



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

3 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.

PETITION

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

By **Mr Moore**, from 14 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

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

Voluntary Euthanasia

The petition read as follows:

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

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

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

Petition received.

OFFENSIVE WORDS

Mr Whitecross: Mr Speaker, I rise to take a point of order under standing order 57, which deals with offensive words. In debate yesterday Mr Humphries repeatedly referred to Mr Berry, the Leader of the Opposition, as a harlot. When points of order were raised with the Temporary Deputy Speaker, Mr Hird, he ruled that it was not unparliamentary. If Mr Humphries wants to diminish himself by calling people harlots, that is his business. I am sure Mr Berry would not call the Chief Minister a harlot. Mr Speaker, I believe that you have a responsibility to uphold standards in this place, and I would ask you to look at that and to rule that the use of the word "harlot" to refer to other members of the Assembly is offensive and disorderly within the meaning of standing order 57. Mr Humphries should be directed to withdraw the use of the word "harlot" and you should give Mr Hird a bit of re-education in proper standards of parliamentary behaviour.

Mr Moore: On the point of order, Mr Speaker: I think in making a decision you should take into account the terrible insult to sex workers in this Territory.

Mr Hird: On the point of order, Mr Speaker, and following on from what Mr Moore just said, I would like to say that it is a profession. As usual, Mr Whitecross is putting a twist on a word used during a speech. It is a shame that Mr Whitecross cannot get a better education and have a better working knowledge of the standing orders. If he did, he would still be sitting in the Leader of the Opposition's chair.

Mr Whitecross: Mr Speaker, I do not profess to have a working knowledge of harlots.

MR SPEAKER: Mr Whitecross has raised a matter under standing order 57. Mr Whitecross, you have asked me whether I will re-educate Mr Hird. As Speaker, it is not my place to rule on decisions made by other occupants of this chair. Those members make their own decisions on how they will rule. It is not my place to make any rulings on that. If that were the case, I might find myself occupied at some considerable length.

Mr Whitecross: Is it parliamentary or unparliamentary?

MR SPEAKER: I am in the hands of the Assembly on this matter, but I really cannot rule on what other occupants of this chair may regard as parliamentary or not parliamentary.

Mr Whitecross: Further to the point of order, Mr Speaker: I take on board your remarks that you do not feel able to exercise any control over how your Temporary Deputy Speakers behave. That still leaves open the question of whether you are going to rule on whether you regard the use of the word "harlot" to refer to other members of the Assembly as acceptable parliamentary practice or not.

Mr Humphries: Mr Speaker, I rise on the point of order. This is a waste of time. No-one in your hearing has used the word "harlot" today in respect of another member. Therefore, you are being asked to rule hypothetically on what will happen if someone happens to use the word. Let us get a dictionary out and go through all the words and see what you might say if someone asks you about any of them.

MR SPEAKER: I have to agree with Mr Humphries. It is not my place to make an observation on whether or not it was parliamentary for another occupant of this chair to rule whether a word was properly used or not. I do not even know the context in which the comment was made. In any event, I will not be making a statement or a comment upon somebody else's behaviour in this chair.

Mr Whitecross: Mr Speaker, that was one of three things I asked you to do. I take on board that you do not want to make a comment on Mr Hird's competence as a Temporary Deputy Speaker, but I still think it would be helpful to members if you provided some guidance on whether you are going to allow members in this place to call other members harlots.

Mr Humphries: Mr Speaker, I think it is absolutely unnecessary to do that, but if you do decide to rule on that you might rule on some other words at the same time. You might rule on "strumpet", "harridan" and "tart". We might use those words as well. Can you think of some other words, Wayne, that I could get the Speaker to rule on? "Prostitute" is a good word.

Mr Berry: I am not as vulgar and poisonous as you, old son. You are like a poison toad.

MR SPEAKER: The house will come to order. We have spent a great deal of time on this matter. I repeat that it is not my position as Speaker to rule on decisions made by other occupants of this chair.

Mrs Carnell: Mr Speaker, I rise on a point of order. Is it not wonderful that, one day after the Labor Party set the new direction that they are going to concentrate on things that matter, this is how they start the day?

CRIMES (AMENDMENT) BILL (NO. 3) 1997

MR MOORE (10.38): Mr Speaker, I present the Crimes (Amendment) Bill (No. 3) 1997, together with an explanatory memorandum.

Title read by Clerk.

MR MOORE: Mr Speaker, I move:

That this Bill be agreed to in principle.

This legislation is about choice, it is about keeping police on the beat, it is about the police being able to make an immediate reaction and it is about contestability. While the Labor Party is busy saying what they are not going to do, I have been busy taking action again on ensuring that I can do something for the people of Canberra that affects their ordinary lives. Earlier this week I tabled Report No. 33 of the Planning and Environment Committee. The 33 reports of that committee represent the huge amount

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of work I have done to support ordinary people in lots of ways in planning matters, such as gutters, that affect the way they live. I am also now in a position to table this legislation, which is about ensuring that the police can operate in an effective way in Canberra and that when they are operating in an effective way ordinary citizens have a right of appeal.

This legislation, originally introduced in 1993, was the subject of a report of the Standing Committee on Legal Affairs presented in May 1993. My recollection is that it was Mr Humphries's first report as chair of a standing committee. It was a quite sensible report. It supported the concept of the legislation but called for some further action. I believe the Attorney-General has had time to put in place the sorts of actions he called for. That is why I have reintroduced the legislation - to make sure that the recommendations he made as chair of that committee are now put into practice.

The matters that are subject to an expiation notice - in other words, the matters that are dealt with in this legislation - are matters that are currently in the Crimes Act, with the exception of drinking in public places, which comes under section 84 of the Liquor Act. The offences in respect of which I am proposing that the police at least ought to have the choice about issuing expiation notices are: Misbehaviour at public meetings, possession of an offensive weapon, fighting, offensive behaviour, noise abatement offences, public mischief and drinking in public places. Members might immediately say, "But I do not think that a police officer should be able, for example, to deal with possession of offensive weapons by an expiation notice when somebody is carrying a machine gun". Of course, the important point about this legislation is that it would allow the police officer the choice to use his discretion to decide when it is appropriate to apply an expiation notice and when it is not. This takes us to the matter of choice. Under this legislation the police officer does indeed have a choice at any point of whether to proceed in the current manner or to issue an expiation notice. That means that the police officer will be taking action then and there at the time and dealing with the issues.

There is a choice for the police officer, but there is also a choice for the individual. The offender who is given an expiation notice will have a choice to pay the \$100 and say, "That will be the end of the matter. I have learnt a lesson. It is a good rap over the knuckles". That individual can also say, "But I think the police officer's action was entirely inappropriate. I ought not to have this fine. Therefore, I am not going to pay it. I will exercise my choice to appeal the matter and take the matter before the Magistrates Court or the appropriate court". It would normally be the Magistrates Court. This is an appropriate way to operate. It meets the criteria of civil liberties, the sorts of criteria that are not met by police move-on powers. As such, I believe it makes a sensible alternative to move-on powers. It adds to the armoury of the police officer another choice in the way that he or she can deal with street offences.

The next part of this legislation is about keeping police on the beat. At the moment, for any of these offences, it would normally take two police officers to take someone to the station in order to charge them. We can imagine the situation in cases of offensive behaviour, fighting and drinking in a public place, and causing a problem outside a nightclub in the evening. The police would have a choice, and people would learn very quickly that a police officer has the power to walk around the five or six people there and issue an expiation notice. The individual is then going to have to come up with \$100
or

they are going to have to deal with the Magistrates Court and explain why it is that they ought not to have had a fine. The Bill empowers the police in a very positive way, but it still allows individuals to appeal should they so wish. The choice is still there for an officer to charge somebody and to take them back to the station if they think that that is the appropriate way, if they think that the level of fighting or the level of misbehaviour or public mischief is such that it ought not to be dealt with by a \$100 fine.

It is a sensible technique for allowing police to choose whether they want to keep police officers at the scene or whether they should take people away to charge them. At the moment it is awkward for police to decide whether they should stay somewhere in the hope that a police presence has an impact on maintaining good public behaviour or whether they should take two police out of the situation in order to charge somebody who is acting inappropriately. It seems to me that individuals who are likely to offend in this sort of way will very soon learn that they may wind up with a \$100 fine or the choice of going to the Magistrates Court.

That takes me to the third advantage of this legislation. It allows the police to react immediately. There is no doubt that with certain types of minor public misbehaviour an immediate reaction that gives a result sends a very clear message to individuals who are involved in this sort of thing. If you are going to be involved in inappropriate behaviour, if you are going to be involved in drinking in public places where that is prohibited, if you are going to be involved in offensive behaviour or if you are going to be involved in fighting, you are likely to wind up with a \$100 on-the-spot fine. At the moment the message is that you have to be taken back to the station and charged, that that will take the police off the beat and that probably nothing will happen. There is a fair chance that you will get away with it.

This Bill strengthens the arm of the police, but at the same time it allows them to do their job. It does what police move-on powers do not do. It provides the opportunity for an appeal to the Magistrates Court. That is the critical part, the contestability. It provides for civil liberties. When somebody is accused, they have the right to appeal to a court or, if they so choose, they can pay the \$100 fine and that is the end of the matter. For a minor public misbehaviour, it is a \$100 fine.

I would urge members not to use the term "on-the-spot fine", because it gives an impression that people actually hand over money to the police officer. Certainly, from my discussions with people around this city, I know that the impression people have is that if you are given a expiation notice you give the police officer \$100 and the matter is finished. It is not done like that at all. It is done in the same way as for a traffic offence. No money must go to a police officer. The reasons for that are clear. The expiation notice is issued. If you wish the matter to be expiated, then you go to the police station and get the receipt for your \$100 and then the matter is finished.

This legislation, as I said, is about choice for the individual and choice for the police officer. It is about keeping police on the beat in an effective way. It is about allowing police to react immediately. It provides for civil liberties, in that it provides for contesting a decision that is made by a police officer. In other words, it still protects civil liberties.

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The report of the committee that Mr Humphries chaired was supported unanimously by the then presiding member, Mr Humphries, and by Mr David Lamont from the Labor Party and my colleague Ms Helen Szuty. This legislation provides us with an opportunity to take the matter further. I urge members to support this opportunity that I am presenting.

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

LEAVE OF ABSENCE TO MEMBER

Motion (by **Ms Tucker**) agreed to:

That leave of absence from 5 to 22 September 1997 inclusive be given to Ms Horodny.

ANIMAL WELFARE (AMENDMENT) BILL 1996

[COGNATE BILL:

FOOD (AMENDMENT) BILL 1996]

Debate resumed from 4 December 1996, on motion by **Ms Horodny**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Food (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR HUMPHRIES (Attorney-General) (10.50): Mr Speaker, we have before us today two Bills which in their present form would have a quite significant effect on the operation of egg production in the ACT. These Bills seek to make a number of amendments to both the Animal Welfare Act and the Food Act. The proposed amendments are not limited to the poultry industry and will have a significant effect on the operation of these Acts.

The Animal Welfare (Amendment) Bill seeks to make it a criminal offence from 1 July 1999 to operate a battery cage system for the purpose of egg production. That provision will, of course, apply to anybody who keeps hens in a battery cage, not merely a major producer like Parkwood Eggs, which is the ACT's major producer of eggs. There is a provision that prohibits a person from keeping hens for the purpose of egg production in a battery cage system. The Food (Amendment) Bill has a sister provision, if I may use that term, which prohibits a person from selling eggs produced in a manner which is inconsistent with the provisions of the Animal Welfare Act and therefore effectively means that the sale of eggs from battery production, whether it is inside or outside the ACT, is to be banned in the ACT.

The Government has the very gravest concerns about these provisions. I am aware that amendments have been proposed by Mr Corbell. I will comment on those in more detail when we reach the detail stage of this Bill. I think, in fairness, I should confine my remarks now to the in-principle stage of this Bill as it is now before the house. If the Assembly passes the amendments to these two Acts, the Mutual Recognition Act 1992 will provide a defence to any prosecution under that legislation if the eggs were produced and marketed under the laws of another State or Territory. The ACT legislation would, therefore, prevent battery production in the ACT while the sale of battery eggs from other States continued. As the Mutual Recognition Act is a Commonwealth Act, it is not possible for the ACT Legislative Assembly to include provisions in later legislation to exclude the operation of that Act.

If the Assembly passes these amendments to the two Acts in the form they are now before us and Parkwood Eggs decides to maintain its establishment in the ACT - a problematical question - and convert to an aviary system, then there would be, of course, a significant rise in the cost of eggs produced in the ACT. This would result in Parkwood pricing itself out of the consumer market within the ACT. I am advised that the difference in price between eggs produced in a battery cage and eggs produced in a barn or aviary is anything between \$1 and \$1.44 per dozen on the present production costs. That is a significant increase in costs. It raises the very real question of whether Parkwood, as the major producer in the Territory, would be prepared to accept that additional cost or would move its operations outside the ACT.

I have argued the point about the Mutual Recognition Act with my colleagues Ms Horodny and Ms Tucker before, and in discussions they have always taken the view that the Mutual Recognition Act does not constitute a problem for the passage of this legislation. I suspect that they are going to support the amendments put forward by Mr Corbell today. I take that as acceptance that, in fact, the Mutual Recognition Act does constitute a barrier to the effective operation of this legislation. On the face of the legislation as it stands before us, it is just as well that the Mutual Recognition Act does operate to thwart the effect of this legislation. I have received advice this morning from Dr Robyn Sheen, who is responsible for competition policy issues within the ACT Government, that in her view it is highly likely that the operation of these provisions would put at risk competition policy payments to the ACT.

Ms Tucker: There is a good case for the ACCC to look at public interest, then, is there not?

MR HUMPHRIES: It may be the case that the Greens do not much care about the loss of that money. The ACT Government certainly cares about the loss of that money.

Mr Berry: How much?

MR HUMPHRIES: That is not possible to say. The ACT will receive some tens of millions of dollars in competition policy payments over the next five years. That is the agreement worked out between States and Territories which will result in a significant amount of money coming back to the ACT. We are, however, to receive that money only on the basis that we produce a program to progressively reduce the barriers to effective

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competition available both internally in the ACT and across our borders. It is quite clear that provisions that prevented the sale in the ACT of products which are legally available across the border would be an anti-competitive arrangement and would threaten those competition payments.

We have not yet encountered the situation where the National Competition Council has ruled that a particular provision offends and therefore some penalty should be imposed on a particular jurisdiction, so I do not know what would happen in terms of competition payments. Perhaps a percentage of the payments would be withheld to account for the aberration; perhaps it would all be withheld - I just do not know. I do not think anybody else can say with certainty what would happen, but I do know that we play with fire in entertaining provisions of that kind.

It is clear that to take this step, if it were effective, from 1 July 1999 would pose a real question about the profitability of an operator like Parkwood continuing within the ACT. Their costs would rise significantly. If they were forced to sell or to produce only barn or free-range eggs in the ACT, I am told that they would have to almost double the amount of physical space they provide on their farm to produce eggs. They have seven sheds in which battery eggs are produced at the moment. They would need to increase that number to at least 10 in order to be able to provide the large amount of space required per hen within each barn.

That is not to mention the additional costs which flow from injury to hens which are able to move around and peck each other and pick up diseases and so on from the floor and the greater cost of producing eggs by this means. Those are extra costs which would flow through to the egg consumer of the ACT. If, however, we end up with Parkwood deciding that those costs are too great and deciding that they are better off across the border, they will not have to worry about this form of regulation of their industry. Certainly, there are no indications that the Labor Government in New South Wales has any intention of moving ahead of the national pack in respect of battery farming regulation. It is likely that Parkwood would see that as a safer way of being able to continue long-term production.

I have been told that Parkwood Eggs will need to spend a large amount of money in the next few years on upgrading and updating their facilities at Parkwood. That is an opportunity, in Ms Horodny's eyes no doubt, to convert to something else, "something better". It is also a juncture where an enterprise like Parkwood would make a fundamental decision about whether they should stay in the ACT or move outside. If they were to move, the consequences for the ACT would be very grave indeed. I will come back in a moment to talk about both jobs and the loss of revenue to the Territory through loss of payroll tax and other taxes that the ACT benefits from on receipts from enterprises operating within the borders of the ACT.

I would argue that this legislation is also a serious affront to agreements already entered into on a national level by this and previous governments on the question of food standards. In 1991 an agreement was signed between the Commonwealth, the States and the Territories in relation to the adoption of uniform food standards. I think it was signed

by the Follett Government. That, in essence, provides for the adoption in Australia and New Zealand of the Australian and New Zealand Food Standards Code without amendment. That was achieved in the ACT by the ACT Food Act 1992, whereby each amendment to the code as it is gazetted is automatically adopted into ACT law.

The agreement provides that no State shall, by legislation or by other means, establish or amend a food standard other than in accordance with this agreement. A State, and this includes a Territory, may amend or adopt a new standard where circumstances affect public health and safety and where time does not permit the normal application process, that is, getting agreement from other jurisdictions. No-one would argue that that was the case in this particular instance. The Food Amendment Bill before the house today, in effect, amends the Australian and New Zealand Food Standards Code. We cannot argue that there is any urgency in that. It is not an urgent issue. We would normally be expected to take such issues through the appropriate channels, including the Australia New Zealand Food Authority.

The Animal Welfare (Amendment) Bill seeks to omit the provision that provides that it would be a defence to a prosecution for certain offences under the Act where the conduct engaged in is in accordance with an approved code of practice. The code is a statutory instrument that is disallowable on the floor of the Assembly. These codes are developed by the Animal Welfare Advisory Committee in consultation with industry, and they help to specify the minimum standards for care and use of animals in the ACT. The codes obviously have a consultative element in them. They are very important in dealing with these things on a cooperative basis with industry. Clearly, the repeal of the code removes defences available to producers such as Parkwood and obviates the principle of consultation with those bodies, which is at the very core of the Animal Welfare Bill that was passed by the Follett Government. It is a regressive step, in my view.

Ms Horodny states in her presentation speech that industry codes of practice are not believed to have much to do with animal welfare and that they should not be a defence against prosecution. She says that the existing code of practice is vaguely worded and subject to differing interpretations. If that is the case, we should amend the codes of practice or take the issue up with the Animal Welfare Advisory Committee, not unilaterally remove the protection and the guidance that the code offers to producers like Parkwood.

The effect of the Greens' Bill is more far-reaching than just the poultry industry. To date in the ACT 22 codes of practice have been approved under the Animal Welfare Act. In many cases the codes are either developed or amended by the Animal Welfare Advisory Committee in consultation with affected groups. It is appropriate that they be used in that way. That is what they are designed to do. To remove, as the present Bill does, the benefit of all those codes is an extremely sweeping and unfortunate development in what was viewed by the Assembly, admittedly some years ago now, as a step towards providing a better framework for people to understand what their obligations were, without prescribing exhaustively in legislation, in an inflexible way, what all the provisions should be. The codes are meant to be more capable of evolution and change than the legislation itself is, and that is why the codes are important. I would strongly urge members not to agree to the wholesale abolition of the codes. That would be a very serious backward step.

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I also have concerns about the Animal Welfare (Amendment) Bill provisions to do with the expansion of the powers of inspectors. These provisions are not the subject of amendments to be moved by Mr Corbell, but I would ask members to consider very seriously what these provisions do. The powers that are prescribed in this Bill are that an inspector may, at any reasonable time, enter any premises used for any commercial activities relating to animals and enter any research or teaching institution that uses animals or enter any premises that keeps or breeds animals for a commercial purpose. That is a very wide power.

I think later today Mr Moore is going to bring forward amendments in respect of the motor traffic legislation to deal with the civil liberties of people in respect of offences relating to motor vehicles. I would be astonished if Mr Moore were serious about wanting to support provisions in this Bill which, in effect, give animal welfare inspectors wider powers than even the police enjoy. The powers being conferred in this legislation are very wide. There is no requirement for notice to be given or for the consent of the occupier to be obtained. There is an obligation on the inspector who enters the premises to report to the authority as to his or her finding as to whether the Act has been complied with and to make a recommendation as to further action. The term "premises" has a very wide meaning under the Act, and the report has to be publicly available. Clause 7 of the Bill inserts - - -

Mr Moore: I will support your amendment on that, Gary, to limit the - - -

MR HUMPHRIES: I do not have one as yet.

Mr Moore: You had better do it.

MR HUMPHRIES: I will prepare one, obviously. Clause 7 inserts provisions titled "Walk-through powers". Clauses 8 and 9 of the Bill remove the requirement for seven days' notice unless the inspector or authorised officer believes on reasonable grounds that there is an animal or thing connected with an offence. They are very wide provisions indeed.

The Act provides for entry by inspectors, with notice, for routine inspections. If an inspector believes on reasonable grounds that there is an animal or thing connected with an offence, there are three powers of entry - with the consent of the occupier of the premises; in serious or urgent circumstances, that is, in an emergency of some kind; or pursuant to a warrant. Why should inspectors not be required to obtain warrants if they believe that they need to make an inspection without notice? That is the provision that ought to apply. That is the provision that would reflect other provisions in ACT legislation. That is what we should be doing in this case.

As I have said, the provisions would give inspectors under this Act greater powers than the police have in relation to the kinds of premises to which the Act relates. We know that the powers of inspectors under the Tax Administration Act are at least as wide, but the circumstances are different altogether.

Mr Moore: That is about money.

MR HUMPHRIES: Yes, a very important subject. It is also important to acknowledge the weaknesses that the alternative schemes of egg production being suggested by the Greens might have in terms of animal welfare. Ms Horodny asserts, confidently, that the barn or aviary method of egg production is better for the hens and a better way for people to see these eggs produced. Let me say to her that barn or aviary production or even free-range production offers other problems for the hens concerned. They are problems which occasion costs to the producer but are also problems which have a serious effect on the hens' lifestyle. Hens are able to peck each other, which they cannot do in the same way within cages. Hens are more able to contract diseases, because they are moving around on floors which are covered in faeces. There are serious problems with the alternatives being suggested, and there is no exploration of costs or animal welfare issues in the provisions put forward by the Greens.

Let me come to the effect of the amendments to be moved by Mr Corbell. Mr Corbell's amendments could best be described as the Claytonising of the provisions in these Bills to ban battery egg production. What they effectively provide is that, although provisions dealing with labelling of eggs will change within about 12 months, the more important provisions - those dealing with battery egg production itself - will not change for a period of six years after Schedule 2 of the Mutual Recognition Act is amended to effectively pick up the capacity for the ACT to proceed with a ban on these eggs.

No doubt, that is a relatively more appealing position to the animal welfare lobby than the Government's position is. (*Extension of time granted*) No doubt, there will be some people who will give the ALP a second preference after the Greens because they believe strongly on animal welfare grounds that this is the most important issue before the ACT electorate. To that extent, I am not going to die in a ditch about provisions which I think will put us back by a large number of years and probably result in the legislation never becoming effective in the ACT.

But, putting that to one side, there is a serious side to these amendments which I think members ought to be aware of. It is a side which deals with the issue which Mr Berry himself raised yesterday in his major policy statement about where the Australian Labor Party was heading. That is a question of uncertainty in the environment of jobs. If I were the managing director or the board of directors of Parkwood Eggs and I faced legislation of this kind which raises the question of a future ACT government negotiating the inclusion of section 24A of the Food Act in Schedule 2 of the Commonwealth Mutual Recognition Act, I would consider my position to be uncertain. I would accept that there was going to be some question about where I would be six years after the legislation came into effect. That uncertainty, logically, would lead to people like that wondering what their future is in the ACT, particularly people who are in a business which is facing a major investment in the next few years, which could be either investment in existing plant and equipment to upgrade it and adapt it or investment in new plant and equipment on another site.

