in my name.

Leave granted.

MR HUMPHRIES: I move:

Page 1, line 6, clause 2, omit the clause, substitute the following clause:

"Commencement

2. This Act commences on 1 July 1997."

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Page 2, line 3, clause 3, omit the clause, substitute the following clause:

“Amendment of *Liquor (Amendment) Act 1996*

3. Section 8 of the *Liquor (Amendment) Act 1996* is amended by omitting ‘30 June 1997’ and substituting ‘30 September 1997’.”.

Page 2, lines 5 to 25, clauses 4, 5, 6, 7 and 8, omit the clauses.

Page 1, title, omit the title, substitute the following title:

“An Act to amend the *Liquor (Amendment) Act 1996*”.

Mr Speaker, the effect of these amendments is to put in place the agreement that was reached at the round table referred to, to extend the trading hours restriction until 30 September this year - an extension of three months. It has been timed in that way, Mr Speaker, to allow discussions to take place, including with licensees, between now and the next sittings in August; for legislation, if necessary, to be tabled in August to deal with any consequences of those agreements; for them to be debated in September; and for them to be operational before the end of September. Mr Speaker, I am proposing that there be a liquor summit, where interested parties - parties in the industry, police, health professionals perhaps, and others with an interest in finding resolution of these issues - will sit down together and work through some of the issues. I think it is appropriate to add some traction to that process by having these 4.00 am restrictions remaining in place until then. Mr Speaker, I am confident that that environment will be one which will lead to at least some progress on finding ways of being able to deal better with this serious problem in our community.

MR MOORE (9.16): In speaking to these amendments, Mr Speaker, I want to begin by drawing to the attention of anybody who is reading this *Hansard* the evidence that Mr Humphries has just tabled, in terms of the advantages of changed trading hours. I think that anybody who is actually researching this, or looking at it, should go to the initial literature search of Messrs Biles and Walker, who carried out the investigation. That literature search says, “Yes, there is evidence that way; but there is also evidence the other way; and, at best, the results are equivocal”. So, by no means should you just take one side in this debate and say that it provides a solution or that a change in trading hours provides the sort of evidence required.

What has become clear through this whole debate is that there just is no substantive evidence that has come out of this trial to say that there is a major benefit in changing to 4.00 am closing. However, what it has done, and what happens with this amendment, is that we now have a situation where the community and this Assembly are saying, “Yes, we are ready to consider other methods of reducing the harm and ensuring that responsibility is placed fairly and squarely on the shoulders of those who are involved in the industry, as far as serving goes, and on individuals in other sections”. So, Mr Speaker, although there are no definitive results coming from the trial itself, there may well be an advantage in this process, which probably is the path we should have gone down in the first place.

MR WOOD (9.18): Mr Speaker, I suggest to Mr Humphries that he should not come back into this Assembly at any time before the next election - which is the only time he will have available - and tell us that he is going to commission a report on any subject. I expect that, if he did so, we would laugh him out of the place, because he does not want to take any notice of the reports he commissions.

Amendments agreed to.

Question put:

That this Bill, as a whole, as amended, be agreed to.

The Assembly voted -

AYES, 9

NOES, 6

Mrs Carnell
Mr Cornwell
Mr Hird
Ms Horodny
Mr Humphries
Mrs Littlewood
Mr Osborne
Mr Stefaniak
Ms Tucker

Mr Berry
Mr Corbell
Mr Moore
Ms Reilly
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

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 19 June 1997.

MR HUMPHRIES (Attorney-General) (9.23): I commend the clause to the house.

Clause agreed to.

Clauses 2 and 3, by leave, taken together, and agreed to.

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Clause 4

MS TUCKER (9.23): I move:

Page 2, line 30, proposed subparagraph 22(2)(a)(ii), after “education”, insert “, crisis”.

Mr Speaker, this is a very minor amendment which ties in with Mr Wood’s amendments. My office has been working with Mr Wood on the amendments to incorporate the domestic violence project coordinator, and I am very happy to be supporting those amendments. The amendment I have moved is simply to ensure consistency between the proposed functions of the domestic violence project coordinator and the Domestic Violence Prevention Council. I am proposing to insert the word “crisis” before the word “welfare”. This function now mirrors proposed new section 26D, paragraph (b)(ii).

Mr Speaker, I have already spoken in detail about the council; but I am very happy to support this Bill today, together with the amendments Mr Wood will be moving. As other members are aware, we have been lobbying the Government for some time to establish the position of domestic violence project coordinator. As members are aware, the Government did have the chance to implement the will of the majority of members in this Assembly by responding positively to the Estimates Committee recommendation. It chose not to, and now it has to face the consequences of that.

The Government not only has ignored the will of the majority of members of the Assembly but also has ignored the will of many people in the community, particularly organisations working in this area. There was a public meeting held on Thursday, 5 June, which was attended by a variety of organisations and individuals. The groups that were represented at this meeting included the Women’s Legal Centre, the Migrant Resource Centre, ACTCOSS, the Welfare Rights and Legal Centre, Relationships Australia, the Domestic Violence Crisis Centre, Inanna, the Canberra Rape Crisis Centre, the Toora Wimmins Shelter, the Women’s Centre for Health Matters, the Doris Women’s Refuge, the YWCA Family Housing Outreach Service and the National Women’s Justice Coalition. At that meeting a resolution was passed which reads:

1. That this forum strongly supports the establishment of the ACT Domestic Violence Intervention Project as recommended by the ACT Community Law Reform Committee, and calls on the ACT Government to fully implement the project, and
2. That this forum calls on the Chief Minister, the Attorney-General and all members of the ACT Legislative Assembly to support the urgent establishment of the statutory office of ACT Domestic Violence Project Coordinator.

Yesterday I tabled a Bill to amend the Domestic Violence Act. Improving our civil system is very important and I look forward to a positive response from all members to that piece of legislation. Improvements in the legal framework for protection must be matched by improved responses and coordination in the criminal justice system.

Protection orders are not, and were never intended to be, a substitute for focusing on the criminality of the violence. What the community feel, and I agree with them, is that we have a very exciting opportunity to take the lead in Australia in terms of implementing an integrated, multisystems approach to preventing domestic violence.

In earlier debates I spoke about the costs of domestic violence to our community. I want to remind members again of the enormous social and economic costs of domestic violence. We live in a society which focuses far too much on cleaning up social and environmental messes and not on preventing them. Fortunately, in some areas that is starting to change. Numerous reports on violence in the past few years have highlighted the more subtle causes of violence and the need for early intervention and prevention. In the area of domestic violence, nearly every major report over the past 10 years has stressed the need for a coordinated and comprehensive approach to domestic violence, and this must focus on all the players in the system.

In many cities around the world a model called the Duluth model has been used very successfully. This is a model which focuses very much on prevention and coordination. The Community Law Reform Committee report adapted this model to the ACT by recommending a domestic violence intervention project. They recognised that this model must be modified to suit local conditions. The appendix at the back of Community Law Reform Committee Report No. 9, which maps out how a domestic violence intervention project could work in the ACT, spells out diagrammatically all the players that have to be coordinated.

Mr Speaker, the project coordinator is in a pivotal position in this diagram and I think this reflects the reality of the situation. A coordinator is very important to ensure that this coordinated approach does happen. The Community Law Reform Committee, in its report, said that central to the model is a body responsible for the development of policy - that is, the Domestic Violence Prevention Council - and a body responsible for the day-to-day coordination and implementation, the domestic violence project coordinator. In the amendments we have before us the functions of the coordinator are spelt out as monitoring and promoting compliance with policy, facilitating coordination between all government and non-government organisations, assisting the council with the development of policy, and assisting the council in any other functions. The council does have such a huge range of functions that this position is very important if the work of the council is going to be successful.

These amendments will mean that the domestic violence intervention project will be able to be implemented much more effectively. Although the amendments seek to create one position, as I have said earlier, it needs to be adequately resourced and I hope we will be able to see more than one position created. As I have said before, we are going to end up wasting resources and people's time if we do not get this right, because good policy work that is done will not be able to be properly implemented and monitored. It is not about front-loading the process, as the Minister seems to think; it is about a model of prevention and a bottom up approach that can actually work.

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Mr Speaker, the ACT used to be at the forefront of innovations in domestic violence and now we are lagging behind, particularly in relation to developing a coordinated multisystems response. I hope that the Bill in its amended form will put the ACT back on the front foot.

Amendment agreed to.

MR WOOD (9.30): Mr Speaker, I ask for leave to move together the nine amendments circulated in my name.

Leave granted.

MR WOOD: Mr Speaker, I move:

Page 3, line 29, proposed subparagraph 22(2)(h)(iv), omit “and”.

Page 3, line 33, proposed paragraph 22(2)(i), add “and”.

Page 3, line 33, proposed paragraph 22(2)(j), after proposed new paragraph 22(2)(i) add the following paragraph:

“(j) to give directions to the Domestic Violence Project Coordinator.”.

Page 3, lines 37 and 38, proposed subsection 23(2), omit the subsection, substitute the following subsection:

“(2) The Minister shall, by instrument, appoint a Chairperson of the Council.”.

Page 4, line 10, proposed paragraph 23(4)(aa), before paragraph 23(4)(a) insert the following paragraph:

“(aa) the Domestic Violence Project Coordinator;”.

Page 4, line 11, proposed paragraph 23(4)(a), omit “statutory office holders”, substitute “other statutory office holders”.

Page 4, lines 30 and 31, proposed paragraph 24(1)(a), omit the paragraph, substitute the following paragraph:

“(a) the Chairperson holds office for such period not exceeding 2 years as is specified in the instrument of appointment;”.

Page 4, line 32, proposed paragraph 24(1)(b), omit “other”.

New Part -

Page 6, line 13, after proposed new Part III insert the following Part:

**“PART IIIA - OFFICE OF DOMESTIC VIOLENCE
PROJECT COORDINATOR**

Interpretation

‘26B. In this Part —

“Coordinator” means the Domestic Violence Project Coordinator appointed under section 26C.

Appointment

‘26C. (1) There shall be a Domestic Violence Project Coordinator.

‘(2) The Coordinator shall be appointed by the Minister in writing.

Functions

‘26D. The Coordinator has the following functions in relation to domestic violence:

- (a) to monitor and promote compliance with the policies of the Territory and Commonwealth governments;
- (b) to assist government agencies and non-government organisations involved in -
 - (i) law enforcement; or
 - (ii) the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;to provide services of the highest standard;
- (c) to assist and encourage the agencies and organisations referred to in paragraph (b) to provide appropriate educational programs;
- (d) to facilitate cooperation among the agencies and organisations referred to in paragraph (b);

- (e) to assist in the development and implementation of policies and programs as directed by the Council;
- (f) to carry out such other functions as the Domestic Violence Prevention Council directs.

Powers

‘26E. The Coordinator has power to do all things necessary or convenient to be done in connection with the performance of his or her functions.

Terms of office

‘26F. The Coordinator holds office, subject to this Part -

- (a) for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for reappointment; and
- (b) on such terms and conditions (if any) in relation to matters not provided for by this Act as are specified in the instrument of appointment.

Resignation

‘26G. The Coordinator may resign by giving a signed notice of resignation to the Minister.

Termination of appointment

‘26H. The Minister may terminate the appointment of the Coordinator —

- (a) for misbehaviour or physical or mental incapacity; or
- (b) in accordance with the instrument of appointment.

Acting Coordinator

‘26I. (1) The Minister may, in writing, appoint a person to act as the Coordinator —

- (a) during a vacancy in the office of the Coordinator, whether or not an appointment has previously been made to the office; or

- (b) during any period, or during all periods, when the Coordinator is for any reason unable to perform the functions of the office.

‘(2) A person appointed to act as the Coordinator during a vacancy in the office of Coordinator shall not so act continuously for more than 12 months.

‘(3) Anything done by or in relation to a person purporting to act pursuant to an appointment under subsection (1) is not invalid on the ground that —

- (a) the appointment was ineffective or had ceased to have effect; or
- (b) the occasion to act had not arisen or had ceased.

Legal immunity

‘26J. (1) No action, suit or proceeding lies against a person who is or has been —

- (a) the Coordinator; or
- (b) a person acting under the direction or authority of the Coordinator;

in relation to an act done or omitted to be done in good faith in the performance, or purported performance, of a function of the Coordinator under or in relation to this Act or another law.

‘(2) Subsection (1) does not affect any liability that the Territory would have, but for that subsection, in respect of the act or omission.’”.

These amendments do two things. There are nine amendments, but there are only two things as an outcome of them. First of all, they write into the legislation the position of domestic violence project coordinator. Secondly, they specify that that coordinator shall be a member of the Domestic Violence Prevention Council, but that person shall not be the chair of the Domestic Violence Prevention Council. I argued earlier that it seemed to me to be a strange provision that the person who was being used to do some of this groundwork and to do the things that are operational should actually be the chair of the council. It seemed to me to be back to front and I could not understand why that arrangement should be made. That person should be on the council. That will happen, if this amendment is agreed to.

