



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 September 1997

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

AUTHORITY TO BROADCAST PROCEEDINGS Paper

MR SPEAKER: I present, for the information of members and pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly concerning the Address to the Queen.

Also, is it the wish of the Assembly to permit a still photographer to take photographs of the chamber during the same proceedings?

Leave granted.

PETITIONS

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

By **Mr Moore**, from 25 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 **Mrs Littlewood**, from 385 residents, requesting that the Assembly gazette for the Queen's Birthday weekend one night only on which to celebrate with fireworks and restrict the sale of fireworks and legislate to restrict the noise of fireworks to that required for generating the visual effect and promulgate a code of conduct to ensure that neighbours advise each other of their intentions with respect to fireworks.

By **Mr Corbell**, from 590 residents, requesting that the Assembly improve the ACTION bus service for residents in the suburbs of Ngunnawal, Amaroo and Nicholls by providing direct services to Civic throughout the day.

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.

Fireworks

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 Queen's Birthday fireworks night runs over several days and is noisy and dangerous.

Your petitioners therefore request the Assembly to:

Gazette one night only on which to celebrate with fireworks the Queen's Birthday.

Limit the sale of fireworks for the period commencing from the Friday of the weekend previous to the long weekend and cease with close of business on the evening of the day allocated for their use.

Legislate that firework design be such that the noise that accompanies the exploding fireworks be limited to that necessary to generate the visual effect.

Promulgate a 'code of conduct' to ensure that neighbours advise each other of their intentions with respect to fireworks.

ACTION Services - Ngunnawal, Amaroo and Nicholls

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:

The lack of regular and direct ACTION bus services between Civic and the suburbs of Ngunnawal, Amaroo and Nicholls.

The unfair nature of this situation which makes residents pay a double fare to travel to Civic, either by catching two buses or by catching the limited commuter service.

The unfair difference in bus services for residents in these suburbs compared with the direct service to Civic available for residents in Palmerston.

Your petitioners therefore request the Assembly to:

Improve the ACTION bus service for residents in the suburbs of Ngunnawal, Amaroo and Nicholls by providing direct services to Civic throughout the day.

Petitions received.

ADDRESS TO HER MAJESTY QUEEN ELIZABETH II

MRS CARNELL (Chief Minister): Mr Speaker, pursuant to standing order 268, I move:

That an Address to Her Majesty Queen Elizabeth II in the following terms be agreed to:

YOUR MAJESTY:

We, the Speaker and Members of the Legislative Assembly for the Australian Capital Territory, wish to express our sorrow at the sad news of the death of Diana, Princess of Wales. On behalf of the people of the Australian Capital Territory, we convey our deepest sympathy to Your Majesty and the Royal family, especially Their Royal Highnesses, Prince William of Wales and Prince Henry of Wales, in your bereavement.

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Mr Speaker, it is with great sadness that I rise today to move that this Assembly forward an Address to Her Majesty the Queen to express our sorrow at the death of Diana, Princess of Wales. I think there are very few in the community who could fail to be moved by the tragic events over the weekend. Diana, Princess of Wales, was a person of great charm and grace. She was a woman who strove to use her position to help others. She sought a real role for herself in her public life. Like so many people, Diana also sought to protect and nourish her family.

It is with great sadness that we now reflect on what she achieved in so short a life. Over the last two days, we have heard many people speak about her commitment to working for other people. We have heard especially of her work for AIDS and leprosy sufferers and for children, and of her contribution to the important task of banning landmines.

We have heard praise and admiration for Diana's work, and for her personal warmth, from many world leaders. We have also learnt, from the spontaneous reactions to the sad news of her death, how much she has touched the lives of people all around the world. Indeed, the extent and strength of this reaction is testimony to her achievements and her character. She will be remembered for her ability to reach out and to communicate with people from all walks of life.

The accident in Paris has cut short her life in very tragic circumstances. We all express our deepest sympathies for the loss suffered by her family and, Mr Speaker, in particular, her two sons. Prince William and Prince Harry have suffered the very great loss of their mother. We share in the grief of their loss and extend, I am sure, the regrets of every Canberran to those two young men.

Mr Speaker, I doubt that there would be many people in the world who would have achieved such a level of praise and admiration as Diana has done. There are also very few people who have used their position to such effect in helping people who may not, under normal circumstances, have attracted the level of attention that, due to Diana's commitment to their cause, their charities have achieved. I refer to children who are HIV positive and to the important task of banning landmines. They are very important issues, but issues that certainly would not have ended up with such a level of community understanding and such a profile in the community if it had not been for the commitment of Diana, Princess of Wales.

I am sure that every Canberran shares with members of this Assembly the very deep sorrow we feel at the events of the weekend in Paris.

MR BERRY (Leader of the Opposition): Mr Speaker, the Labor Opposition wholeheartedly supports this motion. There are few people who would have attracted so much media attention in such a short life. This woman was thrust into the media limelight with her marriage to a member of the Royal Family. Of course, her every move was then under the microscope. So, it is not surprising that every deed that this young woman was involved in was carefully examined by people right across the world. She made many great contributions to society. Each one of them was carefully noted by her supporters, and perhaps by her detractors, right across the globe.

It is with that background that one can imagine the sadness which has spread across the world at the loss of this young woman. Those of us who have lost people in similar circumstances would also be shocked at the suddenness of this tragic incident. I suppose that in the ensuing weeks we will hear many tales about how this tragedy occurred. Already, events are unfolding which cause one to question the circumstances which led to the demise of this young woman. But the thoughts of all of us go out to the family of Diana, who would be greatly shocked and grieving at this great tragedy. Our thoughts go out to her sons and to those in the Royal Family who would also be grieving as a result.

I think it is most important that, as a parliament, we extend our thoughts to the people of the United Kingdom who are greatly attached to the history of their monarchy and to all of those people who have made a contribution to the development of that country. There would be many millions of people in the United Kingdom who would be deeply saddened by this event. Our thoughts go out to them. Mr Speaker, I repeat that we wholeheartedly support this motion.

MR MOORE: Mr Speaker, in rising to support this motion and the comments made by the Chief Minister and the Leader of the Opposition, I too extend my sympathy particularly to the family of the Princess of Wales. The Princess of Wales has been brought to us by the international media. She represents, in many ways, the beginning of a new phenomenon whereby an individual can be brought to the world through the media so that each of us sees her as our own friend, as a person who we believe achieves a great deal, and particularly in relation to the issues raised by the Chief Minister.

Mr Speaker, I remember the first time I shook the hand of somebody whom I knew to be HIV positive, an AIDS sufferer, and I remember my concern at doing it. In fact, recently I met the person and mentioned the concern I had at the time. When somebody takes an action like that, in retrospect it is easy to recall that there was not any particular danger, that it was fine; but, at the time, one did not know that. At the time, the Princess of Wales was not sure about the risks to herself. We saw that she was prepared to take the same risks to raise the issue of landmines. It was these sorts of actions taken by the Princess of Wales that, I think, made her a special person to many people across the world.

I will not reiterate the words of the Chief Minister and the Leader of the Opposition. It is important for us to think about what a legislature like ours can do in response to the issues that come out of this. I think one of the most important issues is the issue of privacy. Where we draw the line between the right to privacy and the right of the free press to be able to publish and speak freely is an issue that needs to be dealt with, not just by us but by legislatures internationally. It is for that reason, Mr Speaker, that I think it is appropriate that our representative on the Commonwealth Parliamentary Association,

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who will attend the next meeting of that association, write to that association and say that that should be an issue for debate at its next meeting. We know that this death will touch every single member of that association, every member of a Commonwealth parliament across the world.

Mr Speaker, I support the motion moved by the Chief Minister. With the sadness that comes from our community, we should send our thoughts to the people of the United Kingdom as well as to the family of the Princess of Wales.

MS HORODNY: Mr Speaker, like millions of people around the planet, of all ages, all classes and all races, I too have been quietly fascinated by, and at times interested in, Diana, Princess of Wales. On Sunday I found the news very shattering. I wondered why so many of our tragedies recently have occurred on a Sunday. I recall that the Martin Bryant incident at Port Arthur was on a Sunday, the Thredbo tragedy was on a Sunday, the hospital tragedy was on a Sunday, and now the Diana tragedy was also on a Sunday. I have no answers to why these things happen on a Sunday.

As for what she meant to me for all these years, the years since I watched this clumsy young woman marry a prince and go on to bare her life to the world, for me she was the human face of British royalty. Through her, we saw the cracks and the strains of a social order which was sitting uncomfortably in a modern society where old values, like rusty chains, I believe, for better or worse, have simply fallen away.

I was always able to identify with Diana's shyness, with her pain, with her sadness, with her marriage breakdown, with her desire to raise her children outside the stifling environment of the monarchy. I identified with her ability in recent years to develop a maturing confidence with public speaking, with the media, with articulating her frustrations and desires, with tackling the world on her own and finding a place for herself in that world.

Over the years, she has taken up many important issues, such as AIDS, leprosy and children's cancers. In recent months, her very serious work in Bosnia and her work on landmines have gained her a lot of international respect. I am sure that this Assembly speaks for all Canberrans when we say how sorry we are to hear of her death and how sad we feel for her two sons.

Question resolved in the affirmative, members standing in their places.

VISITORS

MR SPEAKER: I would like to recognise the presence in the gallery of pupils from Garran Primary School. Welcome to your Assembly.

**REMUNERATION TRIBUNAL
(CONSEQUENTIAL AMENDMENTS) BILL 1997**

Debate resumed from 26 June 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (10.48): Mr Speaker, the Opposition will be supporting this Bill. This Bill merely changes the reference to a tribunal from the Commonwealth Remuneration Tribunal to the ACT Remuneration Tribunal across a host of statutory authorities and those sorts of organisations. It is a mechanical Bill, and one that we have no difficulty with.

MS TUCKER (10.49): Obviously, the Greens are a bit concerned about this. We were concerned about the setting up of the original Remuneration Tribunal in the ACT. We sought to have the proposition sent to a committee at that time. We were hoping that the Public Accounts Committee could look at particular issues, the first one being whether we needed our own Remuneration Tribunal and the second one being whether there were any possible mechanisms to link public office-holder and contract employee salaries and conditions to those of permanent ACT public sector employees to avoid a wage blow-out at the senior executive level. It has come up in this place since. On a couple of occasions, Mr Osborne was concerned after he received answers to questions on notice. We will continue to put submissions to the Remuneration Tribunal to address these particular issues. So far, we have not received more than acknowledgment of the concerns that we have raised; but we are still not convinced that there has actually been any real benefit at all from having our own, and there has been a cost to the ACT.

MRS CARNELL (Chief Minister) (10.50), in reply: Mr Speaker, the passage of this Bill at this time is important, as the removal of contradictory references dealing with remuneration and other entitlements for statutory office-holders will enable the Remuneration Tribunal to review the statutory offices and appointments at a hearing scheduled for 7 November 1997 - this year - Mr Speaker. The passing of this Bill will also complete the process, established by the Remuneration Tribunal Act 1995, of providing an independent process for determining and reviewing remuneration and other entitlements for statutory and non-statutory office-holders. I thank those members of the Assembly who are planning to support this legislation. Mr Speaker, I am very pleased that this process is finally going to come to completion.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1997

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

That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (10.52): Mr Speaker, since this matter came before us last, I have had the opportunity to talk to a range of people. The Minister generously provided me with a briefing late yesterday afternoon. I was just traversing some advice from the Minister, which I expect is now in my office, which goes to some of the issues which I dealt with in respect of the exemptions. In dealing with this matter, I think I should also deal with some amendments to be moved by Mr Moore in the context of the proposed legislation.

I have been troubled somewhat by the exemptions clause. I was at first informed that the Occupational Health and Safety Council had approved of it. To see provisions within legislation which exempt the provisions of the Occupational Health and Safety Act - for example, for an employer, a class of employers, an employee, a class of employees, a workplace or a class of workplaces - to me, is a very serious business. One can imagine that, in those circumstances, the entire Occupational Health and Safety Act might not apply in respect of that range of employers and employees.

I note that the legislation provides for a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act. Mr Moore, with his amendments, has addressed the issue of whether the disallowable instrument for the purposes of section 10 of the Subordinate Laws Act should apply to all of the proposed areas of exemption. I am inclined to agree with Mr Moore in respect of that, unless I hear some substantial evidence to the contrary from the Minister in response to these amendments once they are moved. I feel that, if there is to be an exemption, it is something that ought to be able to be pursued by this Assembly when it occurs. My difficulty is that, in some of these cases, the exemption might not hit the Assembly until after the event, if it is in relation to a particular event or the use of a particular piece of equipment or to exempt particular actions by employers or employees. So, I am troubled by the proposal to provide the disallowable instrument only in respect of those groups. At this point, I am inclined to support the move by Mr Moore.

Mr Moore raised another matter, in relation to the Administrative Appeals Tribunal, and I would like to hear an explanation of this issue as well. I will put a hypothetical to the Minister, which he may wish to respond to. The Minister receives an application for an exemption from this legislation, which has been passed by this Assembly and is law in the Territory. The Minister refuses to grant the exemption because he does not believe that it is appropriate, for a range of reasons. The matter ends up in the Administrative Appeals Tribunal and the decision of this Assembly to apply occupational health and safety laws to a workplace or that range of possible exemptions included in this Bill, or that refusal to give an exemption, is overturned by the Administrative Appeals Tribunal.

It was never the intention of the Occupational Health and Safety Act to give the power of the legislation to some other body, on my reading of it, although it is fair to say that there ought to be some appeal rights. If this Assembly decides that there is an exemption option available to the Minister, then, one would expect, there has to be some right of appeal to deal with the matter. From discussions earlier this morning with Mr Moore - I do not think I am exposing a confidence - it seems that the AD(JR) Act and the Supreme Court may indeed provide an avenue of appeal, ruling out the necessity for this Administrative Appeals Tribunal position anyway. But, on the face of it, if the Assembly chooses to grant the Minister the right to make exemptions, there has to be some sort of appeal right if he refuses to give them. So, I am not inclined to support Mr Moore at this point in relation to the striking out of subsection (4).

Mr Speaker, yesterday when I was being briefed by departmental officials, I put to them: When in the past have you needed these exemptions? When in the past have you provided exemptions under the old legislation, which is, in effect, to be superseded by these provisions - the Machinery Act and the Scaffolding and Lifts Act - in all of its representations? When in those circumstances were exemptions given? In the case of the Scaffolding and Lifts Act, there is no exemptions clause, as far as I can make out. There is an exemptions clause in the Machinery Act.

I am reading the information that the Minister has just provided to me. The advice did talk about exemptions for some pressure vessels. I am still inclined to think that, overall, the case has not been made out for giving an exemption at all. I am not entirely confident about that exemptions clause, although at the end of the day, noting that the Occupational Health and Safety Council has given this its approval, I would be prepared to support this exemptions clause very cautiously, because I am still very cautious about the approach that the Government has decided to take.

I read in the speech or the explanatory memorandum which goes with this Bill that there were some savings that could be made in relation to the matter. It is always worth while to find savings. It talks about financial considerations - the Bill is expected to result in a loss of \$400,000 in revenue. It is put in a way that it might be some sort of incentive to business - that, if they did not have to pay that \$400,000, they might be able to do something else with the money which is more productive. That may well be the case; but I would hate to see that as being the driving force to this amendment, rather than some sensible occupational health and safety reason. Mr Speaker, I will listen with interest to the Minister's response to what I have said and to any response that Mr Moore would wish to make in response to what I have said, and I may come back to it later.

MR MOORE (11.01): In rising to address the in-principle stage of this Bill, Mr Speaker, I have to say thankyou to the crossbenchers. Thank goodness the crossbenchers were able to do the scrutiny of this legislation. The scrutiny by the official Opposition was inadequate. We did not rely on the Occupational Health and Safety Council or on the unions to say, "Yes, it is okay. It is fine by us. Therefore, that is the end of the matter". Rather, Mr Speaker, we took care to look at it in great detail.

The main thrust of this Bill is to include some remaining areas of regulation covered by the Machinery Act and the Scaffolding and Lifts Act under the aegis of the Occupational Health and Safety Act. This is an agreeable objective, Mr Speaker. In summary, my concern about the Bill is that sections of it undermine the wide coverage of the occupational health and safety legislation by use of ministerial power under section 7 to exclude the application of the law. There are four points that I will deal with, Mr Speaker. The first point is unsound delegation of legislative power; the second point is inappropriate rights of review; the third point is the undesirable removal of disallowability of fee determinations; and the fourth point is a growing tendency to advance legislation with elements which offend against good constitutional and legal principle.

Mr Speaker, on the first point - unsound delegation of legislative power - the Bill substitutes for section 7 of the Act a new section 7, which widens the scope of the Minister's powers to exempt bodies from the application of the Occupational Health and Safety Act. We have to ask ourselves, Mr Speaker, why we should provide exemptions, anyway, from a piece of legislation that provides for protection of workers. That is what occupational health and safety is about. The proposed new section extends the power to individual employees, employers and workplaces. This end in itself may actually not be inappropriate, if the Minister can give examples of where such an exemption would be necessary or where it would make sense. In any event, very narrowly defined classes could be determined using the existing law to achieve the same result. So, I do not think it is necessarily a change in result, but it is a good time for us to consider it.

However, while the current section provides that a determination of exemption is a disallowable instrument - that applies right across the current law - the new section requires only the class exemptions to be disallowable. In other words, new individual exemptions would not be disallowable. This is an extraordinarily broad power for a Minister to possess, for the Minister could exclude the operation of the law without review of their decision. The Assembly should not be party to such broad delegation of legislative power. The interesting part is, Mr Speaker, on reading the legislation and the explanatory memorandum, it purports to maintain the principle of disallowability but this legislation reduces its range. That is why I believe that, on his first reading of the Bill, Mr Berry missed it, as indeed, on my first reading of the Bill, I missed it as well. It appears to increase disallowance. In fact, it applies disallowance to a limited number of classes and, by doing that, it actually reduces disallowance. It reduces the power of the Assembly to monitor what is going on in terms of occupational health and safety.

The final result, Mr Speaker, is that a member of the Executive would have a non-reviewable power to make an essentially legislative decision, one determining the application of the law. Contrast this with a disallowable instrument, which takes on the character of a proposal made by the Executive but with the final decision made by the legislature, by act, omission or a disallowance motion. To correct the problem but leave in place the broadening of the range of exemptions which the Minister can - subject to disallowance - grant, we need only remove the words in the proposed new section which limit disallowability to the class exemption powers. You will see that in my amendment No. 2. Mr Speaker, I think it is worth reminding you that the amendment would not

undermine the primary objective of the provisions of the Act. It is also important to remember that we are not talking about just the particular Minister who sits before us here today. We are talking about law that applies to whichever Minister happens to take on this portfolio responsibility.

Mr Speaker, the second issue I want to raise is inappropriate rights of review. A new capacity is created for persons to formally apply to the Minister for an exemption from the application of the Act. This is not a great change, since in any event persons could informally request the Minister to exercise their power under the existing Act to make changes. However, refusal of an application would, under the new section, attract a right of appeal to the AAT against the Minister's decision. Proposed subsections 7(3) and 7(4) provide for this right in a fairly conventional manner. Mr Speaker, when we come to the amendment itself, I shall paint a scenario, or tell a story, of the danger of this particular Act and how it allows the Administrative Appeals Tribunal - a body that is designed to review administrative decisions - to actually overturn the decision of the legislature.

Whilst at first glance this seems like the creation of a right of appeal in the citizen, in the context of this section and the argument I have just raised, it could become something quite different. The possible result is that a person who is aggrieved by the Minister's failure to decide in their favour in the exercise of a quasi-legislative role or a wholly legislative role - in the first case, where disallowability applies and, in the second, where it does not - may appeal to an administrative agency for a review of that decision, with the possible outcome that the tribunal may direct the Minister to exercise the legislative power in a particular manner. Mr Speaker, I think that this is constitutional principle that has lost its way. It has gone mad.

The proposed power, not being genuinely administrative in nature, should not be artificially given an administrative character, and private persons ought not to be armed with a power to potentially force the making of a legislative decision. The matter can be easily corrected by the omission of proposed subsections 7(3) and 7(4). The references to an "application in writing" should also be omitted - it is logically superfluous in any event - from proposed subsection 7(1). My amendments Nos 1 and 3 deal with that, Mr Speaker. These amendments would not fundamentally change the objective of the Bill either.

