DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

4 November 1997

Tuesday, 4 November 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 233 residents, requesting that the Assembly enact a Bill that reduces the penalties for assisted suicide performed under certain situations to no more than a $50 fine.

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

Assisted Suicide

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 Assembly to the issue of voluntary euthanasia for the hopelessly ill.
>
> Considering that the Commonwealth *Euthanasia Laws Bill 1997* is law and voluntary euthanasia is therefore not permitted in the Australian Capital Territory, then your petitioners request the Assembly enact a bill that reduces the penalties for assisted suicide performed under certain situations to no more than a $50 fine.

Petition received.

AUTHORITY TO BROADCAST PROCEEDINGS

MR SPEAKER: I wish to inform members that, in accordance with the Legislative Assembly (Broadcasting of Proceedings) Act, I have authorised that the proceedings of the Assembly be reticulated into specified government offices. On each side of the chamber there are lights located adjacent to the timing clocks to indicate who may be listening to the proceedings. When the red light is on, it indicates that the proceedings are being reticulated throughout this building and also to specified government offices. When the yellow light is on, it indicates that the proceedings can be broadcast by the media to the public.

DEATH OF EMERITUS PROFESSOR DOUGLAS WHALAN, AM

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

> That the Assembly expresses its deep regret at the death of Emeritus Professor Douglas Whalan, AM, who, as legal adviser to the Assembly's Standing Committee on Scrutiny of Bills and Subordinate Legislation since self-government, made a significant contribution to Canberra, and tenders its profound sympathy to his wife and family in their bereavement.

Mr Speaker, it was with much sadness that I and other members of the Assembly learnt of the death of Professor Doug Whalan recently at the age of 68. I rise here today, on behalf of the ACT Government, to pay tribute to the great contribution that Professor Whalan made to the good governance of the ACT.

Professor Whalan came to Australia from New Zealand in 1966. He first settled in Canberra, taking a position as a senior fellow in the Institute of Advanced Studies at the Australian National University. After a year he took a chair in law at the University of Queensland, where he remained until 1973, when he returned to Canberra and the Australian National University to hold a chair in law. Professor Whalan retired as the legal adviser to the Standing Committee on Scrutiny of Bills in late September this year, having served the committee since 1990. Sadly, he died soon afterwards, on 10 October 1997, after a battle with cancer.

Professor Whalan served this Assembly and the people of the ACT diligently and with absolute professionalism. He was probably the only person who could claim to have read every piece of ACT legislation, including subordinate legislation - a prospect most of us would find, to put it mildly, daunting. However, it was a task which Professor Whalan actually enjoyed and to which he turned his meticulous eye for detail and his very rare skills. In his scrutiny of legislation he was conscious of the need to ensure that legislation did not impinge unnecessarily on the rights of individuals and that its application was fair and unambiguous. All of us, at one point or another, were indebted to Professor Whalan for the advice he gave, the help he provided and his commitment to good governance.

For 15 years, Mr Speaker, Professor Whalan also served as legal adviser to the Senate Standing Committee on Regulations and Ordinances. I think it is appropriate that we are able to reflect on the strength that was derived for the ACT's scrutiny of Bills process by sharing that resource with the Australian Senate. In the inaugural phase of the Scrutiny of Bills Committee's work, it certainly assisted in establishing a strong link with practice in another important parliament. Professor Whalan was the deserving recipient of the award of Member of the Order of Australia for his service to parliament. I know that he showed great respect for all the members of this Assembly who were not lawyers. He was adept at putting legal concepts into plain English for the benefit of members. This ability is reflected in the clarity of the committee's reports.

I say, on a personal level, that Professor Whalan was a man blessed with a good heart and a lively sense of humour. Regrettably, many of the witticisms which appeared in his reports as drafted for the Scrutiny of Bills Committee were removed before those reports were tabled in this place, but members who enjoyed his good humour in that committee will not forget it. He will be missed not only for his professional skills but also for his personal attributes - the courtesy and humour that he brought to his parliamentary work.

He is survived by his wife, Elizabeth; daughter, Pam; son, Comus; and two grandchildren. I am sure that all members will join with me in expressing our deep sympathy to Professor Whalan's family and friends and in acknowledging his distinguished service to parliament and his fine academic career. I am sure I speak for all members in saying that we will all miss him very much.

MR WOOD: Mr Speaker, it is with sadness that I support this motion of condolence. Professor Whalan was an outstanding servant of this Assembly. We were very fortunate in the first year of self-government to gain his services as a legal adviser to the Scrutiny of Bills Committee. He was even then regarded as the most eminent in this field in Australia, and in the novice Assembly members certainly needed his advice.

For nearly nine years Professor Whalan guided us in the preparation of legislation and delegated legislation that had a high degree of technical excellence. He guided this Assembly; but, of no less importance, he guided those bureaucrats who prepared the material. At a recent meeting he expressed confidence that the quality of work was always improving; that comments that the committee had persistently made were acknowledged by those who were preparing the material. When we consider the number of laws that have been passed over the years and the volume of delegated legislation, we can understand the enormous amount of work, quality work, that he accomplished. I repeat that the education of members and of bureaucrats is of great importance. All this work was undertaken with efficiency and our meetings, though serious, were always enjoyable, due largely to Professor Whalan's high spirits and good humour. He was respected and he was much liked by all in this Assembly and beyond, and we will miss him.

I join in expressing our condolence to Mrs Whalan and her family. I know the great loss to them, but they may be comforted by the knowledge that Professor Whalan was much admired and respected.

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

DISCHARGE OF ORDERS OF THE DAY

MR HUMPHRIES (Attorney-General) (10.39): Mr Speaker, I seek leave to move a motion to discharge certain orders of the day standing on the notice paper.

Leave granted.

MR HUMPHRIES: Mr Speaker, I am not sure whether the circulated motion indicates appropriately that the orders of the day in the second paragraph are orders of the day under private members business, so I seek leave to amend the motion by inserting after "Nos 4, 6, 7, 21 and 26" the words "private members business".

Leave granted.

MR HUMPHRIES: Mr Speaker, I move:

> That the following orders of the day be discharged from the notice paper:
>
> > Nos 44 to 63, Executive business, relating to the Paper on National Anti-Crime Strategy, the Implementation Report on Urban Design for Crime Prevention and Community Safety, Public Environment Reports under the Land (Planning and Environment) Act, the Review of the Electoral Legislation, the Exposure Draft of the Mediation Legislation, the Paper on the Use of Chemicals on Pest Plant and Pest Animals, the Ministerial Statement on Exhibition Park, the Heroin Pilot Task Force Report, the Ministerial Statement on the Implications for the ACT of the Federal Budget 1996-97, the Government's Response to the Community Law Reform Committee Report No. 9 on Domestic Violence, the Paper on the Review of the ACT Planning Functions and Structures, the Government's Response to the 1995 State of the Environment Report, the Paper on the Building and Development Application Processes Reform, the Autumn 1996 and Spring 1995 Sittings Legislation Programs, Ownership Agreements, the Financial Management Report for the period ending 31 October 1996, the Autumn Sittings 1997 Legislation Program, the Financial Management Report for the period ending 31 December 1996 and the 1996-97 Declarations and Directions for 1996-97 Annual Reports, respectively; and

Nos 4, 6, 17, 21 and 26, private members business, relating to Mandatory Reporting, a proposed Government inquiry into Sport and PE Programs, authorisation of publication of Woden Plaza Car Park documents, the Territory Plan Variation Bill 1997 and the Liquor Trading Restrictions, respectively.

This motion is designed to remove from the notice paper a large number of orders of the day which are redundant and which clearly will not be dealt with by the end of this year. Obviously, at the end of this year the notice paper will be purged anyway, before the beginning of the Fourth Assembly; but in order to save a little on paper it would be appropriate to reduce now the number of redundant matters which lie on the notice paper. The list which is before the Assembly is a compilation of matters suggested by members of the Opposition and crossbenchers and Government matters which are also no longer relevant. I commend the motion to the Assembly.

Question resolved in the affirmative.

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

MR WOOD: Mr Speaker, I present Report No. 15 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on that report.

Leave granted.

MR WOOD: Mr Speaker, the committee reports on a number of Bills which will soon come before the Assembly. Indeed, one - the University of Canberra (Transfer) Bill 1997 - is the first order of the day on our daily program. The committee comments that there may be problems with the approach taken; that only a legislative statute made by the university will be disallowable by the Assembly. The Minister, I trust, will be able to respond during the debate, though I acknowledge that he does not have much time in which to do that.

The committee raises a number of concerns about aspects of the Crimes (Assisted Suicide) Bill, including the concern that it appears to permit public officers to dispense with the operation of the law in favour of particular individuals. In commenting on other Bills, the committee again raises questions about the provisions for the review of decisions. This matter of review provisions generally is one which may require some further broad consideration.

PAYROLL TAX (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.43): I ask for leave to present the Payroll Tax (Amendment) Bill 1997.

Leave granted.

MRS CARNELL: I present the Payroll Tax (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Payroll Tax Act 1987 to provide as "wages", for payroll tax purposes, all employer-funded superannuation contributions. The Act defines wages to include "other benefits", which, since the judgment in CPS Credit Union Co-Operative (ACT) Ltd v. Commissioner for ACT Revenue (AAT 1994), has been interpreted as including a payment to a superannuation fund by an employer.

By administrative arrangement, these payments, for payroll tax liability purposes, were limited to superannuation contributions by employers that were a substitute for direct salary. This was in line with government policy prior to July 1996. On 24 June 1996 the Government announced the extension of the payroll tax base to cover all employer-funded superannuation contributions from 1 July 1996. In conjunction with the extension of the payroll tax base, the Government also reduced the payroll tax rate from 7 per cent to 6.85 per cent. These measures were consistent with those taken in New South Wales. However, New South Wales has specifically included these types of payments within its Payroll Tax Act. Recently, Mr Speaker, issues raised by taxpayers and their representatives indicate that the ACT's reliance on the 1994 AAT case previously referred to may be misplaced. Judgments in the Supreme Court of New South Wales and Victoria have raised doubts on the ACT's ability to legally enforce the taxation of employer-funded superannuation contributions post 1 July 1996 pursuant to the Act.

Mr Speaker, this legislative weakness may have a significant adverse financial impact on the ACT. A minimum superannuation contributory rate of 6 per cent, based on the Federal superannuation guarantee charge, on 1996-97 payroll tax collections of $110m would represent a possible threat to the Territory's revenue collection for that financial year of $6.6m, plus interest, and possibly even higher for following financial years. Mr Speaker, to protect the past revenue legitimately collected in accordance with government policy and for the ongoing stability of the Territory's revenue base, the Government has been left with no alternative but to legislate to validate past revenue collections and, by doing so, ensure that the ACT is able to provide adequately for its ongoing social and economic programs. The Bill, Mr Speaker, therefore also proposes to address this potential threat to ACT revenue by validating tax paid on employer-funded superannuation payments, with effect from 1 July 1996.

In conclusion, Mr Speaker, I believe it is important to point out that the Bill addresses a weakness in the legislation and, by doing so, protects the Territory's financial situation. The Bill proposes no additional regulatory or financial burden on any of the ACT's 1,800 or so payroll tax payers who have been correctly complying with their payroll tax obligations in line with the Government's announced policy.