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It is conceivable - indeed, I would say it is probable - that Parkwood Eggs will consider their position in the light of this legislation and consider decisions of that kind. That puts at risk the 50 or so jobs which are presently within the ACT. Mr Corbell shakes his head. I have spoken today with the people from Parkwood Eggs and that is exactly what they say to me. They say at the very least that, if they were in the position of having to expand their operation in the future to create additional capacity to accommodate barn-produced eggs, then they would have to consider whether they should build that additional capacity outside the ACT. That would provide them with greater security against changes in the law which are obviously on the cards with amendments like those before the Assembly today.

Even if one-third of Parkwood's production of eggs goes outside the ACT, that is a loss of jobs and revenue to the ACT. Where is the new direction in that? Where is the direction that Mr Berry has told the Assembly that he wants to take? I know where it is. It is a direction backwards, away from jobs. I am not saying that this legislation will have the effect of immediately causing Parkwood to consider those issues and to make adjustments to start to move towards free-range or barn production of eggs. That clearly is a matter stalled for some period of time. Neither I nor the Greens nor the Labor Party can tell Parkwood just when those provisions are going to affect them. Any business facing that kind of uncertainty has to take precautions against that happening.

If you were in business, Mr Corbell, what steps would you take? It would be wise and it would be logical to put your enterprise out of risk. With the environment for egg production in the ACT being portrayed in these amendments, it would clearly be sensible for someone like Parkwood to think about having their operation outside the ACT. Sixty jobs could go out the door, as could the revenue to the ACT taxpayer from payroll tax and other business taxes. I am not saying that this is going to happen, but I am saying that we run the real risk that it could happen. That is a step this Government, which is about jobs, not just about the rhetoric of jobs, is not prepared to countenance and to play with. Those opposite who have supported these provisions obviously want to have an each-way bet. They are not prepared to support the Greens' amendments as they stand at the moment before the house. They are obviously afraid that there would be a backlash to that and that there would be some trouble from it. I say to members that in the present environment we cannot really afford to put that issue on the agenda. We cannot afford to have it running as a real issue in our community.

Let us suppose that Parkwood decides that it is going to knuckle down and take a punt that at some point in the next six to 10 years these provisions are going to apply in the ACT and they are going to have to live with them and decides that it is less expensive for them to live with these provisions than to move outside the ACT and export battery eggs into the ACT. Let us suppose they make that decision and they start to convert to barn egg production. They are at year one and they have to go to year six. At year one they would have to start converting some of their space to barn production. They would then increase the proportion of their eggs produced by the barn method and reduce the proportion produced by battery methods. When the eggs reached the supermarket they would be labelled under the provisions in the Food (Amendment) Bill with the word "battery", "barn" or "aviary". Not only would the customer see the difference in the labelling when they came to the shop; they would also see the difference in price. Eggs coming out of the barn will be more expensive to produce.

Parkwood would be forced by the imminent change in the law to start producing a greater number of barn eggs and reduce their production of battery eggs. But, of course, consumers would not be forced to buy only barn eggs. Their tastes would not be changing, and the price differentials would not encourage them to change. Parkwood would be producing fewer battery eggs and more barn eggs, but the customer would not be buying those barn eggs. Customers have that choice right now. They can buy barn eggs or free-range eggs now if they want to. Parkwood produces both barn and free-range eggs and sells them in the ACT, but they sell far more battery eggs because that is what people want to buy. People want the cheaper prices. To comply with this six-year timeframe Parkwood would have to start producing more barn eggs, which people do not want to buy. The supermarkets would be saying, "Hang on. Do not give us any more barn eggs. We have enough of those. People want only the battery eggs. Give us more battery eggs". Parkwood would be saying, "We cannot produce them anymore, because we have to convert our facilities over to barn production".

Bartter would have to discount the price of their barn eggs in order to be able to sell them and would make losses. When they started to make losses, they would have to think about whether they should not be basing themselves somewhere else where they are not going to be affected by these provisions. That, I emphasise again, is the risk that we run. I ask whether any of you can look the community in the face and say, "Do not worry, people. You will not have to face up to this problem. It will not be a real problem. We will work out a way of dealing with it. Yes, you will have to pay another \$1.44 a carton for the eggs, but do not worry about it. You will feel much better as you are eating your omelette in the morning. Do not worry about it". If you can say that to people with confidence, good luck to you; go ahead and pass the legislation with Mr Corbell's amendments.

I say very clearly to the Assembly that there is the real risk that this business will not be prepared to take the gamble that they will be able to produce on the same footing as other businesses like them in Australia and that they will think about moving outside the ACT. If the worst came to the worst, they might even consider selling to people who cross the border to buy cheaper battery eggs in Queanbeyan, rather than be lumbered with only the barn eggs in the ACT, which are so much more expensive. That is the real risk. I say to members: Take that step if you wish, but this Government will not be supporting that step.

MR CORBELL (11.20): Labor will be supporting in principle the Bills before us today. We will be giving that support in recognition of growing community concerns about the system of battery egg production and community perceptions about the problems which are part of that system of egg production. In making this decision, however, the Labor Party also recognises that there are constraints about how far the ACT can go on its own in progressing a change from battery egg production to alternative forms of production such as a barn system.

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That is why today we will be moving a series of important amendments which recognise the ACT's obligations in regard to interstate relations. I have to make it very clear from the beginning that the Labor Party will not be supporting these Bills unless those amendments are accepted. Most important of all, these amendments will provide job security for those people who are currently employed by the producer of battery eggs in Canberra. Contrary to the Minister's assertions, Labor's amendments aim to give the interests of the people who work at Parkwood a very high priority.

Labor's position, unlike the position put forward by the Greens and, I must say, by the Government, has been developed after discussions with the major producer of battery eggs in the ACT as well as the union that represents the people who work at that establishment. The Labor Party has made the effort to talk to the people affected by this decision, and we understand that this change can take place only over a significant period of time, and only within the constraints accepted by the Territory in national legislation, the Mutual Recognition Act.

Labor's position is also being developed in the light of the deep concerns of a large number of people in the Canberra community about the problems posed by the production of eggs by the battery system. Foremost also in our minds on this issue are those concerns, significantly the constraints that the system of battery cage production has on the natural behaviour of the animals kept in the cages, behaviours such as roosting, nesting, scratching and taking dust baths.

Alternative methods of egg production such as a barn system, which is still a method of intensive farming, are now being developed in Victoria with the cooperation of the RSPCA and the Australian and New Zealand Federation of Animal Societies. These systems demonstrate that alternative methods of intensive farming for the production of eggs do work. Importantly, they also demonstrate that, like any other method of intensive farming, they require careful management to deal with the problems of disease and food quality. The ALP believes that these systems of egg production are viable and safe - otherwise, those eggs would not be selling at the moment - and that they therefore do present an alternative method of farming to the system of battery cage production.

Ultimately, the decision we make on this issue is in many ways a moral one. Labor believes it is appropriate that we signal the ACT's intention to address the community's concern about the system of battery cage production. That is why we are supporting these Bills in principle, but that is also why we are making a number of very significant amendments. We make those amendments because we in no way want to jeopardise the jobs of the people who work in the farm at Parkwood at the moment. These amendments will make a change in the system of production possible over a period of time and they will make sure that the jobs of people at Parkwood are secure.

I would like to briefly outline some of the amendments I will be moving later in the debate today. The first amendment, and the most important amendment, is in relation to the commencement clause on the ban on battery cages in the ACT. The amendment Labor is proposing today changes the commencement clause for clauses 4 and 5.

Clause 4 is a clause which currently puts in place the ban on keeping hens in cages which is to commence on 1 July 1999. Clause 5 is a subsequent amendment relating to codes of practice. Labor's amendment would have the effect of allowing the ban on battery cage hens to have effect six years after the granting of an exemption under the Commonwealth Mutual Recognition Act to allow the ACT to ban the sale of battery eggs in the ACT. This amendment indicates Labor's support for the banning of the battery cage whilst recognising the requirement for exemption under the Mutual Recognition Act to ban the sale of battery eggs in the ACT and, importantly, the industry's need for certainty and the time to restructure.

The Minister made some points about competition policy. My understanding of the Mutual Recognition Act is that it is part of an agreement on competition policy. We are a party to that agreement and we have to work within the provisions of that agreement. One of the provisions of that agreement is that any State or Territory which is a signatory to the Mutual Recognition Act can seek an exemption. There is no constraint on what a State or Territory can seek an exemption for. We are perfectly entitled to go to all the other States and Territories and the Commonwealth and say, "We believe there should be an exemption because of our community's concern about battery cage production". That is allowed for in the Act. We will have to convince every State and Territory government and the Commonwealth to allow that exemption. Those are the provisions of the Act. For the Minister to suggest that we cannot do this is wrong. Because we are a signatory to this Act, we can seek an exemption. The Labor Party is saying, "Yes, we do have to work within the national constraints imposed upon us and agreed to by us in the Mutual Recognition Act, and that is why we seek an exemption before we proceed any further".

The second amendment which the Labor Party is proposing is in relation to the Greens' proposal to repeal section 20 of the Animal Welfare Act. Section 20 relates to codes of practice in the care of animals. Repealing section 20 would have extensive and, in Labor's understanding, unforeseen effects on the application of codes of practice for other areas of animal welfare, notably areas to do with the use of animals in scientific research and experimentation. Labor's amendment ensures that a code of practice is not a defence only in relation to battery cage farming once a ban is in place. We believe this was the original intention of the Greens' amendments. We believe that the abolition of this defence should apply only in relation to battery cage farming once a ban on battery cage farming is in place. We believe that any other attempts to change codes of practice and remove them as a defence in relation to research involving the use of animals or any other such areas is inappropriate and should be dealt with separately in another Bill and can be given proper consideration in that context.

The third amendment the Labor Party is proposing is in relation to walk-through powers in clause 7. The Minister has made some important points about walk-through powers and I understand that he may very well be moving some amendments on this matter. I have also seen the amendment that Mr Moore has circulated and, I understand, will move later in this debate. The Labor Party is happy to cooperate with both Mr Moore and the Government on this issue. We do have some concerns about those walk-through powers and would be happy to examine any amendment the Government puts forward on that matter.

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Finally, Labor's amendments deal with the Food Act. We are proposing to amend the Greens' proposals for the Food Act to require the development of a code of practice to allow accurate definition of battery, aviary, barn and free-range egg labels. Currently the Greens' amendments do not specify what these terms mean, and a more accurate process needs to be established to define each of them. The effect of Labor's amendments is to require the development of regulations to cover prescribed definitions - that is, those definitions in regard to labelling of battery, aviary, barn and free-range eggs - to describe the conditions under which the hens that produce the eggs are kept. They give the Government one year within which to develop these regulations. We believe it is far more appropriate to allow a sensible period of time. The Greens proposed three months. We believe that was unreasonable. We believe that if this Bill is passed the Government should be given a sensible period of time to develop the labelling provisions that will be required if this Bill is passed.

The Labor Party takes very seriously indeed the issue of jobs for people working at Parkwood. We are meeting and matching and balancing that very important concern with the equally significant level of support for the removal of the battery cage system which has come from many residents of Canberra. It is not an easy issue to address. We believe that the Greens' proposals in their original form were simply an approach of legislating now and letting everyone else deal with the problems later. Our amendments seek to change that situation by making sure that there is time. They seek to change it by recognising that there are constraints in the national context that we have to work within, and they say that once an exemption is gained there should be a significant period of time for Parkwood to undertake a transition to alternative methods of egg production.

In conclusion, I would like to say that the Labor Party, in government, would of course be committed to negotiating at a ministerial council level to gain an exemption under the Mutual Recognition Act for the ACT's ban on battery cage production. That is not a commitment that the present Government has made. I would be interested to see what the Government's response is on that issue, if the Assembly does decide to enact these Bills. What commitment will you have to enacting the will of the Assembly? Labor is committed to encouraging alternative forms of egg production in the ACT and we are also committed to ensuring that a sensible process of industry transition is properly managed. Labor believes that there is a substantial opportunity for increases in jobs resulting from a move to alternative forms of production. The problem lies in community perceptions about the system of egg production and the constraints it imposes on the natural behaviour of the animal.

The Minister is suggesting that the Labor Party has not spoken to the owners of Parkwood. I can assure the Minister that the Labor Party has on several occasions. I cannot speak for Parkwood in this debate and I do not intend to do so, but from the discussions that we have had with Parkwood we believe that overall they are comfortable with the Labor Party's approach.

Mr Humphries: I raise a point of order, Mr Speaker. I do not know whether Mr Corbell would like to reconsider a misleading statement to the Assembly.

MR SPEAKER: There is no point of order.

MR CORBELL: Unlike the Minister, I am not here to speak on behalf of the owners of Parkwood. It is up to the owners of Parkwood to make comments in the public arena as to what their view is on this issue, but we have had discussions with Parkwood. The whole point of the Labor Party's approach on this issue is that we have spoken to all the parties affected. (*Extension of time granted*) We believe that the owners of Parkwood understand our approach, understand why we have taken this approach and accept the reasons why we have taken this approach.

Labor's amendments support the intentions of the Greens' Bill, while providing security to the existing method of egg production in the ACT and therefore to jobs. The ban will not take effect until agreement is obtained at ministerial council level, and then not for a period of six years. Labor's approach is a sensible solution, working within the constraints set by national agreement. I urge the Assembly to support the amendments circulated by the Labor Party.

MR HIRD (11.37): I have missed something here somewhere. Here we have Mr Berry, the new Leader of the Labor Opposition, taking another new direction. The amendments that Mr Corbell has foreshadowed, as well as the Bill itself, will drive a business out of the ACT. Right at this time the building industry is going through a difficult time. Mr Berry has identified that. Parkwood are about to embark on a major upgrade of their existing facilities. If they have to make a commercial decision on that on the basis that this Bill will go through and therefore within a certain time they will be required to move lock, stock and barrel out of the ACT, will Mr Barter and his directors decide to stay and spend that money in the ACT now? I say no. Basically, the amendments to be moved are having a bob each way.

There is one important question I would like to raise in this debate. Where is the support in the general community for the Greens' obsession with the so-called vagaries of the production of cage eggs and the way they are hell-bent on destroying the jobs of 50-plus Canberrans? Under this Bill those jobs will go. You can go on with the rhetoric and say that they will not go, but if the place closes down the jobs will go.

Mr Humphries: And it is in your electorate, too.

MR HIRD: It is in my electorate and yours, too, Mr Berry.

Ms Horodny: You have sacked more people than that from the Public Service.

MR HIRD: Listen and you will learn something, girlie. After talking with senior management at Parkwood Eggs, including Mr Barter himself, I am convinced that this is a problem which will resolve itself. If consumers want change, then they will get it. The big question is whether Canberra families are prepared to pay an extra \$1.20 a dozen for their eggs. Can you tell the difference between a free-range egg and a barn egg? You cannot, I submit. The Greens would realise that if they accepted reality. What will happen is that Canberrans initially will go to Queanbeyan to get cheaper eggs.

Ms Horodny: And spend \$5 on petrol?

MR HIRD: They would go across the border to get their eggs.

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Ms Horodny: To save a dollar?

MR HIRD: To save \$1.20.

Ms Horodny: Very clever economics, Mr Hird.

MR HIRD: You may well laugh about things. There are a lot of people who count their dollars and are serious about where they spend them. When they get sick of going across the border, they will simply stop buying eggs. Either way, the end result will be the loss of jobs at the Parkwood egg farm in Belconnen. My advice to the Greens is that it is time they got out into the real world and saw for themselves what the people really want. If the average Canberra family wants barn eggs, then they are not showing it in the supermarkets. In the real world, Ms Horodny, barn eggs are available now in Canberra supermarkets. Most of them are produced by the owners of Parkwood at their egg farms outside the ACT, but there are not too many shoppers rushing to the supermarket shelves to buy them. You would have to admit that, Ms Horodny.

The production of barn eggs in the ACT will evolve over time if the consumer demonstrates that he or she wants them. Do the members of this parliament believe for one minute that, if the consumer started switching preferences to barn eggs, Parkwood would not start converting some of their existing hen housing from cages to barn egg production? Of course they would. That would be a commercial decision. They are business people. They would be forced to do so by the consumer. You can move all the legislation you like, but at the end of the day it is the consumer who counts in this matter. At the moment consumers are not demonstrating that they are prepared to pay an extra \$1.20 for their eggs. If the Greens got out and observed the needs of the community - and I invite them to do that - they would see that the vast majority of Canberra people prefer to buy eggs produced by cage hens, simply because they are cheaper. They are demonstrating this in their thousands in the Canberra supermarkets. That is where the vote should be taken, and that is where it will be taken - on the supermarket shelves, not in this parliament.

I will be voting against this Bill because I want to retain jobs and a viable business within not only the Territory but my electorate. We must never forget that jobs are precious. I turn to Mr Berry and say to him that he now has the opportunity of pushing aside the rhetoric of his colleague on the backbench, Mr Corbell, in foreshadowing amendments. Push that aside and make certain that we retain the 50-plus jobs in this vital industry in Belconnen, in his electorate and mine, and vote against this Bill.

MS TUCKER (11.43): I will make a few comments in this debate, particularly responding to some of the statements from Mr Humphries. It is interesting that we now have the ability to have particular debates broadcast in this place. I understand that it is at the discretion of the Speaker whether they are perceived as important or landmark debates. I believe this is such a debate. I think it is very significant because what we are seeing brought into debate in this place is the question of standards and ethics against the current common ideology of both major parties that competition and applying market principles are the way to achieve an outcome that will address the needs of all people in the community.

What we actually see, of course, is that who it suits are the major players in any businesses; but what we also see is blind devotion to the principle of competition and competition being used as an argument against any proposition from the community which introduces another concept to a debate, in this case standards and ethics. I could not believe it when I heard Mr Humphries make the statement - and Mr Hird, of course, has reiterated it - that the consumers will choose; that if it is cheaper it is right. I would be interested to see what Mr Humphries would say to a proposal that we should not worry too much if there is a proliferation of sweatshops and underprivileged and disadvantaged people in our community being given the opportunity to work for very low wages in their homes, and then to have the product of their labour sold in the community. I ask whether Mr Humphries also says that that is fine, the price is low, the consumers will benefit and everyone will be happy. I think not.

Does Mr Humphries also say that goods will be cheaper if they are produced in a way that has very low quality assurance for the occupational health and safety of workers and for the environmental impact of their production? Do we therefore say that it is fine because it will mean the price is cheaper and that is what really matters? In fact, I heard an economist on ABC radio recently make exactly that statement in defence of continuing to allow tariffs to be reduced. According to this economist, the fact that thousands of people would be put out of work was okay because we are going to be more competitive and the products are going to be cheaper. The fact that no-one is going to be in work and that social dislocation will result from that is not part of the equation at all.

We have competition policy principles being implemented around Australia. As Mr Corbell pointed out, there are ways that you can seek an exemption. There is also the issue of the public interest. It has been acknowledged that the discussion about public interest is part of competition policy. We have to have that discussion, or it is absolutely hopeless. The places are there to have that discussion, and that is part of the discussion that is happening here today. Of course we have to look at the ethics of production. This debate in this place is long overdue. I think the community needs to be getting more and more concerned about the trend in governments around Australia to push the line that competition is the way to get the best outcome and that if we do not, which was what Mr Humphries was saying, we will lose money. This threat is hanging over our heads, and if we dare to question it the ACT is going to lose revenue. If it is coming to that situation in this place, then it is very significant and very disappointing for the community. I am very pleased to see that other members in this place are not taking that line. Even though Mr Corbell, of course, has had some concerns about particular details of this Bill, the principle of the ethic is seen to have value for the Labor Party in this discussion, and I understand that it also does for Mr Moore and Mr Osborne.

MR MOORE (11.48): When I first saw this legislation I thought I had better do the proper consultation, so I walked down to the backyard to ask the chooks whether this was a good idea. They warned me not to be anthropomorphic. They said, "You have to understand, Mr Moore" - they call me Michael, actually - "that you think differently from chooks". I know that some here would not agree with that. They warned me of something else, Mr Speaker. It surprises me that it came from them and not from you.

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They said to me, “We have to be very careful not to turn Canberra into a social laboratory”. I said to them, “I understand that argument”. I hear it from others and it does not surprise me that it comes from chooks also. I explained to them that, when something is wrong and there is a need for change, then change, by its very nature, will be about experimentation. Effectively, it will set up a social laboratory. I really feel that they ought not to worry about that. After that discussion and my discussion with a few other people, my initial reaction was to be supportive of this legislation because it had always struck me that the notion of battery cage hens is inherently cruel, as indeed is the whole notion of feedlot farming. It is also important to balance the issues that Mr Hird raised about consumer attitudes and people’s needs against actions that are cruel. For that reason, I thought it would be entirely appropriate that I visit a number of farms.

The first of the farms I visited was a battery cage farm in Young. I was singularly impressed by that farm. It had been recommended to me because it kept chooks in three different sets of cages that had been manufactured in different eras. The most modern section of the farm was airconditioned and the cages were very large and had fewer birds in them. The oldest section had very small cages with canvas drops that could be lifted to let air flow through and had fairly primitive watering systems for the birds. The middle section I could describe as being closer to the modern one but still with some problems. I looked at each section very carefully. I must say that what I saw shook my view for some time, because what I had seen put out, particularly by animal liberation groups, was a series of pictures of chooks that were basically denuded of their feathers. I saw no evidence of that sort of thing on the farm. I have to concede that I had arranged this visit a couple of weeks before going to the farm. I suppose the farmer, who had hundreds of thousands of chooks, could have taken away any chooks that had been denuded of their feathers.

I asked that one of the chooks be taken from the cage so that I could see whether it could walk, because I had also been told that caged chooks sometimes cannot walk. In fact, my own experience had taught me that this was true. When I lived in a bush town in South Australia, I almost always kept chooks in my backyard. We used to get our chooks from the battery farm. I remember one set of chooks in particular. It took three or four days before they could actually walk around in any reasonable way and quite some time before they began to act as I would expect chooks to act. I had a background of thinking that these farms were inherently cruel. The farmer invited me to choose a chook from the hundreds of thousands around me to take from the cage. I took one from up high halfway down a row. The chook, put on the ground, acted like a normal chook. It looked around to see what it could find to eat and peck. I felt that the picture being painted of an old battery farm was not the reality that exists on modern battery farms. I have not been to Parkwood, so I do not know whether it fits into that category.

I approached Ms Horodny and said, “I would like to see a free-range farm”, and she pointed me to one not so far from Canberra. Although I thought it was run particularly well and there were some very interesting things there, the irony was that, if I had taken photos of specific chooks on that farm and put them out and said, “This is what you see in a free-range farm”, then people would be saying, “Let us not have free-range chook farms”. The battery chooks denuded of their feathers that I see in photos are the same as the chooks - not many of them, just a handful of them - that I saw on that farm.

Why is that the case? It is a part of the whole way chooks operate in terms of their pecking order. I think chooks are inherently very cruel to each other. I have watched them at times in my own backyard, and the way they single out a particular chook and then peck at it is quite interesting.

I consider this a very important issue, so when I was overseas I looked at some farms in Switzerland run in the sorts of ways that Ms Horodny has been suggesting would be entirely appropriate. Indeed, I have tabled a report to the Assembly on my observations at those farms. It was very interesting that one of the farmers running a barn system drew my attention to the fact that if they allow light to come in the chooks peck each other. The light cannot come in in columns. It has to come through windows that are translucent. It cannot be direct light. It is a very interesting thing. Who knows how they discovered it? Perhaps we have to learn the best ways to keep these animals.

My view on this issue has oscillated. Perhaps I am being a little anthropomorphic. I think that keeping chooks in a small cage with food and water may not be enough and is inherently cruel. That is why I will be supporting this legislation. I consider that we have had a very productive approach to this legislation. I have discussed the issue with Ms Horodny on a number of occasions and with Mr Corbell. Very soon after Mr Corbell was elected we began discussions on this issue. I believe Mr Corbell visited some of the same farms as I did. We discussed what we had observed.