My third point is the undesirable removal of disallowability of fee determinations. Clauses 6 and 7 of the Bill have the effect of making the determination of fees for appeals to the OH and S Review Authority no longer a disallowable instrument. This is achieved by a redesign of the drafting of the Minister's fee-making power. So, in fact, it is partially concealed. No mention of this result is made in the explanatory memorandum or the presentation speech. I think the fact that it is not mentioned in either is itself worthy of criticism as well.

Mr Speaker, clause 8 inserts a new, clearer foundation for the fee-making power. We should maintain the principle of disallowability of instruments on every occasion, unless some very good reason exists for not doing so. The simplest and most thorough amendment which would apply the principle of disallowability to all fee-making instruments is to let clauses 6 and 7 of the Bill stand - they have the minor useful value

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of placing the reference to the fee in the same section as the reference to the application for review to which the fee applies - but to add to the proposed section 96A in clause 8 a new subsection containing the conventional words which attract the operation of disallowability. That is my fourth amendment.

Mr Speaker, my concern is not just about this occupational health and safety legislation, but about a growing tendency, particularly coming from this Minister's office. I must be fair and say that my criticism actually applies to his predecessor who tabled this legislation. I realise that there is an overlap there. Nevertheless, I think it is very important that we look at a good constitutional and legal principle. That is why I will be raising concerns with reference to the Motor Traffic Bill (No. 2), which removes the access to the Magistrates Court to challenge administrative decisions on special licences; to the use of minimum sentences, in the Motor Traffic (Alcohol and Drugs) Bill, undermining the proper sentencing role of the court; and, in the Motor Traffic (Alcohol and Drugs) Bill (No. 2), to an intrusion into personal autonomy in the compulsory blood sampling proposals.

Mr Speaker, I think there is also a role for the Attorney-General here to look at the legislation and to ensure that this recent trend in legislation is not followed up. I think it is very important that we deal with this now, so that we do not slip into some of the most appalling pieces of legislation that have come into Australian law in other jurisdictions, where people have no ability to appeal before courts - the "three strikes and you are in" sort of legislation. I know that it has not been proposed here, but that is the direction that I draw attention to.

Mr Kaine: Might I refer you to the question of relevance, Mr Speaker.

MR SPEAKER: Yes.

MR MOORE: I take the point, Mr Speaker. In this particular place, I have a number of concerns about the occupational health and safety process. I have foreshadowed those amendments, and I have certainly discussed them with Mr Kaine, who has already said that he is quite comfortable about accepting some of them. I think the others will be able to be debated.

MR Kaine (Minister for Urban Services and Minister for Industrial Relations) (11.11), in reply: Mr Speaker, I was most interested in what Mr Moore had to say. Of course, much of it, I warn members, has no relevance at all to this Bill. That is a debate that will take place later in the week, hopefully. I think it is worth while reviewing what these amendments are all about. What we are attempting to do here is to incorporate into the Occupational Health and Safety Act provisions that currently exist in two outdated, obsolete Acts. One is the Machinery Act 1949 and the other is the Scaffolding and Lifts Act 1957. Both of those Acts were good Acts when they were introduced way back in antiquity, but they have become obsolete and unrelated to today's workplace. So, we are attempting to incorporate the essential provisions from those Acts into the Occupational Health and Safety Act, and that will allow us then to repeal those two old, obsolete Acts.

Mr Moore is perhaps seeing some phantoms that do not exist. His principal objection to the Bill seems to be that it focuses on the question of whether a determination of a Minister ought to be disallowable or whether it ought not to be. What we have tried to do here is strike a balance between disallowability and the ability of this Assembly to determine, right here and now, in terms of the Act itself, what should be done in the future.

There has been some emphasis in recent years, particularly in discussion in this place, on how we deal with subordinate legislation and determinations of Ministers consequential upon Acts and the like. There is an opinion, which Mr Moore strongly advocates, that all such subordinate laws, all such subordinate regulations and all such determinations by a Minister should be disallowable. I think we have to balance that with how much business this Assembly can cope with, bearing in mind that our principal task is to legislate. What we are doing by making so much of our legislation, our subordinate regulations and the like disallowable is imposing an enormous future workload on this place, because at some future time every disallowable instrument will emerge back in this place for debate again. I think that we have to ask how much of this mundane, administrative-type material should be disallowable. That question then leads to further debate, time and time again here, which distracts us from our principal purpose of getting major legislation on the table.

I have no objection, in principle, to those amendments which Mr Moore has foreshadowed, which we will deal with when we come to the detail stage - except that they create a potential workload for this legislature which, in my view, is unproductive. In terms of the operations of the government departments, we seem to have adopted the principle: Let the managers manage. In terms of subordinate regulations and subordinate legislation, why not let the system do its thing? There is always the option for the Assembly to bring something back here for debate at some future time, if members disagree. You do not have to make every instrument disallowable to permit the Assembly to redebate the issue. In principle, I do not have any strong objections to Mr Moore's amendments. I would prefer that they were not adopted, because of the consequential workload that it will create.

There is one aspect of the matter, however, which I think I need to deal with in principle. That is that an individual or an organisation, an employer, an employee and any aspect of the workplace about which a Minister might issue an exemption also should carry the right of the person affected to appeal against that decision. The range of things for which the Minister can be called upon to consider an exemption is quite wide. They have to do, for example, with the qualifications of people. If a Minister is hampered in exercising his discretion to issue exemptions, for example, it may be that a person with some minor disability cannot be issued with a certificate of competency to practise his trade. There may well be circumstances in which, say, someone with a hearing disability - a partial loss of hearing - under normal circumstances, could not be issued with a certificate of competency without an exemption from the Minister. Yet there are many places where, and many occasions on which, such a person can ply their trade without any concern at all, with all the conditions of safety in the workplace still being observed. So, the Minister, in such a circumstance, has to be able to issue an exemption.

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It may have to do with the condition of equipment. It may have to do with the ability of a person to operate certain equipment in strange circumstances; for example, a farmer using a tractor with a lifting attachment to it. In normal circumstances, before he could use that lifting attachment, he would be required to have a crane operators licence. Are we going to say to every farmer in the nation, or at least in the Territory, "You cannot operate that lifting device on your tractor until you have a crane operators licence."? That is an absurdity. Of course, the Minister ought to be allowed, having due regard for safety and occupational health on the job, to issue an exemption where it is warranted.

There are all sorts of ways in which exemptions can be raised. They can be raised under the existing machinery regulations, under the inspection of machinery regulations and under the existing scaffolding and lifts regulations. There are many circumstances in which a Minister can be asked to make an exemption or may consider that an exemption is appropriate. The Minister having made that determination whether or not such an exemption will be granted, that person ought to have the right of appeal. The third of Mr Moore's foreshadowed amendments seems to me to have just the opposite effect. Where the Minister has declined to make an exemption, it removes the right of the person concerned to appeal. I do not know whether that was Mr Moore's intention.

Mr Moore: It is. I will explain it.

MR KAINÉ: Why, then, does Mr Moore want every instrument to be disallowable, so that he can have a shot at challenging it, yet the person concerned, who has been denied an exemption, Mr Moore says, should not have the right of appeal? I do not see the logic of Mr Moore's position on that. However, as I said, Mr Speaker, our intention is to repeal outdated regulations and outdated law, to bring the relevant aspects of those obsolete laws into the Occupational Health and Safety Act, in the context of today's world rather than in the context of the world of 1949 or 1957. I believe that there are great advantages in our doing so.

Mr Moore made an off-the-cuff remark about trade unions. The ACT Occupational Health and Safety Council is not a trade union body. It is a tripartite body, representing employers, employees and the Government. It fully endorses the amendments that I am putting forward. There will be regulations required once these amendments are incorporated into the Act and the revised Act becomes operational. The Occupational Health and Safety Council will advise me on the form and content of those regulations. Since the people involved at the operating level have all agreed to this, I do not see what objection Mr Moore could have, unless he has spoken to these people and finds that there are some areas of disagreement. I know of none. So, Mr Speaker, I can only commend the Bill to the Assembly. We will debate Mr Moore's amendments in the detail stage, but I urge the Assembly to adopt the new Bill in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (11.22): Mr Speaker, I seek leave to move amendments Nos 1, 2 and 4 together.

Leave granted.

MR MOORE: I move:

Page 2, lines 16 to 18, clause 5, proposed paragraphs 7(1)(a) and (b), omit the proposed paragraphs.

Page 2, line 28, clause 5, proposed subsection 7(2), omit “paragraph (1)(d), (f), or (h)”, substitute “subsection (1)”.

Page 3, lines 15 to 17, clause 8, proposed section 96A, omit the proposed section, substitute the following section:

“Fees

‘96A. (1) The Minister may, by notice in writing, determine fees for the purposes of this Act or the Regulations.

‘(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.’.”.

Mr Speaker, these are the areas that, judging from the in-principle stage of the Bill, were not controversial. They raise the issue of ensuring that the power of disallowance remains in a broader way. Mr Speaker, I draw members’ attention to the fact that I distributed to members a slightly amended version of my amendments, which will have the effect of ensuring that the drafting of the amendments is done correctly, in terms of the detail and in terms of the way it would appear. I have taken advice from the Parliamentary Counsel that that is a slightly better way to deal with amendment No. 2.

In his speech in reply to the debate, the Minister, Mr Kaine, talked about disallowable instruments increasing the workload of the Assembly and said that this is something that we ought to be very careful of. The reality is that disallowable instruments have not increased the workload of the Assembly particularly. In fact, the very way they operate has the opposite effect. What happens is that a Minister makes a decision, knowing that the decision he makes is subject to disallowance, and therefore a great deal more care is taken to consult other members to ensure that subordinate legislation is not prepared in a way that would be considered inappropriate by the Assembly. That being the case, it is a very unusual thing for a member to move disallowance.

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I could count on one hand the number of times disallowance has been moved in this Assembly, let alone disallowance using the power to amend a particular section of subordinate legislation. It is an entirely appropriate power for an Assembly to have. It has not been used excessively. It is unlikely to be used excessively. If there does appear to be a growing trend to move disallowance, then we are likely to see much more care taken in the way subordinate legislation is prepared. Mr Speaker, I commend my amendments to the Assembly.

MR KAINÉ (Minister for Urban Services and Minister for Industrial Relations) (11.25): Mr Speaker, as I indicated in the in-principle debate, I do not have any enormous difficulty with these three of Mr Moore's amendments. I do not know that they add anything to the Bill. They certainly do not detract from the Bill, except in so far as there is the potential for all of these instruments to increase our workload. I do not know how many there are likely to be. It may be that there will not be a lot of determinations. So, perhaps at the end of the day Mr Moore's argument is a valid one. We do not have any particular difficulty with these three amendments. Obviously, I would prefer the Government's Bill to go through in its original form. It was not put together without logic and reason. I believe that the best outcome would be for the Government's Bill to be adopted; but, of course, it really is up to the Assembly to vote on that.

Amendments agreed to.

MR MOORE (11.27): I seek leave to move amendment No. 3 circulated in my name.

Leave granted.

MR MOORE: I move:

Page 2, lines 31 and 32, and page 3, lines 1 to 6, clause 5, proposed subsections 7(3) and 7(4), omit the proposed subsections.

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

LAW REFORM (REPEAL OF LAWS) BILL 1997

Debate resumed from 26 June 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR MOORE (11.28): Mr Speaker, the Law Reform (Repeal of Laws) Bill is not a particularly outstanding Bill. The idea of the Bill is simply to deal with pieces of legislation that are left over from a body of New South Wales legislation that has applied to the ACT from 1909 and 1910. The Minister, in tabling this Bill, drew our attention to some 550 private Acts made in New South Wales between 1832 and 1910. He said that private Acts have particular application to a person or a group such as a public company or a local authority and do not have general application.

This Bill, which I believe is entirely appropriate, draws our attention to the need for us to look at other pieces of legislation currently in our body of legislation. It has come to my attention, for example, that there is a whole series of legislation dealing with the churches and how the churches act in terms of their property. Perhaps it is time to look at those and ensure that churches act in the same way as other groups of citizens with regard to property rather than having special pieces of legislation. I do not wish to undermine the rights they are entitled to and have at the moment, but rather to clarify legislation, as this piece of legislation does. The Attorney-General has also taken the opportunity to repeal three ACT laws which are no longer relevant.

This Bill raises a general issue of principle about legislation that was made deliberately for private actions to be taken, to support private companies, to support particular estates and to support particular individuals, about whether or not we should use this form of legislation ourselves and about the extent to which it allows people to make their own decisions based on an individual case rather than one that is applied to the population as a whole. I will be supporting this piece of legislation, but I think it does give us an opportunity to think through some of those principles.

MR HUMPHRIES (Attorney-General) (11.31), in reply: I had the advantage of discussing this Bill briefly with Mr Wood earlier in the chamber and I understand that he expresses support for the legislation. I am pleased to convey the Opposition's support, as I understand it, for this Bill. As Mr Moore has noted, this legislation tidies up a large number of pieces of legislation which are outdated and which need to be removed from the statute books, if only for the sake of reducing the sheer volume of outdated material which remains on our statute books.

The use of private legislation - legislation to effect private purposes such as the incorporation of companies, the correction of wills and even divorces - is a practice which, thankfully, has not continued much beyond the beginning of this century. That, of course, greatly relieves the Assembly of much tedious work which would otherwise be its responsibility. I think it is important that we progressively work through the process of clearing the statute books of legislation which is not necessary and does not contribute to citizens' understanding of the law that affects them.

We need to take very seriously the maxim in the law, to use the Latin phrase, *ignorantia juris non excusat*, which means ignorance of the law is no excuse. By making sure that we remove laws which are not relevant any longer to the citizens of the Territory, we enhance the capacity of citizens to understand, by looking at what remains, what their responsibilities as citizens are. I thank members for their support and I commend the Bill.

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MR WOOD: Madam Deputy Speaker, I seek the Assembly's leave to make a short statement.

Leave granted.

MR WOOD: I thank you for your tolerance on this Bill of very massive importance. It is obviously supported by the Opposition, although I must say with a little disappointment that no longer will the Act applying to Yongaleatha Marble, Flag and Flux Co. Ltd be part of our purview! There is a fascinating series of private Acts that we are now dispensing with. I am sure there is a lot of potential for historical interest in some of this stuff, but it is not an interest that this Assembly needs to have. We support this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

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

That this Bill be agreed to in principle.

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

VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL 1997

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

That this Bill be agreed to in principle.

MS McRAE (11.35): This Bill is very straightforward and the Opposition will be supporting it. It is a curious Bill because it catches up with something that nobody saw at the time the legislation was amended to allow for the registration of new providers, not that there was any reason for anybody to actually see it. Strangely, people who had been registered up until then, albeit not by legislation, were somehow not caught up in the new legislation. It is a perfectly sensible Bill to ensure that the legislative sweep now covers all. The Bill allows also for reporting times which fit better into our patterns of reporting. The Opposition has no opposition to this Bill and will be supporting it.

MR STEFANIAK (Minister for Education and Training) (11.36), in reply: As I indicated when I introduced this Bill, the proposals are minimal but will enhance the efficient functioning of the vocational education and training sector. I thank Ms McRae for her comments. I do not think there is anything that I need add.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Ginninderra Drive and Mouat Street, Lyneham

MR MOORE (11.37): I present Report No. 33 of the Standing Committee on Planning and Environment, entitled "Report on Ginninderra Drive/Mouat Street, Lyneham (being the first outcome of the inquiry by the Standing Committee on Planning and Environment into proposals for the John Dedman Parkway and Ginninderra Drive/Mouat Street, Lyneham)", together with a copy of extracts of the minutes of proceedings. I move:

That the report be noted.

It is an interesting aside that during the preparation of this report my committee met for the hundredth time and has now tabled its thirty-third report. We would perceive quite a number of reports still having to be tabled, looking at the work and the likely number of variations to the Territory Plan indicated by the Minister for Planning.

This issue is a quite sensitive issue and it is one in which there is effectively a no-win situation. No matter which way this report went, it was quite clear that there were going to be residents who were terribly unhappy. We have taken a great deal of time and care not only to explain the views that were put to the committee but also to note very carefully the reasons we came to our conclusion. The conclusion of the committee on whether Ginninderra Drive should be extended reads:

The committee notes that, while there is no declared intention by either the ACT or Commonwealth Government to construct the Ginninderra Drive extension, the issue has become topical ...

Indeed, our committee was partially responsible for that. The report goes on:

It has been brought into this committee's deliberations because it links to what might happen to Mouat Street and, ultimately, to proposals for the John Dedman Parkway.

The committee has no power to resolve this issue. I want to draw that to members' attention. In fact, it is, of course, an issue to be resolved by the Assembly as a whole. Indeed, that applies to variations to the Territory Plan too. The committee makes a recommendation to the Assembly indicating what we believe the Assembly should do; but, of course, members are still free to act out of their own considerations. In this case we have a unanimous view of the committee that no further effort be made to proceed with an extension of Ginninderra Drive. The committee acknowledges that an expenditure of \$9.65m on the extension could be justified if it solved the problems of the whole area; but, after careful examination of the evidence, the committee concluded that such expenditure is not warranted, because not only would it not solve the problems of the area but it would in itself create a whole series of new problems.

The committee reached this conclusion for several reasons. First, the cost of the extension was not matched by the benefits. Second, the extension would cause major problems on Northbourne Avenue. Third, it would simply transfer problems of rat-running from one side of Northbourne Avenue to the other. Fourth, it would not provide a long-term solution to the traffic problems of North Canberra. In short, Mr Speaker, the committee considered that there is not sufficient evidence existing to justify the committee recommending to the Government that the whole issue of extending Ginninderra Drive be reopened.

I know that this decision of the committee will not suit some of the people who lobbied us. Nevertheless, it was important for the committee to examine the issues carefully. We did so carefully. I must say that all members of the committee approached this with a very open mind. I have already had a phone call suggesting that that was not the case, but I do know it to have been the case. We approached it with an open mind and looked at the issues in front of us, and we have taken care to explain our decision. The recommendations read:

The Committee recommends that the ACT Government:

request the Federal Government to promptly delete the Ginninderra Drive reservation from the National Capital Plan;

adjust its current Capital Works Program to facilitate an immediate start on the installation of traffic lights at the Mouat/Brigalow intersection and the placement of turn restrictions at Archibald/Mouat Streets (costing approximately \$750,000 in total);

urgently write to the Federal Government to request that it advance its timing for the Barton Highway to be duplicated, particularly in light of increased traffic using that road once Gungahlin Drive is opened in the near future;

...

I suppose the Chief Minister may be the appropriate Minister to write to Minister Warwick Smith on that issue, or it may well be Mr Humphries. Finally, we recommend that the Government “consider funding some noise attenuation measures in homes fronting Mouat Street, given that the traffic volumes along that street are not going to decrease”. On behalf of the Standing Committee on Planning and Environment, I commend the report to the Assembly.

MS McRAE (11.43): I rise to speak because this was an inquiry of intense interest to a group of people in Canberra who have every right to be concerned about what has happened to their suburb in particular. Lyneham suffers in two ways. It is actually the back of an employment centre. There is employment along Northbourne Avenue that people seek to access. It is also the heart of employment for a group of professional suites in the shopping centre as well as at least three schools and aged persons homes. It is a very attractive setting for an awful lot of people to go to.

What has happened over the years is that not only has it remained an active employment centre but by being at the edge of the city it has in fact become part of a thoroughfare for a lot of traffic coming from the north and now from Kaleen and Gungahlin. For many, the tragedy began for Lyneham when it was not agreed that Ginninderra Drive should go through. I know that a lot of people have been pinning their hope on Ginninderra Drive being extended, as if this could solve their problems.

I, for one, despite what some people may choose to say, was very open-minded about the possibility of reopening Ginninderra Drive and would have been happy to recommend that, as other members of our committee would have been, if it would solve the problems. As the evidence mounted, it was clear that the extension of Ginninderra Drive was not going to solve the problems. It would create a series of new problems, and there was no way that Lyneham, in the contemporary development of Canberra, was going to be able to be cocooned away from the onslaught of traffic that is now coming from at least three different directions.

I think that the solution we have come to, for the moment, is a very practical one. The traffic lights can be regulated in a way to minimise the attraction of rat-running. If you go and speak to people, you find that every suburb has a street which people complain, quite correctly, has become the rat-running street of that suburb. Canberra was almost planned in such a way that one of the streets in each suburb would be the thoroughfare. It seems that Lyneham actually has three.