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

UNIVERSITY OF CANBERRA (TRANSFER) BILL 1997

Debate resumed from 23 September 1997, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MS McRAE (10.48): The Opposition welcomes this Bill. It has been in the pipeline for a long time and is nothing untoward in the pattern of what is happening in the Assembly. It is very much a mark of our maturity as a community that progressively all the powers that are normally given to the States are being given to us and we are being treated in the same way as any State in Australia is. In fact, I think the University of Canberra is one of the last universities to come back under the aegis of the State level of government.

This is a time of major change in the tertiary education sector. Whilst this Bill moves the University of Canberra into ACT control, it does not instantly solve, nor should it be misinterpreted as a Bill that allows us to solve, any of the quite serious problems being caused in the tertiary sector by Federal Government policy rather than State policy. But it does give us a far greater opportunity to enter into dialogue and to enter far more closely into the day-to-day running of the University of Canberra and to build on the initiatives and changes that have to happen.

The ACT has for a long time had excellent service from the University of Canberra, or the CCAE as it was known before that. The CCAE and UCAN have both excelled at drawing in students from all over the world but have never diminished their services to the community or to their Australian-born students whilst doing that. We have in the ACT a university that we can be well proud of. This provision gives us a far better and more formal process by which the Assembly, and therefore the people of Canberra, can scrutinise the activity of the university. Ten of the members of the board of management can have a direct say and a direct involvement in the management of the university. In fact, the Bill streamlines the relationship with both the Assembly and the people of Canberra so that the very effective service that this university has long provided in the ACT can be made even better.

I gather that Mr Moore has found a provision which may present a little difficulty. We will debate that when we get to the detail stage; but for the moment, at the in-principle stage, the Opposition supports this Bill.

MR MOORE (10.51): Mr Speaker, I rise to support this legislation in principle. It is an interesting piece of legislation that provides for the appropriate transfer of the University of Canberra to the ACT. My understanding is that we are all supportive of that. Only in going back over the legislation in the last few hours have we identified a problem with clause 31. That hoary old chestnut Henry VIII has come to visit us again. Clause 31 is a Henry VIII clause, a clause that gives the Executive power to change legislation that the Assembly has passed. I think this is entirely inappropriate. Clause 31 reads:

> The Executive may make regulations amending the provisions of this Act ...

A clause that provides that the Executive may amend an Act we pass is known as a Henry VIII clause. Although this power is confined specifically to matters consequential upon the transfer of responsibility for the university from the Commonwealth - I do understand that it is very narrow in its application - it is an inappropriate power. Worse than that is the fact that it also applies to any other Act. The clause states:

> The Executive may make regulations amending the provisions of this Act (other than this section), the University of Canberra Act 1989 or any other Act in relation to any matter ...

Mr Speaker, I will be circulating an amendment to omit the clause and replace it with a standard clause providing that the Executive may make regulations for the purposes of this Act. The standard clause means that regulations must be made consistent with the Act. Those regulations would then be subject to the Subordinate Laws Act. This is an issue I am surprised the Scrutiny of Bills Committee did not pick up. It has been the practice of the Scrutiny of Bills Committee to identify for us issues such as the Henry VIII clause. I am pleased that my office picked this up so that I can draw it to your attention. I believe that the rest of the Bill is positive. If people want a little more time to look at my amendment, I am happy for this debate to be adjourned to a later hour today if that is the best way to deal with it. I think it is an issue that is worth dealing with.

MR STEFANIAK (Minister for Education and Training) (10.55), in reply: I thank members for their comments and their support for the Bill. Officers of the Attorney-General's Department are currently looking at the matters raised by the Scrutiny of Bills Committee, and the Government will be supporting Mr Moore's amendment, which we accept is probably a more appropriate form of words than that in the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

STATUTORY APPOINTMENTS (AMENDMENT) BILL 1997

Debate resumed from 25 September 1997, on motion by **Mrs Carnell**:

> That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (10.56): Mr Speaker, this legislation seeks to remedy a perceived problem with the appointment of justices of the peace. It appears that the reason for the perceived problem is that appointments of justices of the peace were not circulated to the relevant committee and that, because of due process not being strictly followed, those appointments might be in question. I note that in the presentation speech the Chief Minister drew attention to the uncertainty of the official acts of the justices of the peace arising from this question. She said:

> While this uncertainty may be capable of being remedied administratively, it is preferable to amend the Statutory Appointments Act to put the matter beyond doubt.

If the Government were to pursue that course and resolve the uncertainty by administrative action, then that could be an acceptable course. An alternative proposal I have discussed with Mr Moore involves a further amendment to these amendments administratively clarifying the position in relation to justices of the peace who have been appointed up to this point and retrospectively resolving any question about the validity of their appointment or any actions that they have taken as a consequence of their appointment in accordance with their role. I now see that Mr Moore has circulated his amendments. Those amendments would clear up the retrospective issue, but future appointments of justices of the peace would be subject to the rules which, inadvertently, apparently have not been followed to this point. Those procedures would apply to all future appointments of justices of the peace.

The Opposition are prepared to oppose the Statutory Appointments (Amendment) Bill and allow the Government to resolve the matter administratively. However, I have been told that there was some legal advice that there might be a problem about the administrative arrangement. I have not seen the legal advice, so I am a little nervous about the Minister's comment that the problem would be capable of being remedied administratively. The legal advice lurking in the background troubles me somewhat. If the Government is not prepared to deal with this matter administratively, then the Opposition will support the course proposed by Mr Moore in relation to these statutory appointments. We think that is a way of resolving the issue and settling all questions which might apply in relation to the matter. Mr Speaker, I will resume my seat at this point, and I would like to hear what the Government has to say about the issues I have raised.

MR MOORE (11.00): Mr Speaker, when I originally introduced the Statutory Appointments Bill some years ago, I was very interested in assessing how it would go for some time, before taking it to what I think is its ultimate and applying it to the appointment of the judiciary. I believe that the appointment of the judiciary should also be subject to the Statutory Appointments Act. I realised at the time that that would not have support from the majority of members of the Assembly. That being the case, I accepted that it was far better to put up a winnable piece of legislation than a piece of legislation that would be in conflict. That is part of the round table negotiations that go on on many occasions in this Assembly.

Mr Speaker, I am very comfortable about the notion of justices of the peace being subject to the Statutory Appointments Act. Clearly, there has been an oversight - an understandable oversight, I must say - that now needs correction. I, too, would have been happy not to have dealt with the amendment Bill at all but rather to have done this in an administrative way. But now that the legislation is on the table, and I have circulated amendments to it, we can resolve the doubt over the appointment of people who are already JPs and ensure that they are recognised as JPs. Then the Statutory Appointments Act will apply to any further appointments. It is not difficult, and it does not cause a huge amount of problem. All it means is that the Minister refers the list of names of people who have applied to be JPs to the Legal Affairs Committee, that being the appropriate committee of the Assembly. The names will be considered and the Minister will table them. It is not a particularly difficult process to follow.

The process, as far as I can see, has never been abused. It has been used particularly effectively in this Assembly. A number of issues have arisen from appointments. One that I particularly remember discussing with Mr Humphries was outside the purview of the Act. Mr Humphries had asked for an opinion, as he often does, on an appointment to one of his own advisory committees, as I recall it. It might have been the Law Reform Committee. That was dealt with in a very sensible and rational way. I think that appointments made under the Statutory Appointments Act have also been dealt with very sensibly by this Assembly and I would hope that that process continues.

MR HUMPHRIES (Attorney-General) (11.03): Mr Speaker, let me comment on the points that have been raised in this place about this Bill. Mr Berry indicates that his preference, if I understand it correctly, would be that the Government should - - -

Mr Berry: "Ambivalence" would better describe it.

MR HUMPHRIES: He said on the record that the Opposition would be prepared to oppose this Bill if it meant that the Government could go away and deal with this administratively. If I got up here and said that the Government will attempt to do this administratively, then presumably Mr Berry and his party would vote against the legislation.

Mr Berry: Mention what I said about the legal advice that I have not seen yet.

MR HUMPHRIES: Until you rose to speak, you had not asked for legal advice. This Bill has been on the table since 25 September, six weeks ago, and you have not asked for legal advice before today. Not surprisingly, as the debate is just about to conclude, I do not have it with me. I am not even sure that the advice is in writing.

Mr Berry: You said in the speech that it could be resolved administratively.

MR HUMPHRIES: No, we did not say that. We said:

> While this uncertainty may be capable of being remedied administratively, it is preferable to amend the Statutory Appointments Act ...

I am a bit confused about the Labor Party's position. We had a debate only a few months ago about some determinations of fees made under health legislation in which precisely the same issue arose, and there was doubt about whether the problem could be fixed retrospectively. In that case Mr Berry insisted that the problem be fixed by legislation, not administratively. In that case the Government proposed to fix the problem administratively and Mr Berry said, "No, no, no. It must be done by legislation". Now he says, "Why are you bringing legislation before this place? Go away and fix it administratively". It was partly because of Mr Berry's approach on that other issue that the Government brought this matter before the Assembly. This is a sign that the Labor Party is just opposing for opposing's sake. It is the sort of thing we have seen picked up time and time again. We are going to see lots more of it, I suspect, in the final four weeks of sitting of this term of the parliament.

I turn to the more sensible comments made by Mr Moore. Mr Moore agrees that we should validate, in effect, the appointments of JPs in the past; that we should allow JPs who have been appointed previously to have their appointments and the acts that they have performed validated by this legislation. But he raises the question that henceforth JP appointments should be referred to the appropriate committee - I assume that it would be Mr Osborne's Legal Affairs Committee - for approval.

Mr Speaker, I have indicated that the Government will not oppose the amendments. We are prepared to see how they work out. I simply inject a note of caution. Clearly, it was not envisaged by either this Government or the previous Government that JPs would be subject to the Act. Neither Mr Connolly nor I have ever taken a step before now to refer appointments of JPs to an Assembly committee. It was obviously the view, taken administratively probably but by the agents of the governments of the time, that JPs were not intended to be caught by the legislation. If we now say that JPs should be, we are expecting the names of those people who are performing jobs out in the community as servants of the community rather than of government or an agency of government to have their names put before the Assembly. I imagine most would not baulk at that development. Most would be content to have their names put before an Assembly committee. Some might even be flattered by that or feel more important because of it, but some might not. I am just a little wary about some people being unwilling to have their names put before a public process of scrutiny by a parliamentary committee before their names go forward, but perhaps that is not a significant problem. I really do not know, to be frank.

I am also wondering where this principle leads us with other legislation. Mr Speaker, we have other situations where, in essence, governments appoint people to perform roles in a sense to serve the community rather than to serve the government. I cannot think of any off the top of my head at the moment. I recall that, until we recently amended it, the original Mediation Bill that was before this house proposed that the Minister appoint mediators. This is a similar situation. It would be unfortunate if, because the Minister was appointing mediators who acted out in the community for individual clients in essence, the Government had to bring the names of those mediators before a parliamentary committee. Off the top of my head, I cannot think of any other cases where that principle applies. I have only just seen these amendments, but I would hope that we would not get to the position that any appointment by a Minister relating to positions out in the broader community ended up being caught by this process of having to be brought before a parliamentary committee. That would be an unfortunate development.

However, since I cannot point to any particular appointments which are going to be a problem, I will not oppose the amendments. Unlike the Labor Party, we do not oppose for opposition's sake. We will support the amendments, but I sound a note of caution. We will have to monitor this situation and, if, for example, we find individuals saying, "Yes, I want to be a JP, but I do not really want to have my name dragged through the public process of a parliamentary committee", then it may be that we have to revisit this issue.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (11.10), by leave: Mr Speaker, I move the following amendments together:

Page 2, line 1, clause 4, omit the clause.