In many ways I feel saddened by the approach that has been taken in the advertising campaigns on this issue. I think they have misled the public in an emotive way instead of looking at the issue in a rational way. I believe that ordinary people do not need to be convinced in that sort of emotive way. When you do run campaigns like that there is always the risk that they will backfire.

The issue we have always discussed here and the issue in the public arena has always been about battery hens and how we are going to deal with them. The legislation actually goes further than that, however, and that is why I have circulated an amendment. The legislation also takes into account animals that are used for scientific research. I indicated to Ms Horodny earlier today that I am quite happy to debate that issue; but, if she wants to raise that issue, then she should do it with separate legislation. The issue has always been about battery chooks and we should separate that issue. That is why I will move an amendment to remove that part. We will get back to that when we get to the detail stage of the Bill.

Mr Humphries raised the extraordinary powers that we give to inspectors. I must say that in my reading of the Bill I missed that. I have said on many occasions on other issues in this Assembly that, if there is good reason for an inspector or a bureaucrat to invade somebody's business, then that inspector ought to be able to convince a magistrate to issue a warrant. It does not take long. Often it is a matter of a simple phone call. The extraordinary powers that Mr Humphries talked about are an important issue. I hope that Mr Humphries will be moving an amendment - certainly, I will be prepared to support it - so that an inspector who has reasonable grounds for carrying out an immediate inspection has to go through the normal magistrate process. That is the appropriate way to go.

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I have heard many arguments back and forward about hens. I have listened to arguments about whether the Food (Amendment) Bill, if passed, will actually have an effect or whether it would fail under the Constitution, under our State agreements and under competition policy. I think the amendment that Mr Corbell has come up with to deal with this is a sensible way through the problem of the Mutual Recognition Act. Of course, we should not miss the irony of the Labor Party preparing this amendment and running it, even though it is a long-term thing, at the same time as they are saying that they cannot do anything more about euthanasia and drugs; but rather than getting into that debate I will just leave it with those few words. I am very supportive of the approach taken by Mr Corbell. I think his amendments are very sensible amendments.

I would like to congratulate Ms Horodny for the work she has done in getting this legislation into the Assembly and allowing it to sit on the table for long enough for us to consider the issues seriously. If this legislation goes through today - and I expect it will - this will be the first time a legislature in Australia has said, "We believe that something ought to be done about this style of feedlot farming". Even though it is going to be a long time before implementation, the message is that change is on the way.

Debate interrupted.

DISTINGUISHED VISITORS

MR SPEAKER: I inform members of the presence in the gallery of members of a delegation from the National Association of Chairmen of Prefectural Assemblies of Japan. On behalf of all members, I bid you a warm welcome.

ANIMAL WELFARE (AMENDMENT) BILL 1996

[COGNATE BILL:

FOOD (AMENDMENT) BILL 1996]

Debate resumed.

MS HORODNY (12.01), in reply: I want to talk very briefly about the Mutual Recognition Act, to start with. This is about allowing goods that comply with the regulatory requirements of one State to be sold in a second State. It is to prevent restrictions on interstate trade. As Mr Corbell and Ms Tucker have already said, the Act contains provisions for permanent exemptions to be obtained. Particular goods or laws that are exempted are contained in a schedule to the Act, and this schedule can be amended by the Governor-General making a regulation; but this can be done only if the designated person in each State and Territory - and that is usually, I understand, the State Governor or the Chief Minister - has gazetted a notice requesting that the regulation be made. It is therefore up to the Executive to obtain the consent of other State governments before this exemption can be obtained.

Exemptions already exist to allow State-by-State regulation of such things as firearms, fireworks, gaming machines, pornographic material, laws relating to quarantine and laws relating to the protection of plant or animal species from extinction. There are also specific exemptions on environmental grounds. The Beverage Container Act of South Australia, for example, which established the container deposit scheme in that State, is included. A law of Tasmania which regulates the possession or sale or capture of crayfish under a minimum size is also included. The crayfish law was challenged in the High Court as a barrier to interstate trade, but this case was lost. The precedent therefore is already there for a particular State to set its own laws for regulating goods and activities in that State, particularly on environmental grounds or for health and safety reasons, without these laws being a barrier to trade or being anti-competitive. The proposal to ban the sale of battery cage eggs is not anti-competitive, because it does not discriminate between eggs on the basis of the location where they are produced. ACT-produced eggs will be treated equally with eggs from other States.

I want to go over some of the points that other speakers have made in this debate. Mr Humphries talked about the code of practice. He said the code is important and we must not undermine the code as it exists. The code was developed largely by industry for industry. I believe it is essentially about getting blood out of a stone. It is about how we can maximise egg production from hens in a minimum period of time, with minimum care, minimum supervision and minimum respect for their needs. It is about minimum standards with maximum output. I ask the Assembly what century we are living in, what decade we are living in. We are supposed to be a civilised society. Where is our concern for the welfare of the hens?

Mr Humphries is concerned about a price increase as well. Are we seriously going to gloat about the price that these eggs are costed at when the price to the chickens involved in that production is so high? The community has already expressed their outrage at this. Over the years we have seen petitions from some 14,000 people.

Mrs Carnell: Why do they not buy free-range eggs, then?

MS HORODNY: Mrs Carnell asks why they do not buy the other eggs. I will address that in one second. The standards of the community, Mrs Carnell, are changing all the time. We have very different standards in our society today to those we had 10 years ago, 20 years ago, 50 years ago. We have different safety standards in cars. We have seat belts in cars now. That is an additional cost to all of us. It is one that we as a society decided was worth bearing because there was a benefit to us. Our standards on occupational health and safety change all the time. Building standards change all the time, Mrs Carnell. These things change. That is why we are here. We are here to legislate for those sorts of changes. We made a decision as a community some 10 to 15 years ago that we would not accept asbestos in buildings. That was an enormous cost to the community. It was an enormous cost to individuals who had to complement the investment that the Government made in their homes by making all sorts of changes to their building. That was a cost that was considered worth it because of the health implications to the community of not making those changes.

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We have also made a decision in this community about contaminated soil. We have said that soil contaminated with arsenic is not acceptable. We will not accept it on environmental and health grounds. There is obviously an enormous cost. If you want to talk about costs, you could ask why we do not just leave families sitting on contaminated soil and instead spend the money on health or education. It is because we have decided that the standard that exists is not good enough. We want to improve our standard. These things change. That is the way we are. That is modern society. Social standards do change.

Mr Humphries also talked about insecurity for the Parkwood establishment. I think that Mr Humphries has to take responsibility now. It seems that this Bill will be passing this Assembly. There are several amendments coming. I have indicated that I will accept those amendments and speak to them later on. The insecurity issue is now dependent on how quickly and how reasonably this Government and future governments deal with this issue and work on getting an exemption under the Mutual Recognition Act from the other States.

I understand that the Chief Minister and/or possibly the Attorney-General will be working on this issue and talking with other States about it. Obviously, that work could begin pretty much immediately, with correspondence going out and with arrangements to put this issue on the agenda for the next meeting of the Council of Australian Governments. I am not sure what the exact process would be, but that is certainly for the Government to work out. It is also up to the Government to keep this Assembly informed on progress on this issue. We are not just going to throw this to you and hope that you deal with it. We will be asking questions of you regularly. We will be asking you regularly for updates on how discussions are going.

Mrs Carnell: We write to them. That is what we do. That is how it is done. We write to other designated people. That is how the job is done.

MS HORODNY: Mrs Carnell, you can respond to this when it is your turn.

Mr Moore: You close the debate.

MS HORODNY: There are amendments. She can get up and speak when the amendments come through. We will be watching very closely how the Government takes this on and how honourably this issue is dealt with. Mr Humphries, I know you will deal with it very honourably. I am not casting doubts on you.

Mr Moore touched on community standards. He said that he thought the advertising campaign that has been running for the last several months, and indeed was run last year as well, by the animal rights group here in the ACT was a tad emotional. He thought that that might have worked against them in some instances. I agree with Mr Moore that there is certainly a balance to be struck in presenting any campaign. Of course, the balance needs to be about presenting the truth on any matter, revealing to the community what is actually happening in an industry such as the intensive farming industry, making people aware of what is going on in that industry and making it easier for them to do the right thing. We all prefer a carrot approach to a stick approach.

I would argue with Mr Moore. I do not believe that that is what the group did. I believe they targeted particular members of the Assembly because this is where they felt there was a stalemate on this issue, and indeed there was for a long time. That is understandable, because I believe members had to do their research, come up with their own information and form a view on all of this. It certainly has not been easy. I am very glad that we have had a very healthy and robust debate today. There have been a lot of issues to cover in this Bill. There is the whole issue of the welfare of animals, the best housing systems for animals, cannibalism and debeaking. I think we have all become experts on hens in the last couple of years. I certainly feel that I have learnt a lot more about hens than I probably wanted to know.

Ms Tucker touched on ethics and standards and where as a society we decide to draw the line. Ms Tucker used the example of sweatshops. It is the example that I was going to use, but I will not. If we really feel that the price of a product is the most important thing and that the way we produce that product is unimportant, then as a society we could decide in that case that all kindergarten children should spend one day of each week producing rugs, as child slave labour does in parts of the Third World.

That is obviously not something that we are going to do. It is not a standard that we are prepared to accept. We have moved beyond that. We are a civilised society, and I am very glad that this Assembly has decided to up the standard of this Assembly and reflect the wishes of the community. I believe this Bill will go a long way towards changing the standard of intensive farming in other States as well. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2

MR CORBELL (12.15): Mr Speaker, I move:

Page 1, line 9, subclause 2(2), omit the subclause, substitute the following subclause:

“(2) Sections 4 and 5 commence at the expiration of a period of 6 years after the date on which subsection 24A(1) of the *Food Act 1992* is, or provisions of that Act that include that subsection are, described in Schedule 2 to the *Mutual Recognition Act 1992* of the Commonwealth.”.

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Mr Speaker, this amendment deals with the issue of mutual recognition. It deals with the issue of when a ban on battery cages can come into effect. This, I believe, is the crucial amendment. The Labor Party is not prepared to support these Bills unless this amendment is accepted, because we cannot have a situation where the production of eggs in battery cages is banned in the ACT but the sale of those eggs is not - specifically, eggs brought in from other States and Territories of Australia. That would make the proposal being put forward by the Greens completely unworkable and it would also discriminate unfairly against the existing producer in the ACT. For that reason, we are putting forward this amendment. The amendment also specifies whether or not adherence to a code of practice for the care of animals as a defence under the Animal Welfare Act is excluded in relation to battery cage farming. What this clause also says is that, once the ban on the production and sale of battery eggs in the ACT is in effect, you cannot claim adherence to a code of practice in relation to the keeping of hens in cages as a defence under the Animal Welfare Act - two very important amendments.

Mr Speaker, the Labor Party believes that this gives certainty to the producer. We understand that the transition from battery cage production cannot take place overnight and that there will be a significant period of time before the ban comes into effect. The first step is for the Government of the Territory to negotiate at ministerial council level to seek an exemption under the Mutual Recognition Act. That does not mean just the agreement of the Commonwealth; that does not mean just the agreement of the majority of States and the Commonwealth; it means the agreement of every government in every State and Territory in Australia and the Commonwealth. It means all of them. I think that is appropriate when you consider that we have entered into arrangements under the Mutual Recognition Act. We are a signatory to agreements under that Act, and we should work within the provisions that we have agreed to in that Act. That is why we put forward these proposals today.

We believe that this approach gives certainty. We believe that the producer is satisfied with the Labor Party's approach. We believe that the producer understands why the Labor Party is doing it this way and appreciates the concern, which we have signalled in this approach, for the security of its operation and for the job security of the workers at that site. That is the primary reason for this - the security of those workers. We take those concerns seriously and we attempt to deal with them in a serious way. We do not just stonewall on the issue. We say that there are various concerns that have to be met in our community - concerns by people in our community about the system of battery egg production and concerns by the people who work in the battery egg production facility here in the ACT about the security of their jobs. We seek to balance them. That is the purpose of the amendment.

MRS CARNELL (Chief Minister) (12.20): Mr Speaker, a couple of speakers have said already that, under this amendment, what would be required would be for the ACT to request from all other States and Territories an exemption for eggs here in the ACT not to be treated under mutual recognition. That would, of course, exclude New South Wales eggs produced under a different system from being sold in the ACT if the whole process went ahead. I just want to bring to the attention of members of the Assembly, and particularly those opposite, as they are in the same party as the party in government in

New South Wales, the fact that they also might have a very large job to do here because, for the life of me, I cannot understand why New South Wales would give an exemption to this particular issue when it meant, by its very nature, that New South Wales eggs would no longer be able to be sold in the ACT.

Mr Corbell: Battery eggs.

MRS CARNELL: Battery eggs. It is an important issue.

Mr Moore: Their free-range eggs would be.

MRS CARNELL: Their free-range eggs would be; but a large number of producers in New South Wales would be excluded from selling their eggs in the ACT.

Mr Berry: We know that.

MRS CARNELL: You know that. I understand that. But Ms Horodny somehow seemed to believe that other States and Territories were, by their very nature, just going to tick this off. I have to say that I think that is extremely unlikely, because, if New South Wales, say, excludes some of its producers from selling their product in another State, it brings absolutely no benefit to New South Wales. For a government - say, for me or for anyone on this side of the house - - -

Mr Moore: In financial terms.

MRS CARNELL: I accept what you are saying, Mr Moore.

Mr Berry: You could make up for that with charm and support.

MRS CARNELL: Yes. It works so well on Bob Carr. We have noticed that in recent days. Mr Speaker, I think it is very important for us to - - -

Mr Berry: Charm and enthusiasm for - - -

MR SPEAKER: The charm and enthusiasm, Mr Berry, is not recognised by the Chair; neither is it tolerated.

MRS CARNELL: Mr Speaker, I think the chance of the New South Wales Government excluding some of its producers from selling their product in another State, with no benefit to New South Wales out of it, would be very small. I think the chance of other States agreeing to this sort of exclusion, taking into account the possible flowthrough of that exclusion into their own States, would be very small indeed, as well. The major reason is that there is no benefit, particularly in New South Wales, but potentially a political downside. You can see what would potentially happen if some producers in this region who have traditionally provided eggs into the ACT market were excluded from doing so, simply on the signature of the Premier. I think it is important to bring those issues to the floor of the Assembly, because it does appear from the debate that many people around here believe that they are going to sign this off. I would suggest that the chances would be extremely slim.

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I have to say again that, if this Assembly passes this legislation, we will certainly do our best to achieve that. We are very happy to table all the letters that we send to other States, and to New Zealand as well, in this particular circumstance. That goes without saying. We act on the will of the Assembly and we will continue to do so. But again, why would they, Mr Speaker?

So, I think what Mr Corbell has done - he knows that perfectly well - and what the Labor Party has done is bring forward a set of amendments that actually mean nothing, that by their very nature cannot actually achieve one thing. It is actually quite smart, I have to say. I am reasonably interested that they have done it; but does anybody think that this actually will make a difference? How can it, Mr Speaker? It still means, of course, that we will be acting contrary to the uniform food standards that were signed by Rosemary Follett in 1991, when Ms Follett, as Chief Minister of this Territory, agreed that the ACT would not adopt any food standard that was not in line with the Australian and New Zealand Food Standards Code.

Mr Humphries: That is right. She did.

MRS CARNELL: She signed it off, I think, on 19 August 1991. She gave the word of this Assembly, as the duly elected Chief Minister, that this Assembly would not take that approach. I have to say that I take it very seriously that this Assembly would actually go in a different direction when certainly Rosemary Follett, as the head of the Labor Party but also as the elected Chief Minister of this place, gave her word and her signature not to go down that particular path. I think, again, it is a very dangerous approach.

Ms Follett also signed the national competition policy - not something which, as the Greens seem to think, you do when you feel like it or an argument that people on this side of the house bring up when we want to say that competition is necessarily good. Rosemary Follett again signed on behalf of this Assembly, on what were very solemn occasions. I do not believe that heads of government sign their names to binding documents, such as uniform food standards or national competition policy, without a lot of thought and without meaning what they say when they sign those things.

Mr Speaker, one other comment needs to be made. What we see today is those opposite bringing forward a set of amendments for which, rightly, they have the support of the majority of the Assembly, but which by their very nature can never do anything. They can never actually achieve the ends that this Assembly supposedly wants, Mr Speaker. Those opposite do so the day after they ran with the grand new direction for the Labor Party, one that will focus on jobs. Mr Speaker, as much as those opposite have tried to say, "No jobs will be lost", even though the company involved says that that is under an extreme cloud, nobody has indicated how this could produce one job. In fact, the bottom line here is that there are 60 jobs under a cloud, according to the people who actually employ them, and not one new job will be potentially produced. Is that a great thing on which to spend almost all of the first morning under the grand new plan for the Labor Party, when jobs are the main issue, according to Mr Berry?

We would agree. Economic development and jobs are the two major issues in the Assembly, Mr Speaker. Here we have a situation which will produce, if anything, the loss of a business and certainly, in the absolutely best scenario, not one new job and not one new business. I come back to the issue again. Under this amendment, Mr Speaker, those opposite are going to have to lobby their Labor colleagues in New South Wales very hard on this, because I cannot see why the Premier of New South Wales would happily sign a document that ensured that some New South Wales businesses could not sell their product in the ACT.

MR MOORE (12.28): I will be very brief, Mr Speaker. It seems to me that, if I had had the same attitude as Mrs Carnell has, when I originally proposed the heroin trial in 1991, it would never have got to the Ministerial Council on Drug Strategy. In fact, the approach that is taken by Mr Corbell in some ways is quite similar. It says, "Yes, we are going to have to have recognition from across Australia". That is the first point of the argument. The second point is that Mrs Carnell says, "Why would they do it?". The reason they just might is not to do with the economic argument. There is more to this than just an economic argument. The reason that they just might is that they will look and say, "Yes, it will be interesting to see what happens in terms of battery farms and in terms of egg production. It will be interesting to see how the people of the ACT deal with this, if indeed they have any sympathy for the issue of how animals are treated".

As dry economic rationalists, as many of us like to be in many ways, most of us and most politicians I have met and discussed such issues with do actually have a heart - I know that some people find trouble in believing that - and are interested in looking at issues beyond just hard economic issues. So there is a chance. Indeed, the Chief Minister may be right. The Ministers may dismiss this in a very perfunctory way the first time around. They may even do it the second time around. But who knows? Within the set period, we may well change. In the meantime, the legislation, if passed, has established that a legislature is prepared to make this move.

Debate interrupted.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Police Establishment

MR BERRY: My question is to Mr Humphries, the Minister for Police and Emergency Services.

Mrs Carnell: You have given up on me already.

MR SPEAKER: Order!

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MR BERRY: My question is about police numbers. In response to Mr Wood's questions you said yesterday that an additional 17 police officers will be rapidly redeployed from AFP National Headquarters to the ACT Region. This is an admission that the people of the ACT have been short-changed. I think that is pretty clear.

Mr Humphries: Yes, it is.

MR BERRY: I think you acknowledged that yesterday. Minister, is this the full extent of the shortfall? How much greater might it be, and do you really have any idea what it might be? If you cannot answer any of those questions, do you think we should send in the fraud squad?

MR HUMPHRIES: Mr Speaker, I thank Mr Berry for that question. I admit, as I did yesterday, quite freely, that the ACT has been short-changed. To be quite frank, it seems to me that there was a problem with budgeting by the AFP at the Federal level, and a bit of what we might colloquially call robbing Peter to pay Paul took place in order to deal with that problem. I will take the charitable view of that, in that it was not engineered so much as happened by default; but, whatever the intention behind it, it is clear that it did occur and that the ACT, during a period of some years, experienced a shortfall in the appropriate allocation to the ACT as provided for by the contract between the ACT and the Commonwealth Government.

I have had a briefing, with a graph showing exactly where the ACT stood in respect of its allocation from the Commonwealth and in respect of what was delivered. That is not with me at the moment, but I will undertake to bring that down to the chamber and table it, hopefully before the end of question time. That demonstrates exactly where each deficiency occurred in any given week. The lowest point was in September 1994, during the previous Government's life; but, whatever the reason, it should have been picked up before now. It was not, and I am interested in why. That is a matter that I am further exploring with the Australian Federal Police. I think you asked me about the extent of the shortfall and the dates of the shortfall, Mr Berry?

Mr Berry: No; how much greater might it be?

MR HUMPHRIES: The extent of the shortfall will be disclosed in that graph which I will produce later on. I have indicated two things to the Federal Police. One is that I want the shortfall made up immediately, or as soon as practicable, and maintained as much as practicable so that the ACT is not in the position of dipping below its agreed amount. The other issue I have made clear is that I want some arrangement addressed which will provide for some compensation to the Territory for the deficiency over the last, at least, three or four years when we have been short-changed. Whether that takes the form of additional police, more police than we are contracted for rather than less, or whether it takes the form of money, I do not know; but I have asked the police to ensure that it is addressed, and I expect to be advised about that in due course.

MR BERRY: I have a supplementary question. I am sure the police did not give a money-back guarantee, but the usual step is that if you do not get value for money you get your money back. Will you make sure that we get the money back?

Mrs Carnell: I will send a bill to the Prime Minister.

MR HUMPHRIES: The Chief Minister interjects, and it is not a bad point to make. We can send a bill to the Prime Minister.

Mr Berry: When was the last time the Prime Minister took any notice?

MR SPEAKER: Order! You have asked your supplementary question, Mr Berry.

MR HUMPHRIES: That is a very good question. Bear in mind that what we have here is not the usual kind of intergovernmental MOU. This is a contract, a signed, written contract which is enforceable in the courts of the land, and, as I have indicated already, if we do not get satisfaction I am not above trotting off to the Supreme Court and issuing a writ.

New Private Hospital

MR HIRD: Mr Speaker, my question is to the Chief Minister and relates to the new 110-bed private hospital now under construction. As a member of an Assembly select committee currently conducting an inquiry into the new private hospital, I was concerned to hear media reports this week that the chair of the inquiry, Mr Berry, had vowed to do everything in his power to undermine the building of the new hospital. Jobs, jobs, jobs in the Canberra building industry, et cetera, Mr Speaker. Is the Government going to give in to these sorts of threats from Mr Berry, or do you envisage that the new private hospital project will proceed as planned?

Mr Berry: I take a point of order, Mr Speaker. Mr Hird heard wrong.

MRS CARNELL: Mr Berry, just sit down. I would like to thank Mr Hird for this question because it is an important one.

MR SPEAKER: Order, Chief Minister! Questions shall not refer to proceedings in committee not reported to the Assembly. I presume, Mr Hird, this was on radio. Where did you hear this?

Mr Hird: On one of the radio stations, sir, and I also heard it last week on another radio station. I can identify the radio stations if you want me to.

MR SPEAKER: All right.

MRS CARNELL: Mr Speaker, I, too, was extremely concerned to hear on radio 2CC earlier this week the new Leader of the Opposition, Mr Berry - the man we now know is focusing on the core issues of jobs and health - quoted as saying he had "vowed to do everything to undermine the building of a new private hospital in Canberra".

Mr Berry: No, that is not true.

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MRS CARNELL: You will have to argue that with the radio station. It seems that the Labor Party's focus on jobs does not include the hundreds of new jobs generated by the construction and operation of this \$20m facility. The focus on health does not include the provision of a major new health facility at no cost to the taxpayer, a new facility that will provide more choice for Canberrans and that will inject revenue into the public hospital system.

But, quite apart from my concern that Mr Berry's newfound supposed focus on jobs and health clearly does not extend to jobs or health care services in the private sector, there was also a more serious concern relating to - - -

Mr Berry: Mr Speaker, I rise - - -

MR SPEAKER: Are you taking a point of order?

Mr Berry: Yes, I do take a point of order. I redraw your attention to the issue that you raised earlier on, namely, that proceedings in committee not reported to the Assembly should not be referred to in questions.

Mr Humphries: This is not the issue. It is not the issue.

MR SPEAKER: Order!