Tucked away in the body of the report is a point which is made quite firmly, namely, that now that this decision has been made by the committee, now that the traffic lights are to proceed, officials should get into close consultation with the residents to realistically put through some traffic calming measures. There is mixed opinion about those. Many members of the community simply do not want any traffic to come through at all and do not think that traffic calming is going to make much difference. However, I have a reasonable amount of faith in the possibility of good traffic calming measures. I have seen them in other suburbs. I think that, if the officials proceed with close consultation with the community, the community will find that there are ways to make their lives more bearable with the onslaught of the traffic that is coming through and will continue to come through.

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The other recommendations that Mr Moore has already read out are well focused. There is every possibility of the Barton Highway being duplicated within the next five years, not the next 10. I think that that will have the immediate impact of alleviating some of the problems of Mouat Street as well as helping the residents of Gungahlin considerably, particularly with the opening of Gungahlin Drive, whose intersection with the Barton Highway will only serve to slow traffic rather than smooth it through.

I would like to put on record my sincere thanks to all the people who did appear before the inquiry. It is an issue that has been bubbling away now for 10 years. I think that today's report will go a long way toward meeting some of the needs of the residents and achieving some level of traffic sanity in that suburb. Eventually this report will become part of the consideration of a bigger program of traffic management in North Canberra which will have to include the debate about the John Dedman Parkway, the debate about the Majura ring road, the debate about the Barton Highway and the debate about all those connecting roads. This report makes it quite clear that, whatever happens with all of that, no one suburb should be the one that attracts all the traffic as people try to cut through the suburbs and speed up their journey into Civic. I commend the report to the Assembly.

MS HORODNY (11.49): The Greens originally put forward the motion requesting that the Planning and Environment Committee examine the traffic levels on Ginninderra Drive and Mouat Street. We expressed concerns that have been raised over a prolonged period of time by Lyneham and O'Connor residents about the traffic conditions on Mouat Street in Lyneham. Over the years Mouat Street has become a major connection between North Canberra and Belconnen and Gungahlin, despite the fact that the predominantly two-lane Mouat Street was not designed to be an arterial road. Over the years, as Belconnen has expanded and Gungahlin is now being developed, the traffic on this road has increased exponentially to the point where its impacts are felt widely across Lyneham in terms of noise, vibration and fumes, never mind the impact on the people who actually live on Mouat Street and who have to battle just to get in and out of their driveways. The intersections on Mouat Street, particularly those with Brigalow and Archibald streets, are also very dangerous because of the great volume of traffic, and many local residents go out of their way to avoid these intersections.

We were pleased to allow the residents and all other interested people and groups to come to the committee to express their concerns and to argue for particular solutions to this problem - solutions such as extending Ginninderra Drive - but a decision ultimately had to be made about what is the most desirable solution for the traffic problems on Mouat Street, and the committee came to the conclusion that extending Ginninderra Drive was not cost effective in providing that sort of solution. While on paper the extension of that drive did seem to be an elegant solution of sorts, there are a number of complications with this option.

We have often said that there is a need for an integrated transport strategy for North Canberra. This would not only attempt to keep cars out of residential areas better but also reduce the overall numbers of cars on the roads. We believe that the Government still needs to consider a full range of transport options for reducing traffic on Mouat Street. That would include improving public transport services to Gungahlin and to North Canberra. We certainly do not want the situation developing where all we are doing is moving that traffic problem from Ginninderra Drive to Northbourne Avenue.

The Planning and Environment Committee is still looking into the John Dedman Parkway issue. I hope that we will be able to look broadly at all the impacts of that on North Canberra and, hopefully, come up with an integrated approach to addressing increased traffic flows in North Canberra.

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

Sitting suspended from 11.53 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Business Incentive Scheme

MR BERRY: My question is directed to the Chief Minister. On 21 November Diskdeed Printing Technologies Pty Ltd was convicted in the ACT Magistrates Court of a breach of section 27 of the ACT Occupational Health and Safety Act and fined \$1,000. The conviction related to an employee trapped in an unguarded printing press. In July 1996 the Government granted Diskdeed \$60,000 under the business incentive scheme as part of a package to train apprentices. In August 1997 the same company was convicted of another breach of section 27 of the ACT Occupational Health and Safety Act and fined \$1,200 - \$1,000 for the breach and \$200 for failing to report the accident. The conviction once again related to an employee trapped in an unguarded printing press. Does the Chief Minister consider that it is appropriate to hand over government money to employers who do not comply with the Territory's occupational health and safety laws, particularly employers who habitually breach the Act? Will the Chief Minister guarantee that any funds that can be withdrawn from this employer will be withdrawn, and will she give an unequivocal commitment to this Assembly that they will receive no further government funding?

MRS CARNELL: What we will continue to do is have a business incentive scheme that actually supports companies that employ extra people in the ACT. Equally, we do not support companies that do not comply with relevant legislation. If companies do not do that, obviously they need to take the full brunt of the law. Companies are required to comply with various pieces of legislation in the ACT. Occupational health and safety legislation is one of those. I am confident that a company that is found guilty under occupational health and safety laws will be required to comply with that piece of legislation.

I will certainly have a look at this particular situation, but the bottom line is that we will stand by our business incentive scheme. It has produced some \$50m worth of new investment over the next three years. It is part of the reason we have had an extra 7,000 jobs in the ACT since November and an increase in employment every month for the last nine months. We have signed some 26 agreements with companies under the business incentive scheme. The vast percentage of those are local companies. With regard to this particular one, I am happy to find out further information.

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MR BERRY: I ask a supplementary question. Mrs Carnell, do you think the business incentive scheme is more important than the ACT Occupational Health and Safety Act?

MRS CARNELL: I think the thing that is most important in the ACT is jobs.

Motor Vehicle Inspections

MR HIRD: My question is to the Minister for Urban Services, Mr Kaine. At the beginning of last year this Government made a number of changes to motor vehicle inspection arrangements within the Territory which I understand were implemented after the acceptance of a report which had been commissioned by the former Follett Labor Government. In short, these new arrangements have ended periodic inspections of light vehicles, increased random on-the-road inspections in conjunction with the Australian Federal Police, commenced random vehicle inspections in car parks and introduced inspections on transfer of registration of vehicles over six years old. Minister, what would be the cost to our community if the Government reintroduced an annual vehicle inspection system?

MR Kaine: First, let me say that the situation of the present system as outlined by Mr Hird in his question is substantially correct. It is true that we changed the system after consideration of a report that had been commissioned by the former Labor Government. I suppose they will say, "We did not really mean to do anything about it". But they did pay to have a study undertaken, and I assume that they did that with some purpose in mind.

The question of reintroducing the full annual inspection system that we had in place is not in the minds of the Government. The reason for that is that the condition of vehicles is not a major factor in road accident statistics. In fact, while on the evidence road safety outcomes are influenced by many factors, they are most influenced by the driver of the vehicle. It is a fact that 95 per cent of vehicle crashes are caused by drivers through inattention, incompetence, excessive speed and driving under the influence of alcohol or drugs. Compulsory periodic vehicle inspections, whether carried out annually or after some greater period, simply cannot overcome this driver error. Only about 3 per cent of fatal vehicle crashes are identified as having been caused by the condition of the vehicle, and about half of these result from tyre defects such as lack of tread, underinflation or previous damage.

I turn specifically to the substance of Mr Hird's question. The State of Victoria has not required annual vehicle inspections for many years; yet that State continues to achieve a better road safety record than New South Wales, where annual vehicle inspections are still required. In October last year the RACV - the Royal Automobile Club of Victoria - estimated that introduction of annual vehicle inspections in that State would cost the community about \$260m, with a possible saving through reduced road trauma of perhaps \$60m to \$90m a year. Applying those estimates to the ACT community, I have calculated that reintroducing annual vehicle inspections would cost somewhat in excess of \$14m a year. As I say, it is something that the Government has not contemplated.

MR HIRD: I ask a supplementary question. How has the Government reached conclusions different from those of the NRMA in interpreting a recent study of random vehicle testing inspections within the Territory?

MR KAINE: The NRMA study, of course, is interesting and it is of value; but it is not the only information available to the Government. Several Australian and overseas studies have attempted to determine the safety effect of periodic motor vehicle inspections. Lack of adequate data is a significant difficulty encountered in all of those studies. The evidence to date does not support large-scale periodic vehicle inspections. For example, in a study of over 200,000 vehicles in Norway the author concluded that neither annual inspection nor inspection every third year has any effect on the accident rate in that country. The comment that periodic motor vehicle inspection could have a negative net impact on the number of injuries in road accidents by prolonging the service life of cars was also included in the discussion in the report on the relationship between technical conditions and accident rate.

The NRMA has noted that a system depending solely on random inspections must have a minimum target of 15 per cent of the fleet per year to obtain adequate data coverage and to influence motorists to maintain their vehicles. The ACT target is 50,000 vehicles in random inspections, which equates to 25 per cent of the fleet. I think that we have more than met the target that the NRMA has decided is a reasonable one. The government inspection station at Dickson and a number of private sector providers who will soon begin carrying out inspections will also perform about 40,000 full vehicle inspections each year for vehicles that are being registered for the first time in the Territory, those having registrations that have expired for more than 12 months, heavy vehicles of greater than 4½-ton gross vehicle mass, public vehicles such as taxis, hire cars or buses, and vehicles over six years of age on transfer of registration from one owner to another.

The primary responsibility for the condition of the vehicle continues to rest with the owner and driver of that vehicle. Vehicle inspections in whatever form are only one small part of the effort to reduce the road toll, and the cost-benefit of large-scale periodic vehicle inspection has not been established. Driver attitude and driver error remain the greatest causes of road trauma. Having considered all of the information available to the Government, including the report of the NRMA, I think the Government is on the right track.

Watson Hostel and Hennessy House Residents

MS TUCKER: My question is to Mrs Carnell as Minister for Health. It is about the movement of residents from Watson Hostel and Hennessy House out into the community. Could the Minister please inform the Assembly whether the people who have already moved out were given the benefit of the presence of an advocate at all interviews that occurred about the move and also whether other residents yet to move will have an advocate present at their interviews?

MRS CARNELL: The only residents of both Hennessy House and Watson Hostel moving are those who choose to move. It is that simple. If people want to stay at either Hennessy or Watson, they have every right to do so. We believe, and I think everybody who looks at this issue Australia-wide agrees, that, wherever possible, people should be deinstitutionalised. I do not think anybody who has ever had a look at either Hennessy or Watson would say that they are not small entities. They are very much more institutional models than residential models.

I am not confident about whether the people involved had advocates, but I will certainly find out. I do know that the people involved have been counselled at length and have been informed of, and helped with, the sorts of options that they may have, including staying in their current accommodation. We are making sure that in the move back into the community, which is a quite significant move for many of those people because they have been at Watson or Hennessy for a long time, they have appropriate briefings and appropriate information. My understanding is that staff, clients and the carers have received full briefings on the plans to reform the whole service and that the carers, relations or people involved with residents who are moving have been kept in the loop, shall we say, and have been part of the process to allow the people who have chosen to do so to move back into the community.

We are also making sure that there is appropriate support for those people. One of the mistakes that have been made as people have been moved out of institutions right around Australia over the years is reflected in the general feeling that in some circumstances they were, I suppose, dumped out in the community without the appropriate support mechanisms. That has been kept very much in mind in this move. We are certainly making sure that all of the people involved have adequate support, including, obviously, access to the Mental Health Service, 24-hour-a-day support counselling, help with medication and all of the other sorts of interventions that are needed for somebody who moves in this way. I will find out about advocates and exactly what happened with regard to that matter.

MS TUCKER: I ask a supplementary question. I would appreciate that information, although it is my understanding that advocates have not been present at interviews for the people who have moved so far. Will you guarantee that an advocate will be provided for people who are going to be interviewed about moving out? If this is not within the resource possibilities of existing advocacy agencies, will you make a commitment to this place that you will ensure that there is adequate resourcing to ensure that there is advocacy available for all people there?

MRS CARNELL: It is my understanding that whenever a client requests an advocate one is provided, but I have already indicated that I am happy to give more information to the Assembly on the issue of advocates.

Olympic Soccer Matches

MR WHITECROSS: My question is to Mrs Carnell in her capacity as Chief Minister and Minister for Business, et cetera. Chief Minister, I refer to an article which appeared in the *Canberra Times* on the weekend. I do not know whether you have had a chance to read it. This article claims that the ACT Government signed a memorandum of understanding with SOCOG which will see 11 Olympic soccer matches played at Bruce during the 2000 Olympics. Would you explain what commitments the ACT Government made in that memorandum of understanding and what commitments SOCOG have made, and would you provide a copy of the memorandum of understanding to the Assembly?

MRS CARNELL: It is always interesting that those opposite seem to have a very real problem with anything that is likely to produce dollars and jobs for the ACT. They claim every day that they support jobs, but the moment there is any chance of new jobs or new investment they are the first ones to be out there criticising.

Mr Whitecross: I just want some information.

MRS CARNELL: Mr Whitecross made the point, "All I want is information". That is fine. We are happy to give him information. All he needed to do was ring our office and we would have organised a briefing, but I am happy to give the information in this place.

The memorandum of understanding signed between SOCOG and Canberra, like that provided to other host venues, outlines the general principles, responsibilities and major costs for the tournament. Negotiations with SOCOG over the past six months to finalise the memorandum of understanding have involved detailed discussions on program needs as well as the financial costs and revenue opportunities for the tournament for Canberra.

The key areas outlined in the memorandum of understanding involve the following issues. The first is costs. At this time the estimated costs of staging the 2000 Olympic football tournament in Canberra is up to \$10m, which includes known service fees to be paid to SOCOG, which are capped at \$4.71m. These fees include athlete accommodation and travel, volunteer recruitment and training, as well as marketing of the venue. Undefined program areas and expenses such as security make up the balance of the estimated \$10m. These expenses will not become clearer until much closer to the event and will depend on the security risk assessment and FIFA requirements.

The next issue is revenue. To offset these costs, Canberra will receive several revenue streams from the tournament, including from ticket sales, corporate boxes, program sales and car parking. Associated events also provide revenue opportunities for the Territory. Potential ticket sales alone for Canberra are estimated at \$3m, with the remaining revenue streams potentially providing an additional \$1m to the Territory. SOCOG's ticket revenue target of \$5.286m for the tournament in Canberra has been underwritten. This agreement with SOCOG has provided the maximum revenue opportunities from ticket sales for the Territory. This SOCOG revenue represents only 60 per cent of the ticket sales. All costs and revenues to SOCOG are subject to a CPI index, with such costs to be paid in instalments beginning in the 1998-99 financial year.

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The next heading concerns directions and requirements for the tournament. FIFA - the international football body - and SOCOG will provide direction and set requirements for the tournament. These requirements can be changed in the three years leading up to the event. The MOU sets out the responsibilities for both the host city and SOCOG in the provision of requirements and the costs to be borne for the event. FIFA and SOCOG are expected to inspect the venue and logistics planning for the tournament in the lead-up and immediately prior to the beginning of the tournament, to ensure international standards are maintained. I come to indemnities, insurances and liabilities. The MOU lists the requirements in regard to indemnities, insurance and liabilities to protect the reputation and integrity of the Olympic Games and event organisers. The indemnities outlined in the MOU provide a level of assurance to SOCOG that the Bruce Stadium development will be completed in time to conduct, if required, which it will be, test events and finalise planning requirements or planning towards the tournament. It was a very long question. Mr Whitecross asked what was in the MOU. As with any significant event, insurances covering public liability are an essential element to protect the parties.

I turn to marketing restrictions for host venues. Canberra, in conjunction with SOCOG and other host venues, will produce a marketing plan to promote involvement in the Olympic soccer program. The marketing plan is expected to be finalised in early 1998 and will include ticket sales marketing, promotional activities and additional associated events which might be staged in Canberra during the event. SOCOG will maintain a significant involvement in the domestic and international marketing programs for all host venues and cities. SOCOG will be responsible for ticket policy and distribution of all games events, including those at interstate venues.

Next I deal with stadium requirements for the tournament. The stadium details to meet the tournament requirements as set out by FIFA are outlined in the MOU. These requirements provide the standards and necessary inclusions for the Bruce Stadium development which begins this month. A requirement of the MOU is that all Bruce Stadium redevelopment contracts be reviewed by SOCOG to ensure that there is no potential conflict between the parties. I turn to responsibilities for staging the tournament. The tournament will be organised and staged by a local Olympic football task force - to be established in the coming few months - in conjunction with SOCOG and FIFA. That is the basic outline of the MOU that was signed last week. It was also signed by Brisbane, Melbourne, Adelaide - the other Olympic venues. I am sorry to have taken so long, but the question did ask what was in it.

MR SPEAKER: It was a comprehensive question and a comprehensive answer.

MR WHITECROSS: It was a good answer to one part of my question. The other part of my question was: Will the Chief Minister table a copy of the MOU in the Assembly? I hope that in answering my supplementary question she will address that issue. My supplementary question is: Chief Minister, in your remarks you talked about the potential of this series of events to bring jobs and other benefits to Canberra and in the article in the *Canberra Times* you claimed that the deal between your Government and SOCOG would result in \$20m being injected into the ACT economy. Can you explain the basis of your estimate of \$20m, and will you provide information on the documents and models used to arrive at the figure of \$20m?

MRS CARNELL: Preliminary estimates prepared by the Office of Financial Management in May 1997 indicate that the direct economic impact of the tournament on Canberra and the redevelopment of Bruce Stadium is expected to be \$23m. It is \$23m, not \$20m. This figure does not quantify the significant media coverage and interest generated about Canberra as a result of the event; nor does it include any impact of likely test events and pre-Olympic training by teams in the lead-up to the games.

Now that the MOU with SOCOG is signed and details of the tournament and financial costs are much clearer, it is intended to undertake a further substantial assessment of the total economic benefits of the tournament in Canberra. One thing that is very difficult to quantify but is probably one of the greatest benefits to Canberra is going to be the significant media coverage of the national capital right around the world. Those of us who have watched Olympic coverage in the past will remember the significant footage that was shown between events at Barcelona and at Atlanta and other venues where soccer was played in the US. The benefit of that sort of footage played to literally millions of viewers is very hard to quantify.

I am very confident that, after the Olympics in the year 2000 in Sydney, we will not still have the problem in the world that people do not know where Canberra is and do not know that it is the national capital of Australia. These games in themselves will provide the single biggest opportunity for Canberra to get out there in a significant marketplace, the world, and market ourselves as the national capital, as one of the most beautiful cities in the world. We will be able to have that footage beamed around the world. I think that in itself is very exciting.

We already know that the Brazilian team has signed up to come to Canberra for, I think, eight weeks prior to the games. The financial benefits of that are not plugged into these figures at this stage. We know that there are also a number of other benefits. Pre-games groups have to come to Canberra to assess venues and so on. I understand that the Brazilian team are sending out a technical team of some 35 to assess the situation. We are also talking to a number of other countries whose athletes will come to Canberra in the lead-up to the games. All of those sorts of things need to be assessed and, as I have said, that assessment is under way.

Mr Whitecross: Are you going to provide the documents or not?

MRS CARNELL: I will seek advice on that. I honestly do not know what SOCOG's rules on these things are.

Wanniassa Enclosed Oval

MR OSBORNE: My question regarding Wanniassa Oval is to the Minister for Sport, Mr Stefaniak. Minister, as you, I hope, will be aware, the Tuggeranong Vikings Club have been negotiating with the Government since early 1995 regarding the purchase of Wanniassa Oval. The oval is well suited to the club's future needs, as it is located adjacent to their main club and administration facility in Erindale, as you are well aware.

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In June last year the club completed the departmental preliminary assessment procedures required of them and look forward to completing the purchase of this oval. I understand that after I asked a question of Mr Humphries a number of months ago the club presented a proposal to your Government and since then have had several meetings with the Chief Minister, the Deputy Chief Minister or you, as the Minister for Sport, to discuss their proposal and secure some kind of agreement. I have been assured by other members of your party - when I say "members of your party" I mean members here in the Assembly - that the final decision on the club's proposal is yours to make. Mr Stefaniak, is this the case? If so, when can the club realistically expect an answer?