Page 2, line 7, clause 5, omit the clause.

Page 2, after clause 5, add the following proposed new clause:

"Application

6. The Principal Act is amended by inserting after section 3 the following new section:

> **3A.** This Act does not apply, and shall be taken never to have applied, to an appointment under subsection 3(1) of the *Justices of the Peace Act 1989* which was made prior to the commencement of the *Statutory Appointments (Amendment) Act 1997*.".

These amendments correct the problem that Mr Humphries was trying to correct, and from now on the Statutory Appointments Act will apply to the appointment of JPs. In other words, the appointment of JPs will go to the Legal Affairs Committee, the committee currently chaired by Mr Osborne, and then will be subject to disallowance in the Assembly.

Mr Humphries, in the in-principle stage, raised the concern that we would need to monitor this and see how many people say that they do not want to be put through the scrutiny of a parliamentary committee. The scrutiny of parliamentary committees so far has not caused anybody any anguish. Indeed, this was the same concern that was raised when the legislation went through. At that stage, as I recall, Mr Humphries -certainly in private, if not publicly - was saying that we were going to have to monitor this very carefully, although he was a supporter of the legislation. I think that is correct, Mr Speaker. We should monitor all our processes very carefully and, if we can improve them then we ought to do it. This process is part and parcel of this Assembly but, I believe, not any other parliament in Australia. However, only yesterday I gave a copy of the Statutory Appointments Act to a member of the South Australian Parliament who was very interested in the process, and it may well be that we see this sort of legislation copied in other places.

Mr Speaker, these amendments are a sensible way to overcome the concern that Mr Humphries has about whether JPs appointed over the past few years were appointed validly. They resolve that problem and ensure that in future appointments will be made consistent with this legislation.

MR BERRY (Leader of the Opposition) (11.12): Mr Speaker, I would like to respond to a few of the comments that Mr Humphries made in relation to Labor's position on this Bill. The Minister seemed a little confused about the Government's position in the past. He did raise the issue of the health fees imbroglio when the Government said that it could fix things administratively retrospectively. Now Mr Humphries seems to be saying that, whilst he said in his speech - and I will quote it correctly so I am not challenged - that it "may be capable of being remedied administratively", he has legal advice that says that it cannot be. The Government has had two positions in relation to dealing with issues retrospectively.

Mr Humphries: I did not say that. They are different Bills.

MR BERRY: Now Mr Humphries says that they are different Bills. One certainly was about millions of dollars and this is about the administrative actions of certain JPs. At one point Mr Moore was prepared to accept the words of the Minister in his speech that it was capable of being remedied administratively - - -

Mr Humphries: I said "may be capable".

MR BERRY: Okay; it may be capable of being remedied. Why did you say that, Minister, if you had legal advice that said it could not be? One thing that is clear is that the Minister is confused about what has happened in the past and what his position actually is in relation to this matter. He says one thing in a speech and then argues against it. I am not prepared to muck about anymore with the Government's toing-and-froing on the issue. Mr Moore's position resolves the thing once and for all, and we will be supporting the proposal put forward by Mr Moore. That will be the end of the matter.

If there is any question about a change in approach to the way we deal with justices of the peace, that will require another amendment to be moved to address that issue. There is no doubt that the Act in its original form covered justices of the peace. There has not been a move to change the Act in its application to justices of the peace, except for that which is now proposed by the Government. Mr Moore's amendments resolve the situation once and for all and will therefore be supported. I am pleased to see that the Government will now support that course. It becomes a solution to a problem which really was not much of a problem at all, it seems.

MR HUMPHRIES (Attorney-General) (11.16): Mr Speaker, the stupidity displayed by the Leader of the Opposition is quite mind boggling. How a man who purports to be the next Chief Minister of the ACT could rise to make these sorts of stupid comments is quite beyond me. I did not say at any stage that the problem was certainly capable of being fixed administratively. I said that it may be capable of being fixed in that way. For the benefit of members, I will table the advice I have received on this subject from Ms Anna Lennon, executive director of - - -

Mr Berry: So it may not be capable of being remedied administratively?

MR HUMPHRIES: I have said that. I said that in my speech. Read my speech, Mr Berry. It is very clear.

Mr Berry: "May be" or "may not be"?

MR HUMPHRIES: It is there. Read it. Read the words. Read them yourself. The speech states:

> While this uncertainty may be capable of being remedied ...

It says "may". I table the advice on which that is based. It is clear that there is an ambiguity about it. The recommendation to me was, "It might be fixed in this way but, to be sure, fix the legislation". That was the advice to me. Mr Berry has compared this with the approach taken by the Government on the determination of health fees. Let me point out to Mr Berry, for his no doubt considerable edification, that the determination being debated there was a piece of subordinate legislation. The matter which is being corrected here is a piece of legislation. Vastly different principles apply to their operation.

In the case of the determination, the subordinate legislation, the Government was advised that the problem could be fixed by a further determination and proposed to do that. Mr Berry said that there was ambiguity or doubt about the matter - go back and look at your remarks, Mr Berry - and rose in this place quite agitated and said, "We must fix this by legislation at the first possible opportunity. Nothing should stop this from being fixed immediately by this device". He carried on like a two-bob watch. We fixed that problem by legislation, as he wanted. With this problem, where we had a similar issue of uncertainty, we decided to do precisely the same thing as Mr Berry recommended. We said, "Mr Berry thinks that we should fix these problems by legislation. Okay, let us not cause any fights. We will fix it by legislation". When we bring that legislation before this place, Mr Berry says, "You should have done this by administrative action. You should not be bringing legislation for this before this place".

Mr Berry: I accepted you at your word. That was a mistake.

MR HUMPHRIES: Mr Berry, if you propose to lead the ACT by that sort of standard, heaven help the people of the ACT after 21 February next year. That is all I can say.

Before I resume my seat, I think it is worth noting that the Opposition obviously wants to support the amendments. They claim that it was never intended that the Statutory Appointments Act should not apply to JPs. If that was the case, why did Mr Connolly not use the Statutory Appointments Act to appoint JPs?

Mr Berry: I do not know. Go over to the courts and ask him.

MR HUMPHRIES: Perhaps we should. I suspect that the reality is that he never imagined, as I never imagined before this point, that the Act was meant to apply to JPs. Mr Moore, who was the author of the Bill - note, Mr Whitecross, that Mr Moore was the author of the Bill, not I - obviously believes that it was intended to apply to JPs. That is now being fixed up.

But the point is worth noting that the Labor Party support the extension of this legislation, as they have supported every amendment that has come before the house. In each case they support the extension of the power to scrutinise appointments. But in 1994 they opposed this legislation with extreme vigour. They were utterly opposed to the idea of the Assembly and its committees having the power to scrutinise appointments made by governments. I have quoted before the things that Mr Connolly said at the time about how repugnant to the idea of executive government making decisions this was. I think the Labor Party ought to ask themselves whether their position is based on any consistent principle that has been worked through and followed from time to time in the same way or whether it is based on political expediency.

MR BERRY (Leader of the Opposition) (11.20): I will tell you what it is based on. It is based on people moving on. The decision was made for this Assembly to have this sort of scrutiny of appointments.

Mr Humphries: Which you opposed.

MR BERRY: Indeed, it was opposed by the Labor Party; but we are not saying, "The war is not over yet, because we have not stopped fighting". The fact of the matter is that the Assembly decided that that was the course that we were going to take. If there is a need to reverse it, then something will be put forward to do it. That is the course that has been supported by the majority in this Assembly, and the Labor Party have not been capable of changing it, even if they decided to do so - and they have not. Let us put that issue to rest, for a start.

The next thing that Mr Humphries raised was the uncertainty about anything he says in his speeches. I think it is very clear that Mr Humphries cannot be taken at his word in his speeches. I guess that is my fault. In discussions with my office, the offices of others were not prepared to accept the words of Mr Humphries that it may be capable of being remedied administratively; but I am quite happy now that Mr Moore has come forward with amendments, because they resolve the matter once and for all and they will be supported.

MR WHITECROSS (11.22): Mr Speaker, I rise to pick up one thing that the Minister had to say in relation to this Bill. I am interested that the Minister is so desperate to ensure that Mr Moore gets the credit for the Statutory Appointments Bill and tries to make out that the Liberal Party had nothing to do with it, whereas of course the Liberal Party supported it. It is ironic that the Minister should attack the Labor Party for accepting the decision of the Assembly to go down the path of statutory appointments and try to apply the rules set down in the Statutory Appointments Bill consistently, while the Minister on the other hand, having supported the Bill in the first place, now seeks to get exemptions from the Bill for statutory appointments which he thinks should not be covered by the legislation.

Mr Speaker, I think the Labor Party's position is a sensible one. We say, "Yes, we did have some strong reservations about the legislation; but the legislation has been passed, it still enjoys the confidence of the majority of the Assembly and our intention is to ensure that it works properly". The irony of Mr Humphries's remarks is that, having supported the Statutory Appointments Bill and argued that statutory appointments should all be referred to an Assembly committee for appropriate review, he is now arguing that some people might be inhibited from accepting statutory appointments because they do not want their names dragged through an Assembly committee. I think that is a pretty extraordinary concession by the Minister, given the force with which the Liberal Party supported this legislation in the first place. The fact is that it was always the result of the Statutory Appointments Bill that people who accepted statutory appointments would have their names subject to some sort of committee scrutiny.

I think it amazing that the Minister now thinks that he has found a category of statutory appointees that would not like having their names referred to a committee, while all the other statutory appointments would want their names sent to a committee. If we are going to have a Statutory Appointments Act which provides for Assembly scrutiny of statutory appointments, then it has to be applied consistently. We have to accept the policy benefits of having names referred to committees. If that causes some discomfort to some people who are receiving statutory appointments, then we have to accept that that is the price we pay for the policy decision of this Assembly to have those statutory appointments referred to committees. The Government have chosen a path to go down for confirmation of appointments. As Mr Berry has said, it may or may not have been necessary, but the Government have chosen the path. Mr Moore's amendments ensure that protections are there in relation to the people who have already been appointed, apparently in error.

MR HUMPHRIES (Attorney-General) (11.25): At the risk of having to dispel what is already an obviously easily dispelled notion, I want to put a couple of things on the record. I have not backed away from the legislation one iota. I support this legislation, as I supported it in 1994. I have been consistent on that, unlike the Labor Party. When I pointed out that it was Mr Moore's Bill, I was responding to an interjection from Mr Whitecross, which he has not cared to repeat in this debate, that the Bill was my Bill.

Mr Whitecross: You supported the legislation. You cannot back away from it.

MR HUMPHRIES: I am not trying to. I support the legislation. It is great legislation and we support it all the way. We have always supported it, unlike you lot over there.

Mr Whitecross: Now you are trying to pedal away.

MR HUMPHRIES: Mr Speaker, can I be allowed to make some comments here?

MR SPEAKER: I do not know why you do not all go outside and have a talk about it among yourselves. Mr Humphries has the floor.

MR HUMPHRIES: Mr Whitecross interjected that it was my Bill. Mr Whitecross has since discovered, by going back and checking, that it is not my Bill. It was originally Mr Moore's Bill, but we of course fully support it.

Mr Berry: Except for JPs.