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The Minister has heard this debate before. It has been raised a number of times here and in the Estimates Committee. I believe it has been a money-saving decision that has placed the coordinator of VOCAL into the Domestic Violence Prevention Council, proposed as chair, and to do some of that work. I think that is a move that will be to the detriment of the work of VOCAL, and certainly to the detriment of the Domestic Violence Prevention Council.

I congratulate the Minister for establishing the council. It was a good recommendation from a very lengthy and long-considered report, and it is proper and wise that this is being done. I would point out to the Minister - I think, in answer to his not very strong argument - that he has accepted the recommendation to establish the council. That was one of the recommendations of the Community Law Reform Committee. Another of those recommendations was to establish the position of coordinator. But Mr Humphries has argued in this chamber that it should be the council that will tell him what to do on this matter. "Let us hear from the council on it", he said. Why will he accept one key recommendation, the establishment of the council, but not the other key recommendation, the establishment of the position of that person who is going to see that it all works together? I do not understand his logic. I think it is faulty and it is a rationale because he did not want to provide the money to establish the position. With recent changes, we are moving to a better position in respect of combating domestic violence, and I think these amendments are a key to making sure they all work.

MR HUMPHRIES (Attorney-General) (9.33): Mr Speaker, I indicate our opposition to these amendments. The arguments that I put in respect of them are the same as those I put on the last occasion on which we debated this - I think last Tuesday - and on a number of other occasions. I do not propose to regurgitate them all for the edification of people who were here on previous occasions.

I will simply emphasise, Mr Speaker, that I think it is most unfortunate that the Assembly, with this Bill, chooses to proceed with a structure which is different from that which has been proposed. It results in the Assembly having to put in place a regime which loses the opportunity for the Victims of Crime Coordinator to play a pivotal role as the chair of the council, and also play that role in respect of her other role as Victims of Crime Coordinator. It is not the case, as Mr Wood implied, that the Victims of Crime Coordinator belongs to VOCAL. She works with VOCAL, but she does not come from VOCAL. She is a separate statutory office, quite apart from VOCAL. The person occupying that position at the moment happens to have very considerable expertise in this field, and would have made a very good chair of the council. I think it is most regrettable, Mr Speaker, that these actions are being imposed in this way.

Mr Speaker, I also think it is unfortunate that members have chosen to put to one side the arguments about Commonwealth funding, which I put to members or which was put to members via some discussions that took place on this subject. It means that the possibility of collecting Commonwealth money to fund this position is gone. I can assure Mr Wood that it does mean that that is the case. It does mean that that is the case, categorically. Money for that position now has to be found from elsewhere,

and I would appreciate some suggestions from those in this place as to where that money might come from. I do not expect to be bowled over with suggestions, but I would appreciate some idea. Now that we have passed the budget, I do not have the capacity to appropriate more money, and I would like some suggestions about where the money is to come from to pay for that position. The cost, with overheads, would be something in the order of \$100,000, and I would appreciate members' suggestions.

MR WOOD (9.36): Mr Speaker, if the VOCAL person is to be the domestic violence project coordinator, I am sure that person, particularly the current one who has some expertise in this area, will occupy a pivotal position or the pivotal position that the Minister was talking about, but it need not be the chair. The Minister very kindly has written to me asking me for the names of any people I think it would be appropriate to appoint to that committee, and I will be writing back to him indicating, among others, the name of that person appointed to look after VOCAL. That person can, and no doubt will, play an important enough role. So we are not wiping that off at all. It is up to the Minister now to see whether he wants to appoint that person to the Domestic Violence Prevention Council.

Earlier today we had the case of the Minister threatening that if we did not do something the Commonwealth might not provide some funds. That was in respect of work out at Tidbinbilla if we did not pass the entrance fee. That is just nonsense. It was nonsense then - Mr Corbell showed that - and it is nonsense now. The Minister cannot even stand up here and guarantee that there will be Commonwealth funds to fund a domestic violence project coordinator. There may be funds flowing as a result of some activity, but there is no guarantee that there is a cent available anywhere. If the Minister did find that there were some funds coming, or if there are funds there, and let us hope there are, if he went to the Commonwealth and said, "We have provisions for a domestic violence project coordinator and we cannot fund it at this stage", he would have a great case - a case as strong then as it would be if this was not written into the legislation. This is an important provision and I am pleased that the Assembly appears likely to support it.

Amendments agreed to.

Clause, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

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LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Juvenile Crime

MR WOOD (9.38): Mr Speaker, I ask for leave to move a motion circulated in my name concerning a reference to a committee.

Leave granted.

MR WOOD: I move:

That the Standing Committee on Legal Affairs inquire into and report on:

- (1) the nature and incidence of juvenile crime in the ACT;
- (2) the adequacy of services to deal with the factors which may contribute to criminal activity by young people;
- (3) the adequacy of services to deal with those young people who do come in conflict with the law.

The Committee shall take account of the work of the Committee on Social Policy in its inquiry into "Children and Youth at Risk".

Members have copies of this motion in front of them. It concerns a reference to the Standing Committee on Legal Affairs to inquire into the nature and incidence of juvenile crime in the ACT. I effectively spoke to this during debate a little while ago on the budget. I will not say any more than that now, unless some query arises.

Question resolved in the affirmative.

RACING INDUSTRY - BOARD OF INQUIRY

MR OSBORNE: I ask for leave to move a motion calling on the Government to establish a board of inquiry into the racing industry.

Leave not granted.

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent Mr Osborne from moving a motion calling on the Government to establish a Board of Inquiry into the racing industry.

Motion

MR OSBORNE (9.40): I move:

That this Assembly:

- (1) calls on the Government to appoint a Board of Inquiry, pursuant to the *Inquiries Act 1991* (the Act), to inquire into the activities of the ACT Racing Club (the Club) and the Board of ACTTAB (the Board - either the current or a previous board) and in particular to examine:
 - (a) whether either the Club or the Board, or any officer or member (whether a current or previous member) of either the Club or Board, has engaged in any unethical activities or illegal activities involving any breach of a law of the Commonwealth of Australia or the Australian Capital Territory;
 - (b) the circumstances surrounding the settlement of the disputes between ACTTAB and VITAB Pty Ltd, whether damages should have been paid and the potential for any recovery of the settlement;
 - (c) whether either the Club or the Board, or any officer or member (whether a current or previous member) of either the Club or Board, has engaged in or has been associated with the payment of any secret commission; and
 - (d) whether either the Club or the Board, or any officer or member (whether a current or previous member) of either the Club or Board, has engaged in any activities that have the effect of, or are directed to, impeding, preventing or defeating, or that tend to impede, prevent or defeat the operation of the law of the Commonwealth of Australia or the Australian Capital Territory; and
- (2) recommends that the Government fix 30 September 1997 as the date for submission of the report to the Chief Minister in accordance with section 14 of the Act.

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This is a serious matter and I can assure you that my decision to move this motion has not been taken lightly. I am doing so not just because there may have been a cover-up that protects people who have done silly things. My concern is that failure to have the truth revealed about some of the dealings involving ACTTAB has cost the taxpayers of the Territory dearly.

My concerns fall into two broad categories. The first surrounds the payment of some \$4m to VITAB after the ending of that company's relationship with ACTTAB. I believe that the money should not have been paid by the Government at all. The second concern is that one of the lessons which should have been learnt from the VITAB affair was not learnt. Some of those concerned with the administration of gambling, either in ACTTAB or in the ACT Racing Club, continue to believe in the tooth fairy - to believe that there was a clever but underhand way of gaining extra revenue. Rebates secretly given to one punter using the betting auditorium placed at risk the continuing relationship of ACTTAB with the Victorian superTAB every bit as much as had those previously between ACTTAB and VITAB.

Mr Speaker, I believe it is far better that details of matters such as these be produced before an independent inquiry where claims can be tested. I have no desire to repeat in this chamber all the allegations which have been raised and which have raised disquiet in my mind; yet I know as well that I must at least give members of the Assembly sufficient reason to agree with me that an independent inquiry should be set up. So let me outline some of my concerns, without attempting to attribute blame to individual people.

First, in regard to the \$4m in compensation, should it have been paid at all? I believe there are grounds for believing that VITAB, the company which ended up with the ACT taxpayers' money, had no claim to the compensation specified in its agreement with ACTTAB because it had been engaging in deceptive conduct. I believe that a commissioner will find that, contrary to its understanding with ACTTAB, VITAB had based its business around giving considerable discounts to Australian punters. There was no business built around a new market of Asian punters, but simply an old-fashioned rort to siphon money away from ordinary punters into the hands of a fortunate few, with the owners of VITAB being chief among them.

Yet suppose this is not the case and that compensation did have to be paid. Should the money have come from the taxpayers of the ACT or from somebody else? During the last year I have asked many questions about the legal advice given to ACTTAB before entering into its agreement with VITAB and the advice given to it after entering into the agreement. Fundamental to those questions is my amazement that ACTTAB's legal advisers allowed their client to sign a contract which made them liable to pay compensation to VITAB for an action over which they had no control - namely, the cancellation by superTAB of the link with ACTTAB. I am surprised that there were no grounds for ACTTAB to seek recovery from its lawyers of the \$4m it had to pay because of this foolhardy contract. Because the Government maintains that the relevant documents are commercial-in-confidence and cannot be perused by mere members of this Assembly, then let a commissioner look at them. We should not allow to be abroad the suggestion that the taxpayers of the ACT have had to foot a bill which should have been paid by a firm of solicitors.

Mr Speaker, there may well be other matters concerning ACTTAB - matters of which I have not heard - that deserve investigation. That is why I believe that the terms of the inquiry I propose should not be drawn too narrowly. Certainly, they should be broad enough for the commissioner to look at an issue raised in this house back in February by the member for Ginninderra, Ms McRae, and the response given to her on that occasion by both the Chief Minister, Mrs Carnell, and the Minister for Sport, Mr Stefaniak. Ms McRae had raised at question time the suggestion that the ACT Racing Club and/or the ACTTAB had been paying rebates to a punter at the betting auditorium. Mr Stefaniak passed the question on to Mrs Carnell and Mrs Carnell declared in her answer that, not only had the Government heard reports of this practice, which would be contrary to the agreement between ACTTAB and the Victorian superTAB, but it had had those reports investigated. I will quote:

What we did immediately was call in an independent auditor, Deloitte -

she told the Assembly -

to do a full review of the situation involved. We believed that it was important -

I am still quoting from Mrs Carnell's answer -

to get to the bottom of the matter very quickly. Even the slight chance that there was something happening at that level was something that we certainly were not willing to risk. We got the report back from Deloitte a week or so ago. Deloitte have said quite categorically that there is no problem; that the TAB is not paying any form of rebate to large punters.

Mr Speaker, the extraordinary thing about this finding by Deloitte was that no-one had suggested that the TAB was actually handing over the rebate cash. The grumbling from punters not favoured with a sling themselves was that the ACT Racing Club was secretly providing the money to the favoured few from its share of TAB revenues.

So Ms McRae, back in April, asked a second question, in which she referred to a *Canberra Times* article in which Mr Ray Alexander of the ACT Racing Club admitted that the Racing Club had been paying commissions but said that the payments had stopped after receiving a letter from the Chief Minister. Quite reasonably, Ms McRae wanted to know whether the Racing Club, in making those payments, had been in breach of its agreement with ACTTAB. Mrs Carnell evaded the question by saying that the ACT Racing Club was not a government agency and did not operate under government direction.

Now, I am not suggesting today that Mrs Carnell has been involved in any improper practice. Less than frank she may have been, but she is as innocent a victim in this sorry story of secret rebates as Wayne Berry was in the saga of VITAB. On this occasion the problem lies not with politicians, except in so far as we prevent the truth from being told,

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because it is in the absence of the truth being publicly available that ACT taxpayers have paid \$4m which should not have been paid. It is in the absence of the truth that the system will continue to allow people outside the control of politicians to put government revenues at risk.

Mr Speaker, this is not a question of party politics. I believe that this Assembly would be sending a positive message to the people of the ACT if there were unanimous support for this motion. It is my solemn hope that this inquiry finally clears the air. I have had numerous approaches from people regarding the goings on with ACTTAB. I hope that by going down this path any doubts can be laid to rest. As I said earlier, Mr Speaker, this is not a political witch-hunt; it is a genuine desire for the truth. I sincerely hope that at the end of this inquiry the commissioner comes up with nothing and that the allegations are not true. I sincerely hope that that is the case, because I want this finally put to bed. Mr Speaker, my final issue is the one regarding the costs of an inquiry, and I say to that: What price is truth?

MRS CARNELL (Chief Minister) (9.48): Mr Speaker, I think it is important for me to make it clear right from the beginning that the Government has nothing to fear from this inquiry. The last thing that we want to do is either spend taxpayers' money unnecessarily or, alternatively, not allow the truth to come forward in this area. We have heard over the years, particularly with regard to VITAB, a large number of allegations made about various conduct in this industry. We also, as Mr Osborne said, recently had some allegations of some particular kick-backs, shall we say, or special money being paid by the Racing Club to particular punters. Mr Speaker, at that stage, the moment this Government got any wind of that happening, we immediately asked Deloitte to come and have a look at the whole situation. I believe I have already tabled in this house the result of that inquiry. I am more than happy to make available again for members the document "Review of certain suggestions relating to the ACTTAB", which was prepared by Deloitte. I am happy to table that document.