MR STEFANIAK: The short answer to that, Mr Osborne, is basically no, it is not. You have had discussions with members of my party and so have I. We are very well aware of the proposal. It is a very good proposal that I think will do a lot for sport not only in the valley but in Canberra. There are a number of issues which we have been working on over the last few months. One of them is basically the question of what you do when you get a valuation from the Australian Valuation Office. That is something that is binding on my colleague Mr Humphries. There is nothing that he himself can do in relation to that. It is also beyond my role. The matter is currently before the Chief Minister, who is looking at it to see what, if anything, she can do in relation to it. You are right. It is certainly something that the Government is well aware of. It is something the Government has been working on, and no doubt there will be an answer forthcoming shortly.

Canberra Cannons

MS McRAE: My question is to the Minister for Sport, Mr Stefaniak. Is it true that your Government has loaned the Canberra Cannons \$300,000? Why was this money loaned? What were the conditions of the loan? Can any sporting organisation that needs money be loaned money in this way?

MRS CARNELL: As Treasurer - - -

Ms McRae: The Minister for Sport does not know?

MRS CARNELL: He does. It just happens that issues such as this fall within the Treasury portfolio. No, it is not true that the ACT Government has loaned the Cannons \$300,000. What the ACT Government has done is guarantee \$300,000. It has given a guarantee on that sort of amount of money, in the same way as we have done previously with other sporting teams and in the same way as the previous Labor Government supported the Raiders when they needed a bit of a hand. What we are talking about here is no dollars out of the ACT coffers whatsoever but just going as guarantor for \$300,000 for the Cannons. My understanding is that that particular guarantee will expire in the year 2000. It goes for only two years.

MS McRAE: Mr Speaker, my question included what the conditions of that guarantee, rather than loan, were. I accept the difference. What were the conditions? Over the last 2½ years, how many other sporting groups have received similar guarantees?

MRS CARNELL: The only other guarantee of a similar nature put forward by our Government was one for the Cosmos. Again, remember that these are disallowable instruments in this place. From the day that these are signed off they have to be tabled in the Assembly and therefore can be disallowed, as the Cosmos one could have been disallowed. There are only two of this sort - this one and the one for the Cosmos. There have also, of course, been business incentive packages for various sporting teams.

Mr Stefaniak was just talking about a particular proposal for Wanniasa Oval that may or may not go ahead. We hope it does. At this stage there is the Southern Cross Club proposal for the indoor sports stadium at Tuggeranong. There is any number of areas in sport that the ACT Government is involved in with sporting associations. Again, approvals of such guarantees are disallowable instruments. This particular one will be tabled in the Assembly in the very near future. It was signed off either yesterday or today. It needs to be tabled within the next three days. It is disallowable. I think that really makes it totally transparent.

Ms McRae: Mr Speaker, on a point of order: May I just repeat that I did ask for the conditions. Why is it that this guarantee was given? Under what conditions was it given?

MRS CARNELL: It is disallowable.

Ms McRae: No, that is not my question. I just want to make that as a point of order.

MR SPEAKER: The answer has been provided.

MRS CARNELL: Mr Speaker, I said it was going to be tabled in the Assembly and would be disallowable.

MR SPEAKER: It is going to be tabled in due course; that is correct. Nevertheless, there is no point of order.

Landfills - Dumping of Clean Soil

MS HORODNY: My question is to the Minister for Urban Services, Mr Kaine. It has come to my attention, Mr Kaine, that people who take clean soil to the landfills in the ACT are being charged for dumping there on the same basis as for commercial waste. This seems a bit odd because it is a reusable resource, obviously, and we do not charge people to take recyclable materials to the collection facilities at the landfills. In fact, we encourage them to do so. Could you explain why charges are imposed on the dumping of clean soil at the landfills and why the Government has not considered establishing a separate collection area and stockpile for clean soil that could be reused for earthworks and landscaping?

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MR KAINÉ: First of all, I was not aware that clean fill was being dumped at our tips, and I would need to be satisfied that it was clean fill. I presume that the people at the tip are working on the basis that anything that is taken there to be dumped is charged for at standard rates. If it is clean fill, then there are probably plenty of other places where the people could dump it by arrangement. I accept the general thrust of the question. If it is clean fill, is reusable and could be put to better use than simply being dumped in the tip, then perhaps the Government would look at ways of encouraging people to do something else with it. It is not a matter that has come up before. I will take the question on notice and see whether some arrangements can be put in place to deal with it.

Euthanasia Legislation

MR MOORE: My question is to Mrs Carnell as Chief Minister. I refer you to a letter which you sent to me on 14 August and in which you enclosed a copy of a letter from the Prime Minister to you with reference to the impact of the Euthanasia Laws Act 1997, sometimes known as the Andrews Act, on the ACT. When you wrote to the Prime Minister, did you seek an exemption from the Act which would frustrate the will of the Parliament, as is implied by Mr Howard's letter, or did you seek a regulation to protect our Medical Treatment Act? Is the Prime Minister simply being disingenuous, or has the Federal Parliament left suffering people with limited choice and medical professionals with making difficult decisions which are open to challenge?

MRS CARNELL: As Mr Moore knows, what I was after from the Prime Minister was an assurance that the legislation passed in the Federal Parliament would not impact on our legislation here in the ACT.

Mr Berry: Just get Gary to issue a direction to the DPP.

MRS CARNELL: I wanted the Prime Minister to make whatever changes were necessary to ensure that our Medical Treatment Act was protected, taking into account some legal advice that we have had in the ACT to suggest that there may be some questions involved. At the end of the day this Assembly passed the Medical Treatment Bill, and I believe this Assembly has a right to ensure that what was in that legislation can be enforced.

MR MOORE: I have a supplementary question. It follows an interjection from Mr Berry, who suggested that perhaps Mr Humphries should just issue a direction to the Director of Public Prosecutions. It is interesting that Mr Berry lasted just a little over an hour in not dealing with issues such as euthanasia, but in spite of that - - -

MR SPEAKER: Order! Ask your supplementary question, Mr Moore.

MR MOORE: Is your Government considering issuing directions to the Director of Public Prosecutions?

MRS CARNELL: Mr Moore, we are at this stage seeking advice on this issue, but the Attorney-General believes that he probably will not be in a position to do this.

Mr Humphries: It is not legally possible.

MRS CARNELL: It is not legally possible.

Manuka Car Park Development

MR WOOD: My question is to Mr Humphries as Minister for Land and Planning. Mr Humphries, could you explain the current status of the Morris application to develop section 41 and whether it is true that the Government may face legal action from them if the development does not proceed? I am not seeking so much a legal opinion here as what the requirements of the Act might hold in this regard.

MR HUMPHRIES: I thank Mr Wood for that question. The question of section 41 at Manuka is one which, of course, is still a very live and relevant issue to a lot of people in the community. Members will be aware that the proposal to develop the site had moved to the stage where expressions of interest from at least five different organisations had led to the choosing of the Morris Consolidated group as the preferred proponent to proceed with development of that site. The developer in turn was asked to refine the proposal and provide a number of pieces of information, including information on financial capacity to proceed with a development of that kind and details about things like who would be the supermarket tenant on the site. That information was supplied satisfactorily on both counts. Woolworths is to be the occupant of the supermarket site on section 41.

When those details were provided, a conditional offer of lease was made to Morris Consolidated. That offer was conditional on a deposit being paid and a mandatory preliminary assessment being prepared and completed. The Morris group is currently working on the PA of the impact of this proposed development, and it is anticipated that this will be completed by the middle of this month. The PA will be released to the public for at least three weeks for inspection and invitation to comment. Copies of the PA will be available from the PALM shopfront and will also be available in public libraries in the ACT. The availability of the PA will be advertised in the *Canberra Times*. I understand that the Morris Consolidated group is also talking about erecting some kind of small caravan or office on the section 41 site itself, with copies of plans and other information to indicate what the proposal will look like, to allow people to make comments. Members of the public who have comments on the PA will obviously be asked to send them to PALM and PALM will then assess comments received and make recommendations.

Some members of the community have alleged, including in letters to the newspaper, that there is no consultation period planned from this point in time after the earlier public meetings. That, of course, is quite wrong. The preliminary assessment process is a public consultation exercise. The documentation, which fully addresses all the issues about social, environmental, cultural and other impacts, has to be placed on the table for public consultation, and that will commence as soon as that document is prepared and put before the community.

Mr Wood asked me whether legal action by the Morris group might be possible if the proposal is either knocked on the head by the consultation process or substantially changed and reduced in development value to the developer. This issue was canvassed in the documentation that was tabled at the very beginning of this process. It was made clear there that the Government would not be and could not be guaranteeing that the ultimate outcome would be the right to develop that site. A great deal depended on the way in which the consultation process and other environmental assessments under the Land Act were conducted. There were no guarantees that at the end of the day there would be any right to develop that site.

Obviously, if ultimately there is no development or a substantially changed development on the site, the Government could entertain applications from the Morris group to be compensated. But that is entirely a matter of the Government's grace and favour; it is not a matter that the applicant has any right to obtain. I hope that that will not be necessary, because I hope that the preliminary assessment process will lead to a satisfactory outcome from the point of view of not only the Government and Morris Consolidated but also the community.

MR WOOD: I ask a supplementary question. I thank the Minister for that answer. Can I assume from that answer that it is open for you to withdraw your conditional offer and not proceed, or indeed to make another offer to some other party?

MR HUMPHRIES: I would need to take advice on that question. If I were to withdraw the offer unilaterally and make an offer to somebody else, there may be a problem in respect of compensation. I honestly could not say. I am happy to take advice on that matter and advise Mr Wood further.

Mr Wood: Would you, please?

MR HUMPHRIES: I will seek advice on that. As far as withdrawing the lease is concerned, obviously we are dependent on the process outlined in the Land Act. If that produces an unsatisfactory outcome, then clearly there is no comeback by Mr Morris or his company. If the Government decide to pre-empt the process in some way, there may be a different outcome. I could not say, but I will get advice about that and let Mr Wood know.

Unemployment

MRS LITTLEWOOD: My question is to Mrs Carnell in her capacity as Minister for Business and Employment. I refer to a statement made in the Assembly by Mr Whitecross, the then Leader of the Labor Party, on 8 May. Mr Whitecross stated that unemployment in Canberra was set to rise to more than 9 per cent in 1997-98 because of the policies of this Government. Can the Minister advise the Assembly whether this claim has in fact proven to be accurate?

MRS CARNELL: I thank the member for the question.

Mr Moore: As accurate as could be expected.

MRS CARNELL: You could expect that, Mr Moore. It is worth recalling the prediction that was made by the Labor Party earlier this year, because it encapsulates the approach taken by the ALP ever since they have been in opposition. During his formal reply to the Territory budget in early May the previous Leader of the Opposition, the one of the three they have had in this term of government, had a few words to say. I will quote part of his comments. He said:

If the Carnell Government were not to change its policies, unemployment would hit 9.2 per cent in 1997-98, and employment would drop by 0.5 per cent.

He went on to say:

The key message was that more of the same from Kate Carnell would be bad news for Canberra. For Canberrans, the bad news arrived on our doorstep on Tuesday.

That was the day I brought down the budget. He went on:

We have more of the same.

This Government is used to that kind of approach from the Labor Party, and Mr Berry seems to be continuing the tradition brilliantly. After all, have they - - -

Mr Berry: Thank you.

MRS CARNELL: Of actually fibbing, yes. I am sorry; I will withdraw that, Mr Speaker. It could not possibly be the case! They are just getting it a bit wrong.

After all, have they said anything different at all in the 2½ years they have been in opposition? The answer is no. Not once has the ALP come up with any new ideas in job creation or economic growth and not once have they got behind any initiative taken by this Government to boost the expansion of the private sector in Canberra; quite the opposite.

Mr Berry: The private hospital - what a good idea!

MRS CARNELL: Yes, what a good idea! Spot on, Mr Speaker. Let us accept for one moment that Mr Whitecross was somehow right and this Government had adopted a more-of-the-same approach in our budget. What has happened since then under our "Creating Jobs for Canberra" strategy? Since November 1996 there are now 7,200 more jobs in Canberra. The trend unemployment rate has dropped from 8.5 per cent to 7.2 per cent.

Mr Berry: Do not mislead us. Measure it from when you took office.

Mr Humphries: Mr Speaker, I rise on a point of order. The Opposition has been interjecting continually since the beginning of this answer, as they do with every answer that the Chief Minister gives. I would ask that the Chief Minister be afforded the protection of the Chair.

MR SPEAKER: I notice that when some answers are being given there is an attempt to drown out the person giving the answers. If I cannot hear, I shall merely ask for the answer to be repeated and repeated until such times as I can hear. I shall also take action against people who repeatedly interject in an attempt to stifle the reply - - -

Mr Wood: That was not the Liberals' view some time ago when they were in opposition, Mr Speaker.

MR SPEAKER: And you, Mr Wood, are now warned.

MRS CARNELL: This is a big step for Bill, Mr Speaker. There are now 7,200 more jobs in Canberra. The trend unemployment rate has dropped from 8.5 per cent to 7.2 per cent. There are 1,800 fewer unemployed people and our participation rate has grown from 71.1 per cent to 73.2 per cent. I understand why those opposite do not like these figures, but I think they are important to Canberra. I understand that Mr Berry, in his new direction for Labor mark IV in the last two years, today suggested that jobs were the most important issue. We would totally agree with that, so we are giving Mr Berry some good information about how this Government has succeeded in this area.

Put simply, under Mr Whitecross's "more of the same from Kate Carnell would be bad news for Canberra" banner, we have had nine consecutive months of employment growth since the downturn of 1996. I would have to say that I think most Canberrans would think, "If that is what more of the same means, let us have more nine consecutive months of employment growth". There is other positive news coming from the Australian Bureau of Statistics. They are not our figures.

Let us have a look at the Australian Securities Commission figures. In the June quarter of this year there were 1,061 new business registrations in the ACT - an increase of more than 25 per cent over the previous three months.

Mr Corbell: How many of those businesses operated in the ACT?

MRS CARNELL: I will get to that.

Mr Corbell: How many operated in the ACT?

MRS CARNELL: We will get to all of these issues. What we have is a 25 per cent increase over the previous three months in new business registrations. For the first four months of 1997 there were 529 new incorporations in the ACT, compared with 398 for the same period in 1996 - an increase of 33 per cent.

there were 66 corporate insolvencies and terminations in the ACT, compared with 83 for the same period in 1996 - a decrease of 20 per cent. There are more businesses, more business registrations, more incorporations and fewer insolvencies and terminations. I think that what these figures clearly show is that the so-called "more of the same" - - -

Mr Corbell: How many of those businesses operated in the ACT, Chief Minister?

MR SPEAKER: Mr Corbell, you are warned, too.

MRS CARNELL: The so-called "more of the same" seems to be working pretty well. Those opposite say, "What about the nine months you had prior to that?". Let us have a look at the figures generally. There are now 5,300 more people employed in Canberra than when we took government in 1995, even with the Commonwealth Government downsizing. I think it is a very good outcome.

Mr Berry, I understand, would support us totally, as he has said that jobs are the most important issue for Canberra. We could not agree more. We are keeping up the attack on jobs as the No. 1 issue facing our city; so it will be good to be able to work together with Mr Berry on this important issue, with such initiatives as Youth500 and an extra \$4.5m in the current budget for expanded employment, business and promotional programs. Contrast that with the Labor Party's prediction that right now we would have an unemployment rate of 9 per cent. Wrong! We have an unemployment rate of 7.2 per cent, and more successful work is being done to create real jobs in this city. Unlike the ALP, at least this Government is out there and giving it a go and standing up for Canberra. Giving it a go is about taking risks as well. It is about speaking to companies that come to us with good ideas for Canberra. Some of those will be more successful than we think; some of them will be slightly less successful. What shows out here is that there are 7,300 more jobs. The "more of the same" approach seems to be working very well.

Unlike the ALP, at least this Government not only recognise that we cannot rely on the Commonwealth public sector for economic growth anymore but are actually doing something about it, not just whingeing. We have heard those opposite, in the last four days since Mr Berry took over, whingeing about Unisys. I see a question on the notice paper this morning from Mr Corbell about AOFR. They are whingeing about Olympic soccer and all the things that will create real jobs in this city. We will continue to make all efforts to ensure that the focus on jobs and unemployment continues. That means that we have to encourage new companies to come to Canberra and our current companies to expand here. We will continue to work with all parts of the private sector to ensure that that is the case.

Residential Construction Approvals

MS REILLY: I am glad that the Chief Minister is so interested in statistics. Chief Minister, are you aware that the Australian Bureau of Statistics series 8731.0 released yesterday shows the July ACT trend estimate for dwelling units approved at 87 - the lowest figure recorded in 14 years, in the entire lifetime of the statistics?

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MRS CARNELL: I am very well aware of that. I think the issue of residential construction is a very real one. That is the reason that we put Kick Start in place. One of the things that Ms Reilly forgot to do - - -

Mr Stefaniak: She still cannot understand Kick Start, Kate. It is a real problem. She still has not grasped it after all these months.

MRS CARNELL: I know she still does not understand Kick Start. One of the things Ms Reilly forgot to do was to read the next line, the one that talks about non-residential construction. That is actually up. Guess why it is up. It is such things as the private hospital construction that have done that - another very bad idea, according to Mr Berry. It is very nasty to have all of these jobs in construction - some 120 jobs with regard to the construction of the private hospital and other non-residential sector construction. I think it is important, if Ms Reilly is interested in statistics, to look at the retail statistics. The trend retail statistics over the last five months in the ACT - - -

Mr Corbell: I raise a point of order, Mr Speaker, in relation to relevance. Ms Reilly asked nothing about the retail figures, only housing figures.

MRS CARNELL: No, I am sorry. She said, "You are interested in statistics, Chief Minister. Let us look at ABS statistics". I was just doing that.

MR SPEAKER: That is correct. There is no point of order.

MRS CARNELL: I think it is important to weigh various statistics against others - - -

Ms McRae: You are changing the subject. You cannot answer the question.

MRS CARNELL: Not at all, because it sends out - - -

MR SPEAKER: Just ignore the interjections, before I have to warn somebody else.

MRS CARNELL: It is very hard, Mr Speaker. I think everyone would notice that I do have a sore throat.

Ms McRae: Mr Speaker, on a point of order: If you did rule on relevance, then it would not be quite so enticing to interject. The question was quite specific. If the Chief Minister chooses to go off on some irrelevant path, I think that is incentive to riot on this side.

MR SPEAKER: In that case the Chief Minister can probably take the view that the question has been answered.

MRS CARNELL: Amongst other things, I was asked about statistics and particularly about ABS statistics. We agree totally that residential construction statistics are a very real problem. Rather than do nothing about it, as those opposite have done nothing about anything - in fact, I think Ms McRae said the other day that it was not the role of oppositions to be constructive - - -

Ms McRae: And you do not like it, do you?

MRS CARNELL: It shows that that is what they are doing.

Ms McRae: And you do not like it. There is not much you get right.

Mr Kaine: I raise a point of order, Mr Speaker. Would you chuck the chooks another couple of handfuls of wheat to quieten them down?

MR SPEAKER: No, but they may well be cackling outside very shortly.

MRS CARNELL: Mr Speaker, I do have a sore throat today. It makes it very hard to yell over the top of interjections.

With regard to residential construction, those opposite seem to find Kick Start a funny approach. Kick Start has achieved home ownership for a number of people who possibly would not have achieved home ownership without Kick Start. It shows that, rather than sit on our hands, we will go out there and look for new approaches that just might work. Sometimes they do not work as well as you would like them to, but when the HIA came to us with the Kick Start proposal we thought it was worth a go. I am sure all of those people who have Kick Start loans agree with us that it was worth a go.

Car registration figures have been up for nine months in a row. Unemployment statistics have been down for nine months in a row. Trend figures on retail have been above the national average for the last five months. Non-residential construction was up in that same set of figures. I think it is very unfortunate to quote figures right out of context.

MS REILLY: I ask a supplementary question. In the light of the importance of the indicator contained in the series 8731.0 on residential dwelling units and the fact that it is the first time this indicator has dropped under three digits in the 169-month history of the statistics - and I seek leave to table the paper that relates to that history - - -

Leave granted.

MS REILLY: Is the Chief Minister prepared to take some responsibility for the damage she and her Federal Liberal mates have savagely inflicted on the ACT economy?

MRS CARNELL: There is no doubt that Federal Government downsizing has caused an enormous problem in the ACT; but, rather than whinge and harp about it, we have got out there and done something about it. What those opposite seem to be very keen on forgetting is that a large part of the problem here was the huge surplus of land and dwellings we inherited from them.