MR HUMPHRIES: Mr Speaker, I followed the same policy that the Labor Party followed. Again, consistency is a bit of a problem for the Labor Party. If you people believe that JPs should have been caught by the Statutory Appointments Act, why did you not refer any appointments of JPs while you were in office to - - -

Mr Whitecross: I did not appoint any.

MR HUMPHRIES: But your party did.

Mr Berry: I never appointed any.

MR HUMPHRIES: But your party did. You were collectively part of a government. You were responsible for the actions of your government. We think you should have been. I know there are some things you would not like to be responsible for - things like Mr Berry's VITAB decision. You would not want to be responsible for that. You would be saying, "Keep well away from that one. If we are paying overtime to our staff, we do not want to be responsible for what other members might be doing on that score either - no, no, no".

But, generally speaking, most governments operate - if I can give you some advice - on the basis that we collectively take responsibility for matters. You try collectively to share the burdens of government. We on this side of the house collectively support the Statutory Appointments Act and we support the extension in this case, because we intend to support Mr Moore's amendments. I simply express the same concerns that have been expressed by the Labor Party in the past - that we have to make sure that people have the opportunity not to be dissuaded from serving in public offices because of the process of scrutiny which is entailed in this Bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL (NO. 3) 1997

Debate resumed from 23 September 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (11.29): Mr Speaker, I rise on behalf of the Labor Opposition to indicate that we will be supporting this legislation. The effect of the legislation is to allow Territory-owned corporations to borrow money from the Territory, through the Territory taking advantage of its preferred status in the credit market to obtain funds at a cheaper rate than a Territory-owned corporation could in its own right. I am advised that the benefit of doing so does not accrue to the Territory-owned corporation because the savings will not be passed on to the corporation; they will be retained in the Central Financing Unit as additional revenue for the Territory to help pay for all the good things that the Territory would like to do. This legislation is, effectively, ensuring that a margin, which was indicated to me as being 0.2 per cent, will be profit for the Territory rather than profit for a private financial institution.

Mr Speaker, this legislation modifies the previous arrangements under which a Territory-owned corporation could raise funds on the market with the approval of the Treasurer or, alternatively, could raise funds through the Territory provided there was an appropriation to support the raising of funds by the Territory for the corporation.

That arrangement, of course, related to previous financial arrangements about how governments operated which predated the idea of Territory-owned corporations. I think the amendments are sensible because they acknowledge the reality that, if a Territory-owned corporation did go out and raise funds on the market in its own right, with the approval of the Treasurer, and if the corporation subsequently defaulted on its repayments, the Territory would be expected to bail it out anyway, even if that was not, strictly speaking, legally required.

Mr Speaker, I think that we have made progress in relation to this matter. It is a clever little ploy by the Office of Financial Management to make a little bit of extra revenue on the way through, and I, for one, do not object to the Territory raising revenue. It is interesting, however, that this additional revenue-raising capacity would not be of much benefit to the Territory - indeed, may not even be necessary - were it not for the fact that the Government has chosen to extract a $100m extraordinary dividend from the Territory in the current financial year, which is forcing ACTEW to borrow.

It is interesting to note the remarks of Mr Service, the chair of the board of ACTEW, at the Estimates Committee meeting last Friday when he said:

> ACTEW is lucky that it has inherited something that has been built up over a very long period of time which is an almost debt-free situation. We have a capital structure that is quite unlike most of our competitors'; very little reliance on debt.

Interestingly, Mr Service seemed to regard having very little reliance on debt as being a virtue, whereas the Chief Minister has consistently said that it was a major problem for ACTEW that it was not in debt enough and that ACTEW really had to go into hock a bit more and owe a lot more people a lot more money to improve its financial position.

Price Waterhouse, in commenting on ACTEW the other day in some public discussions about competition in the electricity market, indicated that one of the benefits for ACTEW of entering a competitive electricity market was that it had a low level of debt and, therefore, was well cashed up to compete in a national electricity market. It is interesting to contrast that with the Chief Minister's consistent remarks that it is a major problem that ACTEW is not in hock enough and does not owe enough people enough money and that if only it owed a lot of financial institutions a couple of hundred million dollars everything would be much better off.

Mr Service went on in his remarks at the Estimates Committee meeting to indicate that there was a very definite limit to how much debt ACTEW could really cope with before it got into trouble and before its capacity to compete in the electricity market was severely compromised. In fact, he said:

> ... where the precise point is, whether it is $150m or $220m, I do not know, we would have to do some work on that.

When you add the $100m we are taking this year to the cost of the light poles next year, which is another $100m, you get dangerously close to the kind of sum that Mr Service was saying at the Estimates Committee hearing only last Friday is a problem for ACTEW.

In conclusion, the Government has found a second way of profiting from its profligate decision to take $100m in extraordinary dividends from ACTEW and force it to borrow as a way of disguising the fact that the Government needs to borrow to fund its deficit. Not only is the Government going to take $100m out of ACTEW but also it is profiting on the way through - - -

Mrs Carnell: Mr Speaker, I take a point of order. I am very happy to hear Mr Whitecross give the speech he has given about 10 times before; but, as it is not relevant to the issue that is on the table, maybe you would like to call the member to order.

MR WHITECROSS: Mr Speaker, I know Mrs Carnell does not like the truth being hurled in her face; but, in fact, it is totally relevant because we are talking about borrowing by corporations. The only corporation which wants to borrow is ACTEW and it has to borrow only because Mrs Carnell made it cough up $100m.

Mrs Carnell: On the point of order, Mr Speaker: It is obvious that Mr Whitecross does not know what is in the Bill, because it has nothing at all to do with the $100m in the budget with regard to ACTEW. It is about where ACTEW has a capacity to borrow from, not how much or levels of debt.

MR WHITECROSS: Mr Speaker, Mrs Carnell will get a right of reply in due course.

Mrs Carnell: Mr Speaker, would you like to rule on this?

MR SPEAKER: This is an amendment to the Territory Owned Corporations Act to facilitate direct borrowings by Territory-owned corporations from the Territory without the need for specific appropriation.

MR WHITECROSS: Mr Speaker, in speaking to the point of order, I make the very simple point that it is about how Territory-owned corporations go about raising borrowings. There is only one Territory-owned corporation which is contemplating raising borrowings, and that is ACTEW. It is contemplating raising borrowings only because of Government policy decisions.

MR SPEAKER: The Chair is not aware of that.

MR WHITECROSS: If you listen to my speech, Mr Speaker, you will become aware of it, because it is a very interesting subject.

MR SPEAKER: Only if it is relevant to the legislation.

MR WHITECROSS: It is absolutely relevant to the legislation, Mr Speaker.

MR SPEAKER: The legislation is to facilitate direct borrowings.

Mrs Carnell: Mr Speaker, if you would like me to explain it, I would be very happy to.

MR WHITECROSS: In your right of reply. Mr Speaker, clearly, you have an equivocal attitude on this issue. I suggest that the appropriate course for a Speaker to take in this situation is to let the debate ensue and let people consider the arguments put by different sides in deciding how to vote. Mr Speaker, I have nearly finished my remarks. My remarks are very simple. I have commented on the fact that the only corporation contemplating borrowing at the moment which would take advantage of this legislation if it were passed is ACTEW, because ACTEW is the one which has to borrow to pay a $100m dividend to the Government of this Territory.

My point is this, Mr Speaker: Not only have the Government found out a way of disguising their borrowings by raising their borrowings through ACTEW but also they have indeed found an additional benefit in doing so, which is that they can make a little profit on the way through by raising the borrowings at a discount and lending them on to ACTEW at a higher price so that ACTEW then has to make higher repayments to the Central Financing Unit.

Mr Speaker, we will be supporting the legislation because I would rather see the Territory make this 0.2 per cent than see a private firm make the 0.2 per cent. I simply make the point that it would not be such a pressing matter that the Government is so keen to get passed if it were not for the fact that it will take $100m out of ACTEW this year and is proposing to take $100m next year by the device of selling ACTEW the light poles. This device would not be necessary at all if the Chief Minister were honest with the people of Canberra when she needs to borrow money and actually went out and borrowed it herself as a government, rather than trying to disguise it as borrowings for a corporation which she says benefit the corporation but which Mr Service says weaken the corporation. Mr Speaker, it seems to me that we have an inconsistent position. Mr Service said that the corporation benefited from having a "debt-free situation" and "a capital structure that is quite unlike most of our competitors' ". Price Waterhouse said that that improved ACTEW's position in entering a competitive electricity market. Mr Service said that there would come a point - "whether it is $150m or $220m, I do not know" - when it would become a problem.

Mrs Carnell: He said it is not a problem.

MR WHITECROSS: He says it is not yet a problem but it will be when it comes to finding the next $100m next year, Mr Speaker.

Mrs Carnell: You just misled the Assembly. You said that Mr Service said that it weakened the company, and he did not. You misled the Assembly.

MR WHITECROSS: Mrs Carnell, you are silly beyond belief. What I said was that the $100m does not improve ACTEW's position, contrary to what the Chief Minister has said. Mr Service has said that if they keep on being asked to borrow money it will be a problem. Mr Speaker, all I am saying is that this Bill would not be necessary if the Government were honest and told the people of Canberra, "We do not have enough money to pay our bills; we have to borrow", instead of indulging in this charade of forcing ACTEW to pay dividends and of borrowing money for ACTEW and giving it to ACTEW so that ACTEW can give it back to the Government.

Mr Kaine: I take a point of order, Mr Speaker.

MR WHITECROSS: Notwithstanding all that, the Labor Party will be supporting the legislation.

MR SPEAKER: Order! Sit down, Mr Whitecross. A point of order has been taken.

Mr Kaine: I think Mr Whitecross is stretching the rules of debate in introducing his last argument, which has nothing to do with the legislation that we are debating.

MR SPEAKER: I uphold the point of order. The point is that Mr Whitecross has finished.

MR KAINE (Minister for Urban Services) (11.40): Mr Speaker, the Labor Party is obviously grasping at straws to find some issue on which it can go to the election, because Mr Whitecross says he supports the legislation and then he introduces a whole heap of extraneous and irrelevant issues in order to make some point which has no legs. His point seems to be, if I can sum it up, that the Government wants this legislation to allow ACTEW to borrow money because ACTEW has to borrow money to pay $100m to the Government. That simply is not the fact at all. ACTEW does not need to borrow money to cover the $100m dividend that it paid to the Government recently. There is no justification whatsoever for that assertion.

Mr Whitecross went on to say that, if that is not the case, ACTEW will have to borrow money next year to buy an asset. ACTEW will buy that asset next year if it is a good investment for them to do so, and they may or may not have to borrow money in order to do so. But if they do - and that has not been established yet - Mr Whitecross's argument has no legs because ACTEW has not told me, as one of the two voting shareholders, that they will have to borrow to buy an asset next year. I do not know whether they have told Mr Whitecross, but they have not told me. The point is that, if they do have to borrow, it will be in the nature of a capital investment. They will be spending money on buying an asset from which they expect to get a return. But it is highly speculative - and Mr Service made the point - whether they need to borrow at all and, if so, how much. It depends on what further capital investments they wish to make.

Like any corporation, if they wish to invest in some power generation system, if they want to buy a share in an existing power generation system or if they want to go into a joint venture with some other energy supply system or water supply system or something else, they may need to borrow money to get an equity in that venture. That is what every corporation does. But that is all totally irrelevant to this Bill, which merely allows corporations - not only ACTEW but also ACTTAB and Totalcare - to borrow money without having it appropriated by the Assembly first. That is what this Bill is about. It has nothing to do with how much ACTEW might or might not have to borrow in the future. But Mr Whitecross has entered into a debate on that. As I say, his argument has no legs. There is nothing to substantiate his assertion that ACTEW is necessarily going to have to borrow any money at all next year. I repeat that his argument is totally irrelevant to the legislation that is being debated by the house this morning.