As a result of that document, it was heartening that Tabcorp, the Victorian TAB of old, wrote back to us, to Roger Smeed, the chief executive of ACTTAB, saying:

I am writing to thank you for your prompt action which you took following our discussion in Hobart concerning the activities of the race clubs at the auditorium regarding the possible provision to professional punters of financial incentives.

We are very satisfied with the action you have taken.

It was signed by the Tabcorp Executive General Manager - Wagering. I am happy to table that as well, for the interest of members.

Mr Speaker, we also wrote to the presidents of the various racing clubs - the Canberra Greyhound Racing Club, the Canberra Harness Racing Club and the ACT Racing Club - making it very clear to all of those entities that the ACT Government would not accept any conduct that provided incentives for particular punters. I am happy to table those letters as well, for the interest of members.

Mr Speaker, this Government, obviously, will not oppose any attempt to put the truth - to quote Mr Osborne - on the table. Equally, it is important for me to make it clear to the members of this house that an inquiry of this sort is not something that the Assembly should take on lightly. Inquiries of this sort can cost significant taxpayer dollars. We passed the budget not quite two hours ago, an hour-and-a-half ago. It would appear that we are drawing on the Treasurer's Advance already, Mr Speaker, and that is not something that, as Treasurer, I am terribly positive about doing. Equally, Mr Speaker, the TAB is an important source of revenue for the ACT. It is important, particularly in the area of betting and racing, that there is no innuendo or views amongst any part of the community that we, as a Government or as an industry, are not behaving appropriately.

From that perspective, I suppose the question I have to leave with the Assembly is that we have to make sure that the costs of this inquiry are not too high for the benefits that we might get; but, again, we have absolutely nothing to hide as a Government. From that perspective, anything that puts the truth on the table, that gets rid of innuendos in an industry that often does have a certain level of rumour and innuendo floating around, is something that we would not oppose.

MR BERRY (9.53): Mr Speaker, this morning the Labor Party was approached with a motion which was somewhat different from this one.

Mrs Carnell: How different?

MR BERRY: Interestingly different. It was interestingly different from this one and it was a motion that we were cautiously prepared to support. The issue of secret commissions and illegal activities raises the spectre of concern about the future of our own TAB. That, of course, relates to the link between the TAB and Tabcorp in Victoria, and that is something that all of us who have had the experience of seeing that withdrawn should be cautious about. On that score, I hope that there is sufficient evidence at foot to warrant this inquiry that is proposed by Mr Osborne.

Having been the feature of discussion about VITAB at some time in the past, and having passed through an inquiry, I point out that the proposed inquiry is not going to be something that is going to come cheaply for the Government, and it is something - - -

Mr Humphries: Now you are worried about that. Now you are worried about a cost to the Government. Funny, is it not?

MR BERRY: The VITAB inquiry, which was born out of the political circumstances at the time and resulted in an intensive investigation of the circumstances, cleared me in relation - - -

Mr Humphries: No; you had to resign. It did not clear you. You had to resign, remember.

Mr Whitecross: That was before the inquiry, actually.

MR BERRY: It cleared me in relation to that matter.

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Mr Humphries: Yes, because he was guilty of misleading the house. That is why he had to resign.

MR BERRY: Mr Humphries interjects, as he cannot contain himself. He said, "You had to resign". I had to resign to save the Follett Government, because if I had not resigned the Government would have fallen. That was made clear to the Chief Minister at the time. The Assembly passed a motion of no confidence. I think that was wrong. Others in this Assembly would think that was right. People outside this place reported that all it proved was that nine beats eight. There were other versions, of course, but it is past history so far as the TAB is concerned. I am sure it has moved on past that to this point.

I needed to again clarify the record in respect of my involvement in those matters. On the one hand, yes, there was a motion in this Assembly which withdrew support from me as a Minister. The threat was that the Follett Government would fall if I did not resign. I resigned and the Follett Government survived its term. The subsequent inquiry cleared me - I repeat that; it cleared me - of any blame for the events that were involved in VITAB.

Now, so far as Labor is concerned, this motion is a matter for the Government, and I suspect that they are feeling pressure as well. The problem for them is that if they resist a call for an inquiry the suggestion goes out that they have something to hide. That is the very problem that we have. We are not going to resist this, because there is a suggestion that we have something to hide, and we have not.

Mr Humphries: So why are you hesitating, then?

MR BERRY: No, we are not hesitating. I am just putting to you the point that if, for example, the Opposition were to join with the Government to resist this, the accusation would be that Labor and the Government have something to hide; that Labor on the one hand have something to hide, and the Government on the other hand have something different to hide.

Mrs Carnell: As long as it is not the same thing.

MR BERRY: Or they both have similar things to hide. Who knows? But the - - -

Mr Moore: Or we just want to get their hide.

MR BERRY: Or, alternatively, people may well say, as Mr Moore interjects, "We" - whoever "we" are - "just want to get both their hides". The question here is: Who is going to resist an inquiry of this nature, given the sensitivities of it? There are certainly dangers, as I have alluded to earlier, and they are something that members have to fully understand when they are going down this path, and they are significant dangers to a corporate body in the Territory. That is something that members have to keep in mind. It is a very important body which provides cash flow to the

Territory Government, and people have to understand that political circumstances that often surround these inquiries can be hazardous. I know; I have seen it happen. So, from the Labor Party's point of view, I repeat that we will not resist this inquiry. We will not be accused of having anything to hide.

MR MOORE (9.59): Mr Speaker, I listened very carefully to what Mr Osborne had to say. He asked me to listen to his argument and to make my decision accordingly, rather than running a heavy lobbying process with me. Mr Speaker, I would like to clarify a couple of issues. I agree with Mr Berry that when there was an examination of the VITAB issue the commission of inquiry found that there was no wrongdoing by Mr Berry. That is not to be confused with an issue that is to be handled by this parliament, and only by this parliament. This parliament considered that Mr Berry had misled it. That is the reason why he was forced - his description is accurate - to step down from his ministry. As far as I am concerned, he has paid the penalty. If he gets the opportunity to be a Minister again, that background would now have no bearing on any decision, as far as I am concerned, as to whether he could go into a ministry again or not.

Although Mr Berry likes to remember that some people wrote at the time that nine beats eight every time, there were others who wrote that the Assembly had set new and very high standards of accountability and high standards for what they expect of Ministers. I recall those commentaries as well as the one that Mr Berry prefers.

Mr Berry: You should apply the same standards to other Ministers, Michael.

MR SPEAKER: Order!

MR MOORE: I hear an interjection that I should apply the same standards to other Ministers. I do, and I will. Mr Speaker, it seems to me that one of the disadvantages of an inquiry like this is that it comes at a time when I think there is growing confidence in the ACTTAB. I hope that, through the process, that confidence will increase rather than decrease; but a process like this will always have some impact on the confidence that punters have in their own ACTTAB, and it is very easy for punters, particularly big punters, to move their business from one place to another.

Mr Speaker, having looked at this motion for an inquiry put forward by Mr Osborne and having watched from the crossbenches the previous inquiry into VITAB, all I can say is that I hope I am never in a position where somebody asks me to be a Racing Minister. It seems to me that the racing ministry would have to be the one ministry fraught with even more problems than the health ministry.

Mr Berry: I did not get the punch line, Michael. Run it again.

MR MOORE: All I said, Mr Berry, was that I would have thought that the worst possible thing to be, as a Minister, would be the Minister for Racing.

Mr Berry: I thought it was all right at first.

MR MOORE: Perhaps that is like racing itself. It is all right at first.

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Mr Speaker, in presenting the reasons for this motion, I think Mr Osborne has put a strong enough case to say, "Yes, we do need an inquiry", and such an inquiry is appropriately conducted under the Inquiries Act. I hope that the Chief Minister will move very quickly to get it under way and be very careful to select an appropriate investigative style of lawyer or QC. Perhaps I should say SC because now there are senior counsel as well as queen's counsel. That person should be at, and be seen to be at, arm's length from the whole process. It should be somebody who has had no involvement whatsoever in the racing industry in the ACT, but somebody who does have experience and powers as an investigator in this style of illegal activity. Such people are around and I hope that we can find somebody appropriate very quickly.

MS TUCKER (10.05): Mr Speaker, the Greens also will be supporting this motion moved by Mr Osborne. It is not a decision we have taken lightly either. I have not been considering it for as long as Mr Osborne; but, after consideration, we felt that we really had no choice but to support it. If there is one thing that matters in government, it is that there is seen to be a desire and, in fact, practices which ensure that, if there is even some possibility of graft, corruption, malpractice or misconduct, whatever you want to call it, particularly in the racing and gaming industry, it is picked up very quickly and given close scrutiny.

I can understand how difficult this is. There is a lot of history, obviously, that members have spoken about today, and, as a newcomer, I can only imagine in a way how much impact that had for everybody here. I am mindful of that fact. I do not take lightly the fact that members here have taken on this inquiry, because it obviously is going to bring about some difficulties. I hope, as Mr Osborne said, that the result will be that there has been nothing that we should be concerned about and that everybody is very comfortable with how processes are with ACTTAB and the Racing Club and any other matter that comes up before this inquiry.

I would also like to support what Mr Moore said about the choice of the investigator, whether it is a QC or whoever. Everybody here must have faith that the person chosen will do the job in a way that is impartial. There must be no connections that people can use to discredit the findings of such an inquiry. People must not be able to doubt the validity of such an inquiry because of this person. I am sure that the choice will be made very carefully, because to do otherwise would not be in anybody's interest.

MR OSBORNE (10.07), in reply: I will be very brief. I thank all members for their support. I understand that a lot of thought has gone into this, as it has in our office; but we felt that we needed to take this step. I appreciate the concern of Mr Berry. I was not here in the last Assembly, but I am well aware that he was certainly dragged over the coals about this issue. However, as he said, he was exonerated. I hope that this is not to be used in any way to further embarrass Mr Berry.

Mr Speaker, I believe that there are questions still there that need to be answered. As I said earlier, I certainly hope that the allegations are not true. I hope, however, that there is a chance that we can retrieve the \$4m. I hope that we do get a favourable response on that issue. But, on the others, I do hope, as I said, that there is no case to answer. I thank the members for their support and I look forward to getting the result of this inquiry.

Question resolved in the affirmative.

LEGISLATIVE ASSEMBLY MEMBERS' STAFF Suspension of Standing Orders

MR BERRY (10.09): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent consideration by the Assembly of a motion on the wages and working conditions of Legislative Assembly (Members' Staff) Act staff.

Mr Speaker, the need for this suspension of standing orders arises because of the period of uncertainty which is facing staff in relation to this matter.

Mrs Carnell: It is not an uncertainty. You will get a letter on Monday. I have gazetted it, or I will gazette it.

MR BERRY: Mrs Carnell interjects that she will gazette it. That makes it even more important that the motion which I am circulating be passed by this Assembly in order that the Government can get the message on the issue.

What the motion sets out to do is to require the Government to maintain existing wages and working conditions as a minimum for all LA(MS) Act staff. Mr Speaker, we think that that is an appropriate course of action, given the point we have arrived at so far as the electoral term is concerned. It is an important motion which gives wage justice to workers in the Assembly. It ensures that fair treatment is the order of the day, and that the unfair approaches which have been taken by the Government are not imposed on workers or members of the Assembly, or, indeed, the Speaker, as a result of the inquiry which was set up - I emphasise set up - by the Government.

Mr Speaker, that motion, I think, should be in everybody's hands, so we can take a vote on the motion for the suspension of standing orders.

Mrs Carnell: It is a pity it was not this morning.

MR BERRY: It was placed on the notice paper this morning.

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MR MOORE (10.12): Mr Speaker, I rise to speak against the motion for the suspension of standing orders. I note that the motion that has been distributed was received at 11.19 am today. I have just been given information about this. At 10 o'clock in the evening I have been given a quite complicated motion that deals with a whole range of issues that we have been debating for quite a number of months, with negotiations going on, including legal opinions one way or another and a whole range of meetings. To be given a few minutes' notice when it is quite clear that I could have been given it 12 hours ago means that I am simply not interested in dealing with these issues. I may not have been anyway. It seems to me, Mr Speaker, that this is no way to deal with this issue at the moment. I think, as a matter of principle, the Assembly should resist this motion for the suspension of standing orders.

MRS CARNELL (Chief Minister) (10.13): Mr Speaker, it is 10.13 pm on the last sitting day. As Mr Moore said, at the bottom of this notice it says "Received 11.19 am", this morning. Mr Berry tells us it was placed on the notice paper; but, of course, we do not get a notice paper containing it. There has been any number of opportunities for Mr Berry to bring this motion forward over the last two weeks. This is not a new issue. It started about 12 months ago.