Mr Berry: Mr Speaker, very clearly the - - -

Mr Kaine: It should not be being dealt with on public radio, either.

MRS CARNELL: Or in the newspaper. Or in articles in the newspaper.

Mr Berry: Why not? Where is the standing order that says you cannot do that?

MRS CARNELL: There is not, and that is all I am talking about.

MR SPEAKER: Order! Mr Berry, I was drawing attention to the fact that the rules for questions indicate that questions shall not refer to proceedings in committee not reported to the Assembly. Had that been the case, that would have been out of order; but Mr Hird tells me that he heard it on radio, so the Chief Minister is quite within her rights to answer the question.

MRS CARNELL: Mr Speaker, I have not been privy to any of the carryings-on that occurred in the committee process, so I am only reacting to media outlets. Those opposite seem very happy to quote those in question time quite regularly, Mr Speaker. I could also quote an article that was written in the *Canberra Times* and in which Mr Berry was very clear about his views in this particular area. I believe very strongly that the committee system is very important.

Of more serious concern relating to the inquiry in which both Mr Berry and Mr Hird are involved is the question of whether some people, at least, have preconceived ideas, shall we say. This is an inquiry that was set up by the Assembly to examine the new private hospital. From the time that Mr Berry first floated the idea of this inquiry, the Government maintained that it was no more than a political stunt. Nobody in Canberra could ever imagine that Mr Berry would bring any objectivity to such an inquiry. However, out of respect for the Assembly, we might have expected Mr Berry at least to make an attempt at seeing both sides of the story, to put at least a bit of an effort into being unbiased. But Mr Berry cannot take off those ideological blinkers for one moment, not even to do what this Assembly believes is very important, and that is to take on committee work in an unbiased way.

Here we are in the middle of an Assembly committee inquiry and the chair of that inquiry is making it very clear that he has prejudged the matter and firmly made up his mind about what the inquiry will rule, Mr Speaker - not just in one radio report, but in a number and in the newspaper as well. Mr Speaker, I believe this is an insult to this Assembly and is a clear abuse of a position as chair of an Assembly inquiry.

Mr Berry: You are a joke.

MRS CARNELL: It is not a joke. It is something that is very important. I believe the crossbenchers believe this is important, too.

Mr Berry: You are a joke and a loser.

MR SPEAKER: Order!

MRS CARNELL: Mr Speaker, the terms of reference of that inquiry specifically include the impact of the new hospital on both the public and the private hospitals in Canberra; yet Mr Berry, the chair of the inquiry, has already made up his mind before the inquiry even reports. I would urge all members of this Assembly to think carefully about this matter and the important principle it raises about the committee process generally. If members are allowed to use Assembly committees purely as vehicles for partisan political point-scoring, then the Government would argue that the committee system has been corrupted. I am sure nobody wants that.

Mr Speaker, last week the Greens and Mr Moore argued for the abolition of the position of Leader of the Opposition, reflecting their frustration at the way this Assembly operates. In that debate Ms McRae made this comment:

We have this fairytale notion that somehow the Opposition is here to create ideas, to do things for the good of the Territory. It is an absolute fairytale notion ...

I think that Mr Berry is showing that this is a view that he holds, too, in his approach to this particular committee hearing. If members on the crossbenches are serious about reforms to give Assembly committees more power and more influence in decision-making, they will need to take action against the move of those opposite to corrupt the committee system for their own political ends.

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The Government is interested in pursuing reforms that will create a more city council style of government; but that cannot happen if the Leader of the Opposition is allowed to simply thumb his nose at the notion of independence and, for that matter, any level of unbiased behaviour by an Assembly committee inquiry. Mr Speaker, I would also like to place on record the Government's view that clearly the inquiry chaired by Mr Berry will have no credibility whatsoever if it simply regurgitates Mr Berry's own obviously very biased ideas about private health care, ideas that he has spoken about the whole way through this committee inquiry.

For the record, Mr Speaker, the construction of the new private hospital is under way. Contracts have been signed and the project is progressing. As well as investing \$20m in this important new health facility in Canberra, the hospital operators have paid the Canberra Hospital half a million dollars up front, and a further \$2.1m will follow. As well as that, the private hospital will pay an annual indexed grant of \$100,000 for research and training at our public hospital, the Canberra Hospital.

MR HIRD: I have a supplementary question. Chief Minister, you were saying that, with all the money that is being invested in this venture, the building industry is creating jobs, et cetera, and there are ongoing benefits to the community. When will this project be completed and when will the hospital be open?

MRS CARNELL: Mr Speaker, the project is under way. There are 130 jobs being created in the construction phase and some 200 jobs when the project is open. The project is due to open in the second half of next year.

Police Establishment

MR WOOD: Mr Speaker, my question is to Mr Humphries and relates to police matters. Minister, taking up a point you raised about contracts being enforceable, how is it, then, that you have not enforced the provisions of the current contract for police services? Indeed, what mechanisms exist that enable you to verify that the number of police provided to the ACT matches what you pay for? For example, do you get daily or weekly or monthly reports on staffing? Do you get copies of police rosters? Have you ever been advised of shortfalls?

MR HUMPHRIES: Mr Speaker, it is a slightly strange question, I have to say. Why have I not - - -

Mr Corbell: You are the Minister.

MR HUMPHRIES: If you listen quietly you might hear the answer, Mr Corbell. Why have I not enforced the contract before? The same question could apply to you, Mr Wood. You were in government in 1994 when we reached rock bottom. We reached the nadir of this - - -

Mr Wood: For how long have you been there?

MR HUMPHRIES: You were there for longer than we have been here. Mr Speaker, my figures go back to June 1994. The graph begins about 25 officers below the level that we contracted for at that point in time. I have to assume that the graph probably continued to some point lower than that again before June of 1994, so the problem may have gone back a very long way. The question that needs to be asked, I suppose, is why it was not possible to pick up these sorts of issues in the way in which the reporting of police numbers occurred within government to successive governments in the Territory.

Mr Wood: Okay. What have you been doing?

MR HUMPHRIES: What I have done, Mr Speaker, is identify this problem. We have had regular reporting. In fact, since I have been - - -

Mr Wood: After I asked the question.

Mr Corbell: After we pointed it out.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, I am not going to answer the question if I cannot be listened to. We initiated a process, when we came to government, of getting weekly reports on staffing levels within all areas of government. The Australian Federal Police reported to me on staffing levels as well during that period. The staffing levels reported were always at the level contracted for. Clearly, those reports were wrong.

Mr Osborne: Who was lying? Who was doing the reports?

MR HUMPHRIES: The Australian Federal Police were doing the reports and the reports were clearly wrong. These are the figures. I table the graph that I promised to table before. It is actual staff numbers from June 1994 to July 1997.

Mr Osborne: Who signed the reports?

MR HUMPHRIES: I do not have that information at my disposal at the moment, Mr Speaker. It is not your question anyway, Mr Osborne. You can ask your question when you get to your feet. I will say that we had weekly reports on staffing levels. They always disclosed a level of staffing at the level contracted for. The inquiries that this Government made led to our revealing that those figures were not accurate. That is why, Mr Speaker, we are in the position today to be able to announce to the Assembly that there has been a shortfall and that the remedial action already indicated has been taken. I think that that is appropriate and I hope that this will be a lesson in better means of transparency and accountability in the future.

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MR WOOD: I have a supplementary question, Mr Speaker. The Minister says he found out about these deficiencies - only after we were asking the questions, might I say. Mr Speaker, my question to Mr Humphries is this: What agency in the ACT government service monitors the delivery of the police services and checks those reports that you were talking about? How is it that the deficiencies have not been reported to you, or that you did not take any notice of them, and what investigations will you now undertake to see what went wrong?

MR HUMPHRIES: First of all, I did not say that we discovered these deficiencies as a result of questions in this place. The issues were addressed long before that point, and the matter came to my attention well before that point.

Mr Whitecross: You were keeping it a secret.

MR HUMPHRIES: No, I was not. Mr Speaker, I made available to the Estimates Committee in June of this year information which indicated that there was a deficiency.

Mr Whitecross: So you told the Estimates Committee.

MR HUMPHRIES: If you were not listening at the time that is not my fault. We told the Estimates Committee that there was a problem. You should go back and do your homework, Mr Whitecross. No wonder you are sitting in the deputy's chair today and not the leader's chair. Why did I take no notice? I did not know, Mr Wood, that there was a deficiency. I sought weekly reports on the level of staffing, and the weekly reports, if you are interested - you are obviously not interested, as you are talking to somebody else - disclosed that the staffing was being supplied at the contracted level. That is not not taking notice. That is simply not having the information supplied to me in an accurate form.

MR SPEAKER: I hope you are listening to the reply, Mr Wood.

Mr Whitecross: We are.

Mr Wood: We are.

MR HUMPHRIES: I do not think you are. Which agency is responsible for these things? The Attorney-General's Department is responsible for monitoring those figures. They, like me, assumed the accuracy of the figures supplied by the Federal Police.

Internet Gambling

MR MOORE: Mr Speaker, my question is to the Chief Minister. Chief Minister, you recently argued that you will be regulating home gambling products, including regulation of the Internet. Are you aware that a group of Australians at Vaduz in Liechtenstein are currently running a very popular gambling system using major credit cards? Considering that anyone with access to the Internet can now just type in www.interlotto.li to gamble this very minute, is it not rather quixotic to believe that you can regulate this international market?

MRS CARNELL: Mr Speaker, I certainly am aware, as I think all Ministers are around Australia, that Internet gambling is a reality worldwide. It is not something you can address at an ACT level. It obviously does have to be addressed nationally. Mr Speaker, a paper was put together a couple of months ago by the respective Ministers nationally to look at addressing this problem. The paper is being made available right now to the public in the ACT for information and comment. I would be very happy to provide members of the Assembly, if I have not done so already - - -

Mr Moore: I think you have. That is what I am referring to.

MRS CARNELL: Okay; that is good. It is a draft concerning the regulatory model for interactive home-based gambling products. What we are trying to do nationally is create a situation where products can be licensed. We are not suggesting for a moment that that will stop unlicensed products being available on the Internet. It will not. That is simply one of those problems with the Internet. Having licensed products on the Internet, ones that have been through the appropriate processes, will be a way of providing revenue to the States and Territories from the gambling that is taking place. Most importantly, people who use Internet gambling services may be confident that the entity they are dealing with is reputable and has appropriate bona fides. That is the approach that we are trying to take nationally.

We are also ensuring that registered Internet providers provide services only to people who are over the age of 18. We are also looking at provisions to address problem gambling and also the banning of credit gambling. But, again, all of those things will be able to be put in place only with registered outlets. Then we will have to make sure that the community generally is aware that if they have dealings with an Internet gambling outlet that is not registered they have no comeback at all if the outlet does not pay up or does not do what it said it would do.

MR MOORE: I have a supplementary question. So it is a licensing system, not a regulating system as you have been claiming. How do you intend to deal with under-age gambling, when all that anybody needs is a credit card to access any one of a wide range of gambling possibilities like the example I quoted?

MRS CARNELL: Again, I fully agree, and I think everybody does, that this is a very real problem. As you have seen from the paper that was put out, it is one of the issues that are being addressed as part of this approach. There is no way that Australia can stop people accessing Internet sites around the world. We all know that that simply is not possible. Gambling is not illegal around the world and on that basis you cannot exclude it as you can some illegal activities. People who are under the age of 18 will be considered as part of the whole approach. After an appropriate consultation period with appropriate people, I hope there will be a strict State-based licensing and inspection system. We will make sure that the people who do have licences have undertaken to comply with particular rules and regulations. It is not an easy area, Mr Moore. I think it is appropriate that relevant Ministers from States and Territories are taking this issue very seriously.

Police Establishment

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Humphries, the Minister for Police and Emergency Services. Minister, you have just told the house that you were aware of this issue as long ago as the Estimates Committee hearings.

Mr Moore: When Mr Osborne was asking these questions.

MR WHITECROSS: Yes, Mr Osborne was asking - - -

MR SPEAKER: Order! Mr Whitecross is asking a question of the Minister for Police. If you two want to have a chat you can go outside, Mr Moore.

MR WHITECROSS: Mr Minister, at one stage in the evidence given to the Estimates Committee Mr Osborne asked Assistant Commissioner Stoll, "So basically we are paying more than we are getting". Mr Stoll answered, "No, not entirely". Given that you, Minister, in this place today and yesterday, have agreed that we are paying for more than we are getting, are you concerned that the evidence given to the Estimates Committee was less than full and less than frank? Are you concerned, too, that your officials' idea of monitoring a contract and ensuring that a contract is being enforced is to believe what the providers say when they say that they are fulfilling the contract? Do you believe that that is appropriate monitoring?

MR HUMPHRIES: Mr Speaker, whereas I am certainly concerned about the issues that Mr Whitecross and the other members have raised today, this is hardly a matter which has suddenly emerged on the scene for the first time. It is not a new issue which we have suddenly had to grapple with and which has not previously faced somebody. This has been around for at least four years, and probably longer than that.

Mr Moore: You mean under Labor.

MR HUMPHRIES: Probably longer than that, including under the Labor Government. The point where the deficiency was greatest, the point where you might say that the need to ask some questions based on evidence of some problem was greatest, was during the period that your party was in office, so do not get too cocky. You people are amazing. You are quite amazing.

Mr Whitecross: Let us talk about the Estimates Committee, when it came to your attention.

MR SPEAKER: Order! You have asked your question, Mr Whitecross. Be quiet while you are getting the answer.

Mr Whitecross: He is not answering it.

MR SPEAKER: It does not matter. He is entitled to respond.

MR HUMPHRIES: If I have sat on my hands, then you guys did so in a big way for over 3½ years, and the question that needs to be asked is why that was the case. Obviously, you want to blame the senior officers concerned for this. I do not pass judgment - - -

Mr Whitecross: No; I am blaming you.

Mr Wood: No; we are blaming you. You are the one.

MR SPEAKER: Order! I have asked you to be quiet.

Mr Hird: I take a point of order, Mr Speaker. Can you bring the house to order - that rabble across there? I direct your attention to standing order 39.

MR SPEAKER: Sit down, Mr Hird. There is no point of order.

MR HUMPHRIES: Mr Speaker, Mr Whitecross is obviously very quick to blame the police. The question he asked me was what did I think about the credibility of people who gave that sort of answer on the floor of the Estimates Committee.

Mr Whitecross: No, I did not.

MR HUMPHRIES: That was the thrust of your question, Mr Whitecross, and the *Hansard* will show that. I note that you do not have a very good record in your relations with the police. I think your maiden question in this place was about how incompetent the police were in answering telephone calls by people dialling the 000 number - a claim which was never substantiated.

Mr Whitecross: Mislead, mislead!

MR HUMPHRIES: Mr Speaker, I ask that Mr Whitecross withdraw that comment.

MR SPEAKER: Order! There is far too much - - -

Mr Whitecross: Mr Speaker, if he misleads the house, I cannot see why I should have to withdraw it.

MR SPEAKER: Was "mislead" the word that was used?

MR HUMPHRIES: He said "mislead", yes.

MR SPEAKER: Please withdraw, Mr Whitecross.

Mr Whitecross: I think the Minister owes it to the house to demonstrate the veracity of what he claimed.

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MR SPEAKER: Are you going to withdraw or not; if not, I will - - -

Mr Whitecross: May I just clarify this, Mr Speaker? He is allowed to mislead the house; I am not allowed to say so. I withdraw the word "mislead", Mr Speaker, but this Minister ought not - - -

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, this is an abuse of standing orders. It has been suggested that he withdraw and he will not.

Mr Whitecross: I have withdrawn the word "mislead", but this Minister ought not to say things which are not true.

MR SPEAKER: Mr Whitecross, if you feel that you have been badly done by, you have standing order 46 to fall back on; but, if you are suggesting that the Minister is misleading the house, then you will withdraw it. Otherwise I will have to take action.

Mr Whitecross: Mr Speaker, I have withdrawn it. While we are talking about abusing the forms of the house, I believe it is an abuse of the forms of the house to deliberately misrepresent other members and then to fall back on standing order 46.

MR SPEAKER: You have withdrawn it?

Mr Whitecross: I did, ages ago.

MR HUMPHRIES: I am more than happy to bring down and read into the *Hansard* the question where you said that the police could not answer telephones properly. It is there in the record. I will bring it down and read it into the *Hansard*. Then you can tell me who is misleading the house or telling lies.

Mr Speaker, I am not prepared to lay blame in this exercise. Clearly, there was a period during which the ACT was short-changed. I am the first Minister to investigate those matters and I am the Minister who has drawn it to the attention of this place. The question needs to be asked - - -

Mr Corbell: After we pointed it out to you. You did not want to talk about it until we asked questions.

MR HUMPHRIES: I am not going to talk over these people, Mr Speaker.

MR SPEAKER: Mr Corbell, if you interject again, I warn you now.

MR HUMPHRIES: Mr Speaker, if there was a lack of transparency and accountability in the arrangements between the ACT and the Commonwealth Government, the question needs to be asked - - -

Mr Berry: You are a bit precious about this.

MR HUMPHRIES: You are asking me questions about it.

Ms McRae: Why do you not answer it, instead of asking more questions?

MR SPEAKER: Order! I am getting tired of these interjections, and Mr Corbell will not be the only person who is warned.

MR HUMPHRIES: Mr Speaker, if there is a lack of accountability and transparency in the arrangements whereby the AFP supply the ACT with these police, the question that needs to be asked is why the contract which provided for those arrangements was renewed by the ACT Labor Government in those terms. We did not renew the contract. You guys did.

Mr Wood: You just let it run. You do not care about it.

MR HUMPHRIES: The question that needs to be asked - - -

Mr Wood: He has to be asked. He let it run.

MR SPEAKER: Order!

MR HUMPHRIES: The question that needs to be asked is why that level of sloppiness, if you like, in the - - -

Mr Berry: You have been sitting on your hands all the time.

MR SPEAKER: I warn Mr Berry.

MR HUMPHRIES: Why should the sloppiness evident in the former Government's handling of these matters be excused in their case but we be condemned in ours when we have brought the problem to light for the first time?

Mr Wood: No, you did not.

MR HUMPHRIES: I have nothing to apologise for, Mr Speaker.

Mr Wood: When we asked.

MR SPEAKER: I warn Mr Wood. There will not be any of you left soon.

MR HUMPHRIES: I appropriately asked why that should be the case, without there being the questions asked by those opposite. We have asked the questions. We have delivered information to the Assembly and we intend to provide for a remedy or rectification of that problem.

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Mr Osborne: Who asked the question?

MR HUMPHRIES: Mr Osborne asked the question, that is true; but when the question was asked, I might point out, the answer was available then and there as to the fact that there was a shortfall. That matter had been drawn to my attention shortly before the point where the question was asked, and I am sure it was drawn to Mr Osborne's attention by much the same sources. I said before that we got weekly reports. Now we get monthly reports on staff. We have had monthly reports on staffing. Those reports have always shown staffing at the level of 594, which is the number that the ACT has actually paid for. We had assumed that we had had 689 staff supplied by the Commonwealth under the terms of the contract; but, of course, we pay for only 594 of those staff.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Minister, with all the Government's hype about the purchaser-provider model and your claimed commitment to it, why have these principles not been applied to a contract which costs the ACT community over \$50m? If monitoring contracts involves believing everything the supplier tells you about how they have complied with the contract, why should we believe that any of the contracts this Government has with any private people or others to supply services to the Government have been properly administered?

Mr Corbell: A good question.

MR HUMPHRIES: What a bloody dumb question, if you have to ask me! We have purchaser-provider principles in place now and that has revealed that there is a shortfall. That is why we have had this new system put in place. Why would you not have a system like this in place when it produces these kinds of results? Mr Speaker, I think that the Opposition is behaving in a quite crazy way. Somehow they want to show that this whole thing is to do with poor accounting, but under the accounting system we have at the moment we are in a position to be able to reveal the extent of that problem.

Mr Whitecross a moment ago was not even aware that Mr Osborne had asked that question. Now he is saying it is Mr Osborne who has saved the day; he is the one who found the shortfall. Mr Speaker, both Mr Osborne and I no doubt discovered the source of this problem from the same place. I have no doubt about that, and I have no doubt that the steps being taken to rectify this have flowed from that information.

Rural Residential Development

MS HORODNY: My question is directed to the Chief Minister and relates to a proposal put forward by the managing director of Leader Real Estate, Mr Derek Whitcombe, to subdivide a 390-hectare rural property next to Hall into 150 rural residential farmlets. In media reports on this issue, Mr Whitcombe suggested that he had your backing, Mrs Carnell, to proceed with this proposal. Also, in a letter from Mr Whitcombe to the executive director of the Planning and Land Management Group last June, Mr Whitcombe says that his proposal evolved from several initial discussions between him and you. Chief Minister, can you please tell the Assembly the full nature of your involvement with Mr Whitcombe in the development of this proposal?

MRS CARNELL: Thank you very much for the question. I have actually answered it on radio on a couple of occasions, but obviously you were not listening. With regard to this proposal and other rural residential developments in the ACT, I have had a number of discussions with a number of developers, as I think have other members of the Assembly. We believe, as a government, that there is a need for rural residential development inside the ACT. As well as Mr Whitcombe, I have spoken to a number of other people and have encouraged them to come up with proposals that would achieve this end.

The reason we believe that rural residential developments are important for Canberra is that at the moment - it really does not require a genius to show it - a number of rural residential developments are occurring right around the ACT and are actually very successful. What is happening is that people are moving over the border into rural residential developments in New South Wales and then proceeding to use all of our services. In other words, they are coming back into the ACT, usually using road systems that were never designed to achieve that sort of traffic flow, using our schools, using our hospitals, and so on, and they have every right to do so.

The problem is that they are paying their rates and all of the other residential-style taxes to New South Wales. We do not think that is a terribly good idea; so, if there is a market, and there has been shown to be a market, for rural residential development around the ACT, we think we should get our bit of the action. So we have put it to a number of developers, not just Mr Whitcombe, that they should look at opportunities in the ACT, not just in the Hall area but all the way around the ACT, to see whether there are appropriate bits of land and to come forward with proposals. Quite simply, that is the involvement.

MS HORODNY: I have a supplementary question, Mr Speaker. The issues that you have brought up are obviously part of a process that needs to be gone through. In that same letter Mr Whitcombe said that Mr Mick Lilley, the executive director of the Office of Financial Management, was assisting with financial assessment of the proposal and other issues. Can you explain why Mr Lilley is providing this assistance to a private proposal that has no formal status and is inconsistent with the Territory Plan?

MRS CARNELL: Because that is what OFM does. Quite seriously, when a proposal comes forward to the ACT there are a number of stages which need to be gone through. One of them is determining whether the thing is financially viable. There are also planning proposals that have to be gone through. There are Territory Plan issues. All sorts of issues are addressed. One thing we do not do in this Government is sit on our hands. What we could do, of course, is say to developers or say to people with good ideas, "Look, you go out there. It is all your deal. If you can finally get through the system you might get a proposal". That is not the approach we take.

If we believe there is something that is worth doing, and we certainly believe rural residential development is worth doing - not necessarily that proposal; that may or may not go anywhere - we will give potential developers, people who have good ideas in Canberra, all the help we can in getting them into the process. I am proud of that and we will continue to do that. If we sit on our hands and just expect people with good ideas to somehow do all of those things themselves, we will lose a lot of good proposals.

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The same sort of advice is available to anybody who comes forward with a good idea. It still may or may not get through the planning processes. There are no ways of jumping queues. It is simply a matter of making sure that good ideas get as big a chance as possible of becoming reality.

Police Establishment

MS McRAE: My question is to Mr Humphries, the Minister for Police and Emergency Services. Minister, the ACT is experiencing an alarming spate of armed hold-ups, unprecedented in number. How do you justify your stewardship of the police portfolio when you have been so short-changed in vital police numbers to combat those crimes? Will you apologise to those people who have suffered?