MR OSBORNE (11.44): I do not intend to speak for very long on this Bill. I rise simply to make a couple of observations. Earlier this year when it was revealed that the Government was about to pull $100m out of ACTEW to prop up its budget, a number of concerns about this exercise were raised by members of the Assembly. Among the concerns was that ACTEW would have to borrow the money and that, in effect, the Government was borrowing through the back door by raiding the ACTEW piggy bank. At the time, I raised the point that this was a transparent way of shifting borrowings and said that I feared ACTEW would face higher interest rates than the Government.

During the May Estimates Committee hearings the then chief executive of ACTEW, Mike Sargent, said that the corporation would have to borrow a significant proportion of the $100m at about 8 per cent. However, at the same hearings, my concerns were dismissed by Mr Kaine. I am not disputing the accumulated wisdom of the venerable Trevor Kaine, nee Methuselah, but I ask you: Who knows more about ACTEW - Mr Kaine or the highly paid former chief executive? When Mr Kaine first encountered power, Moses was still floating on the Nile and electricity came in the form of lightning bolts. Thankfully, things have changed a bit since then. The Government also disputed the fact that if ACTEW did borrow the money it would be doing so at a higher interest rate. Well, well, well!

That brings me to today's Bill. The Bill allows a Territory-owned corporation to borrow money through the Office of Financial Management. That ensures the corporations will be able to borrow money at the same rate as the Government. I thought you said that this could already happen. I think, Mr Speaker, that I must have been hearing things and I will need to get my ears checked.

MR MOORE (11.46): Mr Speaker, in rising to support this Bill, which seeks to remove the prohibition on the Territory lending money to a Territory-owned corporation except where specifically appropriated, I would like to make a few comments. It is interesting that we constantly use the word "borrowing". I think it is a very important word because at our Estimates Committee hearings most recently we heard that the Government - which has denied that it did any borrowing in the last budget - has been proven to be incorrect. They did borrow. According to standard Australian accounting standards, they borrowed in their sale and lease-back systems. According to the Auditor-General of the ACT, the system which the Government described as not borrowing - they did not borrow a single dollar - must be described in his terms as borrowing. So, we have had borrowing in the ACT.

MR SPEAKER: Do not go too far into the Estimates Committee hearings, Mr Moore.

MR MOORE: No, certainly not, Mr Speaker.

MR SPEAKER: The report has not been introduced yet, as you would be aware.

MR MOORE: Thank you, Mr Speaker. I am aware of that.

Ms McRae: Mr Speaker, I take a point of order. Anything that is talked about in public hearings can be talked about in the Assembly. Only the deliberations of the committee are private, and they have not been had; so, Mr Speaker, I would say that Mr Moore is entirely in order.

MR SPEAKER: I would still remind Mr Moore to be cautious.

MR MOORE: Thank you for the reminder, Mr Speaker. I will be very careful about that. Ms McRae is right; I was referring only to things that were very public. I also take the Chief Minister's point about relevance and I will draw in that relevance, Mr Speaker, because it does allow Territory-owned corporations effectively to borrow on behalf of the Territory. It is a very simple system. We take a dividend from ACTEW and ACTEW in turn, through the Central Financing Unit, borrows the $100m. We can then say, "Look, we have not borrowed at all. We have taken a dividend from a Territory-owned corporation" - it could apply to other Territory-owned corporations as well - "They are the ones doing the borrowing and we, as a government, have not borrowed a single dollar".

Mr Speaker, I think it is becoming clearer and clearer to the community that adopting that sort of system really is not being completely open and frank. I think it is very important for us to recognise that Australian accounting standards say that this particular system is a form of borrowing and our own Auditor-General says that this specific use of the system could best be described as borrowing; whereas the Chief Minister and others in the Government continue saying, "We are not borrowing" - although, to put it in perspective, I must say that the Auditor-General made the comment after the Chief Minister had insisted that she still had not borrowed a single dollar. I accept that the comments did come in that order during the latest Estimates Committee hearings. But from my observation we are talking about borrowing.

Since we are going to be having government borrowing, let us do it in the cheapest possible way. I think that is where the crunch comes, and that is why I am supporting this Bill. The Government wants to borrow $100m. They can take the dividend from ACTEW and tell ACTEW to go and borrow the money or let ACTEW borrow the money, but it is finally a matter for the board's decision as to how it does the borrowing. But if it is going to do so, there is no point in having ACTEW borrowing the money at the more expensive rate on behalf of the Government. It is far better that ACTEW does its borrowing through the Central Financing Unit and gets the advantage of the AAA credit rating and borrows at up to 0.2 per cent cheaper, because 0.2 per cent on $100m is quite a lot of money.

Mr Speaker, it seems to me that those are the issues before us. But, whatever the set-up, it is sensible that the Central Financing Unit be the one that is used for the borrowings. I will continue to use the word "borrowings", Mr Speaker, because borrowings is what they are and borrowing is what the Government has been doing. That is why I like to use the word "borrowing".

MRS CARNELL (Chief Minister and Treasurer) (11.51), in reply: Mr Speaker, I do not think any speaker has actually addressed the Bill. Obviously, Mr Speaker, you and others did not think that was important today. This Bill does not change in any way the capacity of ACTEW or any other Territory-owned corporation to borrow. They have always been able to borrow from the market generally; as, by the way, can our statutory authorities. The problem was that our statutory authorities could borrow via the Central Financing Unit but, because of a drafting error, our TOCs could not. They could only go to the market. That seemed pretty silly, Mr Speaker. So we looked at it, and that is what this amendment is about. It is that simple.

ACTEW at this stage certainly have not had to borrow with regard to the $100m or anything else that they might be thinking of investing in the future. ACTEW are quite open about the fact that they are trading very nicely at the moment, due to electricity prices on the grid. That nasty national competition policy seems to be creating some very significant profits for ACTEW, as it did last year, which, interestingly, are being plugged back, at least to some extent, into the ACT community, particularly in areas like health, education and community services. So it is interesting what national competition policy can actually do in a very real way.

Mr Speaker, the thing that was quite interesting about the debate, even though it was not relevant, was the fact that it seemed that all members of the Assembly on the other side and possibly even the crossbenches seemed to believe that the return on investment that the taxpayers of the ACT get from ACTEW is acceptable. Mr Speaker, it is under 3 per cent. I have to say that, if I were investing the sort of money that we as taxpayers have in ACTEW, I would be wanting more than 3 per cent. But it appears that those opposite do not. I thank everybody for their support for this piece of legislation. It is a sensible approach. It makes sure that our TOCs can have the same sort of access to the Central Financing Unit as statutory authorities.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Protection of Amenity Rights of Residents

MR MOORE (11.53): Mr Speaker, I present Report No. 34 of the Standing Committee on Planning and Environment entitled "The Protection of Amenity Rights (such as sunlight and views) of Residents from the Impact of Satellite Dishes and Cables which are associated with Pay Television", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 7 October 1997. I move:

> That the report be noted.

Mr Speaker, this was a quite interesting inquiry dealing with issues of amenity rights relating to satellite dishes and cables. To me, the most interesting part of the inquiry was to do with the overhead cables. Probably the most controversial part of the report is the committee's recommendation that the Government permit the installation of overhead bundled cable to carry telecommunications technology only if, at the same time, the existing overhead electricity wires are bundled into one cable.

Mr Speaker, we have a particular reason for doing this. Right down the backyards of some 70 per cent of people in the ACT run four overhead wires. There is not only an issue about the aesthetics of the poles and wires in the back of people's yards; there is also a safety issue. One of the things that were drawn to the committee's attention, Mr Speaker, is that not only would the bundled cable which would replace those be lower in the backyard, but trees could grow up around them. Visually it would be better. Secondly, the bundled cables are much safer. Even if they fell onto the ground, which is unlikely, they could even be touched without any damage. There is also a visual impact.

This is at a time when we are talking about allowing a further cable to go onto those poles. When we have the four electricity cables, we currently often have a Telecom wire there as well, and we are talking about yet another wire to carry telecommunications technology. We could reduce that to two cables, Mr Speaker. One would be about as thick as my wrist - a quite substantial cable - and the smaller telecommunications one would be similar to the microphone stands that members have in front of them, or maybe a tiny bit thicker.

Another issue has come to my attention since the committee tabled the report. I have had a letter from someone who has been examining the electromagnetic fields from wires in backyards. We know that there has been a great deal of debate in the courts with reference to high voltage wires going through areas, and this person drew my attention to the fact that the bundled cabling does not give off electromagnetic fields. The cables within those bundles neutralise them. So, from a health perspective, there would be no problem there.

Mr Speaker, of course, there would be extra costs associated with such a measure; but it seems to me that this is an appropriate time because, in the long term, we are likely to change from the overhead wires to bundled cabling. Taking into account the safety issues and the fact that trees would not need to be trimmed so regularly, the general advantage to the community would be significant. There is only one way to do it better than having bundled cabling, I guess, and that is to have the cables go underground. I suppose all of us would feel that that would be the best method of dealing with this issue, but we have not yet seen the figures for underground cabling. The general figures that were drawn to my attention indicated that that method would be much too expensive.

Mr Speaker, the committee made a series of other recommendations about domestic residences and the use of satellite dishes, all of which, I believe, are appropriate to clarifying the design and siting provisions of the Territory Plan. We believe that we have taken a sensible approach to the issues before us.

I think, Mr Speaker, that this provides a great opportunity for Canberra. If we have the most advanced technology systems in Canberra going to people's houses, I think we will see even more enthusiasm than we currently have in Canberra for technology and the advantages it brings. We already have, on my understanding, the highest per capita rate for the use of computers and the highest per capita rate of connection to the Internet in Australia. That probably puts us amongst the highest rates in the world as well. It seems to me, Mr Speaker, that by upgrading this technology we have significant advantage in terms of the saleability of our education systems and our understanding of technology in this Territory.

Mr Speaker, I am very enthusiastic about this report. I am very enthusiastic that ACTEW play a role and own a network that would prevent having a series of different companies come down the backyards and provide four or five strands of cable, all of which are there really to do the same job. We can still have competition if we have a single network, just as we do with electricity. I think this is a very positive move, and I commend the report to the Assembly.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Environment Protection Legislation

MR MOORE (12.00): Mr Speaker, I present Report No. 35 of the Standing Committee on Planning and Environment entitled "Report on the Inquiry into the Environment Protection Bill 1997 and the Environment Protection (Consequential Provisions) Bill 1997", together with a copy of the extracts of the minutes of proceedings. This report was provided to you, Mr Speaker, for circulation on Wednesday, 29 October 1997. I move:

That the report be noted.

Mr Speaker, in presenting Report No. 35 of the Standing Committee on Planning and Environment I must say that I am pleased that the committee has been able to examine this complex and groundbreaking legislation in just three months and to deliver a unanimous report. That does not mean to say that on every issue every member was in agreement. What it means is that we were prepared to accept compromises about the way we dealt with issues. Indeed, Mr Speaker, Ms Horodny has made some additional comments. Many of her additional comments encompass things that I do not disagree with, and I believe that is probably true of some of the other members; but, in seeking to find the best compromise in dealing with the issues, we have brought about a unanimous report.