Mr Berry: I am consulting with you about the same as you consulted with everybody else before you appointed Mr Prasad.

MRS CARNELL: It is interesting that Mr Berry says that, because that is not true. We actually - - -

Mr Berry: You never consulted with - - -

MR SPEAKER: Order! I am not about to tolerate a lot of interjections at 10.15 at night.

MRS CARNELL: Mr Speaker, Mr Berry is trying to suspend standing orders this late at night, without letting anybody know - certainly without letting us know - what the issue is. We may have been quite willing to debate this, given any indication that Mr Berry wanted to debate it tonight. This is not an issue that we raised this morning. This issue started 12 months ago. We have ended up with, I think, at least one extension of time. I think we, first of all, spoke about 1 January. We went to 1 July. There has been any amount of time for Mr Berry to bring this forward. To bring it forward after 10 o'clock, with absolutely no notice, when we have just passed a budget, means that this side of the house, Mr Speaker, cannot support a motion for the suspension of standing orders.

MS TUCKER (10.15): I will support the motion for the suspension of standing orders because this is an issue that has been of concern to us for a long time and I am happy to see it debated. It is only 10.15 pm. I think we were here until 5.00 am the last time we had the budget before us. It is pretty early, really.

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 8

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

NOES, 7

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

MR SPEAKER: The result of the division is ayes 8, noes 7. The question, however, is resolved in the negative because there is not an absolute majority, as required by standing order 272.

Question so resolved in the negative.

ADJOURNMENT

MR HUMPHRIES (Attorney-General) (10.18): If there are no more sneak attacks, Mr Speaker, I move:

That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 10.18 pm until Tuesday, 26 August 1997, at 10.30 am

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ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE 425

Sister City Road Signs

Mr Corbell - asked the Minister for Urban Services:

- (1) What was the total cost to the ACT Government for the production and placement of the blue and yellow sign located on Canberra Avenue indicating Canberra's status as sister city to Nara, Japan?
- (2) When was the sign placed?
- (3) Are there any other examples of this sign placed at other entrances to Canberra and if so, what was their total cost for production and placement?
- (4) Who requested the placement of this sign/s?

Mr Kaine - the answer to the member's question is as follows:

- (1) The total cost to the ACT Government for the erection of the sign on Canberra Avenue was \$2,000.
- (2) This sign was erected on 17 April 1997.
- (3) Yes. There were three other signs erected similar to this at the Barton Highway, Federal Highway and Pialligo Avenue. A different sign was erected in Lennox Gardens. The total cost of these additional signs was \$7,500.
- (4) The Canberra-Nara Committee requested the signs be erected.

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 426

Calvary Private Hospital - Psychiatric Unit

Mr Berry - asked the Minister for Health and Community Care upon notice on 17 June 1997:

In relation to the new private psychiatric unit at Calvary Private Hospital-

- (1) How much land is to be used for the unit.
- (2) How much was paid for the land.
- (3) What are the lease arrangements for the site.

Mrs Carnell - the answer to the Member's question is:

- (1) The gross floor space utilised by Hyson Green (which is the name of the new psychiatric unit) equates to 1163 square metres.
- (2) The Hyson Green project is being funded by the Congregation of the Little Company of Mary through Calvary Private Hospital. There is no reliance for funding from the ACT Government nor Calvary Public Hospital.

The land being used to construct Hyson Green form part of Block 1, Section 1, Division of Bruce, Canberra City District, which was leased to the Corporation of the Little Company of Mary (and subsequently by amendments to Governmental Agreements to Calvary Hospital ACT Incorporated) on 22 October 1971 by the then Federal Government.

- (3) The lease arrangements are those that are contained in the original lease documentation, "to provide health facilities".

Question on Notice No 434

Kick Start Housing Assistance Program

Ms REILLY MLA, asks in relation to the KickStart deposit assistance scheme -

- (1) How many grants were issued to applicants from
- a) 11 May to 17 May 1997;
 - b) 18 May to 24 May 1997;
 - c) 25 May to 31 May 1997;
 - d) 1 June to 7 June 1997;
 - e) 8 June to 14 June 1997;
 - f) 15 June to 21 June 1997; and
 - g) 22 June to 28 June 1997.
- (2) In each of the weeks listed, how many applications were approved by the banks responsible for the administration of this program.

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

REFERENC E	GRANTS ISSUED	APPLICATIONS APPROVED
(a)	6	7
(b)	5	8
(c)	5	6
(d)	6	0
(e)	6	5
(f)	5	3
(g)	7	5

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 440

Disability Program - Publicity Material

Ms Reilly - asked the Minister for Health and Community Care upon notice on 26 June 1997:

- (1) What are the printing costs for the various brochures and policy documents for the Disability Program for the new directions of the Program.
- (2) In relation to the material in (1), in what other media is this material available (ie. on video, an audio tape, in Braille or other community languages).

Mrs Carnell - the answer to Ms Reilly's question is:

- (1) The Disability Program is currently printing 1000 copies of the **newsletter** each month, which is broadly distributed to all stakeholders of the Program, including all staff. The newsletter includes important information about the progress of the reform agenda and upcoming events. These include staff training opportunities, and opportunities for all stakeholders to participate in briefing sessions and consultation processes. The introduction of the newsletter was a response to the recommendation that the Disability Program improve its communication with parents and families, and other stakeholders.

The cost of each monthly newsletter varies with its size. The average cost for producing a newsletter including editing, design and layout, formatting, and printing, is \$2,000 per month.

The **Policy Manual** is a large, high quality folder containing over 250 pages. It contains updated operational policies based on the Disability Service Standards which will guide the delivery of service. The development of updated policies is a key element in the reform agenda of the Disability Program and formed a large part of the recommendations of the recent Health Complaints Commissioner's report.

The total cost to design, print and collate 200 copies of the policy manual is \$44,095. The Disability Program plans to recoup some of this cost through selling the Manual where appropriate.

The policies are supported by a **plain English guide**, which is suitable for use by consumers of the program and their families. The production of 1000 copies of this guide cost \$23,236.

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The implementation of the policies is supported by intensive staff training. The cost of design and production of the **training materials**, which support a 12 week training program for some 360 staff and managers, is \$16,954.

The Disability Program is introducing a range of new initiatives, of which the Consumer Provider Arrangement is one. The introduction of each new initiative will be preceded by a consultation phase, including the development of a **discussion paper**. The cost of design and production of 600 discussion papers for the consultation process is \$11,941.

This represents a significant investment in ensuring that the Disability Program provides a high quality service and good outcomes for consumers.

- (2) The introduction of the policies and the staff training is supported by the production of a training video, which highlights best practise and the value base of the Disability Program. The cost of developing and producing 100 copies of video is \$38,938.

The material has yet to be produced on audio tape, in Braille or other community languages.

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MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING

**RESPONSE TO QUESTION FROM MS McRAE RAISED IN THE
ASSEMBLY ON 18 JUNE 1997**

Acton Peninsula - Demolition of Buildings

Ms McRae on Wednesday 18 June asked the Minister for the Environment, Land and Planning - In relation to the dumping of spoil from the demolition of former Royal Canberra Hospital at Fairbairn Park:

What is going on in regard to dumping of rubble from Acton at Fairbairn Park, because the demolition has been planned for a long time? What permission for dumping has been given to the contractors?

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

The contractor responsible for the removal of rubble from Acton Peninsula has never been issued with a permit to dump rubble at Fairbairn Park.

Demolition work is continuing at the former Royal Canberra Hospital site, but it has been made clear that no further dumping is to occur at Fairbairn Park until the appropriate approvals have been provided from my department.

The Government's position has always been that the dumping of rubble from the Acton site must comply with all relevant laws. Last November Fairbairn Park Control Council was informed that any dumping of spoil on the site was illegal and that all dumping should halt until approval was gained through the process of a Development Application. There have also been ongoing investigations which culminated recently in the issue of two Pollution Abatement Notices to the Council under the Water Pollution Act 1984.

It should be noted that the process for assessing the Development Application is well under way between Fairbairn Park Control Council and PALM. FPCC has now submitted a Preliminary Assessment document and a Development Application covering the proposed works to PALM and both were advertised last Saturday (21 June 1997) in the Canberra Times for public comment.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE

Wanniassa Enclosed Oval

Mr Osborne - asked the Minister for Environment, Land and Planning on 17 June - in relation to the proposed lease of Wanniassa Oval.

Why has the Tuggeranong Valley Rugby Union Club been asked to pay for the site and improvements when it was believed that the Club would acquire the Wanniassa Oval at no cost.

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

The Tuggeranong Valley Rugby Union Club applied formally for a lease of the Wanniassa Oval on 25 August 1995. The direct sale to the Club under the terms of Disallowable Instrument No. 176. was approved on 17 October 1995.

The disallowable instrument only allows a crown lease to be provided to a licensed club at market value. This can be paid as a capital sum or land rent, whichever is applicable.

At no stage has the Tuggeranong Valley Rugby Union Club ever been advised that they would not be required to pay for the lease over the oval. The Club was advised on 6 December 1996 of the valuation provided by the Australian Valuation Office for the oval and improvements. The value was assessed as follows;

Current Site Value	\$200,000
Current Value of Improvements	\$600,000

This approach is consistent with two recent sales of ovals to licenced clubs, namely;

The Ainslie Football Club lease over Blocks 17 and 18 Section 26 Ainslie; and

The West Belconnen RL Football Club lease over Block 43 Section 50 Holt.

I trust this satisfies the Member's question.

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APPENDIX 1: Incorporated in Hansard on 24 June 1997 at page 1979

1997

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINISTERIAL STATEMENT ON

CONTINUING REFORM IN THE
ACT COMMUNITY CARE: DISABILITY PROGRAM

To be delivered by:
Kate Carnell MLA
Minister for Health and Community Care

Mr Speaker, it is now 9 months since I provided this Assembly with a 'progress report' on the implementation of reform in the Disability Program.

I would like to take the opportunity today to inform you of the significant changes which are occurring within the Program, as the reform agenda is progressively implemented.

The achievements which have been made thus far are outstanding, and there are more to come.

In a context where it suits some members of the community and the media to focus on the negative, it is important that the positive work that is being undertaken is also noted.

At a Customer Satisfaction Focus Group held recently, 82% of participants reported that they were satisfied with the service they were receiving from the Disability Program's accommodation support service. In addition, 94% rated the Program as being highly valuable, and 88% noted the improvements that have taken place in recent times. Over 70% of participants confirmed that the Disability Program delivers a quality accommodation support service.

Since my last Statement, the restructure of the Respite Service has been completed. Birralee Hostel was closed in November 1996, and in its place two smaller centre-based respite care facilities opened.

These are Kese House, which provides respite for children up to 12 years, and is wheelchair accessible; and Teen House, which accommodates the 12-20 age group. These services provide additional much needed respite for families, and provides services to children in an age-appropriate manner.

The Respite Service is well utilised, with over 90% occupancy of the 18 available beds. Planned changes to the Finnis Respite House for adults will result in the creation of an additional 2 beds at no extra cost to the community.

In my last Statement, I foreshadowed the release for consultation of the Disability Program's three year Strategic Directions Plan. The Plan was finalised in January 1997 after a period of extensive consultation, and contains an ambitious agenda for change.

A detailed implementation plan has been developed to ensure the goals of the Strategic Directions Plan become a reality. This plan includes key milestones for implementation. To date, all key milestones have been achieved.

On June 11 I was pleased to launch the Disability Program's enhanced operational policies. These policies build on and improve the operational policies which already existed within the Program.

The new policies are directly based on the philosophical framework provided by the ACT Disability Services Act (1991) and are aligned with National Disability Service Standards.

They are grounded in a philosophy which recognises the valued status of each individual. They are supportive of each consumer having an opportunity to make decisions and to direct the service he or she receives.

Valuable input has been received from staff from various work environments, backgrounds and areas of expertise, who participated in a series of workshops to examine the draft policies and to advise on ways to improve them.

The policies set high standards for Disability Program practice. They provide clear guidelines for staff on procedural matters in their daily work. They clarify what the Program expects of its staff.

They ensure that ambiguity and inconsistencies are removed from the working environment, and they provide staff with the assurance that their work meets Disability Service Standards.

An important focus throughout the policies is ensuring that every consumer has a key worker, who holds the responsibility for ensuring the successful implementation of the consumer's Individual Plan.

The policies will also ensure that the Individual Planning process is inclusive of all people who are important in a consumer's life, and that implementation of the Plans will provide improved quality of life for consumers.

The enhanced operational policies have been released in a draft form, which will be open to consultation for a full 12 months. This will give ample time to ensure that all operational issues have been identified and addressed before the policies are finalised in June 1998.

Consumers, families, guardians, advocates, staff and other stakeholders will have the opportunity to provide input on the policies.

In order to ensure that all staff are adequately skilled to effectively implement the changes in practice and policy which are enunciated in the manual, an intensive series of training sessions is being provided. The training, which began in mid-June and will proceed for a period of some weeks, is compulsory for all staff both permanent and casual. The training is also compulsory for all agency casual staff who work for the Disability Program.