MR HUMPHRIES: I do apologise for having to answer a question that obviously was written before the rest of the answers were given today and does not make any sense in the context in which the previous answers have been provided. Mr Speaker, I make no apologies for having discovered what is a longstanding problem in the relationship between the AFP and the ACT Government. I wonder whether Ms McRae is prepared to apologise for the mistakes of her former Government in not having even asked these questions in over 3½ years in office.

Mr Moore: That is not fair. She was Speaker at that point.

MR HUMPHRIES: That is right, yes. She was technically a member of the Government. But that is true; she was the Speaker. I am sure Mr Berry, who was a member of the Government, and Mr Wood, who was also a member of the Government, would be prepared to give the apology that you obviously would not be able to give.

Before you come and complain about the resourcing available to deal with things like armed robbery, bear in mind that over the period that you were in office you progressively reduced resourcing to the police by something of the order of 10 per cent, if I recall correctly, over a period of four years. I think, with great respect, Ms McRae, that you and your colleagues should be the last people to come to this place and complain about the police not having enough resources. If they did not have resources because of a shortfall in national support for the AFP, they certainly were not assisted by having a shortfall in resources supplied by the ACT Government under contract.

MS McRAE: I have a supplementary question. I do not think I really got my answer, so I will try again. How long are you going to give yourself to get your act together and see that the ACT does get the protection it needs?

MR HUMPHRIES: Dear, oh dear! Mr Speaker, I think that question has been answered already.

Bed Tax

MRS LITTLEWOOD: Mr Speaker, my question is for the Minister for Tourism. Does the Minister agree with the ACT Council of Social Service paper seeking the introduction of a bed tax in the ACT?

Mr Moore: Oh, an excellent paper! I will help with a supplementary question.

MR SPEAKER: Would you be quiet, Mr Moore.

MR KAINE: Perhaps Mr Moore would like to answer the question, Mr Speaker. Bluntly, the answer is no. Given the new directions being taken by the Opposition, I imagine that their answer to the same question would also be no. The reasons, I think, are pretty obvious. Last year, 1996-97, hotels, motels and guesthouses in the ACT generated \$76.5m in accommodation income. This figure does not take into account the expenditure generated through wages and salaries incomes and expenditure associated with hotel suppliers. It is just the amount that those establishments took for accommodation charges.

I see this revenue as the backbone of the local tourism industry in the ACT. I think Mr Corbell and the rest of them over there would have to agree that that is the case. The introduction of an across-the-board bed tax would severely slash the revenue base of the ACT accommodation sector. There is no question about it. Associated reductions in the secondary expenditure of hotel employees and hotel suppliers would, of course, have a ripple effect on the local business income right across the board.

A survey two years ago by the Tourism Council of Australia revealed that 55 per cent of travellers responded that they would re-evaluate their travel plans if a bed tax were introduced. While this was a national survey, the implications for individual States and Territories cannot be ignored. These figures indicate that the impost of a bed tax would inflict serious damage on local tourism industries. Of course, the consternation in the tourism industry in Sydney when the Carr Government imposed such a tax recently speaks for itself. The same thing would apply here.

In the ACT the tourism industry contributes over \$300m to the local economy every year. I ask Mrs Littlewood and others: Can you imagine the devastating effect on the local industry if 55 per cent of tourists to the ACT re-evaluated their travel plans in line with the proportion suggested by the Tourism Council of Australia survey? Of course, it would not have to be that large to have a significant impact on the ACT anyway. In today's business climate the emphasis is on competition, and tourism is no exception. Those regions which become uncompetitive are simply going to lose out in the tourism race.

Mr Speaker, I have to ask ACTCOSS whether they would be prepared to accept that any reduction in tourism numbers - even 5 per cent, let alone 55 per cent - will result in reduced inputs to the ACT economy and the loss of jobs in the tourism industry, particularly amongst youth, a lot of whom work in the tourism industry. I do not think ACTCOSS can be serious about that, and I certainly do not accept it. In putting forward

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the paper, I think ACTCOSS has assumed that there is going to be a significant increase in revenue as the result of it. The fact is that the counterbalancing effects of the reduction of tourism, the numbers of tourists, the reduction in the business turnover in tourism, would probably result in a net loss in revenue to the ACT Government, not a gain.

I think the other error in the ACTCOSS position is that they seem to assume that if we were to impose a new tax and generate new revenue that new revenue would be spent on things that they think are important. In fact, that would not occur. Through the budgetary process the Government has to determine its priorities as to where the available money goes, and it probably would not benefit the things that ACTCOSS have in mind anyway.

Mr Speaker, I would hope that the Labor Party, with their new directions and their emphasis on jobs and the like, would join with the Government in the fact that we stand for the growth of small business in the Territory. We have already stated unequivocally that a bed tax or any other such discriminatory tax will not be imposed or implemented in the Territory. I would ask the Labor Party to confirm that they will not do such a ridiculous thing either.

Employment

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Chief Minister, in recommendation 103 of the Wallis report relating to the creation of what will be known as the APRC, the Australian Prudential Regulation Commission, and the CFSC, the Corporations and Financial Services Commission, it is suggested, indeed recommended, that these bodies should not be located in Canberra. The Insurance and Superannuation Commission, due to be taken over by the CFSC, currently employs about 400 to 450 people, about 250 of those being in the ACT. Under the recommendation from Wallis, these 250 jobs would be lost to Canberra. What steps has the Chief Minister taken so far, or what steps will the Chief Minister take, to ensure that her preferred Prime Minister, the Prime Minister she voted for, John Howard, does not take another 250 jobs out of the ACT?

MRS CARNELL: I thank Mr Corbell for the dorothy dixer because it was one we thought we might ask ourselves. Mr Speaker, we are very disappointed with any thought that these jobs or this office may relocate to Sydney. I understand that at this stage a decision has not been taken to do that, although I do understand that there has been some discussion about a possible relocation. When that became a rumour in the first instance, quite a few months ago, I immediately spoke to the Prime Minister about this issue. I raised it in a number of forums, Mr Speaker, and made it very clear that the ACT would be extremely unhappy if this happened, as it would be very counterproductive for Canberra at this time. I understand that the employees, as well, are less than happy about a move to Sydney, and I can understand that. They obviously like living in Canberra.

Mr Speaker, we will continue to lobby the Federal Government on this issue. My understanding, or my advice on this, is that no decision has been taken to relocate, so I think it is really important that we keep up the lobbying efforts. They did start a couple of months ago. We have been very proactive in this area. I will ensure that another letter goes to the Prime Minister. John Fahey, I suppose, is the appropriate Minister. Maybe he is not. Anyway, I will ensure that the appropriate Minister is also lobbied on this issue. I am confident that the staff will do exactly the same. Let us hope that what is being touted as a relocation to Sydney never happens.

MR CORBELL: I am very pleased to hear that the Chief Minister is following up this issue. My supplementary question, Chief Minister, is this: What evaluation have you done of the likely flow-on effects of the transfer of another 250 jobs out of Canberra, and will you release this information to the Assembly?

MRS CARNELL: Mr Speaker, we have not done any work on what would happen, because we know it would be awful. We will be doing everything in our power to stop it happening, not doing silly reports on what would happen if it did.

School Computer Facilities

MR OSBORNE: My question is to the Minister for Education, Mr Stefaniak, and is about the use of computers in ACT schools. Minister, a recent survey carried out by the Australian Education Union found that only a third of ACT teachers had access to a computer and that that access lasted for an average of 4.2 hours per week. From the information you have, Minister, are these figures correct?

MR STEFANIAK: Mr Osborne, thank you for the question. Whilst I suppose there are always improvements that can be made, I think this Government has made significant advances in terms of computer use in schools by teachers and, especially, by students, and has done considerably more than the lot opposite. Mr Speaker, the Government has a commitment to providing ACT government schools with the means of enhancing students' knowledge and use of information technology. We have demonstrated that commitment through the provision of a significant amount of hardware and a number of other things which I will come to.

Just in terms of hardware, 435 ex-government computers have been provided free to schools since February 1996. The Government has identified another 300 ex-government machines to be given free to schools over the next six months. As well as that, Mr Speaker, we have purchased 200 computers this year and passed them on to schools at cost, and a further 700 computers have been confirmed to be passed on to schools at cost from a major computer supplier. We are also negotiating for a further 1,000 machines through a leasing company.

Mr Osborne will probably appreciate the importance of this next point because software in computers and computer programs change very rapidly these days with advances in technology. There is a very important thing that we are trialling. We are trialling new software at Dickson College and Caroline Chisholm High which will give all of those

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above machines the capacity of a pentium computer. This is known as thin client technology, which I cannot explain because I am not exactly the world's best computer expert, by any stretch of the imagination. This technology enables us to keep up with changes in computers which occur very quickly these days.

As well as that, Mr Osborne, you will be pleased to hear that Professor Goldsworthy, I think, stated that all Australian governments should have as an aim that by the year 2000 all our high school students will have access to the Internet. I am pleased to say that 88 out of 98 government schools in the ACT are on the Net. That is about 90 per cent. It is, of course, a school's choice to be on the Net. There may be a few who do not choose to do so. The important thing is that all high schools and colleges are either on the Net or in the process of getting on the Net, and that puts us about three years in front of the good professor's recommendations in terms of education for high school students Australia-wide. I am also pleased to see that 25 out of the 42 non-government schools in the Territory are on the Net. That means, in both systems, that 81 per cent of all our schools are on the Net. The total number of connections in ACT schools, I am advised, is 196.

We have 1,600 ACT teachers or thereabouts using e-mail. In terms of teachers, Mr Osborne, there have been a number of developments there, too. In the last 18 months in excess of 1,600 staff have undertaken information technology training. In addition, information technology training has been supported by government-funded teacher network groups and other professional associations. That is the IT Network Forum. So, Mr Osborne, I think we have made significant advances in this most important part of education, not only for the benefit of our students but also for our teachers.

Watson Hostel and Hennessy House Residents

MS TUCKER: My question is to Mrs Carnell as Minister for Health. Mrs Carnell, this question is related to the question I asked yesterday. I am sure you are aware, but I will remind members, that according to the national mental health policy consumers must have access to information on their rights and to advocacy services to ensure their rights, and to mechanisms for complaint and appeal. The national mental health statement of rights and responsibilities states that every person admitted to a mental health facility or community program must have available to them a person who will represent them and whose task it is to advise and to protect their rights as long as that person wishes to have that representation. Yesterday, Mrs Carnell, in answer to my question, you stated that the five people who have moved into the community from Hennessy and Watson had not had advocates and that they had wanted to move out. I hope you are not suggesting that because they wanted to move out they were therefore not to be offered the assistance of an advocate. Can you clarify for the Assembly whether or not full opportunity and information to access an advocate is given to residents who are interviewed or have been interviewed regarding moving into the community from Hennessy or Watson, or do they have to take the initiative and ask for it themselves before it is provided? If this information was offered, how was it offered and by whom?

MR SPEAKER: Minister for Health, I will allow the question, though I would raise the question of standing order 117(h).

MRS CARNELL: Mr Speaker, obviously, I was not present at the interview, so I do not know who said what to whom or when. That is what I was asked. As I am advised on this and as I explained to the Assembly yesterday, of the five clients who moved out, none had an advocate present during the interview process. All five volunteered to move out. Not all clients want to have an advocate present, but I am advised by the Mental Health Service that they will ensure that one is available for anybody who wants one. I will make sure, Mr Speaker, as I am sure is the case already, that all people who are part of this transfer are aware that advocates are available. I would be very surprised if clients were not aware now that an advocate service is available - obviously, from the Mental Health Service, not staff at the facility. I am very happy to make sure that everybody is aware that the service is available, if they want it, from the Mental Health Service at no charge.

MS TUCKER: Thank you. I have a supplementary question. I am not at all impressed that you are happy to make sure that happens. It is your responsibility to make sure that this service is made available.

MR SPEAKER: We are waiting on your supplementary question, Ms Tucker, not your opinions.

MS TUCKER: My supplementary question is this: Were these people offered an advocate or not?

MRS CARNELL: Mr Speaker, as I said at the beginning of the answer, I was not there to find out, but I will find out whether they were offered an advocate. I am advised that an advocate was involved in the process leading up to the proposals to move out, with all of the people involved.

Mr Berry: Was it an independent, non-staff advocate?

MR SPEAKER: Mr Berry, you have been warned.

MRS CARNELL: In other words, the process to set up the process had an advocate present to represent the needs of the client, Mr Speaker. I am very happy to find out whether those people involved were offered an advocate. That is fine. Also, I am very happy to find out whether they are happy, because I suspect that that is the real bottom line here.

Ministerial Advisory Committee on Housing

MS REILLY: My question is to the Minister for Housing. Minister, why have you not publicly announced the establishment of the Ministerial Advisory Committee on Housing, as you have done with the other advisory committees you have established? Will this secrecy extend to the minutes of the committee or will you agree to circulate the minutes of the meetings to the many interested groups and people in the ACT?

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MR STEFANIAK: I thank the member for the question. It is a rather strange one because I thought it was pretty well public knowledge that there was a Ministerial Advisory Committee on Housing. I have made a few statements in the Assembly in relation to that. Ms Reilly, you have asked me a few questions, as have other members, over about the last six months. It is pretty well public knowledge that we have one. I will check up on that. I might even have put out a press release about it as well, Ms Reilly. I will certainly check that one out, too. I certainly recall there being a bit of discussion about it in the public domain.

Mr Moore: Have a launch, Bill.

MR STEFANIAK: You raise an interesting point. I think I might have had a launch, Mr Moore; but, if Ms Reilly wants another one, I am quite happy to do that.

Mrs Carnell: Maybe you missed a media opportunity, Bill.

MR STEFANIAK: I may have missed a media opportunity, yes. Thank you, Chief Minister. Ms Reilly, thank you for pointing that out.

Ms McRae: Maybe the Chief Minister did it. You do not know.

Mrs Carnell: No, I would not have - - -

MR STEFANIAK: I do not think I did. Say that again. I missed that. I was talking. You can tell me later what the joke was, or I will read it in *Hansard*, Ms Reilly.

Ms McRae: Mrs Carnell forgot to ask you to the launch, Mr Stefaniak.

MR STEFANIAK: Oh dear, Ms McRae! What a wit! Anyway, Mr Speaker, in terms of the minutes of the meeting, I do not think this group should be any different from any other advisory committee and I think the minutes of those meetings should remain within the committee. Ms Reilly, I would be very surprised if you did not know the make-up of this committee because I think I have announced it on a few occasions. The committee has been formed as a result of a lot of consultation within the sector and a consensus of opinion and agreement reached by people in the sector on the ideal size of the committee. A lot of work went into that in some initial discussions.

It is proposed to hold a number of forums in relation to the wider housing community, where people can raise issues as well as just points which we take into the committee. There are a number of people represented on this committee. It represents various groups in the sector. The size of the committee is something which those various people agreed to themselves as an optimum working level in a committee that was actually going to get a lot of work done. It is doing some very good work at present. It is looking at such things as the future Commonwealth-State arrangements. It is looking at things such as "big flats" strategies and a number of other very important issues on which it will advise government - this Government and whoever is the government next year, Ms Reilly.

It is, I think, a most worthwhile group of people who bring a lot of expertise to their task from all parts of the housing sector. I think the advice it will be giving government will be very important, very timely and of great assistance in terms of all housing - not only public housing but housing generally - as we rapidly move towards the twenty-first century.

MS REILLY: I have a supplementary question. Obviously, a number of people in this place are uncertain about the membership of this committee; so, Minister, can you provide a list of who the members are? Can you tell us their criteria for appointment and what were the arrangements for their appointment? Are these members representatives of housing organisations that have specialised knowledge of young people's housing, aged persons' housing, public and private tenants or people from non-English-speaking backgrounds? Can you also provide the terms of reference for the operation of this committee? There seems to be a lack of knowledge around about it.

MR STEFANIAK: I am certainly happy to provide details of the people on the committee and the groups they represent, Ms Reilly. One thing you mentioned there was the young. John Gregg, who represents youth in Canberra in many aspects, is one of the members of the committee. I am happy to provide that, together with the terms of reference of the committee. I am quite happy to provide that to you and the Assembly.

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

Landfills - Dumping of Clean Soil

MR KAINE: Yesterday, Ms Horodny asked me a question about the dumping of clean fill and why the Government had not considered establishing a separate area for stockpiling clean fill for earthworks and landscaping. I will answer the second part first because it is by far the most significant part of it. In fact, the operation of all recycling facilities provided by the ACT Government, including organic garden wastes, oils, metals, paper, glass and plastics, is undertaken by commercial enterprises with particular expertise in the marketing of these particular resources. In association with the introduction of commercial tip fees in 1993, sites were provided for commercial soil exchange operations. As an example, Canberra Concrete Recyclers at Pialligo accepts clean fill at a rate of \$5 a tonne. Anybody with large quantities of fill would be encouraged to go there so that it can be recycled, because the current disposal rate at landfills is \$24 a tonne. So, they can dump it in landfill and we charge them \$24 a tonne to do so, or they can take it out to organisations like Canberra Concrete Recyclers at a cost of \$5 a tonne.

A key action of the Government's waste management strategy is the development of an action plan to rationalise the solid waste management system in Canberra. We are still working on the problem. We do not think that all of the problems have been resolved. A submission is currently being prepared within my department for the establishment of resource recovery facilities at Mitchell and in the vicinity of the Mugga landfill, to recover reusable materials from the waste stream. I should say "further reusable materials", because we are already recovering quite a lot. Further opportunities for recycling clean fill and demolition waste will be addressed in this submission, which will be considered by the Government over the coming weeks.

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In connection with the first part of the question, as to why a charge is made on the dumping of clean fill at landfills, it is simply because, contrary to popular belief, small loads of clean fill - and I presume that Ms Horodny is talking about the person that turns up there with a trailer load of dirt they want to dump - simply are not usable for landfill operations. It has no value. One of the problems is: When somebody turns up with a trailer load of soil, how does the guy at the tip know that it is clean fill? It would have to be checked for contamination. It would have to be checked to see whether it contained rock, brick, steel or garbage, before it could be used for anything. The facts are that those small loads delivered to the tip are of no greater value than an equivalent load of any other kind of rubbish. So, if somebody wants to dump it there in preference to taking it down to the commercial operation, then they will have to pay to do so.

Mr Speaker, the interesting thing about this question is that only about four days ago Ms Horodny asked this question of my office and the answer was provided to her on 29 August. So, why she asked it of me again yesterday, I cannot imagine.

School Computer Facilities

MR STEFANIAK: Mr Speaker, one thing I neglected to mention to Mr Osborne in answering his question earlier today, which he would perhaps find useful, was the Plan for Information Technology in Learning and Teaching 1997-99, which is being developed in conjunction with schools and which has gone out. That establishes three goals. Goal one is to establish requisite learning environments for all students in the information society. Goal two is to develop and maintain information technology competencies of teachers. Goal three is to develop an effective mechanism for assessing and reporting IT competency outcomes for Year 10 students across all curriculum areas. Mr Speaker, as you would no doubt gather, a lot of work has already been done in relation to goal one and goal two.

Acton Peninsula - Demolition of Buildings

MR HUMPHRIES: Mr Speaker, yesterday Mr Corbell asked a number of questions of the Chief Minister concerning matters for which I have portfolio responsibility, namely, the costs of the investigation by the AFP of the implosion of the old Royal Canberra Hospital and the costs of involvement of Emergency Service personnel. In answering the question, the Chief Minister, I think, following an interjection from me, indicated that the cost of Police and Emergency Services personnel would probably be minimal because it is part of their normal function. There may have been some extra costs associated with the evacuation of the hospice. I will seek an answer to that part of Mr Corbell's question and provide it to him soon.

While it is likely that there would have been minimal extra costs for the officers of the ACT Emergency Services Bureau, I want to indicate to the Assembly that it may not be the case with respect to the Australian Federal Police. This morning I was briefed by the AFP that there are likely to be costs involved in the investigation. To indicate what the full cost of this investigation will be, it will be necessary to take account of the costs of salaries, penalties and on-costs of officers involved in the investigation against the costs of retaining those officers for other duties in any case - in other words, a separation of incremental costs from costs which would normally be incurred by the AFP in any case.

I do not feel comfortable about seeking a breakdown of costs incurred as a result of this investigation, because that would involve my being briefed on the detail of the investigation. As members are aware, the investigation by police is ongoing. To that end, I regret that I am unable to provide an answer to Mr Corbell's question at this time without being briefed on the reasons for those costs by way of a breakdown. For operational reasons, Mr Speaker, I have decided that pursuing those questions at this time is inappropriate for me as Minister for Police and Emergency Services.

Euthanasia Legislation

MR HUMPHRIES: I indicated to Mr Moore, I think by way of interjection yesterday, that it is not legally possible for the Attorney-General to direct the Director of Public Prosecutions as to the way in which he carries out his duties. Somewhat to my surprise, I have discovered that there is a provision in the DPP Act, section 20, which does give me the capacity to direct the Director of Public Prosecutions in relation to prosecution guidelines. I was not aware of that power. I am not sure that I want to exercise it, but - - -

Mr Moore: Flex your muscles, Gary.

MR HUMPHRIES: It is there, Mr Speaker, and perhaps consideration can be given to that in future.

Police Establishment

MR HUMPHRIES: Mr Speaker, also in question time today the question was raised of Mr Whitecross having cast aspersions on the capacity of police to handle telephone calls. I did say that this was in a question. In fact, it was dealt with in a question, but originally it was dealt with by Mr Whitecross by way of a press release. I want to read into the record some of that press release. He referred to an incident on a Sunday in May 1995 when a person dialled 000 for an ambulance. He said:

What happened next would have read like a comedy of errors - - -

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Mr Whitecross: On a point of order, Mr Speaker: This is fascinating, but I am just wondering on what basis the Minister is doing this. I thought that he was giving further information in relation to a question. He does not appear to be giving further information in relation to a question at all.

MR SPEAKER: First of all, you accused the Minister of misleading the house - - -

Mr Whitecross: With respect, I did not. I withdrew that.

MR SPEAKER: Just a moment - which you then withdrew. Mr Humphries, as Minister, said that he would substantiate the claims that he had made. That is what he is doing at the moment.

Mr Whitecross: Mr Speaker, the Minister has now confirmed that he was wrong; that it was not my first question in question time. It seems to me that that puts the matter at an end. That was the basis of the original thing. He has now said that it was not.

MR SPEAKER: There is no point of order. Mr Humphries began by talking about a media release. He has not yet indicated that it is related only to a media release. It may very well be related to something else as well.

Ms McRae: Mr Speaker, with the greatest of respect, he is raising an issue that was not part of Mr Whitecross's question. He is raising a completely new issue. If he wishes to table somebody else's press release, he may do that; but I cannot understand under what standing order he may read out something completely extraneous to the question that was being asked.

MR SPEAKER: Mr Humphries indicated to the house that he would demonstrate the veracity of his comments. He is simply doing that. Otherwise, if he does not do it, he is then going to be attacked tomorrow for misleading the house.

Mr Berry: On a point of order, Mr Speaker: Re-creating history is not something that ought to come from the Chair.

MR SPEAKER: Be careful.

Mr Berry: The accusation that Mr Humphries misled the house was withdrawn, Mr Speaker. So, let us get that point clear.

MR SPEAKER: Yes, that is correct.

Mr Berry: The second issue is that, if Mr Humphries has said that he will later inform the house further on a matter, it is a matter of his seeking leave to do so; and, if leave is not granted, then he will have to suspend standing orders in order to enable him to do so.

MR SPEAKER: On the contrary - - -

Mr Berry: Otherwise, he can do what other members are entitled to do, and that is to move a motion.

MR HUMPHRIES: Mr Speaker, on the point of order, if I might address you: First of all, Mr Berry accused you of re-creating history, which is an imaginative way of saying that you are telling lies, or making things up at least. That is a matter that should be withdrawn, I would submit.