I take this opportunity to say to the Government that, because it is a unanimous report, I would be expecting the recommendations of this committee to be taken up and implemented. There would have to be a very good reason to persuade us all that we had gone down the wrong track in order to get us to change our view. Mr Speaker, in a nutshell, this report is about a compromise on a most complex and groundbreaking piece of legislation of which the Government can rightly be very proud. I also am very proud to have taken a part in this legislation.

The committee is enthusiastic to ensure that its report is taken into account and it gives the Government the opportunity to come back to the Assembly to deal with the issues. The approach taken by the committee was not so much to examine the Bill clause by clause, although we did do that, but rather to consider particular issues of concern raised in submissions and at public hearings. I wish to stress that many of the report's 56 recommendations are interrelated and the committee sees them as a package. I do not think we need to go into what will happen if the Government is not prepared to accept the recommendations, Mr Speaker. I think we have made that clear.

I will run through a few of the conceptual notions of the recommendations. First, I refer to the presentation of the legislation. Recommendation 1 proposes that a cross-referencing system be adopted in the legislation to show readers where one clause relates to another. I think this is a great opportunity, leading into the Fourth Assembly, Mr Speaker, to say that there is a better way to do legislation. It has been highlighted for us. We picked up this approach in a recommendation from the Environmental Defender's Office which referred to the way it is done in some parts of Federal legislation. I think there is great benefit to be gained from looking at ways of dealing with this. We added as an appendix to the report a description of how one might cross-reference. We gave three examples of how it might be done, our preference being the third.

We thought it appropriate to refocus the objects of the legislation. Recommendation 2 seeks to refocus the objects of the Bill so that the principles on which the Bill is based take precedence over economic and practicality considerations. It seems to me that that reverses slightly the approach of the Government. The Government had implied that economic and practicality considerations would take priority. The committee wanted it to be very clear that the priority was the objects of the Bill, the principles of the Bill. Of course, that does not mean to say that you do not take into account economic and practicality considerations. Of course you do.

The timing of the commencement was another issue, Mr Speaker, in order to ensure that appropriate education is associated with this legislation. There was a long debate in the committee about the independence of the Environmental Management Authority. The committee has conditionally accepted - I think it is really important to understand that it is a conditional acceptance - the Government's proposal for the EMA to be a public servant holding statutory office provided that recommendation 5, which limits the power of the Minister to intervene, is accepted by the Government. Even so, Mr Speaker, all members will be monitoring this very carefully.

Ms Horodny certainly made a compromise. She expressed, very clearly, her view that this was not her perspective. Other members had a great deal of doubt about this but decided, on balance - it was only just on balance, I might add - that we would go with the Government on this issue. It is something that we - particularly Mr Corbell and I, when we are back here in the Fourth Assembly - will be monitoring very carefully. I do not include Ms Horodny because she has indicated that she is not standing; so that is not a put-down in that sense.

The committee was greatly concerned that the Government's draft Bill gave authorised officers great powers, powers that went well beyond those of police officers. In our recommendations Nos 6 to 10, we said we believe it is appropriate to limit the powers of authorised officers. We have recommended accordingly. On issues of public notification and public participation, recommendations Nos 12 to 25, 42 to 43 and 47 to 49 all deal with various aspects involving the processes under which the Bill operates.

Another interesting area, Mr Speaker, is application to the Commonwealth Government. At the moment the Commonwealth Government has agreed to bind itself on what I would call the precursors of this legislation. The Assembly committee believes it is appropriate to continue to bind the Commonwealth Government under those old pieces of legislation until such time as they agree to be bound by this legislation. In that way we do not have a situation where the Commonwealth is simply not bound by environmental legislation. I hope, Mr Speaker, that that will encourage the Commonwealth to move quickly and agree to be bound by this legislation.

I refer now to discretionary decisions and appeal rights. Recommendation 28 gives the Environmental Management Authority the discretion to cancel an authorisation on account of fees not having been paid, rather than requiring the EMA to cancel it. Recommendation 37 includes appeal rights against discretionary provisions for which appeal provisions were not already provided under the Bill. Mr Speaker, we also dealt with economic instruments. The committee recognises that making provisions in the legislation for economic instruments such as tradeable permits and bubble licences is useful even if these do not become a major environmental tool in the ACT in the near future. The aim of recommendation 30 is to ensure that the focus of using economic instruments is to further the objects of the Act, not just to provide a situation where the Act can be undermined because of economic considerations.

With reference to Class A and Class B activities, the committee considered that the classification of activities as A or B needed some slight variation. In particular, the committee was of the view that the storage and production of petroleum products should be subject to the stricter classification - that is, the A classification - rather than where they originally were. It recommended a move from Class B to Class A. The committee realised, Mr Speaker, in making these decisions and putting these things in place, that sometimes you look and say, "Should it be a Class A activity or should it be a Class B activity?". Somebody goes to a Class B. The committee looked at that one in particular and thought that a great deal of ground water pollution and other pollution in the Australian Capital Territory has occurred because of storage of petroleum products in high quantities and therefore thought that they ought to be subject to appropriate authorisations.

On noise zones, Mr Speaker, we once again made an on-balance decision and will go with the Government, but we will need to monitor those. With reference to noise from motor sports, recommendation 35 lowers the noise level permitted from motor sports at Fairbairn Park. The committee could not see why our neighbours in the region, in Queanbeyan, ought to be subject to an exception and be subject to different laws from those in this Territory. They are entitled to the same level of environmental protection from noise coming from this Territory as anybody else in the Territory. We dealt with issues to do with prosecution and liability for corporate officers.

Mr Speaker, one of the interesting areas we dealt with and on which I think we came to a very good compromise was run-off from the washing of vehicles. When we talk about washing vehicles, the environmental legislation seeks to protect the environment. We know that when people wash their vehicles with water with detergent in it, that detergent, muck off the vehicle, oil and other stuff goes straight into the gutter, down the little holes in the side of the gutter, into the stormwater drains and straight into our waterways. It is important, Mr Speaker, to ensure that we can control that detergent as much as possible.

The first recommendation which the legislation had and we agreed with is that vehicles should be washed, where possible, on a grassed area because in that way very little water goes down. Recognising environmental duty in the legislation, we have also suggested that where people do not have grassed areas - perhaps they live in units, or something - we ought not say to them, "You cannot wash your car"; but we should say to them, "Yes, you can wash your car, but you must take all appropriate actions to protect the environment"; in other words, use less detergent and use less water. Perhaps they should wash their cars, in the initial instance, by using a bucket rather than a hose in order to minimise the amount of water, detergent and gunk going down into our waterways. That recognises people's environmental duty.

Mr Speaker, environmental protection orders and the discretion of the court are other areas we looked at to ensure the court retained discretion, and then we dealt with a couple of other minor and typographical issues. I think it is important, Mr Speaker, to understand that the committee was not attempting to make changes for the sake of changes. We believe that the Bill is a very good piece of legislation and I congratulate the Government for putting it up. I think I am correct in saying it was initiated even before Mr Humphries became Minister. However, he clearly has done a great deal of work on getting this legislation up, as have his departmental officers. It is a fantastic piece of legislation and it has been improved by the processes it went through in the committee system. We carefully considered all the arguments put to us and tried to reach a sensible compromise. I am very proud of the fact that we have a unanimous report.

Finally, Mr Speaker, I would like to put on record my appreciation of other members of the committee for the work they put in on this piece of legislation and the very tight timeframes they kept to, and in particular the work of Ms Sandy MacDonald, the secretary of the committee for this inquiry. Through your good offices, Minister, we were able to second Ms MacDonald to assist us in this inquiry as secretary to the committee. The work she put in and the able way in which she operated gave us the opportunity to come up with a sensible report that enhances the work that the Government has done. This is a system that I would recommend to other committee chairs when they have a task that looks like being a useful task for the whole Assembly, for the Government and for the people of the ACT, and where there are tight timeframes. The approach certainly worked extremely well. Mr Speaker, I commend the report to the Assembly and, for that matter, to the public.

MR SPEAKER: I would like to recognise the presence in the gallery of students in Year 8 at Kaleen High School, who are studying the local government course. Welcome to your Assembly.

MR CORBELL (12.15): Mr Speaker, there is no doubt that this committee's report on the Environment Protection Bill is a very significant work. The Environment Protection Bill is perhaps the most significant piece of environment legislation ever brought before this Assembly in the history of self-government. The report certainly is a comprehensive one. There are a few issues that I would like to highlight and I take this opportunity to do so.

The first is in relation to the objects of the Bill. The committee has recommended a number of changes to the objects of the Bill in order to focus more strongly on environmental protection rather than on economic imperatives. I must admit that, in terms of the principle of environmental protection, this is an extremely important recommendation. What it says is that the community believes that environmental protection rises above issues purely associated with the economic imperatives of business. That is a very important point. Of course, we do have to take into account the issues of businesses operating within regulations, as we do with any other piece of legislation; but when it comes to the protection of the environment it is quite clear that the objects of this Bill should focus overwhelmingly on the protection of our environment. It is the objects that govern the operation and the philosophy of the Environment Management Authority and it is appropriate, therefore, that the objects reflect the emphasis on environmental protection which our community wants.

Another very important issue - Mr Moore raised it earlier - is the independence of the Environment Management Authority. This issue raised much concern and debate in the committee. As Mr Moore indicated, on balance we were prepared to accept the Government's argument that there was not a need for an independent Environment Management Authority separate from a government department in the ACT. The argument raised by the Government in relation to this was, basically, that we are a small jurisdiction and to have a small independent agency would not be appropriate. Well, it is not impossible to have a small independent agency in a small jurisdiction; but, on balance, we were prepared to accept the Government's arguments - but with some very important riders. I think Mr Moore alluded to these earlier. We wanted to make sure that the integrity of decisions made by the EMA were not threatened by Executive action.

There are a number of important recommendations in this regard. Primarily, should the Minister direct the authority in some way, there has to be notification in the *Gazette*; the Minister cannot direct in relation to investigation or enforcement of the Act; and, where certain decisions are made by the Minister under proposed section 87 of the Act, they are disallowable by the Assembly. I think these are all very important reforms. They are reforms that I and the Labor Party would very much like to see the Government take up. They are, basically, the conditions upon which we are prepared to accept an EMA within the department rather than as an independent agency. I think it is very important that the Government take those recommendations seriously and act on them accordingly.

Mr Speaker, I would like to thank the committee secretary, Ms Sandra MacDonald, for her assistance during the course of the inquiry. She produced in an incredibly short time an extremely comprehensive draft report which members found extremely useful in our considerations and deliberations. She is to be particularly commended for the amount of work she put in.

Mr Speaker, the challenge to the Government from this committee's report is to implement the recommendations in it. It is a unanimous report of this committee. Mrs Littlewood, my colleague on the committee, made the point when the report was released last week that this is an example of the Assembly members working together. I can only commend her on her comments. The Assembly members did, indeed, work together on this issue. The Labor Party, the Greens, Mr Moore - an Independent - and the Government - the Liberal Party - all cooperated in the development of a very comprehensive report. It is evidence that an effective committee system can make significant recommendations on the operation of a Bill and how it should be amended.

I put the challenge, though, to the Government. They really must accept very seriously each and every one of these recommendations. They must be prepared to implement them. Obviously, they have an opportunity not to do so, but I think it is quite clear from the force of the recommendations in this report that if they do not there is certainly very strong support from the Opposition and the crossbenches to ensure that the recommendations are put into place. Mr Speaker, I will leave my comments there. More detailed comments, perhaps, should be left for the debate on the Bill. I commend the report to the Assembly.