Staff training will be supported by the use of a recently developed training video, which provides an excellent tool to provide information to all staff and others about the value base of the Program, and how those values translates into day to day support.

The policies will be implemented at service unit level at the completion of a staff training period so that their effectiveness 'on the ground' can be assessed. The policies will be subject to ongoing review, in recognition of the ever-changing environment and the changing needs of consumers.

The policies are supported by a plain English guide. This guide - "Living with Independence" - explains, in simple language, the key operational policies. Seven people with disabilities and their support workers were involved in the editing of the guide.

Publication of a guide of this type will make policies more accessible to consumers, and in addition it can be used by parents and staff as a resource tool.

In my last Statement I informed this Assembly of the intention to introduce service agreements with all consumers.

Work is progressing apace on this project, with a Discussion Paper on the proposed Consumer/Provider Arrangement currently released for consultation until August 1997. Information sessions for all families, staff, and with advocacy and peak organisations have been held.

The Consumer/Provider Arrangement will detail the services to be provided to each consumer, based on an Individual Plan; and the rights and responsibilities of both consumers and of the Disability Program. The Consumer Provider Arrangement will also include a stream-lined and accessible three-tiered complaint and review mechanism.

Work has also commenced on the development of the quality assurance framework. Workshops have been held involving staff at all levels, and further workshops are planned with peak and advocacy groups.

The quality assurance framework will incorporate both bottom up and top down mechanisms with an external accreditation process. The 'bottom up' mechanism will be based on the Periodic Service Review mechanism, which is internationally recognised as best practise in the provision of services to people with a disability.

The Periodic Service Review mechanism is being trialed in the Disability Program as part of the Lifestyle Intervention Project, which combines the quality assurance framework with intensive training in behaviour management techniques and in Individual Planning.

The results have been outstanding. The systems in place in these pilot houses will be extended to include the rest of the accommodation support service of the Disability Program.

The Disability Program has set a target of achieving external accreditation by the nationally recognised Australian Council on Healthcare Standards in May 1998. This accreditation will demonstrate the high quality of service provided by the Program is in accordance with the National Disability Service Standards, and will be a first for a provider of disability services in Australia.

The Program has begun work on the development of a support needs assessment tool for people seeking accommodation support. This tool will be linked closely with the Individual Planning Process.

As part of this project, more flexible and responsible service models which meet individual consumer needs will be developed, combined with a resource allocation strategy which will be linked to the needs assessment tool.

Underpinning each of these key projects has been a comprehensive communication strategy, to ensure that all stakeholders are kept informed of the Program's plans and progress.

This has included up to 20 briefing sessions held during April 1997 to inform all staff, parents and families, and other stakeholders of the planned changes, and to provide fora for comment and questions. Further briefing sessions will be held at the commencement of each new phase.

A regular newsletter is prepared and distributed to 1000 people, which details progress, and opportunities for interested people to be involved in the projects.

Intensive Business Planning for the Independent Living Centre has recently been undertaken, with a three-staged review and strategic planning process involving all staff undertaken in May and June 1997. The resulting Business plan contains innovative proposals which will be implemented in stages commencing 1 July 1997.

I am pleased to announce the considerable progress that has been made in the area of workplace reform.

A new classification structure for disability support work is close to being agreed as part of negotiation under enterprise bargaining.

The new structure will achieve a number of efficiencies and staff will be able to enjoy the benefits of flexible staffing arrangements, uniform conditions of employment and new roles and responsibilities which suit business of the Disability Program. This major change will result in improved quality of support for our consumers.

Skilling the workforce is a key element of the reform process, and each new phase of the reform agenda is accompanied by training for all staff. This is addition to the regular training program which is provided.

The Disability Program became a registered training provider with five year accreditation for the Certificate III in Developmental and Disability Studies Traineeship.

The course has already produced its first graduates and the second intake is in progress and further intake is being planned. The Certificate III program continues to make a valuable contribution to improving standards by enabling current staff to participate.

The Disability Program has introduced improvements in the administration of the allocation of casual staff with the introduction of the centralised Casual Pool. This arrangement has resulted in more streamlined and efficient staffing, more control over matching casuals with consumers they know, and will result in lesser reliance on the use of agency casual staff.

The reform is making a difference. It is interesting to note that the recently released report of the investigation by the Health Complaints Commissioner, which comments on the Program as it was many months ago, recommends the same strategies that are already being implemented.

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This provides confirmation that the Disability Program reform agenda is on the right track, and that the changes that will be introduced and consolidated over the next 12-24 months will result in a top class service.

I acknowledge that the Program is in a transitional phase, and that there is still room for improvement. But that improvement is taking place, and all staff of the Program should hold their heads high knowing that they are working towards providing the very highest quality service for their consumers.

I am proud to support the changes that are taking place in the Disability Program. The funds we provided in through the budget to support the improvements demonstrates this Government's commitment in action.

I am also proud of the process of change that we have introduced, which is as consultative as it can possibly be. When we all work together, we can and will make a difference.

APPENDIX 2: Incorporated in Hansard on 24 June 1997 at page 2032

Appendix A: Itinerary

Sunday, 20 April

12.55 pm Arrive Christchurch International Airport.

Monday, 21 April 1997

8 am Ms Brigid Lenihan, Ms Julie Myers and Mr Chris Hyland from the Canterbury Development Corporation.

9 am Mr Chris Pickrill, Chief Executive Officer, Canterbury Development Corporation (general overview/roles and meet unit heads).

11 am Ms Vicki Buck, Mayor of Christchurch.

12 noon Mr Mike Richardson, City Manager.

2 pm Ms Jeanette Elliot, Chief Executive Officer, Canterbury Tourism Council.

3.15 pm Mr Ted Mace, Managing Director, Mace Engineering Ltd.

Tuesday, 22 April 1997

9 am Mr Phil Falloon, Manager, Canterbury Employers Chamber of Commerce.

10.15 am Mr Alan Wooster, Manager, Visitor Services, Department of Conservation.

11.30 am Ms Linda Jenkins, Manager, Sales and Marketing, Christchurch Convention Centre.

12.30 pm Mr Michael Hannah, Chief Executive Officer, Canterbury Manufacturers Association.

2 pm Mr Garry Moore and Mr Denis O'Rourke, City Councillors (community services, transport, general).

4.15 pm Ms Astrid Anderson and Mr Michael Braithwaite, Festivals and Central City Projects, Christchurch City Council.

7 pm Mr Derek Anderson (chairman of the Canterbury Development Corporation, prominent local businessman and past City councillor), Mr Chris Prickrill, Chief Executive Officer, Canterbury Development

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Corporation and Mr Phil Falloon, Manager, Canterbury Employers Chamber of Commerce.

Wednesday, 23 April 1997

- 9 am Christchurch City Council Employment Services Unit, Ms Brigid Lenihan, Manager, Community Employment Projects - field visits.
- . Aranui High School - Employment in schools programme; and
 - . Wai-Ora Trust - horticulture and employment programmes.
- 3 pm Ms Denise MacRae and Mr Peter Dwan, International Centre, Lincoln University
- 5.30 pm Mr Mark Willis, General Manger, "Willowbank" Wildlife Reserve.

Thursday, 24 April 1997

- 9 am Mr Ged O'Connell, South Island Regional Secretary, Engineering, Printing and Manufacturing Union.
- 10.15 am Ms Celia Martin, Social and Community Services Manager, Chritchchurch City Mission.
- 11.30 am Mr George Bellew, Chief Executive Officer, Christchurch International Airport Ltd.

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON PUBLIC ACCOUNTS
REVIEW OF THE AUDITOR GENERAL'S REPORT NO 6,
1996 - COLLECTION OF COURT FINES**

MINISTERIAL STATEMENT

**Presented by
Gary Humphries
Attorney-General**

26 June 1997

STANDING COMMITTEE ON PUBLIC ACCOUNTS REVIEW OF THE
AUDITOR GENERAL'S REPORT NO 6, 1996 - COLLECTION OF
COURT FINES

GOVERNMENT RESPONSE.

I am pleased to table the Government Response to the review by the Standing Committee on Public Accounts of the Auditor General's Report No 6, 1996 - Collection of Court Fines.

The Standing Committee on Public Accounts has noted that the majority of issues of concern identified by the audit have already been or are being addressed. I therefore propose to confine my remarks to those matters which the Standing Committee on Public Accounts identified as unresolved or only partly addressed and requiring a further response from the Government.

The areas in respect of which the Committee sought further information are:

- . the collection of fines from interstate offenders;
- . completion of the criminal case management component of the Case Management System in the Supreme Court;
and
- . the amendment of legislation to enable new fine default recovery mechanisms to be administered by the Registrar of the Magistrates Court.
- . details of the amount of fines outstanding.

I will deal first with the collection of fines from interstate offenders.

The current problem faced by all jurisdictions in collecting fines from defaulters who, either at the time they are fined or subsequently, reside interstate, is that there are few enforcement options available to them. Presently the only scheme which operates nationally is Part 7 of the Commonwealth *SERVICE AND EXECUTION OF PROCESS ACT 1992* (SEPA) which provides for the enforcement of fines imposed by courts of summary jurisdiction.

In light of the need for all jurisdictions to maximise the effectiveness of revenue collection mechanisms Governments need to improve the efficiency of procedures adopted for the collection of unpaid fines penalties and associated charges.

It is unsatisfactory, for example, that enforcement options under Part 7 of the Service and Execution of Process Act do not extend to infringement notice penalties, which represent a significant proportion of the fines imposed by States and Territories. Therefore consideration needs to be given to alternatives to reliance on the Service and Execution of Process Act for enforcement of interstate fines. Any proposed scheme should include the enforcement of administrative penalties, such as “infringement notices”, where pursuant to the legislation of the originating jurisdiction such fines are deemed to be “court imposed”.

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An option which I support and have put to my fellow Attorneys is for each State or Territory to enter into mutual recognition arrangements for the recovery of unpaid fines. At the Standing Committee of Attorneys-General meeting on 14 March 1997 I proposed that each jurisdiction would recognise and enforce all fines deemed by an originating or sentencing jurisdiction to be a court imposed fine. By defining the fines and penalties to be collected as “court imposed fines”, all fines, including unpaid infringement notice penalties would be recoverable under the scheme by an enforcing jurisdiction. The enforcement options available to the enforcing jurisdiction would be those already enacted within that jurisdiction. This procedure would take account of the most up to date methods of fine enforcement available in the enforcing jurisdiction without the need for amendment of the legislation once it is in place. The scheme which I proposed envisaged that an originating court would send a copy of an order (imposing a fine) detailing the amount owing to an enforcing court, which the enforcing court would register and take steps to enforce as an order of that enforcing court.

The Standing Committee of Attorneys-General has agreed to consider options for such a scheme, the final form of which is yet to be determined. When other Attorneys report back to the next meeting of the Standing Committee of Attorneys-General on their consideration of the issue, the possible structure of, and level of support for, such a scheme may be clearer. Whatever scheme is ultimately devised, it will require legislative force and legislation will

be introduced once the Standing Committee of Attorneys-General settles on a model for interstate fine recovery.

The second issue which the Public Accounts Committee raised concerns the commencement date for the online recording of criminal cases by the Supreme Court.

I am pleased to inform the Assembly that the criminal case management component of the case management system in the Supreme Court is expected to be operational by 30 June 1997.

This is a positive step towards the integration of court processes. The Criminal case management system automatically downloads committal cases from the Magistrates Court to the Supreme Court. This eliminates duplication of data entry and is extremely useful for statistical purposes as it gives a complete history of a case from the time the first charge was laid in the Magistrates Court to the final outcome in the Supreme Court.

A further matter the Public Accounts Committee has raised is the introduction of legislation to implement recovery of unpaid court fines.

The Fine Default Bill was included on the Legislation Program for introduction into the Legislative Assembly in the Autumn 1997 sittings. The Public Accounts Committee recommended it be introduced in time to enable its consideration by the Legislative

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Assembly in June. I have already written to the Chair of the Public Accounts Committee, Mr Whitecross, pointing out that that would have required the introduction of the legislation during May 1997. This has not been possible due to the extensive and complex drafting involved in the amendments (relating to at least six Acts).

I am as eager as other Members of the Assembly to see the legislation introduced and passed so that the Territory will, at last, have in place an effective scheme for encouraging payment of fines and penalties and taking action to collect fines where offenders refuse to pay. However it is important that legislation of this complexity is properly drafted.

I propose to introduce this legislation during the September 1997 sittings. This timetable for introduction will provide adequate time for the considered development of the legislation. It will also enable the Legislative Assembly adequate time to examine the legislation in time for its consideration in the November sittings.

Finally the Public Accounts Committee asked for an update on the amount of unpaid fines. As at 3 June 1997 the amounts were

Court	No. defaulters	Amount
Magistrates Court	1911	\$ 911 410
Children's Court	87	\$ 21 765
Supreme Court	25	\$ 20 726

I trust that this information is of assistance to the Public Accounts Committee and to other Assembly Members.