Ms Reilly: Have a look at the statistics.

MRS CARNELL: I will. I am very happy to do that. I seem to remember something like 7,600 blocks because those opposite had chosen to sell land to fill holes in their budget rather than to meet the market. When we came to government we ended up with

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a massive surplus of land and dwellings that we did not choose to add to. Rather than do what those opposite did - they continued to sell land just to make their budget look better, but they took the bottom out of the market - we chose to take a sensible approach in cooperation - - -

Ms Reilly: Yes, it is better to sell public housing!

Mr Berry: You sell houses.

Mr Humphries: Mr Speaker, I rise on a point of order again. We have had nothing but a continuous barrage of interjections from those opposite. This is not the protection that the standing orders provide to any speaker, particularly the Chief Minister of the Territory trying to answer a question from the Opposition.

MR SPEAKER: Yes, I would like you to repeat - - -

MRS CARNELL: Mr Speaker, I think I have answered this question - - -

Mr Berry: Mr Speaker, I raise a point of order. Your invitation to the Chief Minister to repeat her answer is welcomed, but when you invite her would you also ask her to be relevant in accordance with the standing orders?

MR SPEAKER: No; the Chief Minister can answer the question as she sees fit.

MRS CARNELL: Mr Speaker, I thought speaking about the massive surplus of land and dwellings left by the Labor Government in 1994 and early 1995 was very relevant. I have to say that that is the bottom line here. We have said that the downsizing of the Federal Government has made it very difficult in the ACT. It has caused enormous problems in Canberra; but, rather than sit on our hands, as those opposite seem to believe is appropriate, and hope that some guardian angel comes down and fixes it all up, the fact is that we have put in place policies that have produced an extra 7,300 jobs, that have meant that our motor vehicle registrations have been up for nine months in a row, that have meant that our trend retail figures are above national averages, but as importantly - - -

Mr Whitecross: Tourist accommodation - - -

MR SPEAKER: I warn Mr Whitecross.

Mr Humphries: Mr Speaker, this really is getting too much. It has just been continuous.

MR SPEAKER: There are three of you on warnings now.

Mr Humphries: There would be more words in the *Hansard* from the Opposition than there would be from the Chief Minister.

MR SPEAKER: I warn Mr Whitecross. There are three of you on warnings now. You may have a very empty Opposition bench if this continues.

MRS CARNELL: Mr Speaker, I think I have made the point - - -

Mr Berry: Mr Speaker, may I raise a point of order? I do not mind you throwing warnings around this place, but - - -

Mr Kaine: You might be No. 4. Watch it.

Mr Berry: The fact of the matter is that, if we are required to tolerate a tirade from Ministers when they answer questions, then you have to expect something of a response when the Speaker is not prepared to require Ministers to answer in accordance with the standing orders, in particular as they apply to relevance.

MR SPEAKER: I do not uphold the point of order. The fact is that the questions are heard in silence. I expect the answers to be heard in silence as well, even if you do not like the answers that are being given.

MRS CARNELL: To finish, yes, this Government does take responsibility. It takes responsibility for putting in place solutions to problems that exist in our community. We believe very strongly that a lot of the solutions we have put in place are starting to bear fruit, and I think the statistics bear that out.

Acton Peninsula - Demolition of Buildings

MR CORBELL: The Chief Minister mentioned a guardian angel. The guardian angel that saves the ACT certainly will not be a Liberal Party member. My question is to the Chief Minister in her capacity as Minister for Health and Community Care.

Mrs Carnell: Could you not think of a business one?

MR CORBELL: I can give you plenty of business questions, but you do not seem to like me asking business questions. What are the extra costs which have flowed to the Territory's taxpayers from the failed hospital implosion on Acton Peninsula, in particular those costs relating to, first, the extra work required to complete the demolition, including the cost of extra contractors and equipment; second, the relocation expenses for the child-care centres, including transfer and return costs, rental refurbishment costs and salary costs; third, the relocation expenses for the hospice, including the cost of transfer and return of clients and equipment, refurbishment costs at Calvary and extra salary costs; fourth, the extra costs relating to the fire and emergency services; fifth, the extra costs relating to police services, including the cost of officers and divers involved in investigation of the aftermath as well as the cost of water police involved in patrolling the exclusion zone around the site? Chief Minister, how much has been allocated so far and what are the current projected final costs, including the projected costs for the inquiries relating to the failed implosion?

MRS CARNELL: Mr Speaker, I think that is exactly the sort of question that is supposed to be put on notice, but I will certainly answer it.

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MR SPEAKER: I was about to say, Chief Minister, that I will allow the question because it is a legitimate question; but in most parliaments, when a question as detailed as that is put forward, the normal thing is to put it on the notice paper.

Mr Corbell: I raise a point of order. I am entitled to ask any question I like. If the Chief Minister is unable to answer it, she should say, "I will take that question on notice". You should not be giving her advice on that matter.

MR SPEAKER: That is exactly what may happen. It seems to me to be rather fruitless to ask a question which may simply bring a response that it will be taken on notice. The opportunity is there to ask questions.

Mr Whitecross: I raise a point of order, Mr Speaker. The Opposition appreciates your advice on how to conduct question time and will discuss that in the party room in due course. But, Mr Speaker, may I suggest, while we are handing out the advice, that the point of question time is to scrutinise the Government. Ministers come along briefed on possible questions. I would have thought this was the kind of question the Chief Minister could expect to be briefed on. The member is entitled to ask questions which are in the public interest and of interest to the community, in the hope that the Minister actually knows what she is talking about and can answer the questions.

MR SPEAKER: That is entirely up to the Chief Minister.

MRS CARNELL: Mr Speaker, that is not a point of order. It is actually hard now, after all their points of order, to remember every part of the question; but I will give it a go.

Mr Corbell: I can read it again, if you like, Mr Speaker.

MRS CARNELL: No; he can sit down, Mr Speaker. It is all right. I think I can manage. I have tried to explain this one to Mr Berry at length. In fact, I tried to give him a calculator not so long ago. He did not take the calculator, and it shows. In the budget, as those opposite would know, we allocated \$8.1m for the implosion on Acton Peninsula. As I explained in this house last week, we believe that the final cost of the implosion will be some \$2m less than that. I actually explained that last week in the house. The final position with regard to the actual demolition on Acton Peninsula is \$2m better than estimated. That answers those bits of that question with regard to the demolition itself.

With regard to the disruption of child-care centres, my understanding is that the cost of relocation is estimated to be in the order of \$85,000. It is not exactly \$2m, but we will not get into that. Mr Speaker, as you would be aware, the Heritage child-care centre was relocated to the old QEII building; the university preschool and child-care centre was relocated to the old Ainslie preschool in Donaldson Street at Braddon; and some of the babies from the university centre actually went to the Magistrates Court centre. As I have said before, I would like to thank all of those involved in that relocation for being so cooperative. The cost of that was about \$85,000.

With regard to the hospice, the costs, I understand, ended up being reasonably minimal because the patients were allocated beds in Calvary Hospital, and of course the staff transferred with the patients. I am not aware of any refurbishment that was done at Calvary Hospital with regard to those patients. I have dealt with child care, the hospice and the demolition. The demolition cost was \$2m better than we anticipated. The child-care centres cost \$85,000. I think they were all the matters raised.

MR CORBELL: I ask a supplementary question. I will refresh the Chief Minister's memory. The other two questions - will you take these on notice? - related to the extra costs of fire and emergency services and the extra cost of police services, including the cost of officers and divers involved in investigation of the aftermath as well as the cost of water police patrolling in the exclusion zone. Will you also provide us with details of the cost of the inquiries?

Mrs Carnell: Mr Speaker, the Minister for Emergency Services - - -

MR CORBELL: Mr Speaker, I have not finished my question.

Mrs Carnell: You cannot ask that bit, and then ask another one.

MR CORBELL: I have the call, Chief Minister, not you.

MR SPEAKER: Questions shall be brief, I might remind you. That is standing order 117(a).

MR CORBELL: Mr Speaker, I have one last sentence. Is the Chief Minister planning to introduce a second Appropriation Bill to deal with these extra costs?

MRS CARNELL: Why would I bring in a second Appropriation Bill for the costs I have just spoken about, when we actually came in \$2m under budget for the implosion? The Minister for Emergency Services indicates to me that the cost of police and emergency services personnel would be minimal, as it is part of their normal function. It is very hard to give a costing of an inquiry that has not finished. Am I supposed to have a crystal ball to determine how much longer it might take? I do not know how I could answer that. We certainly will be able to look at those issues when the inquiries are finished.

Mr Speaker, I ask that all further questions be placed on the notice paper.

Olympic Soccer Matches

MRS CARNELL: I would like to give some further information about various questions that I was asked in question time. I understand that the MOU with SOCOG cannot be released without the approval of SOCOG. It is subject to confidentiality agreements with SOCOG. Those opposite are close to the New South Wales Labor Government. Maybe they could help with that.

Canberra Cannons

MRS CARNELL: Approval for the \$300,000 guarantee for the Canberra Cannons will be given, hopefully, pursuant to subsection 47(2) of the Financial Management Act. As I think I said in question time, the Territory's liability will expire in the year 2000. It will actually expire on 1 July in the year 2000. I understand that tabling of the approval is actually on the draft program for tomorrow.

As well as that, the Canberra Cannons will be working to ensure that they improve their cash flow position. They will be actively and demonstratively examining alternative funding sources and will report regularly to government through BASAT with regard to their cash flow. The provision of this guarantee will enable the Canberra Cannons Pty Ltd to overcome their present cash flow problems and ensure the continuation of a valuable Canberra asset. That is 20 full-time jobs in the Canberra community. Obviously, all of the expenditure by visiting teams and supporters goes into the Canberra community, and the profile of the ACT is increased through national coverage by television, radio and the print media. Along with other successful sporting clubs that give exposure to Canberra, the Cannons reinforce Canberra's image as a vibrant city that is mad on its sport - something that I think is enormously important.

Watson Hostel and Hennessy House Residents

MRS CARNELL: With regard to the question from Kerrie Tucker, I understand that five clients have moved out to date and they did not have an advocate present during the interview process. All five volunteered to move out. The clients, I understand, did not request that an advocate be present. If a client does want an advocate present, then the Mental Health Service will ensure that one is available. I understand an advocate was involved in the process leading up to the proposals to move certain people at Watson and Hennessy out into the community.

Police Establishment

MR HUMPHRIES: Mr Speaker, last week Mr Wood asked two questions concerning the numbers of operational police in the ACT Region. Late last week I met with the Commissioner of the AFP and ACT Chief Police Officer, Mick Palmer, and requested him to provide me with further information about staffing in the ACT Region. Members will be aware that the contract between the ACT and the Commonwealth Government is for the provision of a police service to Canberra by the AFP. That contract required, until recently, the provision of 689 police and support staff, of which the ACT would pay for 594. The remaining 95 would be paid for by the Commonwealth and would be, notionally at least, assigned to Commonwealth-type work in the ACT such as Commonwealth fraud and other offences, investigations of which are undertaken under Commonwealth law.

I have expressed from time to time my concern about just what those other 95 notional police and staff do. My concern after the last Federal budget, and, indeed, after the last few Commonwealth budgets, by both coalition and Labor governments, is that the Commonwealth is significantly reducing the resources available to the Australian Federal Police. I am concerned that such resource reductions will impact on the ACT policing component because, quite simply, while the work remains and the resources are not there to undertake the work, I fear ACT police will have to pick up that work. All of us would find it unacceptable that ACT taxpayers' money should be used to provide national policing services to the Commonwealth Government.

I am concerned, Mr Speaker, that Canberra's police service may be eroded by substantial Commonwealth Government budget cuts. For various reasons, in a work force of 689, some of those people resign or retire, some are on leave, and some are not rostered on shift, for any number of reasons, including suspension, training or other necessary functions, leave without pay, maternity leave and the like. It is therefore inevitable that on some occasions a full complement of police will not be available for deployment. However, available staff numbers have reduced in recent months and I am concerned that action is needed to supplement resources quickly to deal with pressures on community policing.

My meeting with Commissioner Palmer last Thursday has resulted in the following actions being taken: Seventeen sworn police officers will be redeployed from AFP National Headquarters to the ACT Region for operational duties within three weeks; the five staff member positions identified in the ACT budget for recruitment will be immediately recruited, and the five police officers whom they are replacing in non-operational duties will be freed for operational duties; transfers out of the ACT Region will be approved only when a similarly qualified replacement is available and in place; personnel who resign or retire will be replaced as soon as practicable; and there will be a full review of positions being occupied by sworn members, leading to the optimisation of deployment of sworn personnel.

Mr Speaker, a great difficulty in discussing staff shortages in the ACT Region is identifying which positions actually belong to the ACT Region. I am concerned to establish what exactly the ACT Government is paying for in its complement of 594, which will be increasing to 599.

Mr Wood: Have we been short-changed?

MR HUMPHRIES: In the past we certainly have been, Mr Speaker. For example, the figures do not include resources such as crime scene and forensic examiners, technical unit and information technology personnel, employment standards and internal audit personnel and the like which are used, in part at least, in the ACT Region.

The cost of maintaining a police officer has risen considerably since the contract was entered into in 1990. For example, the cost in 1989-90 was just under \$76,000 per officer, fully equipped, including uniforms, training and so on. That cost now stands at over \$100,000. There does seem to be a better examination of the staffing

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resources of the ACT Region of the AFP, but in doing so there needs to be a better understanding on the part of the Commonwealth about its expectations of law enforcement agencies. The massive Commonwealth budget cuts forced on the AFP in recent years have resulted in a minimal replacement of attrition across the police service.

I should add, Mr Speaker, that falling numbers is not a recent problem. In fact, while numbers have been steadily declining in recent months, they have not, at this stage, reached a level as low as they did under the former Labor Government, when in September 1994 they stood at just over 640, the lowest point in the records that have been kept. But, again it should be pointed out that this does not include non-operational personnel who may actually be assigned to the ACT Region but be on leave.

Mr Wood: Have we been subsidising the Commonwealth?

MR HUMPHRIES: To some extent we have, yes, since at least 1994.

Mrs Carnell: This is not the only area in which we do.

MR HUMPHRIES: Yes, indeed. The question of police numbers assigned to the ACT will always be a problem while we have a police service serving two masters. The benefits gained by the ACT by being part of the wider AFP structure are significant and not traded off lightly, but we do need better accountability structures in place and those will be the subject of continuing discussions between me and the Commonwealth Attorney-General.

Finally, Mr Speaker, in relation to Mr Wood's question on Thursday, when he asked how many police were available for operational duties on Thursday afternoon, I am advised that there were 116 operational members and 13 staff members rostered who were involved in district operations. In addition, other police and staff members were available for deployment from the regional investigation teams, communications, intelligence, sexual assault and child abuse team whose personnel were available to assist in other duties if required. There were, as members will see, 116 operational members plus 13 staff members available to deal with problems on the streets of Canberra at that time of the question being asked.

Mr Wood: Mr Speaker, would the Minister table the document he has been reading from?

Mrs Littlewood: He just put it in *Hansard*.

Mr Wood: I want to see it now; that is all.

MR HUMPHRIES: It is the usual practice in this place not to have Ministers table the briefings from which they have read. On this occasion I do not mind the request from Mr Wood; so, breaking tradition, I will table that document.

Mr Wood: I thank the Minister. This is a very important statement that the Minister has made and I think we need to see it.

MR HUMPHRIES: It is not normally asked. I have answered courteously.

MR SPEAKER: Very well.

PERSONAL EXPLANATION

MR WHITECROSS: Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: Yes, proceed.

MR WHITECROSS: In the answer to a question, I think by Mrs Littlewood, but my eyes may have glazed over a bit, Mrs Carnell - - -

Mr Humphries: Mr Speaker, I rise to take a point of order. Would you mind resuming your seat, Mr Whitecross? That is the customary thing to do.

MR SPEAKER: Sit down, Mr Whitecross.

MR WHITECROSS: I am sorry; I was following Mrs Carnell's practice.

MR SPEAKER: Go on, sit down.

Mr Humphries: Mr Speaker, standing order 46 is reserved for the making of a personal explanation. The standing order, I think, specifically requires that debate not be entered into. Certainly, the throwing of barbs and making debating points in the course of the use of standing order 46 clearly breach the provisions of that standing order. I have heard already, in the first half-a-dozen words, throw-away comments from Mr Whitecross - - -

Mr Corbell: A bit like the one where you are not allowed to debate answers in question time.

MR SPEAKER: Order! Mr Corbell, you are already under a warning.

Mr Humphries: I think we have to draw the line at some point. If he wants to make a standing order 46 explanation he should do so strictly in terms of the standing order, or waive the right to use that standing order.

MR SPEAKER: A member may explain matters of a personal nature. You have permission, Mr Whitecross.

MR WHITECROSS: Thank you for that riveting explanation, Mr Speaker. Before Mr Humphries, in a pre-emptive strike, took a point of order, I was attempting to explain where I had been misrepresented. In answer to a question, I think by Mrs Littlewood, Mrs Carnell claimed that I had made certain predictions in my budget reply speech earlier this year about employment and unemployment. If Mrs Carnell had been more interested in the truth and less in scoring political points, she would accept that - - -

MR SPEAKER: Order! Make a personal explanation without the criticism.

MR WHITECROSS: I am making the personal explanation. Mr Speaker, she would recognise - - -

Mr Humphries: Mr Speaker, I rise on a point of order.

MR SPEAKER: There is a point of order. Mr Whitecross, if you are going to be provocative, you will get points of order all the time.

Mr Humphries: Mr Speaker, I would put it to you as Chair that it should be more than simply a case of taking points of order, and having them ruled upon and warned about. At some point there needs to be action taken. There has been a clear abuse of standing order 46, a clear use of it to attack another member. I would suggest that the action in this case, when he should be making a personal explanation, is to sit the member down and not allow him to continue to make that point.

MR WHITECROSS: Mr Speaker, I was misrepresented. If there was a provocation the provocation was that I was misrepresented. As I explained - - -

Mrs Carnell: You are debating the issue.

MR WHITECROSS: I am not debating the issue. I am explaining where I was misrepresented.

MR SPEAKER: I uphold the point of order. Just be careful, Mr Whitecross.

MR WHITECROSS: Thank you, Mr Speaker. As I said, the Chief Minister claimed that I had made certain predictions about employment and unemployment. If Mrs Carnell had correctly read the quote from my speech then, it would have been more accurately reported to the house that I was reporting predictions made by Access Economics, not making predictions of my own, Mr Speaker. Mrs Carnell was misrepresenting me and being disingenuous in misrepresenting what I said in my speech.

**EMPLOYMENT
Paper**

MR SPEAKER: Did you want to take a point of order, Chief Minister?

MRS CARNELL (Chief Minister): Mr Speaker, I would like to table the two pages of *Hansard* that I was quoting from, pages 1152 and 1154. They show categorically what I said. I quoted exactly.

**STUDY TRIP
Paper**

MR SPEAKER: I present, for the information of members, a report of a trip undertaken by me, Greg Cornwell, MLA, to Philadelphia, USA, from 6 to 10 August 1997.

**DRUG STRATEGY 1995-97
Ministerial Statement**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the ACT's drug strategy for 1995-97.

Leave granted.

MRS CARNELL: The problems arising from drug use, including alcohol, tobacco, pharmaceutical products and illicit drugs, represent the biggest public health issue facing Australia today. It is estimated that one in five deaths in Australia is drug related. This year 23,000 Australians will die from drug-related causes, and over 250,000 Australians will be hospitalised for drug-related conditions in 1997. It is also estimated that the misuse of drugs costs Australia over \$18 billion every year.

The ACT Government is deeply committed to the prevention and reduction of harm related to alcohol and other drug use within the Territory. This position is outlined in the ACT drug strategy 1995-97. The ACT drug strategy, in common with the national drug strategy, is based on the principle of harm minimisation. This principle is based on the recognition that there is a range of harms arising from and associated with the use of drugs. Therefore, no single approach or limited set of strategies can adequately address the possible range of harms.

A harm minimisation approach to alcohol and other drug problems utilises a range of strategies including demand reduction, supply control, abstinence, problem prevention, rehabilitation, education and information. The ACT drug strategy recognises that problematic drug use needs to be addressed in a consistent, coordinated and integrated manner across all sectors of the community, especially between health, education, community services and law enforcement agencies.