MS HORODNY (12.20): Mr Speaker, this is obviously a very important piece of legislation. It has been worked on for a very long time. I believe that the process was begun in the previous Assembly. I am very glad that it is being worked through now. Hopefully, it will be passed, with amendments, before the end of this year. I think everyone in this Assembly is committed to environmental protection legislation, although we all have different views on the right balance of carrots and sticks, as we have been calling the incentives and disincentives to environmental protection.

The committee was able to put together a report with the support of all members. I was very happy that the committee agreed to some of my suggestions, and I agreed to suggestions that other members of the committee put up as well. The thing that I think is very important in a piece of legislation like this is the strong public involvement in the whole process. I think it is very important that public involvement be encouraged in the environmental authorisations, but I also believe that there needs to be stronger public involvement in the agreements because they are a substitute for authorisations for all the activities other than those in Class A. So, given that the content of agreements is quite discretionary, I believe it is important that the public have the opportunity to challenge the stringency of these agreements.

I come from the view, Mr Speaker, that business need not fear this legislation. Indeed, the sooner that business embraces working with the Government and the community better to protect our environment, the sooner they can begin to reap the rewards. Clean, green business is the way of the future. It is an asset to any organisation

to be able to say, "We are clean and we are getting cleaner all the time". This is worth money to any organisation. So, cleaning up their act is an investment. It is an investment in the future and it is something that I think is very important in this partnership between the community, business and government.

I have stressed in my additional comments that I believe that an EMA should be an independent body. If the ACT is too small for an Environment Management Authority, then why are we not too small to have a Gungahlin Development Authority, a Kingston Foreshore Development Authority, a Schools Authority, et cetera? The argument was put that it would cost too much and that it would be too resource intensive; but I do not believe that it needs to be any more resource intensive, because administrative support can be got from the Department of Urban Services. The need for an independent Environment Management Authority is about this authority being separate from the Public Service, and having the ear of the Minister without going through a myriad of public servants. It is very important to me that we have an independent authority, and I believe it is very important for the EMA to be able to work without interference from the department.

I have a concern also about the economic measures. I am concerned that under proposed subsection 36(2) regulations to establish schemes involving economic measures to achieve environmental protection can be inconsistent with the Act. I believe that that gives the Government too much flexibility in establishing these schemes. If these schemes can work only by being inconsistent with the Act or other regulations, then I believe the Assembly needs to be provided with greater opportunities to scrutinise these schemes. In other words, if the schemes are inconsistent with the Act, we need to look at these schemes thoroughly because they may be breaching the intent of the Act.

The other concern I have is the non-payment of fees. I did not agree with the committee's recommendation that the EMA should have discretion rather than being required to cancel an authorisation for non-payment of fees because, if an authorisation is cancelled, the applicant could not legally continue to undertake the activity. I believe that the committee's approach is inconsistent with other government processes. For instance, under the Land Act, fees are required to be paid up front before an application is assessed. I agree, however, with the committee's view that a decision to cancel an authorisation should be subject to appeal.

On financial assurances, I believe that the provision for the EMA to impose a financial assurance as a condition of an environmental authorisation is a powerful form of regulation. However, the Bill does not provide a clear indication of when financial assurances will be required. I would like to see the EMA develop guidelines on when these financial assurances will be required, so that there is some consistency; and I would like to see these guidelines become a disallowable instrument, so that the Assembly can scrutinise them.

I also have some concerns about the way some activities have been categorised into Class A and Class B. Mr Moore has spoken already about the storage of petroleum, and I am very glad there was agreement that that should be moved. I have concerns about some of the other activities and how they have been classified. Indeed, some

activities are not spelt out. I know that there will be work in the future on spelling out in greater detail where different activities should fall and on tightening up some of the numbers and some of the areas of activities.

I believe that a breach of an environment protection agreement should be sufficient justification for an environmental authorisation to be required. To have an agreement rather than an authorisation is already a privilege. It involves an agreement that is based on trust that the business will do the right thing. If that trust is broken, then I believe the agreement has been breached and the business should then be required to get an authorisation.

Another concern I have is noise control. I am not convinced that the changes that the Government is putting forward will improve what currently exists under the Noise Control Act. At present the excessive noise in a particular location is determined relative to the existing background noise levels at that location, and the proposed regulations impose a standard acceptable noise level across a whole zone as defined in the Territory Plan. This means that residential areas in Canberra that are currently very quiet could be subject to much higher noise interference up to the proposed noise zone standard than what is currently allowed. This should be of concern to all residents, and I am sure that the Assembly will have to revisit this issue in the future.

In conclusion, I look forward to the Government response to this report. I will be very interested to see which recommendations and amendments they take on board. This legislation is the start of a change in the community involvement in environmental protection. It is a partnership, a union, between government, business and community to protect our community asset, and that is the natural environment. I imagine that as this legislation is implemented there will be more amendments, and, as we evolve as a society over the coming decades, our rights and responsibilities within the community will change.

This legislation is really just the beginning of implementing such new standards. I must stress that the Government must resource this legislation adequately to make it workable and to allow enforcement. *(Extension of time granted)* Education is a very important element of this legislation, and resourcing a comprehensive education campaign is vital. I would like to see brochures produced. I would like to see advertising in the print and electronic media that progresses the knowledge and the duty of care and responsibility in the community. I also would like to thank the secretary to this inquiry, Sandy MacDonald, and also Rod Power.

MRS LITTLEWOOD (12.31): Mr Speaker, I rise to speak today not so much as a member of the Government but as one of the members of the committee. I believe that what has occurred with this report really shows balance. In fact, Mr Corbell almost took my speech. The report does indicate what can be achieved with cooperation in this place. Members of the community outside this place may care to look at this as an example. It combines environmental interests, business interests and community responsibility. I think the committee has done that fairly well.

I had some concerns, I must admit, about what I thought was the reversal of the onus of proof and the powers of inspectors; but I was persuaded by my colleagues that my fears were needless. I also would like to thank Sandy MacDonald for the work that she did, and Mr Power, who did a super job. I reiterate that I really believe that the message that this report does send to the community is that we can work cooperatively. It is a balanced report.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.32): Mr Speaker, I want to put on the record a few comments about the report on the Bills. When I brought the legislation forward relatively late in the parliamentary process I was aware, because of the very comprehensive nature of the legislation and the fact that we are in the late phase of the political cycle, that there were considerable dangers that these Bills would be overtaken by a variety of different political and other forces. It was with some trepidation that we agreed to refer these Bills to the Standing Committee on Planning and Environment, but I have to say that the outcome was well worth waiting for and it certainly achieved some quite desirable objectives.

I have not comprehensively studied the implications of all of the recommendations, but I have looked through a number of them. I think the committee has essentially been very successful in distilling the views of a variety of people putting to the committee submissions sometimes strongly opposed to the legislation. This would rank as one of the more successful exercises undertaken by an Assembly committee in an attempt to steer a course which is appropriate and balanced on a quite significant and, in some areas, controversial piece of legislation. I want to thank members for the hard work that they have obviously put in to make this possible. It is, as my colleague Mrs Littlewood indicates, an exercise in cooperation which members of the public do not often see, and certainly does not characterise the work of this place, but which in fact is integral to the success of the work that we do here. That is well exemplified in this report.

There are some matters which my department advises me need to be looked at further. I would hope that it would be possible to sit down and talk about those issues with members of the P and E Committee around the table in one of the round table conferences which have become part of the work of this place and have added to the quality of output that we have managed to achieve. Let me put on the record very clearly my appreciation for the work that has gone into this report, my acknowledgment of its success in achieving balanced outcomes from sometimes diverse points of view, and my confidence that this will be the basis for the legislation being able to be enacted in this place.

MR MOORE (12.35), in reply: In rising to conclude the debate, Mr Speaker, I have to ask members and others, "Where was the report mentioned in the *Canberra Times*? And why not?". It covers 100 pages and contains 56 recommendations. This is the most significant piece of environmental legislation, for heaven's sake, in the ACT since self-government, and probably for a long time. Four of us sat at a press conference and talked about the cooperative approach. You heard Mr Humphries talk about it. Those outside point the finger at us and say, "We need more cooperative government"; yet here is the Assembly operating very effectively, and what happens? The news disappears into the nether regions. The very same paper, Mr Speaker, often accuses us of not working cooperatively. It gives a big run to people who say we need a more cooperative form of government.

I am not saying that we cannot improve our systems in this Assembly. I am sure we can improve our systems. I am very happy to support a recommendation that the Chief Minister has at the moment to appoint a group of people, provided it is the right group of people, to look at and make recommendations - that is all they will do, make recommendations - on methods of improving the Assembly and the workings of the Assembly. It seems to me that we had a great opportunity to demonstrate, and we have demonstrated, to the people of Canberra that that is what happens in this Assembly. But, Mr Speaker, this is not the first time. It is actually the norm. This is the sort of thing that happens all the time. But where do we see reports of the cooperation between members of the Assembly? A huge amount of work has gone into ensuring that we deal with this legislation in the best possible way - straight-out hack work to get the best possible legislation that we can. Mr Speaker, I must say that on some television stations and radio stations this report was dealt with and some of them mentioned the cooperative approach of the committee.

I would like to thank Mr Humphries for his acknowledgment of the work of the committee. Finally, I want to refer to my colleagues on the committee. It was the first time I have worked on a committee with Mr Corbell and I think he made a terrific contribution, along with Ms Horodny and Mrs Littlewood, who work with me very regularly on committees. I am conscious of the contribution that they always make. There are many occasions when our Assembly works in a much more cooperative way than probably any other parliament in Australia, and probably in a much more cooperative way than almost any other parliament in the Commonwealth. Yet we still have the finger pointed at us. In fact, I have a recent letter saying that all we ever do is bitch. I think it is unfortunate that these cooperative efforts are not given appropriate space in the media.

MR CORBELL (12.38), by leave: To respond to Mr Moore's comments, it was in the *Canberra Times*, Mr Moore. Far be it from me to defend the *Canberra Times*, but it was there. There were about two very small paragraphs in Saturday's or Monday's paper at about page 13 or 15 - something like that. I stand, albeit reluctantly, to defend the *Canberra Times* on this.

MR MOORE: Mr Speaker, I need to make a personal explanation under standing order 46.

MR SPEAKER: Yes.

MR MOORE: Obviously, Mr Speaker, I withdraw any of the imputation that may have been inappropriate.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Heritage Places Register

MR MOORE (12.40): Mr Speaker, I present Report No. 36 of the Standing Committee on Planning and Environment entitled "Draft Variation to the Territory Plan No. 78: Heritage Places Register (Third Variation)", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 31 October, pursuant to the resolution of appointment. I move:

That the report be noted.

Mr Speaker, I need to say a few words on this report on the variation to heritage places. The committee has approved the variation and I believe that that will enhance the Territory Plan. The committee expressed some concern that we not go over the top; that we understand that, if variations to the Territory Plan because of heritage issues put too many things under heritage, then heritage itself will become a laughing-stock and not receive the appropriate protection that it deserves. That was a concern within the questioning of the committee. However, in respect of the particular variations before us, Mr Humphries's public servants were able to explain the appropriate reasoning and the committee has accepted that and approved that variation to the Territory Plan.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Group Centres

MR MOORE (12.41): Just in case you thought the committee was sitting around, Mr Speaker, I present Report No. 37 of the Standing Committee on Planning and Environment entitled "Draft Variation to the Territory Plan No. 83: Group Centres - Provision for Personal Services and Minor Corrections", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 31 October 1997, pursuant to the resolution of appointment. I move:

That the report be noted.