1997

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

LAND (PLANNING AND ENVIRONMENT) REGULATIONS
(AMENDMENT)

TABLING SPEECH

Circulated by authority of the Minister for the Environment,
Land and Planning
Mr Gary Humphries MLA

I table the *Land (Planning and Environment) Regulations (Amendment)*.

1. Earlier this year, I tabled regulations relating to the remission and increase of change of use charges payable under the *Land (Planning and Environment) Act 1991*. Those regulations, and the regulations I now table, allow the amendments to that Act, under the *Land (Planning and Environment) (Amendment) Act (No.3) 1996*, to take full effect.
2. The changes to the Act and its regulations have been developed with a view to achieving an appropriate balance of interests within the community in planning and land management issues, as was the Government's response to the Stein Report last year and all the decisions we have taken in relation to planning.
3. It is often impossible for the Government or the Assembly to fully satisfy the interests of every individual or group within the community, and in relation to planning and land management matters, this has always been, I suspect, will always be, the case. As I said, these questions are ones for balanced decisions, not unilateral ones. The debate on leasehold, betterment, residential development, and so on, will continue for some time yet.
4. For that reason it is vital that we, as this Territory's governing body, keep in mind the need to weigh all of the issues and interests carefully, and resist making changes that benefit only some members of the community to the detriment of others - those interests must be balanced.
5. The amending regulations are necessarily complex in places, and members are urged to consider them carefully as a package rather than viewing the provisions in isolation. I think it is appropriate to outline the more important aspects of the amendments.

6. The amendments to the Land Act made a number of significant changes to the requirements in relation to development proposals. These regulations give effect to many of those changes by providing:
 - . for certain activities, such as a home business, to be deemed consistent with permitted uses under a lease;
 - . for the prescribed period for determination of development applications;
 - . for the period within which a person must lodge an objection to a development application;
 - . for exemptions from the requirement to have certain types of development approved under Part VI of the Act;
 - . for exemptions from public notification requirements in relation to development applications; **and**
 - . for exemptions from applicant and third party appeals in relation to development applications.
7. Certain other provisions in the Regulations are also amended to correct references to processes under the amended Act.

8. There are several important definitions added by these regulations. In particular, “adjoining”, in line with the Stein recommendation, and “minor development” are defined.

The regulations now also define what are to be ‘exempt buildings or structures’ for the purposes of determining what development activity does not require approval. This merely continues the exemption of work not required to be approved under the *Building Act 1972*.

9. Certain activities will be considered to be consistent with permitted uses under a lease in the appropriate circumstances, and therefore not in breach of the lease. Those activities are:
- . the use of premises for confidential services (such as a domestic violence crisis service), or for a special dwelling, if the Minister determines that the use is in the public interest; and also
 - . the parking of heavy vehicles in residential areas if that activity is approved under the Motor Traffic Act.
10. In accordance with the Government’s response to the Stein Report, the prescribed period for determination of development applications is now 30 days, or 45 days if any person has objected. That period may be extended where other related processes are required before a decision may be made - those other processes are:
- . preliminary assessments;
 - . environmental Assessments; and
 - . Inquiries under Part IV of the Act.
11. Also in accordance with our response to the Stein Report I, as Minister may extend the prescribed period at any time upon the written application of the applicant. However, the Act provides a final time limit of 6 months for approval, or 12 months in cases involving a further process such as an environmental assessment or a Territory Plan variation.
12. The period for objecting to a development application has been amended, so that:
- . where notice of an application has been published in a daily newspaper, the period is 21 days commencing on the day the notice is published;
 - . where only adjoining lessees are to be notified, the period is 14 days from the latest notice to such a lessee;
 - . if no public notification is required, the period for objection ends on the day before the application is approved or refused.
13. Under the new regulation 21, certain types of development will not need to be approved under the Act. Schedules 1, 2 and 3 to the regulations list the following exempted development:
- . Schedule 1 lists those types of development unconditionally exempted;
 - . Schedule 2 lists development exempted if that development would be consistent with any relevant guidelines or standards adopted by the Planning Authority; and
 - . Schedule 3 lists development exempted if it is consistent with an implementation plan under the *Buildings (Design and Siting) Act 1964*.

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The exemptions will not apply where the listed activity may be inconsistent with heritage requirements, or is in connection with another development activity that is not itself exempted under the Schedules.

14. New regulation 22 exempts certain development from notification requirements:

- . Schedule 4 lists development exempted from:
 - * notification to neighbours;
 - * notice in a daily newspaper or
 - * the erection of a sign; and
- . Schedule 5 lists development exempted from notification in a daily newspaper and the erection of a sign - this is limited notification; in effect, consultation with neighbours.

However, no exemption applies where the activity may, in the Minister's opinion, be inconsistent with heritage requirements, or is in connection with another development activity that is not itself exempted from the same kind of notification, or form the requirement for approval.

15. New regulation 23 exempts certain development from applicant appeals, but only to the extent that the decision relates to the exempted activity. Development that is an encroachment, and a variation of a lease to add land to the lease, will not be appellable by an applicant.
16. Regulation 24 exempts certain development from third party appeals on development applications, but only to the extent that the decision relates to the exempted activity - other elements of the decision may be appellable. Schedule 7 lists the exempted development.

The exclusion does not apply where the activity may be inconsistent with heritage conservation requirements.

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17. These regulations provide for broader notification of development but, in response to the Stein Report, have effectively broken the nexus between notification of applications and appeals against decisions.

For example, standard residential development in particular will be subject to much more consultation with neighbours, but will not be subject to appeals if carried out in accordance with the limits set out in the Territory Plan.

Multi-unit redevelopment will be both notified and appellable. Only if multi-unit development is expressly permitted by the lease and meets standard planning requirements will it be exempted from full public processes.

18. Landscaping work in residential areas will not be subject to an approval unless:

- . it affects the landscape of the land; and
- . it would be inconsistent with any heritage conservation requirements that apply to the land.

19. The making of these regulations marks the end of a long and very difficult process of change in planning and land administration. The new legislation represents a giant step toward a better and simplified system of land administration in the Territory.

20. However, while I believe it is time to end the upheaval that resulted from the Stein Inquiry, the new legislation should not be seen as the end of change - there must be constant review, based on continued assessment of the various leasing and planning processes.

21. That assessment must be aided by careful and considerate balancing of the needs of the community and our ability to meet them.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

PRESENTATION SPEECH FOR THE INTRODUCTION OF THE
REMUNERATION TRIBUNAL (CONSEQUENTIAL AMENDMENTS)
BILL 1997

To be delivered by:
Kate Carnell MLA
Chief Minister

26 June 1997

Mister Speaker, this Bill introduces consequential provisions flowing from the operation of the Remuneration Tribunal Act 1995, which commenced on 21 December 1995.

The Remuneration Tribunal Act 1995 established the Remuneration Tribunal which determines the remuneration, allowances and other entitlements for members of the ACT Assembly, senior office holders and public service executives.

The need for this legislation was foreshadowed at the time the Remuneration Tribunal Act 1995 was introduced into the Assembly. The Explanatory Memorandum for the Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 stated that after a search of ACT laws, further consequential amendments would be made. This Bill gives effect to that undertaking.

The Bill amends ACT laws to remove references to the Commonwealth Remuneration Tribunal and to other procedures, such as regulations or Ministerial determinations. In the future, the procedure for setting remuneration for the relevant offices and appointments will be in accordance with the Remuneration Tribunal Act 1995. This provides for interim determinations by the Chief Minister, referral of offices and appointments to the Remuneration Tribunal, and determination and yearly reviews of determinations by the Tribunal. This completes the process established by the Remuneration Tribunal Act 1995 of providing independent review of remuneration for ACT statutory offices and appointments.

I commend the Bill to the Assembly.

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

FINANCIAL MANAGEMENT (AMENDMENT) BILL (No. 2) 1997

PRESENTATION SPEECH

Circulated by the authority of
Kate Carnell MLA
Chief Minister and Treasurer

26 June 1997

Mr Speaker, the Financial Management Act 1996 was enacted on 3 June last year. The Act contains the principles underlying our financial management reforms.

Its prime objectives are to:

- reinforce the primacy of the Legislative Assembly's role in the parliamentary budget and financial accountability process;
- promote the highest standards of financial accountability to the Legislative Assembly and to the community;
- enhance transparency in budget decision making at all levels - the Legislative Assembly, the Executive and the public service; and
- promote improved, and better informed, management decision making.

It is almost one year since the Financial Management Act became law and like most new legislation, a number of issues have arisen which require minor amendments.

These amendments do not fundamentally change the legislation. They are simply technical changes to allow the business of government to operate smoothly.

I will address each proposed amendment.

Mr Speaker, the Bill in clause 4, proposes to amend the interpretation of bank account. This will allow the Territory to do business with other banking institutions. This will bring the Financial Management Act in line with competition policy initiatives.

While some capital injections are used for approved purposes, other capital injections are in the form of working capital advances or 'loans'.

Where capital injections are in the second form, budget papers will clearly differentiate between these purposes and indicate the intent of the appropriation. Where the amount is repayable, the budget papers will indicate the period and terms of repayment.

Clause 5, will amend the Financial Management Act to include these important principles in law.

Clause 6 and 7 deal with transfers of funds between and within appropriations. The Act currently contains a 3% threshold limit.

Amounts being transferred above the threshold and between appropriations must be tabled in the Assembly. Amounts being transferred above the threshold, but within appropriations, are approved by the Treasurer by instrument tabled in the Assembly.

This amendment proposes to change the materiality threshold to 5% which is in accordance with generally accepted accounting practice.

The Financial Management Act is intended to facilitate a framework in accordance with generally accepted accounting practice and this change will ensure it aligns more closely to the Australian Accounting Standards particularly with regard materiality.

Where an appropriation has been classified as Territorial money in error and is properly controlled and related to departmental outputs, there is currently no provision in the Financial Management Act to correct this error.

There is also no provision to correct an error when appropriations are related to departmental outputs but should have been classified as Territorial moneys.

The amendment in subclause 15A provides that the Treasurer, may by instrument tabled in the Assembly, correct these errors.

Mr Speaker, a critical aspect of our financial management reform is to enhance decision making and accountability to the Assembly and community by making Agency Heads through their Ministers responsible for the services that they provide to the Government on behalf of the community.

26 June 1997

This includes cash management, accordingly subclause 34A will allow closing balances in Departmental Bank Accounts (whether positive or negative) to be carried forward at the end of each financial year.

If the balance is positive, it should be made available for expenditure without further appropriation. If the balance is negative, the department will be required to implement a strategy, as soon as possible, to deal with the overdraft.

This amendment will encourage Departments to manage the balance of the departmental bank account. There will be a greater tendency to see departmental budget management as a longer-term issue (including the accumulation of savings or the management of debt where appropriate).

Departmental Bank Accounts may have notionally high account balances and the Departments have an expectation of earning interest on those balances. However, the Financial Management Act, in its current form, prevents this from occurring because it only allows the Central Financing Unit (CFU) to pass on interest earned in the Territorial Bank Account. Clause 10 will address this anomaly and further encourage more efficient cash management.

The Financial Management Act does not address the issue of unclaimed Trust moneys. The amendment at subclause 53A allows money that is unclaimed after 6 years to be swept from Departmental Trust Accounts to the Territory Bank Account.

It also contains a provision which allows the Territory to repay money to the Trustee if a proven claim for the money is received.

In addition, subclauses 53B and C provide a mechanism for appeal to the Administrative Appeals Tribunal.

26 June 1997

Finally Mr Speaker, I propose to amend the Canberra Institute of Technology Act to allow appropriation moneys to be passed to the CIT through a department.

This is consistent with all other Territory Authorities.

Past practice has been to appropriate to the CIT as if it was a department.

I commend the Bill to the Assembly.

26 June 1997

APPENDIX 7: Incorporated in Hansard on 26 June 1997 at page 2153

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**TERRITORY OWNED CORPORATIONS
(AMENDMENT) BILL (NO. 2) 1997**

PRESENTATION SPEECH

CIRCULATED BY AUTHORITY OF

**KATE CARNELL
CHIEF MINISTER**

The Territory Owned Corporations (Amendment) Bill (No. 2) 1997 is a great initiative in securing the long term prosperity of Canberra and the region.

The ACT Government has been working hard to minimise the negative impact of changes to the Federal public service, while endeavouring to maximise what ever opportunity may present itself as a consequence of those changes.

In May 1997 the Commonwealth Department of Finance called for Expressions of Interest for the provision of specified support services.

On 4 June 1997, The ACT Government lodged an expression of interest proposing it would establish a shared services centre for the provision of support services to ACT Government, other Governments and private sector organisations.

This shared services centre will bring significant cost benefits, and economies of scale. The Government will also make available its BASIS, (Buyers and Sellers Information System), to assist CanDeliver in selecting local service providers.

It is proposed that the shared services centre will be called CanDeliver Limited. It is to be a Territory Owned Corporation, underwritten by the ACT Government. The centre will be operated by a private sector joint venture partner, utilising both in-house and contracted services and will draw upon the knowledge and systems developed by the ACT Government during its public sector reform program.