Mr Whitecross: If the caps fits - - -

MR HUMPHRIES: “If the cap fits”, I think, was Mr Whitecross’s comment. That is a breach of standing orders, Mr Speaker, and I think that should be withdrawn immediately.

MR SPEAKER: I do not uphold your point of order, Mr Berry. First of all, Mr Humphries does not have to seek leave. He is, in fact, justifying a comment he made earlier. As I pointed out, if he does not do that, he will then be accused of misleading the house at some point, either this afternoon or tomorrow. He is perfectly entitled to back up what he said by justification. If there is a question of re-creating history and the inference is that the Minister is misleading the house, I would ask that it be withdrawn.

Mr Berry: Mr Speaker, just to assist you further, I draw your attention to standing order 46, which other members have to use to make personal explanations. The Minister should use that provision, rather than a phoney attempt to add to a question already answered.

MR SPEAKER: That opportunity is there for members. Ministers, however, have the opportunity to elaborate or give further information in relation to questions that they have answered. Proceed, Mr Humphries. There is no point of order.

MR HUMPHRIES: Thank you, Mr Speaker. It might not have been in a question; but that is, with respect, a very immaterial and very small part of the point that I made. The point is that the comments about the police were made, and they were made by Mr Whitecross under a press release headed, “[Revised] 000 - Emergency! (but don’t hold your breath)”.

Mr Corbell: On a point of order, Mr Speaker: Under standing order 118(a), the answer to a question without notice shall be concise and confined to the subject matter of the question. This is not in any way to do with Mr Whitecross’s question. If the Minister wants to make an attack on me, he should do so under standing order 46.

MR SPEAKER: There is no point of order. Proceed, Mr Humphries. I am getting rather tired of all this.

MR HUMPHRIES: Mr Speaker, I quote:

What happened next would have read like a comedy of errors if it hadn’t been so serious.

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I quote the last paragraph of the press release:

The responsible Minister, Police and Emergency Services Minister Gary Humphries, has a lot to explain. He should also give his police officers some instruction in basic community relations - either that or lessons in how to transfer telephone calls.

Mr Speaker, if that was not casting aspersions on the police, I do not know what it was.

Business Incentive Scheme

MRS CARNELL: Mr Speaker, I will give more information in relation to a question, as I said I would yesterday, with regard to Diskdeed. I indicated yesterday that I would find out what action had been taken since the Diskdeed incident. Mr Speaker, I understand that a system is now in place to ensure that firms that apply for ACTBIS grants are checked against prosecutions under the Occupational Health and Safety Act 1989. I also understand that the majority of the funding that was provided to Diskdeed was paid for training provided by the CIT, and maybe it was training that they needed.

POLICE FORCE Statement by Member

MR WHITECROSS: I seek leave to make a statement in response to the statement the Minister just made at the end of question time.

MR SPEAKER: Under standing order 46?

MR WHITECROSS: No; a statement in response to the Minister's statement.

Leave granted.

MR WHITECROSS: I thank members for their indulgence, and I will be brief. Mr Speaker, in question time and then subsequently after question time, Mr Humphries accused me of making attacks on police officers. Mr Speaker, I do not have any kind of vendetta at all against police officers and I do not engage in gratuitous attacks on police officers. However, I will say this: Police officers, like other people serving the community, are public servants and ought to be subject to the same accountability.

In relation to the matter that the Minister just alluded to, Mr Speaker, the simple fact is that no satisfactory explanation was ever given of the issues that I raised and, as far as I am concerned, that matter is still outstanding. The issue that I raised in my question was to do with the accountability of the police. The Minister himself in question time indicated that the police had provided figures, month by month, saying that they were providing a certain level of staffing under the contract, which it would subsequently appear they were not providing.

When Mr Osborne asked in the Estimates Committee whether we were paying for more than we were getting, he was told by one of the police officers who were at the Estimates Committee, when asked whether that was true, "No, not entirely". Mr Speaker, this week, the Minister has confirmed that Mr Osborne's summary of events was true, that we were paying for more than we were getting. Mr Speaker, I do not believe in making attacks on police officers, but I do believe that we as the parliament have a right to scrutinise the police, just as we have a right to scrutinise health, education and all the other functions of government.

In Mr Humphries's answer to my question, Mr Humphries also claimed that my very first question in parliament was an attack on the police. In fact, Mr Speaker, my very first question in parliament was as follows:

Mrs Carnell, the Andersen report, which you claimed during the election campaign you would implement, found that the ACT overspends nearly \$6m on VMO payments. In the light of your failure to deliver these savings, how many public sector jobs will have to go to pay for your deal with the doctors?

Mr Speaker, in the light of history, it was a very prophetic question.

PERSONAL EXPLANATION

MR BERRY (Leader of the Opposition): I would like to make a personal statement pursuant to standing order 46. Mr Speaker, during question time Mrs Carnell wasted no time in making a personal tirade against my independence and other matters in relation to the inquiry which is being held into the establishment of the private hospital in the ACT. Mr Speaker, I do not hide my support for the public hospital system under a bushel, and I will continue to make it a public issue while ever I can. Mr Speaker, I do not hide my acknowledgment of the private hospital system having an important place in the delivery of health services. Neither do I take responsibility for the leads in radio stories. I would ask that members here who ask questions on the basis of them check them with me first, rather than rely on them.

So far as my independence on these issues is concerned, my views about public health care are fairly well known across the board, probably right throughout the ACT, and I have nothing to hide in respect of that. Mr Speaker, again so far as my independence is concerned, I feel that it would stand up well in comparison to the independence of Mrs Carnell when she was involved in a committee on - - -

MR SPEAKER: Order! Resume your seat, Mr Berry.

MR BERRY: And I would stand up well against Mr Moore when he was involved in a committee in relation to euthanasia.

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Mr Humphries: Mr Speaker, I rise on a point of order. Speaking over the Speaker or another member of the chamber while taking a point of order is not very polite, but that is probably as much as can be said about it.

MR SPEAKER: He has also exceeded - - -

Mr Humphries: Again, he is breaching standing orders by using standing order 46 to make an attack on another member. It is strictly outside standing orders.

MR BERRY: No; I was just explaining myself. My position stands up well against those other members'.

Mr Humphries: It is an attack on Mrs Carnell.

MR BERRY: No, it is not; it is just that I compare better.

MR SPEAKER: You went too far, Mr Berry.

MR BERRY: It is a pretty tight interpretation.

MR SPEAKER: Yes, it is a very tight interpretation, and it will remain so.

STUDY TRIP Paper

MR SPEAKER: I present, for the information of members, a report of a study trip undertaken by Bill Wood, MLA, to Darwin from 10 to 11 July and to Alice Springs from 13 to 14 July.

AUDITOR-GENERAL - REPORT NO. 8 OF 1997 Salaried Specialists' Use of Private Practice Privileges

MR SPEAKER: I present, for the information of members and pursuant to the Auditor-General Act 1996, Auditor-General's Report No. 8 of 1997, entitled "Salaried Specialists' Use of Private Practice Privileges".

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

That the Assembly authorises the publication of the Auditor-General's Report No. 8 of 1997.

**FINANCIAL MANAGEMENT ACT - APPROVAL OF GUARANTEE
Paper and Ministerial Statement**

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members and pursuant to subsection 47(3) of the Financial Management Act 1996, I present an approval of a guarantee under an agreement between the Australian Capital Territory and the Advance Bank Australia Ltd. I ask for leave to make a short statement.

Leave granted.

MRS CARNELL: The approval is for the guarantee of payment by the Canberra Cannons Pty Ltd of \$300,000. I stress that this is a guarantee. It is not, as has been incorrectly stated and reported in recent days, a loan, a grant or any other form of financial assistance. It is a guarantee under an agreement between the ACT and the Advance Bank, effective until 1 July in the year 2000. The Government's decision to provide this guarantee follows a formal application for financial assistance from the Canberra Cannons and represents a strong commitment to the Cannons basketball team in the National Basketball League.

The Cannons were a founding member of the NBL in 1979. Next year marks the Cannons' twentieth anniversary as a league member. In that time the Cannons have been the league's most successful team, winning three titles - in 1983, 1984 and 1988 - finishing runner-up twice, and participating in more play-offs and finals than any other team. And that is in a league rated in the top five in the world.

The Cannons organisation provides a number of tangible and intangible benefits to the people of Canberra. These include 20 full-time jobs for the Canberra community, with related flow-on effects; significant expenditure by visiting teams and supporters; increased profile of the ACT via national television, radio and print media; and reinforcement of Canberra's image as a vibrant city and centre of sporting excellence. Basketball is arguably the fastest growing sport in Australia, with a wider demographic appeal than many other sports, particularly for women and children. That is why the Cannons provide such an important focus for entertainment for the Canberra community. The Cannons have provided the Government with a clear undertaking to actively and demonstrably examine alternative funding sources, and will provide quarterly financial reports to the Department of Business, the Arts, Sport and Tourism.

Canberra has a proud sporting tradition. It is in the interest of all Canberrans that the Cannons remain a winning team and a successful business. In challenging times, people often look to sport for relaxation and to high-profile sporting teams for inspiration. The Government's decision in relation to this guarantee will ensure that the Cannons remain an integral part of Canberra's sporting fabric.

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PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present information bulletins relating to patient activity data for the Calvary Public Hospital and the Canberra Hospital for May and June 1997.

I also present, pursuant to standing order 83A, an out-of-order petition, lodged by Mr Hird, from 30 citizens, relating to the sale and use of fireworks.

ANIMAL WELFARE (AMENDMENT) BILL 1996

[COGNATE BILL:

FOOD (AMENDMENT) BILL 1996]

Detail Stage

Clause 2

Debate resumed.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.00): Mr Speaker, Mr Corbell has moved his amendment No. 1 and Mr Moore has responded to it. I want to emphasise again, as I said in the in-principle debate on this Bill, that the amendment appears to cleverly defer any action on this matter until some point in the future - some six years after the Mutual Recognition Act, Schedule 2, is amended. It is a long way away, far enough away not to cause any concern about jobs; but it shows to the animal welfare community that there is some real action being taken here, that we are serious about this important issue and that we will stand up for the rights of animals. If this were an argument about the rights of animals, Mr Speaker, I would feel a little bit more sanguine about this; but I want to emphasise to members of the Assembly what a nonsense step this really is.

As the Chief Minister has made very clear, Schedule 2 to the Mutual Recognition Act of the Commonwealth is unlikely to be amended by other States. All States and Territories and the Commonwealth need to agree for the legislation to be amended in that way. So, somehow we have to believe that this is a possibility. In some way, we have to believe that New South Wales is going to agree voluntarily that, whereas eggs produced in the ACT under this new arrangement can be freely exported to New South Wales, battery eggs produced in unenlightened New South Wales cannot be imported into the ACT. The question needs to be asked: Why would New South Wales agree to that? It is very hard to see why they would.

Mr Corbell: They do not farm just battery eggs in New South Wales. They also farm barn eggs and other forms of eggs.

MR HUMPHRIES: That is true; but the vast majority of eggs produced in New South Wales, as elsewhere in Australia, as in the ACT - something in the order of 95 per cent - are battery eggs, not free-range eggs and not barn eggs. There is no reason to expect that other jurisdictions are going to close off their markets. Their markets are the ones that are affected, not ours, in a sense. Their capacity to export to the ACT is restricted by placing that provision into Schedule 2 of the Mutual Recognition Act. So, they lose out; but we do not, because, if we already have this ban on battery eggs, then we have a market all around us for eggs from the ACT, but no restrictions except the ones we impose on ourselves.

So, it seems to me most unlikely that any State would view this as a particularly satisfactory arrangement. However, if that is not the correct interpretation, then Mr Corbell, no doubt, will have a lot to do with it, because Mr Corbell is of the party that presently governs New South Wales, and I am sure that he will be very persuasive in getting the New South Wales Labor Government to argue for a change in the law in this respect. I look forward to the positive press release on this matter in the coming weeks.

Mr Corbell: I would be very happy to take that job over, Gary; no problem.

MR HUMPHRIES: We look forward to seeing the press release on that subject, Mr Corbell.

Mr Corbell: I have no problem with taking your job over, Gary.

MR SPEAKER: You have to be in the house to do that, Mr Corbell, and if you keep interjecting you will not be.

MR HUMPHRIES: Mr Speaker, that is the basic problem that the Bill faces. But what members, nonetheless, have failed to take into account is the more immediate effect on those who are in the business of supplying eggs. I emphasise again that the immediate problem here is the expectation that the parameters of production are changing - the expectation that the egg industry in the ACT, which is largely one industry, one enterprise, has the capacity to change its parameters or will agree to continue to operate in this Territory with those changing parameters going on around it.

I say again to members that they should proceed with the very greatest caution in this area. Ms Horodny, in her remarks before, said, "We have moved to ban other dangerous products. We have moved to make those dangerous products unavailable. We have moved to outlaw slavery - - -"

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Ms Horodny: No; I said that standards change.

MR HUMPHRIES: Indeed. But the point is, of course, that there is a new regime applying in Australia now. Whereas Britain might have been able to ban slavery at a time when other countries in the world had not and there was some social value in it, this is a very different concept.

Ms Horodny: No, it is not.

MR HUMPHRIES: Yes, it is, because today we have committed ourselves towards dealing with these issues on a mutual basis. We say to each other, as Australian communities around this nation, around this continent, "We will work together to produce results which are to the mutual benefit of the whole community".

I take seriously the obligations that the ACT signed up to, not just under the Mutual Recognition Act but also under the Food Standards Code and the national competition principles. All three of those things are confronted or affronted in some way by this move. It is only the slipped date - the incapacity of this to have any effect for at least six years - which prevents any of those things from having an immediate and adverse impact on our relations with other jurisdictions. But, as I have said, it can have an immediate and adverse impact on a major enterprise operating within the jurisdiction. I would urge members to consider very carefully the impact that this could have on that industry and ask themselves whether, for the sake of a purely token kind of gesture - which is what this amounts to - it really is worth taking that risk.

MS HORODNY (4.07): Mr Speaker, I will speak very briefly on this clause. Mr Humphries asked: Why would New South Wales agree to allow the ACT an exemption under the Act? I think there are a couple of reasons why New South Wales might agree to allow an exemption for the ACT. There is provision for exemptions under the Mutual Recognition Act, as we know, and there are a number of areas where at the moment in the ACT we have exemptions under that Act. Surely, the provision for that exemption is there to allow for such situations as we are applying for now. Surely, that provision was put in there to account for differences between States and to allow States to express these differences on various issues.

The other reason why New South Wales might want to agree to give us an exemption is that they themselves may want to apply for such an exemption in the future. Indeed, they may already hold exemptions under this Act, for various reasons, on various issues. I am not sure whether or not they do; but there is certainly provision for them to do so, and if they do not hold such exemptions at the moment they have an ability to ask for such exemptions. It would perhaps be difficult for them to do so if they were not willing to agree to such exemptions for other States. So, I imagine that there is a quid pro quo in operation in these sorts of issues. I believe that the provision for exemptions is there for a very good reason. I do not see why a State would not allow us to provide for rules under the Animal Welfare Act as we see fit. That is, after all, a basic democratic right.

Mr Moore: There might be a Green who holds the balance of power in the upper house.

MS HORODNY: That is right. We are obviously a unique community here in the ACT, as indeed you could argue that each State in Australia has a unique situation. It may have unique abilities to enact certain laws, depending on the political make-up, et cetera. It may take advantage of certain political make-up that it has, and it may want to move ahead on certain issues and provide the lead in certain areas. So, I believe that that exemption under that Act is a very sensible provision. It is there to be used. I would again urge the Minister to do the right thing and to do what he needs to do to deliver the wishes of this Assembly.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.10): Mr Speaker, I wanted to add something to what I was saying before. I mentioned the national competition principles. I have just been advised - and I understand that I will be receiving written confirmation of this - that Dr Robyn Sheen from the National Competition Unit within the Chief Minister's Department has had a chance to examine the amendments which have been put forward and which effectively provide for these provisions to be in place in the legislation. She has given the advice that, in her view, the provisions do offend against the national competition principles and may have the effect of putting at risk the sum of \$6.7m, which is the payment the ACT is due to receive in 1997-98 under the national competition principles.

I do not make that comment as a threat in any way. I simply say to the Assembly that it is the advice we have had from the expert employed within the ACT Government to monitor such things.

Ms Horodny: Perhaps we will need to have a look at that whole thing again, then.

MR HUMPHRIES: Perhaps we do need to look at it again; but we need to do so in the context of deciding how we weigh up the costs versus the benefits of a step like the one we are proposing to take today. I am simply saying to the Assembly that this is what the advice we have received says. If members in this place do not believe that that is the advice we are receiving, I suggest that they talk to Dr Sheen. She is quite happy to talk to members of this place and explain to them what it is that she understands the national competition principles mean for the ACT.

She advises that she does not believe that there is any power to apportion. There is no concept of apportionment of payments based on the extent of compliance with the national competition principles. She understands that there is a requirement that payments be made in their entirety on the basis of jurisdictions complying with their obligations in their entirety. I raised this point because it was an important point as far as members of this place were concerned, I remind them, when the question of the national competition principles came up in respect of the trading hours legislation. Some members in this place, particularly members of the Labor Party - and I think Mr Corbell was one of them - were very quick to raise the question of whether we were putting national competition payments at risk on the basis of our legislating for trading hours.

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Mr Moore: I asked the same question about poker machines. You were not so interested in it then. Come on, Gary!

MR HUMPHRIES: That is not true, Mr Speaker. The Government has always indicated that it is prepared to protect those national competition payments. The fact of the matter is that this is an obligation which has been incurred by successive governments. Whether we like it or not, we do have those obligations, in writing, to other jurisdictions. It is a mutual obligation to other jurisdictions in Australia. I did not sit down and negotiate the principles. I am not familiar with the details of the contract that all Australian jurisdictions entered into. But, as a Minister in this Government, I accept that I have inherited an obligation, I think, from the previous Government. Did they sign the national competition policy, or was it us?

Mrs Carnell: They signed it.

MR HUMPHRIES: Yes, the Labor Party signed this agreement originally, before the last election. We accept our obligations under that, and therefore we will move to protect payments due to the Territory on that score. I am not at this point in time expressing a view one way or the other as to whether the move that Ms Horodny is putting before the Assembly today, as amended by Mr Corbell, is or is not worth \$6.7m. Perhaps it is. Perhaps people in this place would argue that striking a blow for a better life for chickens is worth \$6.7m. But I do not think we should be taking this decision today on the principle simply that we are not really sure of what the cost to us all will be, so we will take a punt and we will vote for this today and we will see what comes out the other end. I think it is an extremely unwise way to proceed.

MR MOORE (4.15): It is a great debating tactic to say, "I have had advice. Perhaps it will come in writing. It is about this, really. It says that national competition policy might cost us over \$6m". I do not think it carries any weight, Mr Humphries. Considering that it was quite clear before lunch that this issue had the general support of members, if you had brought in that advice and distributed it around lunchtime or offered us a briefing, I certainly would have been more receptive to such advice. It seems to me, when I read this amendment by Mr Corbell, that what we have is effectively a recognition of the importance of the Mutual Recognition Act as part of competition policy. It is saying, "We will not proceed with this until we get agreement from the other States". How can that offend competition policy? We are not going to present it until we have the agreement. I simply do not accept that part of the argument.

Of course, such advice always depends on what question was asked. We do not know what question was asked. Was the question: Does Ms Horodny's legislation offend the Mutual Recognition Act? Does it offend competition policy? Mr Corbell clearly believed that there was some risk as far as that is concerned, which is why he moved the very sensible amendment in order to deal with that issue. The issue, as I have always said to Ms Horodny, was the most difficult of all the issues that we were dealing with. I am sure that, for any opinion that we get that way, we can get an opinion the other way. It seems to me, Mr Speaker, that the argument put by Mr Humphries is not an adequate one. I will certainly be supporting the amendment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.17): Mr Speaker, I think I have spoken twice on the amendments. So, I need to seek leave to speak again.

Leave granted.

MR HUMPHRIES: I thank members. I did ask for Dr Sheen to put this in writing, and she has done so. I would like to read into the record what she has sent to me. It says:

Michael -

that is a member of my staff -

I refer to your fax which sets out the ALP amendments to the Animal Welfare Bill.

As I suggested to you earlier today, there are probably a number of legal issues which, as you would be aware, represent an impediment to the passing of the Bill. I have spoken to Ms Anna Lennon in the Attorney-General's Department and suggest that you contact her in regard to further policy advice on these matters.

Further to the possible legal impediments, there are some competition issues involved. The banning of an activity represents a significant barrier to entry. The Government's obligations under the Competition Principles Agreement are such that the passage of this Bill would almost certainly represent a serious breach of the Agreement.

Mr Moore: With or without the amendment? This does not make sense.

MR HUMPHRIES: I am just reading the advice. You asked for the advice, Michael. I am just reading it:

It is important to note that the National Competition Council (the body which assesses jurisdictions for the purposes of whether they will receive the competition payments) takes the view that breaches of the Agreement are not made acceptable by the fact that they have been initiated by opposition parties and passed without Government approval.

Breaches of the Agreement, particularly ones of this nature, may seriously affect the ACT's competition payments.

Please let me know if I can be of any further assistance.

Regards

Robyn Sheen.

Mr Speaker, I simply table that cc:mail, which I have just received.

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To answer Mr Moore's point about delaying, I did indicate in comments earlier today that that was the thrust of the preliminary advice I had received. I received Mr Corbell's amendments only late yesterday afternoon. I have not had a chance to get that advice any sooner than this, and that is the reason why there has not been advice on this any earlier.

MR CORBELL (4.19): Mr Speaker, the Mutual Recognition Act provides for exemptions. The Mutual Recognition Act guarantees a level of cooperation and free movement of goods between States. That is why it is there. But it also allows for exemptions. Why would anyone enter into that agreement without recognising that there was still the ability for individual legislatures in individual States and Territories to make policy and seek an exemption where there was a concern about whether or not that policy or that legislation clashed with the Mutual Recognition Act? Why would anyone enter into that unless there was an exemption?

There is an exemption process. We are saying - and it is the purpose of this amendment - "Unless we get the exemption, it does not occur". The Mutual Recognition Act is an agreement about competition. It ties the States into an agreement about competition. It seems to me nonsensical to say, "If you abide by that, you are still breaching the competition rules". We are abiding by the Mutual Recognition Act - that is the point of this amendment - within the national context, which this Territory has signed up to and which all other States and Territories have signed up to.

It seems to me that, on various occasions, the Minister has tried to pull this trick. It is not just on this legislation that he has pulled out this advice about breach of competition policy. I understand that it has occurred on other occasions as well. It would seem to me not acceptable for the Minister to attempt this tactic. He is attempting to bluff this Assembly. I think that is the only thing we can say about it. We are working within a national context. This amendment recognises that we are working within a national context. We cannot proceed unless we get agreement in that national context.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 3 and 4, by leave, taken together, and agreed to.

Clause 5

MR CORBELL (4.22): I move:

Page 2, line 13, omit the clause, substitute the following clause:

"Defence - approved codes of practice

5. Section 20 of the Principal Act is amended by inserting in subsection (2) 'section 9A,' after 'under.'."

Mr Speaker, this amendment is, in many respects, a consequential amendment in relation to the amendment we have just passed.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clauses 7 to 10, by leave, taken together

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.23): Mr Speaker, there are two issues which this legislation deals with - at least two, but two principal issues. One is the question, which we have just extensively debated, of the provision about banning the production of battery eggs in the ACT and the timing under which that is done. The other issue is the question of increased powers available to the animal welfare inspectors. I made some comments about that in the in-principle stage of the Bill. I rise just to affirm those statements here and to indicate that what we are doing by passing these provisions - that is, clauses 7 to 10 - is replacing the legislation, in so far as it offers powers to inspect with certain protections in place, with much more draconian and much more widespread powers on the part of inspectors.