The goals of the ACT drug strategy 1995-97 are to minimise the harm associated with drug use; reduce the uptake of tobacco and illicit drugs; identify and reduce the incidence of drug-related criminal activity and violence; increase public knowledge and skills in relation to all drug use and its effects on the individual and community, safer use of alcohol and other drugs, and availability of resources and services that assist the reduction and minimisation of harm; enhance drug education programs in schools and colleges, and for young people who have left education; and provide a range of services, which are based on best practice, that aim to reduce drug-related harm, ensuring accessibility and appropriateness of service delivery to the key population groups identified in the national drug strategy.

Mr Speaker, I would like to speak about the achievements of the ACT drug strategy 1995-97. During the course of the ACT drug strategy 1995-97 there have been a significant number of achievements, including drop-in, support, referral and information to a wide range of young people; alcohol and other drug education training programs for Australian Federal Police involved in community drug education; formation of the Community Safety Committee, which has, amongst other things, addressed problems of drug use and violence; and mid-term stakeholder consultations. With regard to alcohol, there has been alcohol and drug education and support for the building trades group of unions in the workplace and apprenticeship training - a particularly good program; safe drinking practices education through schools, police, licensed clubs and shopping centres; the youth alcohol action plan; and police action on alcohol- and violence-related offences.

With regard to illicit drugs, there has been the establishment of the Heroin Pilot Task Force, the completion of its public consultation and the tabling of the subsequent report in the ACT Legislative Assembly; the provision of needles to heroin-dependent people; the expansion of availability of methadone through the introduction of the community methadone program; continuation of the public methadone program as a specialised clinic and single point of entry for methadone treatment; the development of alternative approaches to the treatment of heroin-dependent people; information and services to young people who may be considering experimenting with illicit drugs; and police supply control measures. With regard to pharmaceutical and other drugs, there have been programs for people withdrawing from benzodiazepines, the appointment of a benzodiazepines project officer, and a symposium on steroid use.

The ACT is a national leader in tobacco control, having been awarded first prize for the last two years by the Australian Medical Association for action in this area. Our major initiatives include being the first State or Territory to introduce legislation for the current tough health warnings, which was subsequently superseded by Commonwealth Government action to ensure national uniformity; the implementation of smoke-free enclosed public places legislation in a staged approach which has given both business and people in the community who smoke an opportunity to adjust to the changing culture here within the ACT; and action to monitor and take action on illegal tobacco sales to minors. The ACT Government is committed to strengthening controls on tobacco promotion and sales to children. Legislative proposals to further these aims will, hopefully, Mr Speaker, be tabled later this year.

Mr Speaker, I turn now to treatment options. The ACT Government is committed to ensuring that there is a range of treatment options available for opioid-dependent people. The Ministerial Council on Drug Strategy agreed at its 31 July 1997 meeting that the ACT should proceed with the first stage of the heroin trial, along with a trial of buprenorphine to assist heroin users to become completely drug free. Obviously, I am deeply disappointed that the Federal Cabinet has ignored the ministerial council by deciding not to make the necessary amendments to Commonwealth legislation to allow the trial to continue. The ACT Government will now work with the Victorian Government in establishing a trial of buprenorphine in withdrawal and naltrexone in relapse prevention from heroin dependence.

The ACT Government will also closely monitor the trials of naltrexone and buprenorphine in other jurisdictions, as well as the trial of slow release morphine in Victoria, to see whether it would be appropriate to further expand the range of treatment options available to people in the ACT. These trials need to proceed as part of a strategic framework which also includes health promotion campaigns, treatment rehabilitation and effective law enforcement. The trials should be seen as an adjunct to the provision of methadone, which is currently the most effective form of treatment for heroin-dependent people. In recognition of the importance of methadone, the Government has recently announced an expansion of the methadone program by 30 places, bringing to 430 the total number of places on the ACT methadone program.

Mr Speaker, rehabilitation is obviously very important. Rehabilitation programs form an important component of the total drug and alcohol services in the ACT. Indeed, more than 135 beds are available for alcohol and other drug rehabilitation and detoxification in both government and non-government services in the ACT. I note that the shadow Minister for Health and Community Care, Mr Berry, has called for an increase in funding for rehabilitation programs. In 1997-98 the allocation of funds for alcohol and drug programs in both government and non-government sectors will be \$4.49m in the ACT.

It should be noted that in the ACT both government and non-government providers provide a significant role in the provision of alcohol and drug programs and services with outputs being purchased including residential rehabilitation, detoxification, case management, drug information, advocacy, counselling, court treatment referral, health promotion, a 24-hour help-line and family support services. It is a concern to government that there is currently no specific residential rehabilitation service for young people under the age of 18, and this is an issue which should be considered in the evaluation of the ACT drug strategy which will be conducted later this year.

In a recent report on Drugs, Money and Governments 1995-96, published by the Alcohol and Drugs Council of Australia - that is, the ADCA - it was reported that the ACT provided more funding on drug programs and services per capita than any other jurisdictions with the exception of the Northern Territory. The ADCA also ranked the ACT second in ensuring that treatment programs and services are available and ensuring programs are provided to prevent and to reduce problems. The ACT can be proud of its achievements and its national standing in relation to minimisation of harm caused by drugs. This does not mean, Mr Speaker, that we should be complacent.

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The evaluation of the national drug strategy 1993-97 has shown that there is room for improvement right across Australia. The National Drug Strategy Committee has recommended that the following six principles should underpin the future national drug strategy. These are, first, commitment to harm minimisation; second, commitment to a national approach to all licit and illicit drugs; third, the importance of the Ministerial Council on Drug Strategy, MCDS, as the forum for intergovernmental decisions on drug issues affecting health and law enforcement; fourth, the right and need for Ministers to receive independent advice; fifth, the importance of partnership with the non-government sector; and, sixth, the need for a flexible and responsive decision-making structure. Each of these principles is relevant to, and is being implemented in, the ACT.

It is proposed that, in light of the recommendations of the evaluation of the national drug strategy, the current Inter-Departmental Committee on Alcohol and Drugs will be restructured to form a new expert reference group with representatives from both the government and non-government sectors. As already noted, the ACT drug strategy 1995-97 is to be evaluated in the latter part of 1997. This evaluation will guide us in preparing a drug strategy for the future.

Clearly, much has been achieved in the implementation of the ACT drug strategy. However, the evaluation will need to take into account any shortcomings of the strategy and changes since the development of the strategy, including the evaluation of the national drug strategy. The evaluation of the ACT drug strategy 1995-97 will include a comprehensive community and stakeholder consultation process - something that is very important, Mr Speaker. The ACT Government is committed to ensuring that the ACT has a drug strategy which meets the needs of the community and, in particular, meets the needs of people affected by drugs. Mr Speaker, this is an area to which the Government is particularly committed, and I am very proud that the ACT is spending more in this area than any other State. I present the following paper:

ACT drug strategy 1995-97, ministerial statement, 2 September 1997.

I move:

That the Assembly takes note of the paper.

MR MOORE (4.10): Mr Speaker, in rising to speak to this ministerial statement on the ACT drug strategy, I draw the Assembly's attention to the fact that I have written to you and asked you to withdraw my request for debate on a matter of public importance, being the ACT heroin trial. It seems to me that that is so close to the issue that we are dealing with that we can deal with the two issues at once. The Chief Minister now has the opportunity to speak in reply, should that be convenient. Mr Speaker, it seems to me that a ministerial statement that deals with all the issues of a drug strategy is much more important than dealing with just the issue of the heroin trial. The heroin trial was only ever one small part of a very broad strategy to deal with a range of issues.

Let me say, Mr Temporary Deputy Speaker, why I see it as a particularly important part of the general strategy. In the long term I believe that we will never achieve any success against the second most lucrative industry in the world, against a \$400 billion profit industry, until we find ways to undermine the black market, a market that is based on

a network marketing system. In the same way as people sell Amway or Avon or those sorts of things, the drug sale system relies on finding friends and acquaintances and getting them to buy the drugs as well. It requires a recognition of that.

Before we set about a system of controlled availability which will undermine such a network marketing system, it seems to me that we should be looking very carefully at what would happen if we tried to undermine it, in the case of heroin, by providing heroin to dependent users. Would it ameliorate the terrible problems associated with the illicit drug trade? Whilst undermining the black market, would it bring about a situation where we get worse health outcomes or better health outcomes? To me, that is why the heroin trial was important. It was important to assess whether we should take that bigger step in dealing with the illicit drug trade. But it stood on its own. It stood on its own in such a way that we could say, "Yes, we can find out about this policy to see whether we will get anywhere".

One of the delightful things as far as I was concerned, Mr Temporary Deputy Speaker, was that when people in this Assembly spoke on the report of the heroin task force, which was released in January 1996, the members who did speak were very supportive. In fact, the only people I heard comment on that were Mr Osborne and Mr Cornwell who, in different public media statements, said the issue of the heroin trial had never been debated in the Assembly. I presume they meant that the issue of the heroin trial had not been brought to a vote in the Assembly. They are two entirely different things. This issue had been debated and the matter is sitting on the notice paper.

Mr Temporary Deputy Speaker, what we are dealing with in Australia, as the Chief Minister drew attention to, is a cost of \$18 billion a year in dealing with drugs. That is a finding of a Mr John Walker from the Australian Institute of Criminology - not to be confused with our own senior public servant, Mr John Walker. We can extrapolate from that, Mr Temporary Deputy Speaker, that that is about \$1,000 per citizen in Australia per year. With 300,000 people in Canberra, we are talking about \$300m a year as the cost of dealing with drugs in this community of Canberra alone. It is a huge sum of money. Obviously, \$300m is about a third of our budget, so it is not the money that we spend; it is the cost in a whole series of ways to our community. It is an extraordinary sum of money.

Mrs Carnell, in her speech, drew attention to future directions. In her third point on the National Drug Strategy Committee principles she drew attention to the importance of the Ministerial Council on Drug Strategy, the MCDS, as a forum for intergovernmental decisions on drug issues affecting health and law enforcement. Mrs Carnell, I have to say to you, "Sorry, this is a joke". The National Drug Strategy Committee may believe that the Ministerial Council on Drug Strategy is important, and it may have been important for the last 10 years. Indeed, you might have thought it was important and I might have thought it was important. Indeed, I have. But the reality is that the Prime Minister does not think it is important. The Prime Minister is simply dismissive of this ministerial council. What does that send as a message - the Prime Minister is very keen about sending messages - to every other ministerial council, whether it is a ministerial council on roads, a ministerial council on legislation or whatever, and there is a whole range of them?

We know that the Prime Minister might say, “No, the *Daily Telegraph* has said that I should disagree”; so, instead of taking care to make decisions, the Prime Minister will just override a ministerial council. I find this particularly frustrating, Mr Temporary Deputy Speaker.

Mrs Carnell: Hear, hear!

MR MOORE: Indeed, I know the Chief Minister does too. I find it particularly frustrating because on many occasions Ministers have come back to this Assembly and said, “I have introduced legislation because it is agreed by the ministerial council”. I have said to Ministers, “This is a dangerous thing to do because you really should get agreement from the Assembly first. However, I will look at it on its merits and I will take very seriously that it has been agreed to by Ministers around Australia”. Mr Temporary Deputy Speaker, I have taken that particularly seriously, but no longer. Why should we take it seriously here when the Prime Minister can be so dismissive? It is not just dismissive in any sensible sense. The Prime Minister and his Cabinet made a decision to override the Ministerial Council on Drug Strategy without having taken advice from the people who knew what the heroin trial was about, and that is the issue that I speak of, of course.

The scientist involved in preparing the trial offered to brief the Prime Minister. The Australian Medical Association offered to brief the Prime Minister and the Cabinet. But did they listen to them? No. They just used a gut reaction and said, “This feels bad” - to take a populist view driven by Piers Ackerman, of all people. Anybody who watched *Media Watch* last night would have had to chuckle about the impact that Piers Ackerman had, and the fact that he had applied for a job at Fairfax and not been given a look-in. No wonder, when you read his junk. That is what it is - absolute junk. He followed a series of editorials in the *Daily Telegraph*, and what were they? In fact, *Media Watch* shafted them last night, and appropriately so too. What were they? Junk, because they just carried so many mistakes.

Mr Temporary Deputy Speaker, I do not mind a sensible debate. I have always enjoyed a sensible debate on issues involved around the heroin trial, such as the issue of harm minimisation. This very strategy that the Chief Minister has talked about today is based on harm minimisation. The first goal of harm minimisation is not to seek a drug-free society; it is to minimise the harm, to reduce morbidity, to reduce mortality, to reduce crime. That is what the issue is about. If, as part of the process in trying to achieve these things, we can get people off drugs, then of course it is an important issue.

I must say that one of the most welcoming things I heard in the last few months was when Mr Kaine put out a press release on the issue and said, “Yes, provided there are some adjustments made to the heroin trial”. Indeed, if the ministerial council did go along the same sorts of lines as Mr Kaine suggested, he would be supportive as well. Some people would describe that as a backflip, but it is not. It is no more than the backflip that I made in 1989-90 when I decided that we were going down the wrong path and we needed to change. Almost every other person that I know in the drug law reform movement who looked at the issues said, “No, we are going down the wrong path with prohibition;

we will need to change". It does require careful thinking, careful understanding, and a little depth in understanding the issues and what we are trying to achieve - a depth that the Prime Minister simply does not have because his whole approach is just too wishy-washy.

Mr Temporary Deputy Speaker, the Prime Minister's reaction is particularly interesting because he turned around and he appointed a *Yes, Minister*-style inquiry to look at it. His task force on drugs is being headed by a senior public servant within his department. I believe that that group of public servants, that *Yes, Minister* task force or *Yes, Prime Minister* task force, will not consider public submissions made to them. They will report in a very short timeframe - I expect within the next couple of weeks, and I have good information to that effect - and that report will never be made public. Why would it not be made public? Because it will be a joke. Because it will be ripped to pieces. What can a few senior public servants hope to achieve in a report in terms of three weeks' work, when we have reports from such people as the royal commissioner Justice James Wood in New South Wales, the work that was put in by Professor Penington in Victoria, work by the Fitzgerald royal commission in Queensland, work by a New South Wales parliamentary committee, and work by a parliamentary committee in South Australia, all of whom were supportive of the heroin trial, and all of whom were supportive of a range of options of which the trial was but one?

The good news from the Ministerial Council on Drug Strategy - Mrs Carnell referred to this in her statement - is that there is a whole range of strategies being developed. I would like to take us to one of the issues that have been raised on drug strategy recently. We hear a great deal about UROD, ultra rapid opioid detoxification. I would encourage members to read peer review assessments about that particular form. It is not a magic bullet. It does appear to offer some hope in a small spectrum of people who are undergoing rehabilitation and who may be able to use rehabilitation. The good news about the methods used under UROD is that the drug they use is naltrexone, and naltrexone will be used as part of a study in the ACT as well as, if my recollection serves me, in Victoria or New South Wales. I cannot remember. It is one or the other.

The interesting part is that the organisation that promotes UROD is an organisation that has already made somewhere between \$30m and \$60m out of the process. Of course they are enthusiastic about it, and I would be enthusiastic about it as well if I were making that kind of money, and we must not dismiss it, because it does appear to offer some help for some people in this spectrum. But it does not appear to offer an alternative to the heroin trial. It does not appear to offer help for those people who have had two or three attempts to become drug free.

Ultra rapid opioid detoxification should go through a series of clinical trials. I spoke to a principal of the organisation CITA on this very matter when he was visiting Canberra last Friday morning. He said that they wish to take it through clinical trials. I am very pleased with that and I would encourage that, but I would say that it should go through the same sort of research procedure as any other research organisation. It should apply for funds through the Government in the normal way, as, indeed, the heroin trial did.

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The heroin trial was not bad science or poor science or half-baked science, as the *Daily Telegraph* suggested. In fact, it was the *Daily Telegraph* that described this Assembly as “half-backed”. They called us “half-backed” because they made a spelling mistake in their own editorial. There they are describing us as “half-backed” when they are such a “half-backed” paper themselves, a half-baked paper themselves, that they made a spelling mistake and added a “c”. I do not think they are half-backed; they are fully-backed by Rupert Murdoch and all his money.

Mr Temporary Deputy Speaker, it seems to me that when we are looking at the broad drug strategy in terms of illicit drugs and licit drugs we must ensure that we use a harm minimisation approach. (*Extension of time granted*) Somebody senior at the *Canberra Times* said to me the other day that on my tombstone, if he ever has a say in it, these words should appear: “Michael Moore made it harder to smoke tobacco and easier to smoke cannabis. Michael Moore made it harder to be born and easier to die”. Whilst I recognised the humour of what he was saying, in that case I was able to explain. I sometimes have difficulty in explaining what is consistent about my policy in terms of my approach to drugs when I appear to make it harder for people to smoke tobacco on the one hand but easier for people who smoke cannabis or use heroin. I do not intend to make it easier for those people, Mr Temporary Deputy Speaker. What is consistent about the approach is that it is a harm minimisation approach. The first and foremost goal of such an approach is to reduce the harm associated with the use of whatever the substance is, whether it is alcohol, tobacco, heroin, ecstasy or cannabis. That is the goal that will give us a consistent approach and will give us improved health outcomes, measured in terms of morbidity and mortality and other broad health measurements and outcomes that are set out in the Ottawa Charter.

I have with me a press release put out by Wayne Berry, MLA, Leader of the Opposition and ACT Labor. He says that his party now are going to have no more to do with the heroin trial because it is time the ACT Assembly focused on issues that we can affect rather than those we cannot, and he says the same about euthanasia. I think we can affect this issue. It is just a matter, as far as I am concerned, of the heroin trial having been postponed for a short while. Of course we can affect it. I am not a quitter the way Wayne Berry is. He clearly is going to be a quitter on this issue and on the euthanasia issue, and we will talk about that a bit tomorrow. I am not a quitter. I will keep going at it. I must say that I am very surprised that Wayne Berry has decided to be a quitter. It is not something that I ever perceived about him before, but there it is in black and white and I do not know what else to think about it.

Mr Temporary Deputy Speaker, the Prime Minister, in appointing his task force to look at drug strategy, has made a most strange decision. The Ministerial Council on Drug Strategy was appointed to consider the very issue that he is considering. They have spent huge sums of money. They have an agreed position from right around Australia, with just a few adjustments to the edges. Where they have not got an agreed position, they have taken a vote and have a majority view. The Prime Minister seems to think that he can appoint a couple of senior public servants from his own bureaucracy to deliver what he wants, so that he can be seen to do something to cover up for his own bumbles.

What the Prime Minister has suddenly realised is that in Australia people do not see him as a leader. They see him as pathetic. It is a great shame, because in his very early days as Prime Minister he was a person who took on the gun lobby and said, "We are going to deal with guns; we are going to get an approach across Australia". He showed real leadership, and nobody can take that from him. One of the things that I am proud of, and I know Mr Humphries is dearly proud of, is that the ACT was able to lead the way in delivering on the direction that the Prime Minister had taken. But on this issue he has taken the easy way out. If he thinks that a task force of a few tame public servants is going to come up with any results, he has another think coming.

Mr Temporary Deputy Speaker, I would love to be found to be wrong on this issue. I would love to see the task force come up with ideas - maybe ideas completely different from mine - that would move us ahead in terms of dealing with this incredible scourge of the use of illicit drugs in our community. But he would have to make it public so that we can see what his advice is. How are these senior public servants going to do this if they do not listen to what the community is saying about the issue? Mr Temporary Deputy Speaker, I think it is an absolute disaster that that kind of approach has been taken. On the other hand, I think that the national drug strategy, with the six principles underpinning it, is very important. That first principle is a commitment to harm minimisation.

What is lacking in this future direction strategy is the goal of undermining the black market in illicit drugs. Until we grasp that reality, until we grasp the notion undermining the illicit drug trade, this scourge will be with our community in a way that will grow and grow, because that is the way the marketing system is designed. Just as the sales of detergents, saucepans, make-up and cosmetics grow and grow under a similar network marketing scheme, this one will grow; but it will grow more strongly because the motivation is not just about money, although that is one of the major motivations. There is an additional motivation. People who are dependent upon a drug also know that they do not have to go out and do burglaries, they do not have to do prostitution, and they do not have to participate in fraud or any of those other things if they can just get a handful of other people to buy their drug of choice. That is what makes it so insidious. Until we find a way to wrestle with that, to understand that, Mr Temporary Deputy Speaker, the situation will get worse and worse and more and more young people will die.