As the prime contractor CanDeliver Limited, will be uniquely placed to provide services to the Department of Finance given its expertise in the provision of services in a government environment, its endorsement of quality management, strong customer commitment, output based management and financial systems with a full accrual accounting framework and the security offered by the ACT Governments AAA credit rating.

On Saturday 7 June 1997 the ACT Government advertised in the Canberra Times for Expressions of Interest from private sector companies interested in becoming the Government's selected partner in this venture.

Expressions of Interest close on 24 June 1997, and it is evident that there will be several creative and competitive proposals coming forward.

The establishment of CanDeliver Limited as a Territory Owned Corporation will assist ACT small and medium businesses meet the outsourced service needs of the Federal Government as they become available.

It is a reality that the Commonwealth Department of Finance has sought tenders to outsource its corporate functions. It is a reality that Governments all over Australia are going down this track. It is a reality that in the case of the ACT, if we do nothing, it is likely that jobs will be lost to the Territory.

26 June 1997

The ACT Government will not stand idly by and watch this happen.

CanDeliver Limited will operate as a prime contractor to the Commonwealth Government and provide a mechanism for Territory businesses to take up the opportunity to capture business outsourced from the Commonwealth Government and other organisations both here in the ACT and elsewhere.

I should stress that this Bill is not about outsourcing ACT Government work. It is about keeping in Canberra jobs outsourced by the Commonwealth Government.

It is about taking advantage of the opportunity to be creative to establish a new business that over time can grow into a major source of employment for Canberra residents.

This Bill deserves the support of all Assembly members.

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**Community and Health Services Complaints
(Amendment) Bill 1997**

PRESENTATION SPEECH

Circulated by Authority of
Kate Carnell MLA
Minister for Health and Community Care

Mr Speaker

I would like to table the *Community and Health Services (Amendment) Bill 1997*. This Bill is for an Act to amend the *Health Complaints Act 1993* and for related purposes.

The proposed amendments will broaden the functions of the Commissioner for Health Complaints. The Commissioner will in future be able to investigate and resolve complaints about a range of services provided specifically for aged people and for people with disabilities in the ACT.

Schedule 2 of the *ACT Disability Services Act 1991* requires that programs be designed and administered so as to ensure appropriate avenues exist for people with disabilities to raise and have resolved any grievances about services. This independent mechanism through the Commissioner for Health Complaints is one element of a comprehensive complaints system.

In addition, the need for an independent mechanism to review complaints in this area has been highlighted in recent reviews and in other feedback from the community.

The proposed changes to the role of the Commissioner are widely supported in the community, and by people with disabilities, aged people and their advocates in particular.

An amendment is also included to enable the Commissioner to investigate complaints about the practices of health professionals preparing health status reports.

This amendment results from concerns about the limitation in the current Act on the Commissioner's ability to investigate complaints relating to workers compensation matters.

The original purpose of this clause was to prevent the health complaints mechanism from being used to undermine decisions and opinions obtained in situations where the opinion does not favour the injured worker.

The amendment proposed will enable the Commissioner to investigate complaints about the practices of health professionals preparing health status reports, whilst ensuring that the opinion or decision itself cannot be reviewed.

The amendments to the *Health Complaints Act 1993* have been developed in consultation with the Commissioner for Health Complaints and with advice from the Government Solicitor.

The expanded role of the Commissioner will cover only services which are specifically provided for aged people and/or for people with disabilities. It does not cover mainstream services which may be accessed by aged people and people with disabilities.

The *Health Complaints Act 1993* also states that the Commissioner will not investigate a complaint where another appropriate mechanism is available. The Commissioner's role therefore remains quite distinct from the roles of the Community Advocate, the Ombudsman and the ACT Discrimination Commissioner.

In 1996-97 \$40,000, and recurrent funding of \$87,000 per annum, has been allocated from the ACT Home and Community Care program to fund the expansion of the Commissioner's role.

The Commissioner will work in cooperation with service providers to ensure that they have effective and accessible internal complaints mechanisms and processes in place.

The customer service standards recently agreed by the Government require that all public contact areas and major internal service delivery areas will have in place formal and effective complaints handling processes. These will satisfy the standards in the Australian Standards for complaints handling and will be underpinned by an ACT Public Service Training initiative.

These standards and the Commitment to Service Statements of the ACT Public Service support the principle that complaints be dealt with as close to the point of service as possible and that external mechanisms be used only where more direct mechanisms are unsuccessful or may place the consumer at risk.

The Commissioner will also carry out a comprehensive information/education process for stakeholders to ensure that the new mechanism is known and understood. This process will be carried out in consultation with consumer and service provider representatives and the Department of Health and Community Care.

26 June 1997

APPENDIX 9: Incorporated in Hansard on 26 June 1997 at page 2154

1997

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CORONERS BILL 1997

PRESENTATION SPEECH

Circulated by authority of

GARY HUMPHRIES MLA
ATTORNEY-GENERAL

CORONERS BILL 1997

The *Coroners Act 1956* provides for inquests into the manner and cause of sudden, violent or unexplained deaths and for inquiries into fires which cause damage to, or the destruction of, property in the Territory.

The Coroners Bill 1997 is the outcome of 2 exercises: consultation on the Exposure Draft Coroners Bill 1995 which proposed particular amendments to the Coroners Act; and a review of the Act as part of the Government's review of all pre-1980 Acts.

The Exposure Draft Bill proposed that the Coroners Act be amended to provide for consideration to be given to cultural attitudes and spiritual beliefs about death and for access to the coronial process for the family of a deceased whose death was the subject of an inquest.

The Exposure Draft Bill also proposed that the jurisdiction be extended to allow a Coroner to inquire into a disaster, and for a Coroner to be given power to make interim findings and to appoint an investigator in an inquest or inquiry.

The Bill will require a Coroner to give consideration to the feelings of the family of a deceased when deciding whether or not to order a post-mortem examination or the exhumation of a body. It will also require a Coroner to have regard to whether the family of a deceased has been informed of the holding of a hearing for the purposes of an inquest.

The Bill provides that a member of the immediate family of the deceased may apply to the Coroner holding an inquest for an order that a post-mortem examination should be dispensed with. A member of the immediate family of the deceased also will be able to apply to the Coroner holding an inquest for authorisation to view the body or the scene of the death, to be present at the post-mortem examination, or to have a further post-mortem examination done.

Provision is also made for access to the evidence that the Coroner intends to consider and that a person may request that a certain witness be called to give evidence at an inquest or inquiry.

While these provisions reflect the current practice of the Coroners Court, statutory provision for such matters should ensure that uniform access to the processes of the Court is available.

These provisions give effect to the recommendation of the Report of the Standing Committee on Legal Affairs on the Exposure Draft Bill that consideration be given to extending the provisions which involve the family of a deceased who died in custody in the coronial process to all deaths investigated by the Coroner.

The Bill also provides that any person may request that a hearing for the purposes of an inquest or inquiry be held and that, where a decision is made that a hearing will not be held, an application may be made to the Chief Coroner for the decision to be reviewed by the Coroner. The Chief Coroner must advise the person making the request whether a hearing is to be held or not. A decision that a hearing for the purposes of an inquest or inquiry will not be held is to be reviewable by the Supreme Court.

The Bill provides for the appointment of an investigator to assist a Coroner in an inquest or inquiry. The proposal for such an appointment by the Court emerged during the course of consultation on the extension of the jurisdiction to inquire into disasters and on the best means by which deaths associated with domestic violence might be investigated.

The provision in the Bill allowing a Coroner to make interim findings will mean that matters flowing from an inquest or inquiry, such as the registration of a death, probate or insurance matters, will be able to be dealt with more quickly should an inquest or inquiry be adjourned.

The Bill provides for a Coroner to investigate a 'disaster'. That is an occurrence, not necessarily involving a fire, which has caused, or which had the potential to cause, substantial loss of life or property, injury, or environmental damage. Examples of such an

occurrence are a major outbreak of food poisoning, the collapse of a building or the subsidence of land. An inquiry into a 'disaster' would be undertaken only at the request or with the consent of the Attorney-General.

It is not expected that this jurisdiction will be much used - we have few 'disasters' in the Territory - but, where it is used, the public investigation of such occurrences should benefit the administration of the Territory. The Coroner's Court is an established, experienced and economical forum in which to investigate the causes, consequences, and, most important, the means of the future prevention, of harmful events.

The matters above are included consequent to consultation with a wide section of the community on the 1995 Exposure Draft Bill.

A sensitive area which emerged during consultation was the belief of some members of the community that the procedures necessary to a coronial investigation into a death should come second to their beliefs about death. But, while I respect the importance to individuals of their beliefs about death, I am conscious that the coronial jurisdiction must operate for the benefit of the whole community.

An inquest uncovers the manner and cause of sudden or violent deaths to benefit the community as a whole. Control by the Coroner of the body of a deceased, the scene of a death and the extent of a post-mortem examination are essential elements in the continuing success of the Coroner's jurisdiction as a safeguard of the community.

It would not be possible to have inquests into sudden and unexplained deaths and, when such a death occurs, to give full consideration to the wide range of practices in the treatment of the dead in our community.

The Bill also removes the requirement in the Act that a Coroner commit a person for trial when evidence of an indictable offence emerges in the course of an inquest or inquiry. Committals from the Coroner's Court were provided for in the Act before the office of the Director of Public Prosecutions was established. It is now a function of that office to prepare charges of serious criminal offences and to instigate committal proceedings.

In recognition of that function, the Bill provides for a Coroner who forms the reasonable belief that an indictable offence may have been committed in relation to the matter being investigated to pass information of the possible offence to the Director of Public Prosecutions and adjourn the inquest or inquiry until any consequent criminal matter has been dealt with.

The Coroners Act was enacted in 1956 and has been substantially amended little since. The most significant amendment of the Act was in 1994 in response to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. So, in addition to the proposals for the amendment of the Act in the Exposure Draft Bill, the Act was reviewed as part of the review of pre-1980 legislation. The Bill re-writes the Act in a more accessible form and up-dates its structure.

I commend the Coroners Bill to members. The new provisions provide a structured means for access for the family and relations of a deceased to the coronial procedure and provide for reasonable consideration to be given to the sensitivities of community groups while allowing the essential function of the Coroner to be undertaken for the benefit of the community as a whole.

I present the Explanatory Memorandum for the Coroners Bill 1997 and for the Coroners (Consequential Provisions) Bill 1997.

1997

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CORONERS (CONSEQUENTIAL PROVISIONS) BILL 1997

PRESENTATION SPEECH

Circulated by authority of

GARY HUMPHRIES MLA
ATTORNEY-GENERAL

26 June 1997

CORONERS (CONSEQUENTIAL PROVISIONS) BILL 1997

The Coroners (Consequential Provisions) Bill 1997 repeals the *Coroners Act 1956* and amends other legislation as a consequence of the Coroners Bill 1997. With the repeal of the Coroners Act, the Coroners Bill will provide for inquests and inquiries in the Territory in the future.

In addition, the Consequential Provisions Bill amends the *Transplantation and Anatomy Act 1978* to require that the authority of a deceased prior to his or her death or, after death, the authority of a senior relation of a deceased whose death was the subject of a coronial post-mortem is to be obtained before the body tissue of the deceased may be used for medical, therapeutic or scientific purposes.

The *Transplantation and Anatomy Act 1978* provides for donations of tissue after death for medical, therapeutic or scientific purposes. Where a deceased died within the coronial jurisdiction, provision is made for a Coroner to give authority for the use of body tissue of the deceased.

The Bill provides that, in non-coronial post-mortem examinations, the *Transplantation and Anatomy Act 1978* requires that the authority of the deceased prior to death, or of the deceased's relations after death, must be given for the use of body tissue for therapeutic, medical or scientific purposes.

The same requirement of prior permission for the use of body tissue for research or other purposes should be necessary where the deceased was the subject of a coronial post-mortem. The amendment to the *Transplantation and Anatomy Act 1978* in the Coroners (Consequential Provisions) Bill 1997 achieves this end.

I am grateful to the Aboriginal and Torres Strait Islander Consultative Council for indicating the need for this amendment to Territory law.

The Consequential Provisions Bill also amends the *Registration of Births, Deaths and Marriages Act 1963* to transfer provisions in that Act more relevant to the coronial legislation to the Coroners Bill. I commend the Bill to members.

1997
THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

Law Reform (Repeal of Laws) Bill 1997

PRESENTATION SPEECH

Circulated by the authority of
Gary Humphries MLA
Attorney General

26 June 1997

I am pleased to present to the Legislative Assembly the Law Reform (Repeal of Laws) Bill.

Within the body of NSW legislation applied in the ACT in 1909 and 1910 were some 550 private Acts made in NSW between 1832 and 1910.

Private acts have particular application to a person or group, such as a public company or local authority, and do not have general application. NSW private acts typically dealt with the construction of large public works (including bridges and railways), the incorporation of companies and associations, divorces and corrections to wills or other legal instruments.

As legislators today, we do not use the device of the Private Act. The common practice of making such laws fell into disuse early this century.