Mr Speaker, I, certainly, in this place, have always argued - not in every case, but I have argued it consistently - that the appropriate circumstances in which to authorise officers of the ACT Public Service to enter into other people's property need to be carefully considered and restricted to certain circumstances. There are limited circumstances where we describe a broader power than the one which exists at the moment in the Animal Welfare Act, but those cases are very limited. They are limited, I think, to matters of considerable importance and urgency, such as under the health legislation.

These provisions are different. The kind of protection to citizens against the arbitrary entry into their premises which is foreshadowed in these amendments, I think, needs to be maintained. Mr Speaker, it seems to me appropriate that entry in these cases should occur if one of four circumstances is satisfied: If there is consent by the occupier of the premises; or if the occupier of the premises has been given a reasonable period of notice - in the case of this legislation, seven days; or if there occurs a set of circumstances which are of such urgency that the apprehension of an offence or the obtaining of evidence or some other urgent state of affairs is given rise to and that requires the immediate entry into the premises; or if a warrant has been duly obtained from the Magistrates Court. In my view, Mr Speaker, those are the four circumstances. Those provisions are already built into the legislation. If we pass clauses 7 to 10, we obviate the protections available in the legislation by those conditions. Therefore, I would urge members not to support clauses 7 to 10 of the Bill.

MR MOORE (4.26): Mr Speaker, this morning, when Mr Humphries spoke in the in-principle stage, he raised a number of important issues and drew my attention to the fact that supporting these amendments would be inconsistent with the way I had operated in the Assembly on this same issue on many occasions. Indeed, Mr Speaker, I had already been feeling somewhat concerned about some of the powers and how they were applied,

which is why I had originally circulated my amendment to clause 7. Over lunchtime, I was able to look back over those powers, look at the powers within the Animal Welfare Act at the moment, and then try to work out for myself to what extent I felt that opposing these clauses would undermine what Ms Horodny set out to do as her prime objective, which was the protection of battery hens. I felt that, whilst the wider powers would clearly make it much easier for inspectors to check battery hens, they were not necessary in terms of her specific goal, which was to get rid of battery hens in the long term.

Mr Speaker, when I look back through the legislation it seems quite clear to me that the kinds of powers available in the Act already are sufficient to achieve what she wants. Let me give an example. Under section 81 of the Act, an inspector has the power to approach a magistrate and say, "I am very concerned. I want to go and inspect a battery farm straightaway because I consider that there are some problems there". In fact, if an inspector were concerned, for example, about Parkwood, then he or she would only have to refer to some of the concerns that Magistrate Ward raised in his finding not so long ago and say, "Clearly, one magistrate has looked at this and believes that there are concerns about what is going on there. I think it is appropriate that I check that there is no cruelty being practised on that farm in that organisation", and would therefore be able to get a warrant for an inspection.

So, those powers do exist - although not in the same measure as they are provided in Ms Horodny's Bill. There is no question that the powers she is seeking in putting her legislation up are very wide powers. They are the same powers that I have objected to on quite a number of occasions when they have been put up by other members of this Assembly over the last eight or nine years. For those reasons, Mr Speaker, I believe that the parts of the legislation we have already passed stand on their own. The Animal Welfare Act as it exists already provides very widespread powers for inspection where there is a concern, and I think those widespread powers are enough. If Ms Horodny wants to argue - and I would be happy to talk to her over the next few weeks - that the whole of the Animal Welfare Act needs to have its spine stiffened because of the powers, that is another question. I do not think it does. I think it has enough, but I would be prepared to discuss that issue with her. I am happy to support this legislation in principle for what its prime goal is. I will continue that. But I am going to join Mr Humphries in opposing these particular clauses.

MS HORODNY (4.30): Mr Speaker, Mr Moore brought up with me this morning the fact that he is not comfortable at this point in extending to research institutes the increase in powers that we are talking about. That is fair enough. He should have been aware, but he was not aware, that this legislation actually extended to the research and teaching institutes. I am quite happy to leave that for the moment.

The other issue that Mr Moore has just brought up is the fact that he thinks that under my amendments there are too many powers given to the inspectors to walk through. The only significant difference under my amendments is that, rather than giving the seven days' notice as required under the Act, an inspector could walk through without giving notice.

Mr Moore: Without a warrant. They can just go in at any time they like.

MS HORODNY: Yes, but I would argue that that is important, because they need to be able to look at a facility like Parkwood to determine in the first instance whether there is an issue of concern. They do not have any other powers. Under my amendment, they do not have powers to seize sick or dead animals or to seize paperwork or anything like that. All they have the power to do is to actually walk through and see whether there are issues of concern. If they see a problem, they still need either a warrant or the consent of the owner, or, if there is something that is absolutely urgent and it is a life-and-death situation then they can confiscate sick or injured animals. So, the only essential difference is that, instead of giving an institution seven days' notice before they walk through, they can walk through at any time, in much the same way, I would argue, as health inspectors have the ability right now to walk through restaurants or other eating facilities to ensure that there is not a problem in terms of human health in those sorts of facilities.

MR CORBELL (4.33): Mr Speaker, the Labor Party was initially sympathetic to the propositions that have been put forward by Ms Horodny in relation to walk-through powers. However, it has been put to me, by both the Minister and Mr Moore, that these powers are in many ways draconian and out of context with other powers that exist under other pieces of ACT law. I think Mr Moore's point is the convincing one. It is that, really, if we are going to look at the issue of enforcement of the Animal Welfare Act, we need to look at it across the board, rather than just in relation to the issue we are debating today, which is the issue of battery hens and the banning of the battery cage in the ACT.

So, like Mr Moore, I indicate that Labor would be willing to look at that further; but we believe that, in the context of the debate today, we should be dealing with the specific provisions to do with battery hen legislation rather than with a wider revamp of the Animal Welfare Act. So, for that reason, we will be supporting the Minister's proposal.

MR MOORE (4.35): I think it is worth making the point at this stage, Mr Speaker - and I think, to a certain extent, Ms Horodny perhaps missed this - that it is not difficult to get a warrant, provided that an argument can be put to a magistrate. Certainly, if I were an inspector, I would know which magistrate I would be going to to ask for a warrant, I have to say - somebody who has already expressed the view that this type of farming is inherently cruel. I just do not think it is that difficult to get a warrant if a reasonable argument can be put forward.

So, whilst I understand why you put this up, and I can understand the reasons behind it, in the end I have to keep a reasonably consistent approach to the way we deal with powers. Certainly, I have resisted this style of power being given to police officers. So, I think we should continue resisting the expansion of this type of power in the hands of bureaucrats, unless there is a check mechanism. The warrant is just that - a check mechanism.

Clauses negatived.

Title agreed to.

Bill, as amended, agreed to.

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FOOD (AMENDMENT) BILL 1996

Debate resumed from 26 June 1996, on motion by **Ms Horodny**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CORBELL (4.37): I seek leave to move amendments Nos 1, 2 and 3 together.

Leave granted.

MR CORBELL: I move:

Page 1, line 8, subclause 2(2), after "Section 4", insert " , in so far as it inserts section 24A in the Principal Act,".

Page 1, line 10, subclause 2(3), after "section 4", insert " , in so far as it inserts section 24A in the Principal Act,".

Page 1, line 13, subclause 2(4), after subclause (3), insert the following subclause:

“(4) Section 4, in so far as it inserts section 24B in the Principal Act, commences at the expiration of a period of 12 months after the day on which this Act is notified in the *Gazette*.”.

These are consequential amendments. They deal primarily with the issue of putting in place the ban on the sale of battery eggs once mutual recognition has been obtained and once the six-year period has been put in place. That is the intent of the amendments, Mr Speaker.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.38): Mr Speaker, to some extent these amendments, as Mr Corbell has indicated, flow consequentially from the amendments to the earlier legislation. In particular, I do not have a great problem with the concept that the Government should decide on what the appropriate labelling arrangements are. They will obviously be put in

the *Gazette*, and I think they are then disallowable as a result. Members may want to lobby me on what form the notices should take. I suspect that Ms Horodny will want, in big red letters, something like, "Warning! These eggs have been produced by cruel and inhumane practices on poor, defenceless little chooks". If so, I might not be quite as amenable to her suggestion; but I will certainly listen to everybody's concerns about this.

Amendments agreed to.

Amendment (by **Mr Corbell**) agreed to:

Page 2, line 20, clause 4, proposed subsection 24B(2), omit the proposed subsection.

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

Bill, as amended, agreed to.

CANBERRA TOURISM AND EVENTS CORPORATION - FUNDING Motion

MR CORBELL (4.40): Mr Speaker, I move:

That this Assembly calls upon the ACT Government to provide the \$500,000 committed for the promotion of Canberra in the 1997-98 ACT budget to be allocated to the Canberra Tourism and Events Corporation for the promotion of Canberra, noting that:

- (1) the Minister for Tourism made a commitment to industry representatives on Thursday 13 March this year to provide up to \$1 million towards tourism promotion as part of the 1997-98 ACT Budget;
- (2) the Canberra Tourism and Events Corporation is best placed to ensure the promotion of Canberra's business, tourism, sporting and cultural strengths and that this promotion is enhanced by partnerships with the private sector; and
- (3) the ACT Liberal government failed to subsequently provide this additional \$500,000 of funding allocated for the promotion of Canberra to the Canberra Tourism and Events Corporation.

Mr Speaker, this is a very important motion for this Assembly to address today. I have moved it following concerns that have been expressed to me by various representatives of the tourism industry in Canberra and also because of my own belief that this Government has been, I suggest, untruthful in the way it has made representations towards the tourism industry in the ACT.

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Specifically, this motion deals with a number of very important points. The first is that the Minister for Tourism made a commitment to industry representatives on Thursday, 13 March this year, to provide up to \$1m towards the promotion of Canberra. He made that commitment in front of a large audience of industry representatives. Subsequently, this Government has set aside half a million dollars in this year's budget to deal with the promotion of Canberra. But did it give it to the Canberra Tourism and Events Corporation? No, it did not, despite the fact that it had promised that it would be giving it for the promotion of Canberra and would be giving it to the Canberra Tourism and Events Corporation. That, very clearly, was the intention of the Minister's statement to that audience of industry representatives on that day.

Madam Deputy Speaker, the issue of tourism promotion in this town is a vexed one. There has been debate between this side of the house and the Government side of the house as to what is the best way to deal with tourism promotion and the best way to deal with the tourism promotion budget. We on this side of the house have been very critical about the Government's level of commitment to the funding of tourism promotion and the promotion of Canberra generally in its budgets. The reply we get from the Government side of the house is, "You tell us where you find more money". We can be continuing that debate, but that is not why this motion is before us today. The motion we have before us today deals with an amount of money that the Government already has set aside for tourism promotion. It is already there in the budget. So I hope the Government is not going to be getting up and saying, "You tell us where you find the money", because I have found the money and it even allocated it for me. It has just given it to the wrong place. It has just given it to the wrong area, and it has done so in breach of a very clear promise made by the Minister in relation to tourism promotion.

The tourism industry in Canberra is suffering. The tourism industry in Canberra is doing it hard. It is doing it hard for a large number of reasons, but key amongst them has to be the decision of the Prime Minister not to live in Canberra, not to make the Lodge his principal place of residence. When I go around and talk to tourism operators in Canberra they tell me that business is down because people do not come to Canberra anymore to see Ministers. We are just the national capital. They go to where it already happens in Sydney, and to a lesser extent in Melbourne and Adelaide and all the other State capitals where Ministers are based. They do not come here, and that is having a very severe effect on the tourism industry in Canberra.

This has been confirmed by some statistics, recently released by the Australian Bureau of Statistics, which showed a 10 per cent drop in accommodation takings in the quarter this year compared to the quarter last year. That is a big drop and that is a worry for all members in this place interested in tourism. It should be particularly worrying for the Minister, but the Minister is so often hiding in the hole in his office. He does not come out very often and deal with these complaints. Indeed, he has failed on at least two occasions over the past fortnight to deal with my criticism on this issue. He has refused to debate it. I think we know why he has refused to debate it. He wanted this money to go to the Canberra Tourism and Events Corporation, but he failed to deliver for his corporation. We know what happened. The Chief Minister, the Minister for Business, said, "No, I am sorry, Minister Kaine. This is my money and it is staying in my portfolio. The Canberra Tourism and Events Corporation cannot have it". That is a very disappointing response from the Government overall.

I would like to point out very clearly some comments that were made by Minister Kaine when we set up the Canberra Tourism and Events Corporation. I think these comments are very important because the Government, I am sure, is going to get up and argue, "No, this money was not just for the promotion of tourism in Canberra. It was for the promotion of business, and sporting and cultural organisations, cultural events, sporting events, as well as for promoting Canberra for business". Well, that is true; it is. That is what the money is for and they are going to say that because of that it should be in the Department of Business. I would like to point out to the Assembly, and particularly to the Chief Minister, some comments that were made by Mr Kaine. They were made in the debate when earlier this year we established the Canberra Tourism and Events Corporation. Mr Kaine said this:

There is a certain amount of resources being devoted to tourism marketing and the like at the moment, and perhaps there is scope for using those resources better. That is why I see the Tourism and Events Corporation as being a focal point. Resources that are currently being committed to tourism promotion or activities of a similar kind in departments and agencies spread across the whole of the ACT Government can perhaps be better directed if they are all directed through the corporation.

Hear, hear, Minister! That is exactly what should happen, but that is not what has happened on this occasion. Despite the Minister's wishes on this issue and despite the Minister's promise in front of a very large audience of tourism industry representatives in this town, that money did not go to the Canberra Tourism and Events Corporation. Instead, it is sitting in the Department of Business. It has not been used yet, as far as I know, and I know the industry representatives in this town are not happy. They are not happy, because this Minister has failed to deliver on what is a very important issue, and that is dollars for tourism promotion.

Quite clearly, Mr Kaine knew what he was talking about when he made these comments in the debate on the establishment of the Canberra Tourism and Events Corporation. He went on, and it got better. Mr Kaine said:

I mentioned the strategy for nature-based tourism. There are resources in the parks and conservation area, run by Mr Humphries, that have been working on tourism-related activities. There are resources in the sport and recreation area that have been devoted to tourism-like activities. By bringing the management of all of those resources together into a single body called the Tourism and Events Corporation, hopefully we can get, to use a World War II expression, a bigger bang for the buck - by putting it all together in one base rather than spreading it thinly across the slice of bread.

Those are not my words, Madam Deputy Speaker; they are the words of the Minister for Tourism.

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Mr Kaine: And we have achieved it, \$900,000 worth.

MR CORBELL: The Minister says he has achieved it. Half a million dollars for the promotion of Canberra was not given to the Canberra Tourism and Events Corporation; half a million dollars for the promotion of Canberra was not given to the one body that this Government set up to promote Canberra in a coordinated fashion. What a dismal effort by this Minister! What an absolutely dismal effort by this Minister! The Minister, I am sure, is going to get up and huff and puff about this issue, but he knows that representatives of the tourism industry in this town are not impressed with the Government's position on this issue. The Minister stands up in front of an audience of tourism industry representatives and says, "Yes, we will give you funding for the promotion of Canberra, we will meet the demands you have", and then they do not do it. They do not give it to the one organisation that they themselves set up to promote Canberra.

I am sure also that the Minister is going to get up and say it was not just for tourism promotion. The Canberra Tourism and Events Corporation was set up to promote Canberra, to promote our city as a destination; basically, to label our city; to say this is an attractive city that has good infrastructure, good people, good attractions, sporting events, cultural events; it has all of those things. That is why the Canberra Tourism and Events Corporation was set up.

To suggest that tourism promotion is just about getting visitors here is a very narrow way of looking at it. There is a broader message about promoting our city as an attractive destination, an attractive destination not just for visitors to come here on holiday but for people to come and live here, for people to come and visit here, for people to bring their businesses here, for people to come here to participate in sporting events and cultural events and all of those other events. That is very important and that is what Canberra Tourism should do, and I know that the staff at Canberra Tourism want to do that. That is very important. It is very clear that, if there is one agency in the ACT Government that has been set up to deal with the issue of promoting Canberra, it is the Canberra Tourism and Events Corporation. It was set up to ensure that Canberra's business, tourism, sporting and cultural strengths are promoted in the best possible way. I would have thought that the principal promotion body would have been able to do that.

Madam Deputy Speaker, there is another issue I would like to raise, and that is to do with cooperation with the private sector and joint partnerships and ventures with the private sector. The Canberra Tourism and Events Corporation, when it was being set up by this Government, was set up as a corporation so that it would act more like a private sector organisation, so that the industry would be able to relate to it better and so that it would be able to respond to industry's needs in a better way than the old Tourism Commission and its predecessors. That is why it is there. That was why we were making it a corporation. That is what the Minister said in the debate.

Part of the Minister's argument for establishing the corporation was that the corporation could go out and enter into joint ventures with the tourism industry, with the visitor industry in Canberra, with the people who promote our city, with the people who sell our city as a destination; dollar-for-dollar cooperation in some instances, but, all the same,

cooperation in joint ventures and joint partnerships. That is exactly what Mr Kaine said when he made the promise to the industry at the tourism awards launch. He stood up and said, "Yes, I think we need dollar-for-dollar participation in this process". So here we have the Government saying the Canberra Tourism and Events Corporation is the best organisation to do joint partnerships with the industry, and here we have the Minister also saying to the industry at the tourism awards launch, "This is how we are going to do it and we are going to give you this amount of money to do it". Well, none of it happened. They did not end up giving the half a million dollars to the Canberra Tourism and Events Corporation, the organisation that should have been the body in the ACT Government best able to go out and enter into joint ventures and joint partnerships. That, after all, according to the Minister, is why it was established.

This is an important motion. It is an important motion because, if it is passed, it indicates to the Government that we believe their management on this issue has been less than straightforward. I would suggest it has been deliberately misleading to the industry concerned - say one thing but do another; get the industry happy but then not follow through. That is what this Minister did, and that is what the Chief Minister did in denying her Minister the opportunity to use these funds in the Canberra Tourism and Events Corporation. (*Extension of time granted*) I thank the Assembly.

Promotion of Canberra is important. Dollars for the promotion of Canberra are scarce. But when we have them, when the Government commits them in the budget, let us give them to the organisation that is best able to promote our city. That is not the Department of Business; that is not even CanTrade, as the Minister suggested. It is the Canberra Tourism and Events Corporation. They have the expertise; they have the links with industry to enter into joint ventures and partnerships. That is what they were set up for. Out of the Minister's own mouth, that is the reason they are there. For that reason, this Government should be honest with the industry and they should be honest with other members of this Assembly and say that the promotion of Canberra is best done by the Canberra Tourism and Events Corporation. They should stand up to their promise and give that half a million dollars to the Canberra Tourism and Events Corporation so that they can get on with promoting Canberra. In doing that they can assist in providing jobs in our economy, jobs for young people who work in the tourism industry. I commend the motion to the Assembly.

MRS CARNELL (Chief Minister and Minister for Business and Employment) (4.57): Madam Deputy Speaker, this motion reveals a number of things. It could be an obsession with bureaucracy; it could be a lack of capacity to read. Mr Corbell, I just had delivered to your table a copy of Budget Paper No. 4.

Mr Corbell: And I am sending it right back, Chief Minister.

MRS CARNELL: What I would like you to do, first and foremost, is open it up at page 657. No, he does not want to open it. These are the budget papers - those things that we put out every year and are passed in this place.

Mr Corbell: Why is not the Minister speaking on this motion? Are you the Minister for Tourism, Chief Minister?

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MRS CARNELL: I am actually the Treasurer and this actually is the budget. This is the budget.

Mr Corbell: But are you the Minister for Tourism?

MRS CARNELL: The Minister for Tourism will speak as well, do not worry. I just thought it was extremely important, Madam Deputy Speaker, for us to determine what it is that Mr Corbell is talking about now. I am the Treasurer and I think the budget papers are very important.

Mr Berry: Madam Deputy Speaker, one would only have to have a look at the notice paper to see what he is talking about. The motion is right there in front of your face.

MRS CARNELL: I do not think he knows. On page 657, which Mr Corbell does not want to look at, there is the heading "Canberra Tourism and Events Corporation". Under "Outlook", Madam Deputy Speaker, the sixth paragraph down says:

The Corporation will, in 1997-98, be able to more aggressively target new events and expanded tourism opportunities through additional funds of \$0.850m -

not the \$500,000 that we have as well, on top of the \$850,000 -

that have been made available as part of the government's commitment to marketing and promoting Canberra.

Madam Deputy Speaker, the amount of money that is available to the Tourism and Events Corporation this year is more than ever before. The Government is committed to \$500,000 for the marketing and promotion of Canberra. It is in the Department of Business, the Arts, Sport and Tourism. In fact, Madam Deputy Speaker, CanTrade is the entity that is overseeing how that is spent. The point that both the Minister and I made on this - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

**CANBERRA TOURISM AND EVENTS CORPORATION - FUNDING
Motion**

Debate resumed.

MRS CARNELL: Madam Deputy Speaker, the \$500,000 that has been discussed here today has been made available for the marketing of Canberra as a good destination, as a good place to do business, for a branding exercise for Canberra. The reason that that has been held in the Department of Business, the Arts, Sport and Tourism, rather than going into the corporation, Madam Deputy Speaker, is that we believe that CanTrade - the entity that brings together tourism, sport, education and business inside government or, I suppose, as an advisory group to government - is the right entity to be involved in bringing together the private sector and the Government in a proper approach to promoting Canberra, not just as a good place to visit - - -

Mr Corbell: That is not what your Minister said, Chief Minister.

MRS CARNELL: Don't you like it? I thought that was just what you said. Madam Deputy Speaker, we get back to the motion here. What is it that Mr Corbell is talking about? He says in paragraph (2) of his motion:

the Canberra Tourism and Events Corporation is best placed to ensure the promotion of Canberra's business ...

Why? Why would the Canberra Tourism and Events Corporation be the best entity to promote Canberra's business?

Mr Corbell: I take a point of order, Madam Deputy Speaker. If the Chief Minister insists on quoting from my motion she should quote it in context.

MRS CARNELL: I am; I am quoting exactly what you were saying.

Mr Corbell: No, you were not.

MADAM DEPUTY SPEAKER: Order, Mr Corbell! Proceed, Mrs Carnell.

MRS CARNELL: Paragraph (2) says:

the Canberra Tourism and Events Corporation is best placed to ensure the promotion of Canberra's business, -

no, it is not -

tourism, -

yes, it is -

sporting -

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no, it is not -

and cultural strengths -

no, not necessarily -

and that this promotion is enhanced by partnerships with the private sector; ...

We agree totally. But how do you get those partnerships working best right across those areas? We believe that the best way to do it is via CanTrade, which has the head of tourism on it. David Marshall is a member of the CanTrade board, as are other people involved in the tourism area, as are people involved in business, sport and the cultural area.

So we believed that the appropriate way to go with the \$500,000 to ensure that there was private sector money in there - we have spoken about dollar-for-dollar approaches - was to put it into the business area, into the area of CanTrade, so that we could end up with direct input from business. Now that, I have to say, is starting to bear some very real fruit. I believe that in the next month or so we will be in a position to announce some of our first partnerships with the private sector, and I am very pleased about that. It is only September. The budget has not been passed for all that long and I think it is good news that that is starting to occur.

So what is Mr Corbell really talking about now? Not that we should spend more money, but that we put the money in the wrong bit of the budget, he suggests. It is the first time that the Labor Party has ever suggested we should give the money to a corporation rather than to a department. Normally, they are the ones who go quite the opposite way and suggest that these corporations are nasty. I have heard from those opposite before. The fact is that we believe corporations operate very efficiently, Madam Deputy Speaker, but we do believe very strongly that there are two approaches here that need to be conducted together. As everybody else knows, business, the arts, sport and tourism are all under the same departmental umbrella. We believe that, by approaching this the way we have, the money is available for promoting Canberra, but not just promoting Canberra as a tourist destination - promoting Canberra as a good place to do business and changing Canberra's image out there in the rest of Australia and in the world. I do not think anybody doubts that we have a tiny bit of an image problem. That is the reason for the approach or the branding exercise we are currently undertaking.