Although there are differences of opinion as to the way we should operate under these sorts of strategies, it is quite clear that a wide range of approaches needs to be taken to look at whatever possibilities we can. They start at rehabilitation, and they go across to broader issues such as the heroin trial. I urge members and this Minister to continue pushing for the broadest possible range of treatments and methods.

MR BERRY (Leader of the Opposition) (4.32): Today I announced a new policy for the Labor Party in the sense that what we want to see is a change in direction in relation to heroin in particular. In the context of this debate and the ministerial statement about the ACT drug strategy, it is most appropriate for me to say a few words, although I am not going to go on with a long and tedious speech, because I do not think it advances the issue much.

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Mr Temporary Deputy Speaker, the situation is plainly this: The Labor Party has called upon the Government to do more in relation to rehabilitation and it has called upon the Government to do more in relation to education. I have been critical of both Mr Moore and the Government in relation to the constant debate about the heroin trial and those sorts of things without sufficient emphasis being placed on other matters. Our position is clear in relation to a heroin trial. I made it clear from the outset. I was the first to raise it at the national level. Our position remains thus. When the opportunity emerges again we will take up the issue again, but the door has been closed.

Mr Moore: Temporarily.

MR BERRY: The door has been closed temporarily by Prime Minister Howard. That could change. Mrs Carnell today made her first ministerial statement on the drugs strategy in the ACT since she came to office.

Mrs Carnell: Because it is a two-year strategy.

MR BERRY: It is the first ministerial statement on the drug strategy that you have made since you came to office. I feel, in part, responsible for that. I feel that, in part, if I can use some provocative language, I flushed you out. I trust that we will have more than words on the matter. I intend to keep raising this issue in the context of more work being required, but there are other issues out there in the community that the community wants us to deal with. If you ask many people out there about the drug problem in the ACT they will tell you that the most prominent issue is the heroin trial. There are good reasons for the heroin trial to be debated, but most - - -

Mrs Carnell: Because it is the area of difference.

MR BERRY: Not between you and me.

Mrs Carnell: No, between us and other States.

MR BERRY: They have had weekly doses of heroin trial and they have just about had enough of it. They want to get back to some of the other core issues. Mr Temporary Deputy Speaker, I welcome the Minister's speech. I note what Mr Moore has said. I hope that we stop thrashing around about this issue, recognise that the door is closed for the foreseeable future and get on with the job of dealing with, particularly, illicit drug use in the ACT. I think the ACT strategy in relation to tobacco has been generally good, although I have been critical of the moves by the Government and Mr Moore in respect of this on a couple of occasions. I will not say too much more about that because of the risk of flushing out the - - -

Mrs Carnell: That is why we get the Australia first prize.

MR BERRY: You could have been A+ - at the risk of provoking an angry reaction. The situation is clear. More work is required in the ACT, not words, and, yes, the heroin trial was a priority. The door has been shut. We will have to wait for a future opportunity.

MS TUCKER (4.37): I think we have a lot of common ground in this place on the issue of drugs; so I will not get into where we might have differences, although I must say I do not agree with the line Mr Berry has taken today. I think it is very important to continue to raise the issue of the heroin trial. It is actually not just about the heroin trial; it is also about what is happening to our democracy, the power of the media and, might I suggest also, the way the major parties sometimes tend to be poll-driven rather than issue-driven, and it is not just Mr Howard who has been guilty of that. The interchangeable policies of Labor and Liberal are great evidence of that fact.

Mr Moore: I cannot imagine the Labor Party being poll-driven. Do you really mean that, Ms Tucker?

MS TUCKER: Mr Moore interjects, "Would Labor ever be poll-driven?". I think there is evidence to suggest that could have happened, and may still be happening. We have seen the power of the media and I was glad to see Stuart Littlemore highlight it last night, but we need to be outraged. We need to say we are outraged and we need to continue to do that because Mr Berry is saying that all the other approaches to drugs and reducing the harm of drugs in our society can be pursued anyway. I believe that the heroin trial is a particularly important aspect of a response to the issue of drugs in our society.

Mr Berry: I do not disagree.

MS TUCKER: Mr Berry said he does not disagree. I know you do not disagree; you have said that several times. But that is why I believe it is really important that we continue to raise the issue here, and I have no objection to it. I know you do not like Mr Moore getting the media attention and you think he is doing it just for that reason, but I do not believe that. I believe that this is an issue that we all need to pursue. It does not have to be just Mr Moore. We all agree that it is something that we want to pursue. Why not do it in this place? This is the appropriate place, and through the media, of course, to try to influence Mr John Howard on this issue and make him actually address the issue at hand instead of the politics.

I will not repeat what other members have said, except to say that what Mr Moore called the network marketing system, where people are influencing their friends to take on various types of drugs including heroin in order to provide an income for their own use of those drugs, is very healthy and very alive in the ACT. When I was about 15 or 16 my peers were trying to persuade me to try smoking a cigarette. Right now people are trying to persuade my 16-year-old daughter to use heroin. I know in this community right now at least six young people who have taken on heroin at an age less than 17.

What this brings up for me as a mother is that this is the everyday reality for us people in Canberra who have teenage children. I have seen why some young people have chosen to take heroin, and it has a lot to do with other issues in their lives; but it is absolutely terrifying because they are so vulnerable. When I was first exposed to heroin I was probably 19 or 20. These kids are 14 or 15. In the rehabilitation services that exist they are saying that quite clearly the age is going down. That is the thing that we have to be very frightened and alarmed about here, and that is what I believe the heroin trial was trying to address. It was trying to reduce the need, among other things, to encourage other people to become involved in this drug use in order to support their own habits.

Mrs Carnell mentioned the general point that we need a residential rehabilitation facility for young people. We are hearing that in the committee that is looking into services for children at risk and in the mental health inquiry as well - the problem of dual diagnosis. I acknowledge that Mrs Carnell has pointed that out as something that she realises does need to be addressed. I look forward to seeing the evaluation of this strategy later on in the year.

I went to New South Wales with Mr Moore to hear Professor Penington talk. There was a particular response that he made when Fred Nile at one point took the very holy and high moral and high religious ground and said basically, "This is a moral issue and it is pretty clear you have a choice; you do or you do not". Professor Penington responded by quoting the *Bible* to Fred Nile. He said he thought a suitable parable to reflect on at that point was the parable of the good Samaritan, where there was the person in need on the side of the road. The health worker walked by and said, "No, it is a legal problem", and then the lawyer walked by and said, "No, it is a health problem", and then the good Samaritan walked along and said, "Hey, this person needs help". I thought it was a very clever response by Professor Penington to this very reactionary response from Fred Nile. I do not see John Howard's response as any more sophisticated than Fred Nile's response. I am absolutely appalled by it and I will continue to support motions in this place which raise these issues.

MR HUMPHRIES (Attorney-General) (4.43): Mr Temporary Deputy Speaker, I want to concentrate my remarks on the things that Mr Berry had to say and to describe to this house as clearly as I can what I think Mr Berry has been trying to do in his statements in recent weeks where he has been taking a swing at the emphasis on alternative strategies and the harm minimisation approach at the expense of drug education. I want to say very clearly that I think what has happened here is that we have seen one of the most sad, pathetic and tawdry attempts to take political advantage at the expense of a very critical issue of social policy. We have seen Mr Berry attempt to exploit the situation, not to assist people who are dependent on drugs in this community, not to produce better outcomes to reduce the levels of crime and so on associated with the use of drugs, not to attack this problem at its root, but to secure short-term political advantage for himself and his party, because Mr Berry believes in only one thing in this place. Mr Berry believes in success for himself and his party on 21 February, and nothing else matters.

Mr Berry: And you do not?

MR HUMPHRIES: Not to this extent, no, I do not. Mr Temporary Deputy Speaker, what has happened in the last few weeks is very clear. We have had a situation where the Chief Minister of the ACT has courted the displeasure of a great many of her conservative colleagues across Australia and the antipathy of a very significant part of the ACT community by going out and talking about a heroin trial, a trial which runs counter to at least 30 years of public policy which has told people, "Do not do drugs. Drugs are bad. We must stop drugs. Do not go anywhere near drugs". She has taken on 30 years of policy by saying, "No, it is time we rethought this strategy. It is not working".

Mr Berry: No, she is a Johnny-come-lately. We decided earlier.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I heard Mr Berry's remarks - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order, Mr Berry!

MR HUMPHRIES: So we have this situation where Mr Berry decides, "When Mrs Carnell takes this side I am going to take this issue on. I am going to address this problem". When that happened, Mr Temporary Deputy Speaker, I saw a person out on a limb; a person who was confronting considerable social stereotypes about this sort of issue and was saying that we need to do something about this, but was also putting herself at a great distance from many people in the community, particularly those who traditionally support the Liberal Party, because very often those people have reacted very badly to the concept of a heroin trial. What did Mr Berry see? He saw an opportunity - an opportunity to exploit the position the Government was in and to saw off the limb while Mrs Carnell was out on that limb. (*Quorum formed*)

Mr Temporary Deputy Speaker, let me state for the benefit of those members who are now in the chamber that what we are seeing in this whole debate is a tawdry, pathetic attempt by a man who is desperate to win office in this place; a man, sitting on his own over there, who is desperate to secure some advantage at the expense of a Chief Minister who has taken a courageous step. As I said, I have seen in this debate a person who has gone out on a limb and risked considerable unpopularity, both with her colleagues and with the community, by taking an unpopular stand because she believes - a view shared by a number of people - this is the right thing to do to adjust the social policy parameters in this country. What Mr Berry saw was an opportunity to saw off that limb while she was out on the end of it.

Mr Moore: Even though he agreed with it.

MR HUMPHRIES: Of course, this is his problem. The problem is that he could not go out and attack her for taking a position supportive of the heroin trial, because he actually agreed with it, and so did his party. So what did he do? He said, "I cannot attack the heroin trial, but I can attack her on drugs generally and create the impression that her views and my views are different; that she is a dangerous radical when it comes to drugs and I believe in protecting the kiddies of our community when they go out there and are offered drugs by these nasty drug dealers. So, if you want to have a strong arm on drugs, if you want to enforce the law - the sort of language we saw in the *Daily Telegraph*; we want to crack down on those evil people dealing with drugs - then support me, Wayne Berry and the Labor Party, and do not vote for that nasty Mrs Carnell". That was the exercise, and it was cynical in the extreme, particularly given his own supposed support for this concept, for the idea of harm minimisation.

Mr Temporary Deputy Speaker, this is, in a sense, a moral issue. It is a moral issue about dealing with those increasing thousands of people in this community every year who are falling off the end of the truck, who are not being affected appropriately, who are not being helped by the drug policies we have been using for a long time, and who will continue to fall off the back of the truck unless we change the parameters of drug policy in this country. Nobody in this place who has seen what has gone on in this community

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can rise and pretend, no matter how well they might act out a part, to believe that what we are doing at the moment is achieving what it should be achieving, and that is protection of people in the community who, for whatever reason, fall victims of addiction to drugs. We do not believe that we should change drug policy like that, do a 180-degree turn and swing around the other way. That obviously is not going to be a good message. It is not going to work. But we do believe in picking up and addressing some options for change, looking at options for change.

Mr Berry: Point your finger to the one on your left.

MR HUMPHRIES: You can giggle and hoot over there, Mr Berry.

Mr Berry: No; point your finger at your boss. She is the one who has let us down.

MR HUMPHRIES: You can carry on in your cynical way. But you are a harlot; you are a harlot in the way you have approached this matter. You have bought your position with votes. You believe you are going to get more votes by taking this position. You have betrayed your principles.

Mr Berry: I do not know that harlot is - - -

MR TEMPORARY DEPUTY SPEAKER: No, I do not think so. No; no problems.

MR HUMPHRIES: Mr Temporary Deputy Speaker, this man has betrayed his principles.

Mr Berry: You think it is okay? Do you think it is parliamentary language? I take a point of order.

MR HUMPHRIES: Look at him there in his harlot's outfit - - -

MR TEMPORARY DEPUTY SPEAKER: Order! The Attorney-General will resume his seat.

Mr Berry: I think it is probably unparliamentary language.

MR TEMPORARY DEPUTY SPEAKER: I do not - - -

Mr Berry: If Mr Humphries wants to lower himself there is not much I can do. If you want to support him, Mr Temporary Deputy Speaker, there is even less I can do.

MR TEMPORARY DEPUTY SPEAKER: That is all right. Resume your seat, Mr Leader of the Opposition. Mr Humphries, proceed.

MR HUMPHRIES: Thank you, Mr Temporary Deputy Speaker. We see Mr Berry for what he is - a man who has betrayed his principles in order to obtain political advantage. Well, it will not work. They have already tried that and it did not work very well once before. Do you remember the bumper stickers after the 1994 medicinal use of marijuana debate? Do you remember "Liberals plus Independents equals chaos."?

Do you remember that on the back of all the cars, the Labor Party staff cars out there in the car park? "Liberals plus Independents equals chaos", with a little marijuana leaf on the thing. I will tell you what; about eight weeks later, Liberals plus Independents equalled government. That is what it equalled.

Mr Berry: And chaos.

MR HUMPHRIES: That is how far your scare campaign on drugs got. That is how far your scare campaign got then. (*Extension of time granted*) I thank members. We have seen this scare campaign run before and we have seen it fail. Those opposite know that these policies will come to grief. An increasingly desperate and directionalist Opposition is trying to find some way out of the morass. They know they are going nowhere. They knew they were going nowhere with Mr Whitecross, and they are still going nowhere with Mr Berry. You know that, Mr Berry; and so does Mr Wood, and so does Ms McRae, and so do all the other people sitting up there. We have seen that. We know what is going on over there. We know the turmoil that this party has gone through. We have heard today about a new direction: "We are not going to talk about drugs. We are not going to talk about euthanasia. We are going to talk about jobs". Where were you when we were talking about jobs? In fact, where were you when we were creating jobs?

Mr Berry: We were here telling you that you went up to 8.6 per cent.

MR HUMPHRIES: We were out there creating those jobs. Where were you when we were bringing down the unemployment level in this Territory, during a period when you were attacking every single employment measure we were taking? Where were you then? You were talking about other things. You were talking about anything other than jobs during that period. We know what your policies are, Mr Berry, and we know they are not going anywhere.

Mr Temporary Deputy Speaker, the link between drug reform and crime reduction is a very real one, and one I have come to appreciate very keenly in the period since I have become Attorney-General. I believe that a very significant proportion of the people who today occupy the gaols, not just in New South Wales from the ACT, but the gaols of this entire nation; would not be there but for the policies in relation to drugs which our nation has pursued. Many of the people who, for example, in this community are knocking over service stations, supermarkets, shops, pharmacies and banks are doing so to feed a habit. They are sick people. No-one can excuse them for the crimes that they commit; but, by the same token, we have to acknowledge that the crimes committed are, in part, a product of our present direction on drugs. We cannot expect people to change their behaviour - behaviour driven in many cases by a crazed and desperate need for the money to buy drugs - without looking at the policy underpinning that state of affairs. That is why we need to look at options for change - not adopt change holus-bolus; not change direction dramatically in a way which leaves people without an understanding of what is going on; not even change without proper research and debate in the community.

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That debate is going on, and has been going on for some time. We have seen the Waller inquiry in the ACT; people from a great many backgrounds coming together and agreeing that we need to explore new avenues for producing solutions to our drug problems. We saw the Wood royal commission in New South Wales recommending that a heroin trial proceed as a further front in dealing with the problems of the community. We saw the Ministerial Council on Drug Strategy, or at least a majority of that council, agree that we need to look at new directions, and a heroin trial in the ACT would be an appropriate option in that armoury. That is not to mention people like capital city mayors, the AMA, the churches, the police commissioners and others who have all agreed that the problem of heroin abuse in our community is at such a serious stage that we need to take some new steps.

Mr Temporary Deputy Speaker, I believe that what we have seen today and in the last few weeks has been a cynical attempt by the Australian Labor Party to back away because they believe that they need the votes. They would rather see the chances of drug reform put back a few years than lose a possible chance, no matter how long a shot it might be, to win the 1998 election. It is cynical politics in the extreme. Those opposite who believe that there should be a change in policy, who have gone along with this policy because they are led by a desperate man over there, should be ashamed of themselves. They should have stood up to this sort of politics of cynicism and shown some leadership even if their leader would not. Of course, Mr Temporary Deputy Speaker, they do not have much choice, do they? They are stuck with Mr Berry, the harlot, for the next six months. If we see this sort of policy pursued up until the election we know what their fate will be on 21 February next year.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.58), in reply: I understand that I will be closing the debate, and we are not having an MPI, are we?

MR TEMPORARY DEPUTY SPEAKER: Yes, you are closing the debate. That is correct, Chief Minister.

MRS CARNELL: The attempts to establish an ACT heroin trial followed a long and very rocky road, ending suddenly in the Commonwealth's decision not to support the trial last month. I am still very disappointed, as I am sure at least some of the members of this Assembly are, that the Federal Cabinet was swayed by what was a very ill-informed scare campaign which effectively means that one new, important approach to the treatment of heroin addiction cannot, at this stage anyway, be tested in Australia. As members will recall, the ACT heroin trial originally grew out of a recommendation to the Select Committee on HIV, Illegal Drugs and Prostitution. We all have to acknowledge Mr Moore's role in piloting that recommendation through the committee and establishing a connection with the National Centre for Epidemiology and Population Health, which in June 1995 released its report entitled "Report and Recommendations of Stage 2 Feasibility Research into the Controlled Availability of Opioids". The report included a recommendation that a task force be established to conduct community consultations about the proposed clinical trial testing the efficacy of heroin prescription.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

DRUG STRATEGY 1995-97 Ministerial Statement

Debate resumed.

MRS CARNELL: In July 1995 I established the heroin pilot task force chaired by Mr Kevin Waller. The task force was asked to consult with the community and make recommendations about whether or not the trial should proceed and how the feasibility research might best be implemented. Members will also recall that the task force reported in January 1996 and took the view that, on balance, the potential benefits of a heroin trial outweighed the potential hazards and that the trial should go ahead. As Dr Alex Wodak, the Director of the Alcohol and Drug Service at St Vincent's Hospital in Sydney, said:

... the ACT Heroin Trial ... grew out of the realisation that pharmacological treatments for drug dependent heroin users are one of the few interventions which can accurately be described as astonishingly successful in the drug field.

More recently, the heroin trial received the support of the Ministerial Council on Drug Strategy. The ministerial council agreed at its 31 July 1997 meeting, as we all know, that the ACT proposal should proceed with the first stage of the heroin trial in the ACT along with a trial of buprenorphine. The ministerial council, after a large amount of debate, not just over one year but over a number of years, recommended that there needed to be a strategic approach to illicit drugs which encompassed alternative treatment options, preventative education campaigns and effective law enforcement. For Mr Berry to assume that somehow the Ministerial Council on Drug Strategy was looking at only the heroin trial, or for that matter other pharmacological treatments, is simply wrong.

Mr Moore: Hear, hear! Another time that he gets it wrong, deliberately.

MRS CARNELL: Yes, that is certainly true. The ministerial council is also looking at, and has also been very proactive in, areas such as preventative education campaigns and effective law enforcement as well. So, it is very much part of a package. There was tremendous support for the trial from a wide range of sources, including Australia's

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capital city mayors, Justice Wood, Professor Penington, and other high-profile people who called for a properly controlled national heroin trial for people who may have failed other programs. But, as I said, the option is now closed to us, at least for the time being, because of the Commonwealth's decision.

This does not mean, however, that this Government will renege on its commitment to ensuring that a range of treatment options are available here in the ACT for opioid-dependent people. Now that we are unable to proceed with the heroin trial, we will be working with Victorian authorities to test two other treatment options - buprenorphine withdrawal treatment and naltrexone relapse prevention treatment. Mr Berry, if he ever bothered to read the actual documentation, would know that we were always planning to be part of other trials as well. This has meant that we have expanded that approach. In addition, as I said earlier, the methadone program has now been expanded by 30 places to 430 places in the ACT. As members know, that is a significant increase since we came to government just over two years ago.