The Private Acts proposed to be repealed, many of which remain in force in NSW, are irrelevant in the Territory today. They have never been reprinted in the ACT.

Accordingly, while there may be doubt about whether any particular Act continued to apply in the Territory, it is proposed to repeal them to avoid any further doubt about the matter.

The opportunity is also being taken to repeal 3 ACT laws which are spent.

I commend the Bill to the Assembly.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

EXECUTIVE CONTRACTS

To be delivered by:
Kate Carnell MLA
CHIEF MINISTER

26 June 1997

Mister Speaker, I present four Executive Contracts and three Schedule D variations.

The contracts are tabled in accordance with Sections 31A and 79 of the Public Sector Management Act, which require the tabling of all Executive contracts. You will recall that I previously tabled contracts on 15 May 1997.

The first contract relates to a long term executive arrangement for the office of Executive Director, Legal Policy in the Attorney General's Department.

The remaining three contracts relate to short term executive arrangements. These include one for the Executive Director, Education and Training in the Department of Education and Training; and one for the Associate Director, Education and Business, Canberra Institute of Technology both pending permanent filling of the positions.

The final short term executive arrangement relates to the office of Executive Director ACT Housing which has become temporarily vacant.

The Schedule D variations relate to extensions of performance agreements for two executives in Chief Minister's Department and one in Department of Urban Services. These extensions are until 30 June 1997 bringing them in line with budget and business plan cycles.

Finally, I would like to alert Members to the issue of privacy of personal information that may be contained in the contracts and performance agreements. I ask Members to deal sensitively with the information and respect the privacy of individual Executives.

26 June 1997

LIST OF CONTRACTS FOR TABLING

26 June 1997:

ATTORNEY GENERAL'S

Anna Lennon

CANBERRA INSTITUTE OF TECHNOLOGY

Martha Kinsman (temporary)

CHIEF MINISTER'S DEPARTMENT

Paul Rayner (Schedule D extension of PA)

Rosemary Walsh (Schedule D extension of PA)

DEPARTMENT OF EDUCATION AND TRAINING

Sandra Lambert (temporary)

DEPARTMENT OF URBAN SERVICES

Sue Birtles (temporary)

Allan Eggins (Schedule D extension of PA)

1997

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

NATURE CONSERVATION STRATEGY FOR THE ACT:
DRAFT

TABLING SPEECH

Circulated by authority of the Minister for the Environment, Land
and Planning
Mr Gary Humphries MLA.

Mr Speaker.

The natural resources of the ACT are part of our heritage and an important cultural and economic asset. Custodial obligations are shared by us all. On behalf of the Canberra community, the ACT Government is conscious of its responsibilities for setting directions and priorities that ensure these resources are protected, managed and used in ways that are ecologically sustainable. Today, I am pleased to announce an important step forward in this process with the release for public comment of *A Nature Conservation Strategy for the ACT*.

This draft *Nature Conservation Strategy* provides a framework within which we all can work towards ensuring that the native plants and animals of the ACT are maintained in the long term. This is conservation of our biological diversity - the variety and number of living organisms, their ecological communities and their habitats.

With this biodiversity conservation framework in place, other Government policies and programs that have implications for the environment can be developed and implemented in an appropriate context. For example, kangaroo management strategies, plans of management for nature reserves and fire fuel management strategies will benefit from application of relevant principles and objectives set out in this nature conservation strategy.

Production of this strategy satisfies a commitment entered into by the Government in 1996 as a signatory to the *National Strategy for the Conservation of Australia's Biological Diversity*. All State and Territory Governments have agreed to develop complementary biological diversity strategies. Members may be aware that NSW recently released its own biodiversity conservation strategy for public comment.

Mr Speaker, the ACT's participation in development and implementation of national strategies for the conservation of Australia's natural biological values brings a number of tangible benefits in terms of information exchange, benchmarking opportunities and maintenance of important links with agencies in other jurisdictions.

Together with a strong and continuing relationship with NSW and Local Government authorities in the Australian Capital Region, these arrangements allow the Government to be well placed to take advantage of national and regional conservation programs that are directed at a cooperative and coordinated approach to common issues.

Of particular significance is the Commonwealth Government's Natural Heritage Trust and related programs that serve as a source of funding for environment programs that contribute to regional and national conservation goals. The Government will actively participate in these programs and I am pleased to advise members that some success has recently been achieved. In recognition of our pioneering work towards conservation of nationally endangered native grassland communities, a grant of \$72,000 has been received through the Commonwealth Threatened Species and Communities Program to continue development of recovery measures. An additional \$8,000 under the National Fisheries Action Program will assist protection of threatened fish species in the ACT.

I have also endorsed for transmission to the Commonwealth a wide range of community applications for Natural Heritage Trust funding that amount to over \$500,000.

Mr Speaker, while production of *A Nature Conservation Strategy for the ACT* is an important development in itself, it is but one of a range of significant environmental initiatives taken by the Government with a view to securing a vital and sustainable future for the ACT community. I take this opportunity to point out to members some of the highlights.

Three weeks ago on World Environment Day, I announced a restructuring of the environment functions of the Department of Urban Services. Environment ACT is now established as a new, discrete Agency that brings together all of the key environment areas of the Department. This is an important development that will enhance the delivery of cost-effective environment services in a proactive and cohesive manner. It will also maximise the focus and attention given to environmental management in the lead-up to the passage of new environmental protection legislation.

Improved community access to environmental information and services has been a part of these administrative changes. A special environment helpline (phone number 2079777) has been established for all enquiries related to environmental conservation policy or services. A new Environment Homepage on the Internet has provided an innovative and convenient information source, I am told that enquiries on the Government's homepage (www.act.gov.au) has almost doubled since the Homepage was launched. As from 1 July 1997, Environment ACT will also establish an environment shopfront at Macarthur House, to enable better access by Canberrans to information on their environment.

In my opening remarks, I referred to the importance of conserving our biodiversity. The ACT has an enviable record in environmental responsible town planning and land development. However, with the benefit of hindsight, we are not exempt from the legacy of some inappropriate or excessive land use practices and development decisions that have depleted our natural heritage. We are becoming increasingly aware that the Limestone Plains upon which we have built our city and grown our produce contain native species and ecological communities that occur nowhere else and are subject to increasing threat of extinction. There is little room for further environmental degradation.

The task of restoring species and ecological communities threatened with extinction is a central challenge to those committed to a sustainable natural resource base. The Government accepts this challenge.

In particular, the species and communities that make up our native grasslands and woodlands have been the subject of specific conservation attention. In response to expert advice from the Flora and Fauna Committee, I have formally recognised by declaration the threatened conservation status of natural temperate grasslands, yellow box/red gum grassy woodlands and several of their component species. Conservation Action Plans are now being developed to meet the conservation needs of these "at risk" elements of our biodiversity. Action Plans for two grassland species and the natural temperate grassland ecological community will be released for public comment within coming months. A further seven draft Action Plans will be available by the end of this calendar year.

In addition to these specific initiatives, the Government undertook major redesign of the Gungahlin Town Centre and urban precincts to reduce threats to native grassland and legless lizard habitats, and provide for their reservation as nature reserves. During 1995, approximately 500 hectares of grassland was set aside as nature reserve at considerable development opportunity cost. This action was recognised nationally in 1996 with the World Wide Fund for Nature Australia awarding the Government its New Reserve of the Year Award.

In May of this year, I announced an additional grassland reserve in the new suburb of Dunlop. The reserve will protect a remnant of native grassland which contains the best remaining example of its type in the ACT. Special management measures are warranted to maintain drainage regimes and buffer the site from external sources of damage. Boundaries currently are being determined to accommodate management practicalities and incorporate catchment protection requirements in open space above the suburb. A draft variation to the Territory Plan to establish a nature reserve at Dunlop of approximately 100 hectares will be released for public comment by September this year.

Mr Speaker, Members will be aware of the importance of a strategic approach to management of environmental issues based on expert information and a sound appreciation of community values and expectations.

To assist the Government in this endeavour, I established the ACT Environment Advisory Committee in August of 1996. One of the primary functions of this expert Committee is to provide advice to me on emerging and current issues relating to the ACT environment and its protection.

In January of this year, I asked the Committee to investigate the potential for recreational use of the Cotter reservoir and advise me on the implications of changing the current prohibition on recreational access. The Committee has now completed its investigation and has reported to me on the matter.

Mr Speaker, I have considered the report of the ACT Environment Advisory Committee in relation to recreational access to the Cotter reservoir. I am able to advise members that I have accepted the Committee's recommendation that the existing prohibition on recreational access to the Cotter reservoir should be maintained, primarily to maintain protection of the threatened Macquarie Perch of which there is a healthy population in the storage.

Rural lands contribute in a substantial way to the natural resources of the Territory and considerable responsibility falls to rural landholders for their protection. While management for sustainable production necessarily must address environmental conservation issues, there also may be special biodiversity values that are not accommodated adequately in the reserve system. Economic implications may need to be recognised as a broader community responsibility.

In December 1996, I announced the formation of a Rural Policy Taskforce to review rural land policies. A key objective contained in its terms of reference is to ensure the protection of conservation values forming part of the Territory's landscape setting.

In April 1997, the Task Force released a discussion paper which canvasses a range of issues and options for rural land policy. An enhanced Property Management Agreement process emerges as a widely supported mechanism for achieving ecologically sustainable land use.

Property Management Agreements are critical to achieve off-reserve environmental conservation objectives in a cost-effective and equitable manner. The Government will review the Property Management Agreement process in the light of the Rural Task Force's final report.

While leased rural land comprises the bulk of non-urban land outside the reserve system, members will be aware that the Commonwealth Government also is a substantial landholder in the ACT. Many of its properties contain undeveloped land of significant conservation value. Collaboration in the identification and management of values present is a logical and cost-effective way to achieve conservation goals.

I take this opportunity to acknowledge the cooperation and goodwill of those responsible for management of these areas. However, in the interests of longer term certainty, bilateral arrangements for agreed conservation measures need to be put on a firmer footing as a component of an overall ACT conservation strategy.

To this end I will be approaching the Commonwealth with a view to developing Memoranda of Understanding for conservation of the more significant natural assets of the Territory that occur on Commonwealth land. In this context, I welcome a recent announcement by the Commonwealth Minister for Territories that a special contact point for ACT matters will be established within his portfolio. I anticipate that this initiative will prove a valuable aid for addressing matters such as these.

A regional perspective is important to conservation of the ACT's natural assets because of the relative scale of the landscapes involved. The Government actively participates in several intergovernmental forums that have been established with the express purpose of addressing regional issues in a coordinated manner.

As a signatory to the *Alps Memorandum of Understanding* for cooperative management of alpine national parks the Government has demonstrated a firm commitment to regional nature conservation. A number of benefits have flowed from this arrangement, including shared information and a more rational funding base for the national parks complex. During 1997-98, the ACT will receive a total of \$60,000 to undertake projects that contribute to coordinated management of alpine parks in the ACT, NSW and Victoria. They comprise continuation of a monitoring program to assess the affects of changes in predator impact following release of the Rabbit Calciavirus Disease, development of a field guide to the ecology of the Australian Alps and developing high-profile interpretive material for community education and information.

The Government is also cooperating with the region's State and Local Government agencies, and the Housing Industry Association in a study which aims to identify and fill gaps in our knowledge of the region's biodiversity. This study will assist in providing greater certainty in planning for ecologically sustainable land use planning and development.

State of the Environment reporting can be enhanced and cost benefits realised through sharing of information and the use of standardised protocols for data acquisition and management. Through the Regional Leaders' Forum, the Government has agreed that the Office of the Commissioner for the Environment will expand its reporting beyond the ACT to include State of the Environment reporting obligations for the 17 Local Government Authorities in the Australian Capital Region.

The first comprehensive regional State of the Environment report will be available from December 1997.

To return to the draft *Nature Conservation Strategy for the ACT* Mr Speaker.

The draft Nature Conservation Strategy has been developed with the assistance of a steering committee comprising well qualified people from our community working closely with officers from my Department over the past year. I would like to place on record my appreciation for the considerable time, effort and expertise given by Dr Robert Boden, representing the Flora and Fauna Committee, Dr Don McMichael, representing the ACT Heritage Council, and Mr Geoff Butler and Mr Bruce Lindenmeyer representing the Conservation Council for the South-east Region and Canberra. The development of environment policy based on expert information and a sound appreciation of community values and expectations is recognised by the Government as fundamental to effective and equitable nature conservation outcomes.

This document will be available for public comment until the end of September. Copies will be held at libraries and be available at Government shopfronts and on the Internet. During that time, Environment ACT will work with community groups to identify and discuss issues of concern. I will finalise the strategy by the end of this calendar year.

Mr Speaker the release of this draft *Nature Conservation Strategy for the ACT* marks an important phase in the development of a coordinated and strategic approach to conservation of our biodiversity. It is a task in which we all need to participate. I invite members and the community generally to join with the Government in refining this draft strategy so that we, as citizens of the Bush Capital, our visitors and our children can look forward with optimism to an ecologically sustainable future.