An events corporation has been recommended in Canberra, I think, since 1991; so it is a bit rich, Madam Deputy Speaker, for Mr Corbell to pipe up now and say, "Shock, horror! All of this money should have gone into the Tourism and Events Corporation" - a corporation that was recommended to the previous Government and that they never put together, let alone funded properly. The increases in funding in tourism under this Government have been more than ever before, or certainly more than in the last few years since I have been in this place.

To put the facts very simply, first, it has never been the intention of the Government that the \$500,000 would be used exclusively for tourism marketing. Nor, by the way, does Mr Corbell suggest it should be. He is suggesting that it should be used for business, sport and cultural areas as well. So on that basis you would suggest that a broader campaign that includes tourism amongst other facets is the appropriate way to go. We believe that bringing CanTrade into the whole equation is a great way to have the Tourism and Events Corporation in there but as part of a broader campaign.

Secondly, a central feature of this initiative is that it offers the opportunity, as we have already said, for private sector funding for marketing campaigns. As I said, in the next month or so we will be in a position to announce the first of those partnerships. Thirdly, the administration of the campaign was always to be done by way of the department and, of course, CanTrade as well, who are responsible not just for tourism but for business, the arts, sport and tourism. That is the basis on which we are putting this branding exercise campaign together.

I think Mr Kaine should be very proud of the extra dollars he managed to screw out of the budget Cabinet, which he did, I have to say. He achieved the dollars that I have already spoken about. I read from the page in the budget paper that Mr Corbell was not interested in. Part of the \$500,000 will be used to promote and market Canberra as a good place to do business, as a good place to visit, and also as a good place to live. That is something that those opposite should have done years ago. Unfortunately, they did not do it. They did not increase the funding for tourism by much at all. The increases were very minor. We have taken a different approach. We have got in there, as usual, and done what we said we would do.

Mr Hird: We rolled our sleeves up.

MRS CARNELL: As Mr Hird said, we rolled our sleeves up, got in there and put our dollars where our policy direction was. I think those opposite, if they were honest - but that is pretty unlikely - would admit that the approach that we are - - -

Mr Corbell: I take a point of order, Madam Deputy Speaker.

MRS CARNELL: You cannot. You are allowed to say "those opposite".

Mr Corbell: I take a point of order. There was a suggestion that the Labor Party was lying, and I would ask the Chief Minister to withdraw that comment.

MRS CARNELL: You know, Madam Deputy Speaker, that I can say that in a generic form.

MADAM DEPUTY SPEAKER: Mr Corbell, ask whether it was meant for a specific person. Then it is a different point of order. A generalisation in previous times has been allowed.

Mr Whitecross: Madam Deputy Speaker, I appreciate that that is the ruling that you have made in the past. However, I seem to recall that Mr Kaine on a previous occasion took umbrage at a generalised suggestion by Mr Osborne that I think - - -

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MRS CARNELL: Madam Deputy Speaker, that is not a point of order.

Mr Whitecross: It was a suggestion that all members of the Liberal Party were untrustworthy. Mr Kaine got up and took a point of order that he did not think that he was untrustworthy and that Mr Osborne should withdraw it. Mr Speaker asked him to withdraw it. Madam Deputy Speaker, I certainly take umbrage at the remarks Mrs Carnell made, and I ask her to withdraw them.

MADAM DEPUTY SPEAKER: Thank you. That was my comment. That is what I intended Mr Corbell to do. Mrs Carnell, did you mean your remarks specifically about Mr Whitecross, in which case I ask you to withdraw?

MRS CARNELL: No, I did not mean them specifically about Mr Whitecross. I meant them about the whole Labor Party, so I was not being in any way specific in my comments, Madam Deputy Speaker.

Mr Whitecross: I am still offended.

MADAM DEPUTY SPEAKER: I will take up the issue with the Speaker. I believe he should revisit that issue.

MRS CARNELL: Fine. I think you will find that previous rulings made by you would be in line with the approach I have taken.

Madam Deputy Speaker, we believe strongly that marketing Canberra is a very important part of this whole budget approach. Those opposite should be willing to give this a fair go. In the next month or two, when our branding exercise is launched, when the approach that we are going to take with the private sector becomes more obvious, I am confident that they, too, will understand that this was a very good initiative. I am hopeful that those opposite will accept that this is a good approach. I will stay hopeful, Madam Deputy Speaker.

MR KAINE (Minister for Urban Services and Minister for Tourism) (5.10): Madam Deputy Speaker, this motion seems to me to be one born out of political immaturity. It exemplifies an opposition struggling to understand that - - -

Mr Corbell: I know you are jealous, Trevor, but you will just have to deal with it.

Mr Whitecross: The old man's speech, again. He has only one speech. It is the old man's speech.

MR KAINE: Wait until I get to the hard hitting bit further down and you will not say so. Madam Deputy Speaker, it exemplifies an opposition that is simply struggling to understand key Government initiatives designed to market Canberra and create well-needed jobs. The new directions Labor Party claims that it is on about jobs, but it really is not.

This Government, Madam Deputy Speaker, has identified in the budget an initiative designed to promote the many facets of Canberra in a coordinated and cooperative manner. This is the first time that an ACT government has taken an integrated approach to funding the marketing of Canberra as an attractive tourism, business, sporting and cultural destination. It has never been done before, and certainly not under the Labor Party. Mr Corbell quite obviously still fails to understand that these four fields of activity, while being separate and distinct, are interrelated. As the Chief Minister has pointed out in her speech, the broad nature of the promotional campaign is such that the administrative responsibility clearly sits with the Department of Business, the Arts, Sport and Tourism because it covers all of those areas of responsibility. If it were totally devoted to tourism, I would have argued for it to be managed by Tourism; but it was not and it is not.

Madam Deputy Speaker, let me at the outset rebut the three spurious claims inherent in Mr Corbell's motion. First, Mr Corbell claims that I made a commitment to industry representatives of an additional \$1m towards tourism. This grossly misrepresents the context of my statement. I quote from an article by Peter Clack which reports my statement quite accurately. In that article I am reported as having said:

I am foreshadowing a substantial injection of Government funds for marketing and the amount being considered is understood to be up to \$1m.

That was written by Peter Clack. He was there and he reported what I said, and he reported it accurately, Madam Deputy Speaker. I made it quite clear at the time, and Mr Clack reported that too, that the amount of funding to go to tourism was dependent upon industry funding, with the Government matching that on a dollar-for-dollar basis.

I made this statement whilst the budget discussions were under way and clearly, as a result of the budgetary process, the Government has delivered \$500,000 and the potential is there for this amount to be matched in some manner by the private sector. In other words, Madam Deputy Speaker, I delivered what I said I would deliver - up to \$1m but with Government money being matched by the private sector on a dollar-for-dollar basis. Now, \$500,000 of Government money matched by \$500,000 of private sector money is \$1m. The potential is there for the private sector to match us dollar for dollar and to achieve what I said was the target. So the implication in Mr Corbell's motion that I promised \$1m for tourism is totally untrue.

Secondly, Madam Deputy Speaker, I do not agree with Mr Corbell that the Tourism and Events Corporation is best placed to administer this allocation of money, because that proposition is simply untenable.

Mr Corbell: That is not what you said in the speech on the Tourism and Events Corporation.

MR KAINE: Mr Corbell does not want to hear the facts. He had his say and now he wants to keep talking while I am rebutting what he said.

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The chairman of the Canberra Tourism and Events Corporation, James Service, and the corporation's chief executive officer, David Marshall, do not agree with him either. So there are three of us who do not agree with his proposition. They do not believe, for example, that the corporation that they are responsible for administering is best placed to ensure the promotion of Canberra's business strengths; yet that is what Mr Corbell says in his motion. They do not think so, because they are not responsible for business, and they are not responsible for marketing Canberra as a business destination. Even Mr Corbell, I think, would have to agree, if he thought about it for five minutes, that that proposition is untenable. Administration of this coordinated marketing and promotion initiative, which covers business, tourism, sport and culture, only one of which is the responsibility of the Tourism Corporation, sits best within the department that administers all of those things, that is, the Department of Business, the Arts, Sport and Tourism. It would be inappropriate to place the money and the responsibility for it solely within the Tourism Corporation.

The third point, Madam Deputy Speaker, is that this motion shows a complete lack of knowledge of the 1997-98 budget by Mr Corbell. The Chief Minister and Treasurer has spoken about that. If Mr Corbell afforded himself the luxury of even reading the budget papers he would see that the Government has indeed provided an additional \$500,000 within that budget for the promotion of Canberra, not the promotion of tourism. I quote from the "Creating Jobs for Canberra" paper, on page 33:

As a central fund for Government and industry, this represents a first for the ACT since self-government, and is expected to generate employment from increased business and tourism.

I table an extract from that document for Mr Corbell's edification, in case he failed to read it before.

Rather than focusing on the trivialities that this motion brings forward, perhaps it is worth reflecting on the positive steps that the Government has put in place to promote Canberra as a tourism destination. If you read the motion you would assume from Mr Corbell's viewpoint that we have not done anything. That is far from the truth. In the 1996-97 financial year \$5.4m was allocated to tourism and events promotion. That represented a significant increase on funding provided under the previous Government - that is, the Labor Government, some of whose members now sit opposite. In addition to this funding, which was greater than anything that the Labor Party ever put into it, \$1.75m has been provided recently for the construction of the new Visitor Information Centre which is now open on Northbourne Avenue, and in recognition of the highly competitive and ever-changing tourism environment this Government took the initiative of creating the Canberra Tourism and Events Corporation - an organisation with a clear commercial charter and the flexibility to respond to changing market forces.

With the creation of the corporation, Madam Deputy Speaker, the Government has provided significant additional funding of \$350,000 for a new Canberra events fund. This brings the total amount available for attracting events to Canberra to almost \$900,000. Mr Corbell is harping about \$500,000 in addition to all of that, which he thinks should have been devoted entirely to tourism. If Mr Corbell ever gets into government and becomes a responsible Minister he will find that we do not have

a bottomless pit of money to put into tourism or anything else. We have to apportion it across a range of priorities. To put nearly \$900,000 of additional funds into tourism, over and above what the Labor Government could find, and then to be criticised for it, I think, is a bit rich.

Yet despite these positive initiatives we have an Opposition that is bogged down in the trivialities of administrative arrangements - "You have the money in the wrong place", whatever the relevance of that is. Never open to taking a bipartisan approach on any issue, the Opposition seeks this Assembly's support for a motion which serves no purpose and reflects a total misunderstanding of what is, in essence, a logical, progressive and cooperative approach to marketing Canberra, both nationally and internationally.

Mr Corbell seems to have a very simplistic and tunnel-vision view of what marketing Canberra entails. He clearly views tourism in isolation from all other sectors, such as business, culture and sport, and simply cannot seem to grasp that in marketing they are interrelated; that they are not all tourism. The simple fact is that more than one in three visitors to Canberra are here for the purpose of business. Without putting too fine a point to it, I would have to say that attracting people to the ACT for any reason is good for tourism. Yet Mr Corbell cannot comprehend the fact that marketing and promoting Canberra as a cultural, business and sporting destination is all good for the tourism industry at the end of the day, and this is despite the fact that he is also the Opposition spokesman for business. He still does not seem to understand that. Mr Corbell's implication that the Government has failed to honour its funding commitment in relation to this initiative is perhaps the clearest indication that he is out of his depth; that he just does not understand how the marketing campaign works.

The most exciting and innovative element of this coordinated marketing and promotion campaign will be the potential role of the private sector, in terms of both driving and funding the campaign. (*Extension of time granted*) I thank members. In keeping with the partnership approach that this Government continues to embrace on a range of matters, the campaign has been designed to maximise input from all sectors, including the tourism industry itself. For this very reason, the administration of the marketing and promotional campaign sits logically, as I said before, with the department with the policy responsibility across all the relevant sectors that the marketing campaign touches upon. However, this does not preclude the Canberra Tourism and Events Corporation from having a significant and ongoing role in the implementation of this initiative and having access to the funds provided in the budget for marketing Canberra. If they have a project and they can get dollar-for-dollar funding from the industry, they can get money out of this \$500,000 over and above the nearly \$900,000 that we have put into them already.

Whilst the Opposition fixates on process issues, this Government will continue to focus on outcomes and on creating jobs for Canberrans. While Mr Corbell directs his energies towards an extremely narrow definition of what he considers constitutes marketing Canberra, this Government will rigorously seek to extend our horizons with integrated but carefully directed marketing initiatives wherever we can get the best advantage. Despite the rediscovered misgivings of Mr Corbell and his lame attempts at political point-scoring, this Government continues to deliver on its commitments to the Canberra community. I say "rediscovered", Madam Deputy Speaker, because on 25 May this year in the Estimates Committee Mr Corbell pursued the same line that he is pursuing today,

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but at the end of the Estimates Committee process twice - it is in the *Hansard* - he said, "I understand, I understand". He understood then, on 25 May, but his thinking seems to have got a bit fuzzy since. He no longer understands it, with the result that he brings back to the Assembly this sort of a motion which, as I have said before, can achieve no useful purpose whatsoever. In conclusion, Madam Deputy Speaker, in relation to tourism, this Government is setting a cracking pace, and maybe Mr Corbell and his Opposition colleagues should try to keep up with us instead of lagging so far behind.

MADAM DEPUTY SPEAKER: Mr Whitecross, before I give you the call I would like to read a statement so that, through it, I can apologise to you and Mr Corbell, because I really should have ruled against the Chief Minister. On 27 August 1996 the Speaker made the following statement in relation to unparliamentary words used against a group or an organisation:

Having considered the matter, I intend to prevent such occurrences in future. From now on, subject to any direction that the Assembly may give me, I intend to adopt the House of Representatives practice, as stated on page 487 of *House of Representatives Practice*, which quotes the following ruling by Speaker Snedden in 1981 which has been applied by successive Speakers in that house:

I think that if an accusation is made against members of the House which, if made against any one of them, would be unparliamentary and offensive, it is in the interests of the comity of this House that it should not be made against all as it could not be made against one. Otherwise, it may become necessary for every member of the group against whom the words are alleged to stand up and personally withdraw himself or herself from the accusation.

As, of course, Mr Whitecross did. The Speaker continued:

Accordingly, I call upon members to cease using unparliamentary expressions against a group or all members which would be unparliamentary if used against an individual.

That is the ruling that the Speaker made just about a year ago, on 27 August 1996. I am happy to remind members of it and I apologise for not remembering it.

MR WHITECROSS (5.24): I hope that next time the Chief Minister is in the house she will withdraw the unparliamentary remarks she made.

Madam Deputy Speaker, I think it is a good thing that Mr Kaine had a prepared speech to read. He would have had an awful lot of trouble adlibbing that one, because he did not believe a word of it. It would have been pretty hard going trying to think of what to say if someone up in the Chief Minister's office, or wherever it was, had not written it out for him. He knows perfectly well that what he was saying was a load of nonsense.

Here is a choice quote from it. Mr Kaine claimed in his prepared speech that the Government has a coordinated approach to marketing Canberra. A coordinated approach? A little bit of money here, a little bit of money there. We have set up a new Canberra Tourism and Events Corporation which, according to Mr Kaine on 8 April, is going to bring together all the little bits of money from all the different places into one place, so that we can have a coordinated approach. Then a month later his Chief Minister brings down a budget which puts another little bit of money somewhere outside the Canberra Tourism and Events Corporation. So much for the coordinated approach, Mr Kaine. It lasted less than a month. It is not surprising that Mr Kaine needed to read from a prepared speech, because otherwise he would not have been able to find it in himself to describe the Government's current approach as a coordinated approach to marketing.

Madam Deputy Speaker, in his speech on 8 April in advocating for the Tourism and Events Corporation he said this:

Resources that are currently being committed to tourism promotion or activities of a similar kind -

not just narrowly tourism promotion, but activities of a similar kind -

in departments and agencies spread across the whole of the ACT Government can perhaps be better directed if they are all directed through the corporation.

That sounds very sensible and that is why the Labor Party supported it. He continued:

I mentioned the strategy for nature-based tourism.

He then went on to talk about parks and conservation and then he talked about sport and recreation - that is pretty relevant to the current debate - related to tourism-like activities, that is, activities designed to promote Canberra and draw people to Canberra. He went on to talk about some other matters as well. His conclusion was:

... by putting it all together in one base rather than spreading it thinly across the slice of bread.

What a good idea! That is why the Labor Party supported it. The Canberra Tourism and Events Corporation was going to bring a coordinated approach to the promotion and marketing of Canberra, not just narrowly in relation to tourism but broadly; a broad vision; a vision which took account of sport and recreation, environmental management and other things. Yet, in the budget, only a month later, we find the Government saying that they are going to put aside \$500,000 to promote business, tourism, sporting and cultural strengths. What a good thing! And we have just the vehicle to use that money to promote those goals, our business, tourism, sporting and cultural strengths. It is called the Canberra Tourism and Events Corporation. What a wonderful thing! We set up a Canberra Tourism and Events Corporation and now we have half a million dollars to promote our business, tourism, sporting and cultural strengths - exactly the kind of promotion that the Canberra Tourism and Events Corporation was set up to do.

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But then there is more. The \$500,000 has been allocated so that they can work in partnership with business people in order to come up with projects to promote our business, tourism, sporting and cultural strengths. That was the idea of the \$500,000. What was the argument for having the Tourism and Events Corporation? It was so that they could establish partnerships with business operators in the community - exactly the same goals as this \$500,000 had; a broad vision of promotion of Canberra, partnership with business. The goals are identical; but what does Mr Kaine's coordinated approach to marketing mean, the approach which he also described at one stage as logical? What does that involve? It involves putting the money in two completely different places and having an uncoordinated approach to the marketing of Canberra.

Mr Corbell's motion has a simple goal, and that is ensuring that all the resources, all the limited resources, that the ACT community can devote to the promotion of Canberra, whether we are talking about business, tourism, sporting or cultural strengths, are employed by the same corporation in a coordinated way so that we are not duplicating, so that we are not pursuing the same goals through different means, and so that we can be sure that the ACT taxpayers are getting the biggest bang for their buck. That is what this motion is about.

No wonder, as Mr Kaine said, that people are struggling to understand the Government's policy, because it does not make any sense. It is a farce. That is why they are struggling to understand it - because it does not make any sense. Of course, Mr Kaine knows why it does not make any sense, because he got rolled by his Chief Minister.

Mrs Littlewood: You know about getting rolled.

Mr Hird: You know about getting rolled; little roly-poly.

Mr Kaine: It hurts.

MR WHITECROSS: The reason why it does not make any sense is that he did not get his way. No wonder Mr Kaine is getting heartburn now, because he knows we are getting to the nub of the matter here.

Mr Corbell: I take a point of order. While everything that Mr Whitecross says is almost certainly true, I find it very difficult to hear him. I would ask you to direct members on the other side of the house not to interrupt.

MADAM DEPUTY SPEAKER: I do remember Mr Hird pointing out the requirements of standing order 39 several times during the course of the day. Perhaps you would like to remember it.

Mr Hird: On the point of order, Madam Deputy Speaker: That is quite right. I am delighted to see that you are familiar with the standing orders, not like Mr Whitecross. But Mr Whitecross, of course, got rolled, and he will grow up.

MADAM DEPUTY SPEAKER: Mr Hird, be seated.

MR WHITECROSS: I will be around for longer than you, brother. Madam Deputy Speaker, the point I was making was a simple one. Mr Kaine knows that there is nothing logical about this policy. Mr Kaine knows that there is nothing coordinated about this policy. It is not his policy, because he wanted a logical policy and he wanted a coordinated policy. He is the one, after all, who only a month before got up in this parliament and argued the case for a Canberra Tourism and Events Corporation which would provide a coordinated approach to the promotion of Canberra; not the narrow approach that he talked about in his prepared speech written for him by the Chief Minister's office, or whoever it was, but a broad approach.

I think there would be some very heartbroken people on the board of the Canberra Tourism and Events Corporation if they heard what Mr Kaine just said about how the role of the Canberra Tourism and Events Corporation is narrowly focused on tourism promotion. Never mind all those other things about cultural and sporting things; they are not the role of the Canberra Tourism and Events Corporation anymore. Never mind promoting the broad strengths of Canberra. That is not the role of the Canberra Tourism and Events Corporation anymore. It is only tourism now - tourism, tourism, tourism - according to Mr Kaine's prepared speech. But that is not what he said in April. That is not what he said in Cabinet before he got rolled.

Mr Kaine knows as well as everybody else that this is an illogical policy, an uncoordinated policy, a policy imposed on him by a Chief Minister who was more keen on setting up a slush fund in another part of the bureaucracy than on having a coordinated approach to the promotion of Canberra. Mr Kaine should be grateful. Mr Corbell is doing you a favour, Mr Kaine. Mr Corbell, in all his youthful exuberance and generosity of spirit that comes with not having been knocked around as much in politics as some of us have been, has come in here with only one goal in mind, Mr Kaine, and that is helping out a Minister who he can see was trying to do the right thing but was rumbled by his Chief Minister.

I think Mr Corbell should be praised for having the courtesy and the generosity of spirit to come into this place and try to help you out, Mr Kaine. Let it not be said anymore that the Labor Party does not adopt a bipartisan approach to helping out Ministers on the other side who need a bit of extra assistance because they have had a bit of trouble in getting something they wanted through Cabinet. Mr Corbell, for one, stands ready to help you out, Minister, when you are having a bit of trouble. I hope that other members in this place will join with Mr Corbell in helping to overcome the Minister's obvious problems in persuading his Cabinet colleagues of the merit of this proposal.

There is only one logical way to do this, and that is to have all the funds which are devoted to the promotion of Canberra administered by the same organisation, and that is the Canberra Tourism and Events Corporation. It is fully equipped to go into partnership with the private sector, and fully equipped to do the job which the Government wants done and which we want done. Madam Deputy Speaker, I urge the Minister to put aside Cabinet solidarity and to recognise the merits of Mr Corbell's motion and vote for it.

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MR CORBELL (5.36), in reply: Madam Deputy Speaker, this issue is an important one, despite some of the frivolity that has entered into the chamber in the late hours of this day. It is important for one very simple reason, and that is that tourism in Canberra is a major employer, and it is a major employer of young people. It is a major employer of people my age. I want to see people of my age, as well as people who are younger than I am and people who are older than I am, working in the industry. Indeed, even people of the age of Mr Kaine should have an opportunity to continue to work in that industry. They can do that only if the industry is well promoted. The only way it can be well promoted is if the funds that the Government expends on tourism promotion and the promotion of our city generally are coordinated. That is exactly what Mr Kaine said in his comments about the Canberra Tourism and Events Corporation. That is the commitment Mr Kaine made when he spoke to the tourism industry at the launch of the ACT tourism awards earlier this year. But it is the commitment he failed to deliver on, and this Government failed to deliver on, when they announced their budget.

Mr Kaine made some comment about me saying at the Estimates Committee, "I understand, I understand". I want to correct the record because, as usual, the Minister is misinterpreting my comments and deliberately taking them out of context. When I said, "I understand, I understand", I meant, "I understand the explanation you have given me"; but that does not mean I agree with it, and I certainly do not. At no stage have I said that I agree with it. I think it is wrong. I think it is the wrong approach.

I think members in this place need to understand very clearly that we cannot direct the Government to put this money somewhere else, but we can say to them, "Stand by what you have said previously". Stand by what you have said to the industry. Stand by what you said in this same place about the creation of the Canberra Tourism and Events Corporation and the coordinated approach to the promotion of Canberra that must be taken. Stand by those commitments and say, "We will give the support we promised to give to the Canberra tourism industry", because the jobs of young people in Canberra and the jobs of older people in Canberra are reliant upon decent promotion of our city. You have an opportunity here to change your mind on this issue. I urge all members in this place to support this motion.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.39 pm