Buprenorphine is a heroin substitute that is to be trialled as both a maintenance drug and a withdrawal treatment. The ACT trial will test buprenorphine as a withdrawal treatment to assist heroin or methadone users to become completely drug free. The trial will test whether buprenorphine allows for quicker and easier withdrawal than other options. Buprenorphine has been shown in some studies to be as effective as methadone in reducing illicit opioid use, retaining clients in treatment and reducing withdrawal symptoms. It is acceptable to heroin users, has few side effects and is safe at high doses, enabling alternate day dosing. It is associated with a low level of physical dependence and a relatively mild withdrawal syndrome - features which may make it a useful drug in the facilitation of withdrawal from opioids. It is currently able to be prescribed in both Switzerland and the UK.

Naltrexone is a heroin antagonist, which means it blocks the effects of heroin. It is long-acting, with few side effects, but patients need to become opioid free before it is used or it induces withdrawal symptoms. It is most successful with highly motivated individuals who wish to cease opiate use completely. At any one time, this group, as I think Mr Moore has already said, is likely to be small; but that does not mean that the group is not important. There is currently some interest overseas in the use of naltrexone as an agent in a very rapid opioid detoxification approach, and I think Mr Moore went through that issue very well. It is something that we are certainly willing to look at; but again, it is one of those issues, one of those many things, that probably do need to be trialled to assess just what group of people or how big the group of people is that it affects. Whatever happens, the Commonwealth is undertaking research into naltrexone as we speak.

The intensive nature of the treatment makes it very expensive - we understand somewhere between \$7,000 and possibly as much as \$10,000 - and its effectiveness is yet to be independently demonstrated. Initial results have been claimed to be very good; but, as Mr Moore says, there still needs to be appropriate work done. There has also been a death reported in Britain which is under investigation. So again, Mr Temporary Deputy Speaker, as Mr Moore said, there is no simple answer here. The only way we are going to know is if we have proper clinical trials of all of these drugs that may be useful.

Naltrexone will be tested as a relapse prevention treatment for users who have withdrawn from either methadone or heroin use. The buprenorphine and naltrexone trials in the ACT will involve 15 users in Canberra and 35 users in Melbourne initially, rising to 50 in the ACT and 150 in Melbourne next year. It is important that we develop these alternative treatment options. Clearly, we need to do more to attract users into treatment, rather than simply turning our backs on a problem or putting it into the too hard basket, as it seems Mr Berry wants to do.

As I said before, the ACT Government now has no choice but to discontinue its work on the heroin trial. I have always said that the trial could not proceed without the support of the majority of jurisdictions as well as Commonwealth support, particularly Commonwealth financial support. (*Extension of time granted*) I must say it is extremely disappointing that the Commonwealth withdrew its support for the trial just two weeks after supporting it at a meeting of the Ministerial Council on Drug Strategy. One must question the Commonwealth's commitment to this and other ministerial councils. The heroin trial is over but problems arising from and associated with illicit drug use remain as the single biggest public health problem facing Australia today.

The ACT Government will not turn our backs on people who desperately need our assistance. As a government, I think we have shown that we are willing to take the hard approach here. We are willing to look at options that may not be easy to sell in the community, but options that just might work for some people. The reason that this Assembly has been, I think, fairly successful in social policy reform over the years since self-government has been that up until now we have not played politics on these sorts of issues. Up until now we have seen oppositions, certainly when we were in opposition, willing to support pretty hard issues, pretty difficult issues, in the area of social change.

Mr Berry: Rubbish! You were the most adversarial and sneaky person we have ever had in the place.

MRS CARNELL: I ask for that to be withdrawn, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Order!

Mr Berry: Mr Temporary Deputy Speaker, I said she was the most adversarial and sneaky person we have ever had in the place.

MRS CARNELL: I ask for that to be withdrawn, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: I ask that the word "sneaky" be withdrawn.

Mr Berry: Sneaky. Okay.

Ms McRae: Mr Temporary Deputy Speaker, may I take this opportunity to take a point of order? If Mr Berry had called Mrs Carnell a harlot at this point, I think you would have asked him to withdraw that as well. I sincerely ask you, as a point of order, to reconsider the allowance of the word "harlot" against Mr Berry, on the ground that you now have asked Mr - - -

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MR TEMPORARY DEPUTY SPEAKER: Order! There is no point of order. Resume your seat, Ms McRae.

Ms McRae: Yes, there is. I will take it up with the Speaker, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: There is no point of order. The word “harlot” was not used, but the word “sneaky” was, and I would ask the Leader of the Opposition to withdraw it.

Mr Berry: Is “sneaky” going to be added to the list of unparliamentary language?

MR TEMPORARY DEPUTY SPEAKER: You are withdrawing it; is that so?

Mr Berry: Is it added to the list of unparliamentary - - -

MR TEMPORARY DEPUTY SPEAKER: You are withdrawing it, are you, sir?

Mr Berry: Yes; only at the risk of being thrown out, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Righto. Thank you.

MRS CARNELL: Very appropriate. Thank you very much, Mr Temporary Deputy Speaker. We have learnt over a number of years that the only way we can make significant progress, particularly in the social reform areas, is if we act as an Assembly and we act together. I believe we have done that very successfully in a number of areas. Up until recently the area of drug law reform has been one of those. There are a number of others as well, such as our changes in prostitution law. In a number of areas we have chosen, as an Assembly, to take a particular approach which is in the interests of the community.

Mr Berry: Stop whining and take your medicine.

MRS CARNELL: What we have seen from Mr Berry over the last couple of weeks is a significant step backwards for this Assembly. For me personally, I think one of the things we have done best in this Assembly is to be able to take on board an issue such as drug law reform and treat it as adults rather than in the way that Mr Berry seems to want to treat it. Let us hope that this is a mere aberration for Mr Berry and that in future he understands that politics, and certainly being Leader of the Opposition, does require a tiny bit of leadership. That should not mean that, just because a few people come into his office and say, “We think you should be tough on drugs”, he should come out and say, “Put them all in the clink”, or whatever; and that it is a good approach.

Ms McRae: When did he say that? When did he say “Put them in the clink.”?

MRS CARNELL: Mr Berry said some people came to his office and he responded to them. Mr Temporary Deputy Speaker, that is not leadership, and I hope that Mr Berry realises that this is not the way to go.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR BERRY (Leader of the Opposition): Mr Temporary Deputy Speaker, I would like to make a statement pursuant to standing order 46. During the course of debate on the immediately past issue Mrs Carnell said something along the lines that I believe the Ministerial Council on Drug Strategy considered only the heroin trial. That is quite untrue and Mrs Carnell should not have said that, because she has no evidence to say that.

Mr Moore: I take a point of order, Mr Temporary Deputy Speaker. I think Mr Berry wants to make an explanation under standing order 47. If he thinks something is wrong and wants to explain words, standing order 47 allows him to do that. Standing order 46 is where he feels there has been an affront to him on matters of a personal nature. So that I can understand what he is doing, I think standing order 47 might be what he means.

MR TEMPORARY DEPUTY SPEAKER: Mr Moore, I thank you for that.

MR BERRY: Mr Temporary Deputy Speaker, I would like to thank Mr Moore for drawing my attention to that standing order. He has been most helpful.

MR TEMPORARY DEPUTY SPEAKER: I was just going to give some direction to the Leader of the Opposition and draw his attention to standing order 47, but I thank Mr Moore.

MR BERRY: Thank you, Mr Temporary Deputy Speaker. Everybody is being so helpful.

MR TEMPORARY DEPUTY SPEAKER: We are just trying to put you on the right track, Mr Berry.

MR BERRY: Mr Temporary Deputy Speaker, thank you for your kind guidance. The other issue that Mrs Carnell raised, and I think she either misquoted or misunderstood my view on the matter, was in relation to what people have said to me.

Mrs Carnell: They said, "Get hard on drugs, Mr Berry". What does that mean?

MR BERRY: Mrs Carnell said I said a bunch of people came into my office and said, "Get hard on drugs and lock them up". That is a nonsense. I have never said that and it has never happened. I think it is disingenuous for you to stand in this place and make those sorts of statements which are quite untrue.

Mrs Carnell: Mr Temporary Deputy Speaker, I take a point of order. This is debating the issue.

MR TEMPORARY DEPUTY SPEAKER: Order! I uphold the point of order.

MR BERRY: I am finished, Mr Temporary Deputy Speaker.

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MATTER OF PUBLIC IMPORTANCE - WITHDRAWAL

MR TEMPORARY DEPUTY SPEAKER: I have received a letter from Mr Moore withdrawing the matter of public importance that he had submitted for discussion this day.

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

MR WOOD: I present Report No. 11 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement.

Leave granted.

MR WOOD: Report No. 11 of 1997 contains the committee's comments on five Bills and 46 pieces of subordinate legislation. I commend the report to the Assembly.

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

MR WOOD: I ask for leave to present a report by the delegation to the delegated legislation and scrutiny conferences held in Adelaide from 16 to 18 July 1997 and to make a brief statement on the report.

Leave granted.

MR WOOD: I present Report No. 12 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, which is the delegation's report on the Sixth Australasian and Pacific Conference on Delegated Legislation and the Third Australasian and Pacific Conference on the Scrutiny of Bills. The conference was held in mid-July. Mr Hird and I were able to be there with the committee secretary, Tom Duncan, and Professor Whalan, our legal adviser. Among the topics discussed were: The role of parliament and scrutiny committees in the protection of rights; party politics and human rights; regulatory reform and the use of alternative compliance mechanisms; recent developments in delegated legislation; and the scrutiny of national schemes of legislation.

I presented a paper on performance indicators and took part in the lively discussion it prompted. There was sufficient interest in the topic for it to be listed for further discussion at the next conference in Sydney. I should acknowledge the work of Mr Duncan in the preparation of the paper. A number of other papers were presented to the conference on the topics I have indicated. Members of this Assembly will be pleased to hear that participants from States and Territories were also keenly interested in the proceedings and provided lively debate throughout.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1997
Detail Stage

Debate resumed.

MR TEMPORARY DEPUTY SPEAKER: The question is: That Mr Moore's amendment No. 3 be agreed to.

MR MOORE (5.18): On the face of it, the clause in the legislation seems very attractive. It seems that what we do is add a system of an appeal. It is very unusual for me to stand and say we ought not have a particular appeals mechanism. But I think this is not an ordinary instance of citizens' right to appeal to the AAT. The decision in question is not an administrative decision; it is a legislative decision. It deals with an application of the law, and I think that is what makes this very different from other issues. The procedure of a Minister proposing what is, in effect, an alteration to the reach of the law, the final decision resting with the Assembly through the disallowance procedure, is an appropriate process. Private citizens should be free to suggest to a Minister that such an amendment to the law should be initiated. However, if a private citizen is aggrieved that the amendment to the law - and that is effectively what it is - is not made, their appeal should be back to the legislature, not to an administrative tribunal.

The so-called appeal right ought to be omitted. Let me give an example of this; let me paint a scenario. Under the Bill, as originally drafted, the employer known as Widgets Inc. could have applied to the Minister for an exemption from the occupational health and safety law. The Minister could have granted the exemption, with the result that the law enacted by the Assembly would not apply to the factory where Widgets carries on business. The Assembly would have no power to review the Minister's decision. Now, with the passing of the previous amendments, the Assembly would have the opportunity to disallow that exemption. The final decision on the application of the law is a legislative decision, as it should be.

However, even after amendment No. 2, Widgets Inc. could have a right to formally apply, as opposed to simply informally suggest, and get an exemption. The Minister refuses; then Widgets Inc. takes the Minister to the AAT to seek an order that the Minister grant the exemption. Note the AAT, while it has a high degree of independence from government, is an administrative body, not a judicial body; it is not a court. It is totally inappropriate for Widgets Inc. to have the power to challenge the legislative decision in an administrative agency. What would happen there is that Widgets would then be able effectively to overturn the intention of the legislation through an administrative act. That is my concern with this.

I can understand, in my original reading of this particular legislation, why I missed this. It seemed on the surface of it that an appeal mechanism is an attractive option, and it normally would be. It seemed to me, by the way, that an appeal against any decision along these lines would still be open to the court through the Administrative Decisions (Judicial Review) Act. The amendment that I have introduced removes the process of what I consider an inappropriate private action.

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MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (5.22): The Government does not support Mr Moore's amendment. This morning we debated at length the question - it was with disguise; but we were actually debating it when we accepted Mr Moore's amendments in connection with the Minister's discretion to issue an instrument or not to do so - of when a matter ought to be a legislative matter and when it ought to be an administrative matter. In accepting Mr Moore's amendments this morning, we accepted that, whenever a Minister issues an instrument of exemption, it is a legislative matter and ought to be subject to review in this place.

What we are now talking about, however, is the case where the Minister does not issue an instrument. Since the Minister chooses not to issue an instrument, it is not appealable to this place. There is nothing to appeal against, except a refusal of an application. If we accept Mr Moore's amendment and delete this section and remove the right of an aggrieved person to go to the Administrative Appeals Tribunal, where then does the aggrieved person go? Mr Moore has referred briefly to the appeal rights under the Administrative Decisions (Judicial Review) Act. Those of us who understand that Act know that that process is often quite complex and is relatively costly. Why would we choose to force an aggrieved person who had sought an exemption and been refused it out of the Administrative Appeals Tribunal process in favour of the AD(JR) process, which is more costly? To me, that is an abrogation of a person's rights.

I believe the Government's amendment is a reasonable one that ensures that a person whose application is not met by the Minister has a reasonable recourse, and that reasonable recourse is to the Administrative Appeals Tribunal. To remove it, in my view, is really making it more difficult, and that is not something that the Government would wish to do. I think we should make it as easy as possible for people to challenge such a decision if they see it as in their interests to do so.

MR BERRY (Leader of the Opposition) (5.25): This morning some amendments were passed in relation to this matter. At the risk of drawing some flak about commenting on that decision, I just want to discuss one of those amendments, and that is Mr Moore's amendment which related to proposed paragraphs 7(1)(a) and (b). It went to the issue of the Minister, on his own motion or an application in writing, dealing with exemptions. I should also point out that the exemptions regime which is proposed replaces a previous exemptions regime which was set out in the original legislation and which goes along similar lines - similar only. Those amendments which were carried this morning were, as I have been informed - I was given a description that aptly describes them - a signpost of what can or cannot happen with legislation. The Minister may do something or somebody may apply in writing. I am told that, absent those provisions in the legislation, one could make an application in writing and the Minister still could act pursuant to proposed subsection (3) and decide accordingly; and the matter might find its way before the Administrative Appeals Tribunal subsequently.

If the Minister were to refuse to make a decision and the AAT caused the Minister to make a decision, or the decision of the AAT was for the Minister to make a decision, then that instrument would find its way back into this place for possible review under the Subordinate Laws Act. In that case I have no difficulty with the provision. Then the decision of the Minister is reviewable by this Assembly. The appeal is then reviewable, in effect, by this Assembly.

Mr Moore: Even a decision by the AAT forcing the Minister is reviewable?

MR BERRY: That is how it appears. There is some question about some of the provisions of the AAT Act and whether, in fact, that would always be the case if the AAT were to make that sort of a decision or if a version of that decision caused the Minister to reverse his decision somehow or replaced his decision with a decision of their own. Those are issues which I would like the Minister to investigate.

On the face of it, I am prepared to support the legislation, as it is outlined at this point, because it does offer to the community something which was not offered in the earlier legislation where somebody could make an application. The prospect of somebody getting an exemption from the occupational health and safety legislation is one which I find a little worrying, but then the advice that I have been given by departmental officials points to some specific issues where it might be applied and which are relevant. I will be watching the issue very closely because I will be able to see whatever happens coming back through this place.

The exemptions under the previous legislation, from my memory of it, have not led to an instrument coming back to this place. I could be wrong on that, but I do not recall an instrument coming back to this place. In any event, had that been the case, it is not something that Assembly members have been concerned about; it has passed through without debate. In the current circumstances, it would be of more interest to members if a disallowable instrument came back to this place after a decision of the AAT, because we would then have to take note at least of the decision of the AAT before we were to make a decision, as well as the circumstances which the applicant had put forward for the exemption. I will not be supporting Mr Moore's amendment in this case.

Mr Moore got a little, I thought, puffed up this morning about the crossbenchers' position in relation to this matter and how they were doing such a good job in scrutinising things. The amendments which Mr Moore put this morning give me no trouble, though the original clause gave the Occupational Health and Safety Council no trouble. I know now that the Government is not particularly worried about the amendments which were put through, and that is okay. But one could say in relation to this one that Mr Moore has overreacted to the provision. Labor is not prepared to support it but will be keeping its eye on the issue, as the occupational health and safety legislation is a child of the Labor Party. That is how we see it anyway; and we are very proud of it as an instrument for the protection of workers.

MS TUCKER (5.31): I think it was quite legitimate for Mr Moore to be pleased at the things that he has found in this legislation. I just heard Mr Berry say that he would be concerned to think that a Minister could just grant exemption from what you would think would be fairly basic requirements of occupational health and safety. I must say that I was very pleased that Mr Moore and his office had done the work of looking carefully at this legislation and coming up with the amendments which he did come up with. Basically, as it was, the Minister had unchecked power to decide. We see the key of disallowability as very important, and that is why we were happy to support the amendments this morning.

The Greens will support the third amendment also, even though I am not totally convinced that it is appropriate to have the Administrative Appeals Tribunal actually having the right of review over legislative decisions, because it then comes back to this place and there is a disallowable instrument. I take it that the Minister and his advisers have said that it is appropriate to have the AAT in that position. I will have to accept that. I am quite happy to support this amendment.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (5.33): Both Mr Berry and Ms Tucker have raised the question of whether exemptions ought to be issued. Let us be clear. Issuing exemptions under these Acts has not been, and nor will it be in the future, a growth industry.

Mr Moore: Has it ever been done?

MR KAINE: I am sure that there have been a few, but they would be rare and would be issued only where there are unusual circumstances. I notice, for example, that in New South Wales, where there is similar legislation, under one particular heading "Where requests have been received to exempt persons from the requirements of certification and regulation", in one year of operation there were only three applications received in the whole of New South Wales. Incidentally, all three of them were rejected. It is not something that is going to demand the attention of the Minister every day of the year; it will be a very rare thing; it will be fairly uncommon to get an application for an exemption. It will be even rarer for the Minister to approve it, I would suggest. I do not see that it is going to inundate the Assembly or the Administrative Appeals Tribunal with business if we introduce this minor legislation.

MR MOORE (5.34): Mr Speaker, in taking advice on my amendment, after comments made by Mr Berry and Mr Kaine, I wondered whether the amendments we passed earlier would have the effect of still retaining the power of disallowance in the hands of the Assembly. The question then becomes: If the Minister rejects an application, as those three New South Wales applications were rejected, but the Administrative Appeals Tribunal listens to the case and says, "No; you should not have rejected it; the case has been found" and a Minister has been forced to allow the exemption, is that decision of the Minister then subject to disallowance in this Assembly? If it is, then I have far less concern about this matter. In other words, the earlier amendments will have achieved much of what I wanted to achieve. But I think there is still some doubt as to whether or not that can be achieved. It depends how the AAT makes its decision. I am told that is a possible interpretation. At this stage we do not know.

It is for those reasons that I think this package of amendments will come together most effectively if this amendment is supported. I say that on the one hand. On the other hand, if indeed the scenario is such that even when the AAT has rejected the Minister's rejection - there is a double negative there - and allows it to go ahead, if the Assembly can then move for a disallowance I am not as concerned. It seems to me that the best thing for this Assembly to do is to pass this amendment along with the others; but the most important thing, at the end of the day, was that the previous group of amendments were passed.

Amendment negatived.

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

Bill, as amended, agreed to.

AUTHORITY TO BROADCAST PROCEEDINGS Paper

MR SPEAKER: I present, for the information of members, pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly concerning the presentation of the Crimes (Assisted Suicide) Bill 1997; the presentation of the Crimes (Amendment) Bill (No. 3) 1997; debate on the Animal Welfare (Amendment) Bill 1996; and debate on the Food (Amendment) Bill 1996 on 3 September 1997.

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

Debate resumed.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Lake Tuggeranong College - Rock Eisteddfod Award

MRS LITTLEWOOD (5.38): I rise this evening just to mention that the Lake Tuggeranong College recently travelled to Sydney to take part in the next session of the Rock Eisteddfod, at which time the college, although they were not entitled to receive an award as such, were, in fact, granted an award for student choreography. I just wanted to pass on my best wishes to the college and the students involved for their efforts; I think it was well done.

Question resolved in the affirmative.

Assembly adjourned at 5.39 pm