This report deals with group centres and the approach to group centres, which has been discussed on a number of occasions in the Assembly, and the committee endorsed a draft variation. This is Draft Variation to the Territory Plan No. 83.

Question resolved in the affirmative.

Sitting suspended from 12.42 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Futsal Stadium - Advertising

MR BERRY: My question is directed to the Chief Minister. Last week advertising appeared on the facility which is sometimes disguised as the lakeside arena or the multipurpose arena but which is more commonly known by the multitudes as the Futsal slab down by the lake. A phone call to the National Capital Authority confirmed that no approval had been given for these advertisements. The signs were taken down on Saturday.

Mr Hird: They blew away.

MR BERRY: No. They were taken down and cleared away. They certainly were not there on Sunday. They were taken down on Saturday, and the poles came down today. Can the Chief Minister confirm that the only reason the signs and poles came down was that they were illegal and had not been approved?

MRS CARNELL: Actually, I cannot say that. The signs that went up, I am advised, Mr Speaker, were put up by the management committee that manages the multipurpose stadium down by the lake. That management committee includes people such as Jim Roberts from ACTSport and people from the YMCA. They made that decision. I am told that they sought NCA approval. I understand that they are meeting with the NCA either today or tomorrow on the issue. It appears that what actually happened to the flags was that they blew down in the rather strong wind on the night that they came down, whenever that was.

Mr Whitecross: They just blew down.

Mr Wood: It was the hand of God.

MR SPEAKER: Would you be quiet, Mr Whitecross and Mr Wood.

MRS CARNELL: When it became obvious to my office that there was no approval for the signs, we directed that the poles come down until such time as approval was granted.

MR BERRY: I have a supplementary question, Mr Speaker. Since the ads contained political messages, will the Chief Minister please assure this house that in future she will comply with the Electoral Act and ensure that appropriate authorisation is placed at the bottom of the signs?

MRS CARNELL: I could not make up my mind whether to be extraordinarily pleased and actually flattered by Mr Berry's comments on this issue or, alternatively, to ask myself but again how he could be so misguided. I understand - and I heard Mr Berry actually say it on radio, and he seems to have said it again now - that every sign that is put up in this city is obviously approved by me. Obviously, it happens at the direction that I give.

I accept that the Government is doing a pretty good job of directing things that happen in the city; but I have to tell you, Mr Speaker, that I do not approve every sign that goes up in this city. In fact, I do not approve any signs that go up. I can guarantee that any electoral information that is put together, either by my office or by the Liberal Party, will be appropriately authorised.

Economy

MR SPEAKER: I call whoever it is under that hat.

MRS LITTLEWOOD: It is I, Mr Speaker.

MR SPEAKER: Thank you, Mrs Littlewood.

MRS LITTLEWOOD: My question is to the Chief Minister. Is the Chief Minister aware of reports over the last 24 hours that retail spending in the ACT is at a record high and that the ACT has recorded the strongest growth in job adverts in the country? Are these reports correct, and are they consistent with a strengthening economic recovery?

MRS CARNELL: On a day when, I suppose, most Australians like to have a punt on the horses, I am sure that most of us here would agree that we should not forget those in our community that are doing it particularly tough at the moment. Our city has been through a very difficult 18 months, and that is why my Government has made jobs our top priority over the last two budgets. But I am happy to say that, compared with Melbourne Cup day last year, when we were hitting the bottom of a recession brought on by Commonwealth spending cuts, today we are heading in the right direction. It is worth reflecting on how things have turned around since November 1996. At this time last year unemployment was peaking; new motor vehicle registrations were plummeting; job shedding by the Commonwealth was continuing unabated; and real estate prices were heading steadily downwards. Canberra punters may well have been forgiven for thinking that a bet on any of the Melbourne Cup runners was a safer bet than one on the immediate future of the national capital.

Mr Speaker, one year later and that situation has well and truly reversed. Indeed, those of us who had faith in the future of this city and put our money on a strong economic rebound are now seeing that faith well placed. Since November 1996 we have seen 6,000 new full-time jobs created in Canberra. That is a great result, Mr Speaker. But do you hear those opposite saying one thing that is not having a go at us or being negative? We have recorded 10 consecutive months of growth in new vehicle registrations. Do you hear any "That is really good for Canberra" from those opposite? No; none whatsoever. We have seen the strongest growth in retail sales in this country, with figures released yesterday showing a further growth of more than one per cent in trend terms during September. We are now seeing strong growth in job advertisements. Once again, figures released yesterday show growth in job advertisements of 2 per cent in trend terms during October - stronger than any other State, and an increase of 13 per cent on a year ago.

Mr Speaker, in recent months we have seen figures indicating that the ACT economy is pulling out of recession, including two consecutive quarters of growth in gross State product. So, we are not in recession but back in growth. The economic rebound has been quicker and stronger than even we forecast. That quicker and stronger rebound even exceeds the ACT Government's own forecast. We are doing better than any of us anticipated. Last week we saw Access Economics revise their predictions for employment growth in the ACT. Where Access Economics were predicting a fall in employment this financial year, they are now predicting a 3 per cent growth in total employment - one of the strongest growth rates in Australia. It is very interesting to note that, where they were predicting unemployment would rise to more than 9 per cent, they have now revised that figure downwards to just over 7 per cent, falling to just over 6 per cent in coming years.

Mr Speaker, I am sure you remember that those figures were used by Mr Whitecross in this place to have a go at the Government. So, I would assume that Mr Whitecross will be on his feet today saying, "Is it not great that Access Economics, an entity that I quote all the time, has now changed its mind and believes that the ACT has turned the corner; that unemployment is coming down and employment is going up?". That is great news for Canberra, and I am confident that Mr Whitecross, taking into account his comments in the past, would agree with those comments.

Mr Speaker, the ACT economy is clearly in recovery, but that does not mean that there are not people in this city who are still doing it tough. Of course there are. That is why this Government will continue to focus on job creation and business growth, because it is only by attracting new businesses, new investment and new jobs, and allowing our current businesses to expand, that we will ensure a prosperous future for our children. People on this side of the house will not be constantly negative and carping. We do have ideas; we are putting them in place. It would be fascinating to know what those opposite would do.

Schools - Visits by Politicians

MS McRAE: My question is to Mr Stefaniak in his capacity as Minister for Education. Minister, can you confirm that no ACT politician can visit an ACT school unless the principal has informed you? Is it true that these restrictions also apply out of school time? Minister, can you explain why this procedure is in place? Are you afraid that the principals and teachers are not professional enough to deal with all politicians appropriately?

Mrs Carnell: Ms McRae, Mr Berry would not let me go near a hospital.

MS McRAE: I can understand that with you; there were sick people there.

MR STEFANIAK: Ms McRae, I think you will find the procedures in terms of politicians visiting schools since I have been Minister have been a lot more flexible than when you lot sat on these benches.

Ms McRae: On a point of order, Mr Speaker: I think he ought to clarify that. You might be misleading there, Mr Stefaniak.

MR STEFANIAK: I do not necessarily think you will find that, Ms McRae. Perhaps we should look at that. I certainly recall trying to visit a couple of schools during the Second Assembly and basically being told that I had to go through the proper channels before I could.

Ms McRae: I think you should clarify that; you be careful.

MR STEFANIAK: At one school I went to, that certainly occurred not too long before the last election.

Mr Berry: I offered you my personal staff all the time.

MR SPEAKER: Order! Mr Stefaniak has the floor.

MR STEFANIAK: Thank you, Mr Speaker. Ms McRae, I think you will find that what has been put in place, from my understanding, is simply what has been normal courtesy and has been in place for some time. I understand also that there is absolutely no problem when people just follow that really basic procedure for politicians to visit schools. No doubt, you have done so on a number of occasions. I know a number of other members of your party have, including Federal politicians. I can certainly recall a number of instances in recent times when Senator Lundy has visited schools on a fairly regular basis. But from my understanding, Ms McRae, the procedure that is being followed is simply one that has been there for some time and is, as much as anything else, a matter of courtesy and protection to the school itself.

MS McRAE: I have a supplementary question, Mr Speaker. Minister, what sanctions are going to be applied should any politician slip through the net?

MR STEFANIAK: Schools are meant to be non-political organisations, Ms McRae, and I think it is important that a certain procedure is followed. For example, should even I visit a school it is normal that the school is told. I think there is just some common courtesy in relation to all of this, Ms McRae. I am aware of a couple of occasions when people have, in fact, visited schools without going through relevant procedures. There have been no sanctions in relation to that, but I am certainly happy to point out that there are procedures in place. I would be interested if you could show me that it was different when you were in government. As far as I am aware, the procedures are just normal procedures which have been followed in the course of this Assembly. If you have something different to that, Ms McRae, please let me know. Certainly, I would also say to you that, if there is something different, practise what you preach when you are next in government.

Southside Youth Refuge

MR OSBORNE: My question is to the Minister for Children's and Youth Services, Mr Stefaniak. Minister, do you recall that on 27 March last year I asked you a question about the Tuggeranong and Erindale youth centres running out of cash due to mishandling of finances? At that time I also asked what controls were in place to make sure that competent coordinators were appointed so that no similar problems emerged in the future. In response you said:

> I am confident now that steps have been taken to ensure that things like this do not happen again.

Minister, I draw your attention to the recent problems at the Southside Youth Refuge, where the police are investigating an alleged misappropriation of funds. Although the details of each case may be different, in essence the core issue is the same - appropriate handling of public money. We are not talking about small sums of money either, Minister. This centre gets $144,000 of ACT ratepayers' money and another $144,000 from the Commonwealth. How did the problems arise, particularly given your earlier assurances last year?

MR STEFANIAK: I thank Mr Osborne for the question.

Mr Humphries: It would be sub judice.

Mrs Carnell: It is sub judice.

MR STEFANIAK: That is true. In terms of the police investigation, it is sub judice, Mr Osborne. I make some comments which are within that rule. As you are aware, the police are investigating the particular incidents there; but might I say - and it has been reported in the press - that the board themselves are the ones who initiated the action. Their action is, indeed, quite proper. As a result of that, police are investigating the allegations. I am not yet advised whether those investigations are complete. In relation to that part of it, I suppose, my colleagues are right in saying that it is sub judice. I commend the board for its prompt attention to that. You are also well aware, I understand, that as a result of the actions of the board and their own initial investigation three staff have, in fact, ceased to be employed there.

I think you would have to concede that the situation there is considerably different to that which occurred back in 1996. There were some problems then between, I think, the management and the boards at the centres which had led to a series of problems going back a number of years. Steps were taken to rectify that and there were certainly no indications of anything untoward happening, apart from, as you said, running out of cash. Perhaps the issues could have been handled better. There were those problems between management and board. That is very different, I think, to allegations of criminal activity, which are now the subject of police investigation. We await the results of what occurs there.

Also, Mr Osborne, just in relation to the centres: We fund approximately 130 different community organisations which provide a range of services to the ACT's young people. Some 20 major youth services are funded through SAAP. Sound management and accountability processes are in place to monitor and evaluate the way those organisations use the funds provided. In this particular instance the department is talking to the board. If there are any procedures there which we think could be used across the sector to further improve the situation, naturally they will be actioned. But might I say that in instances like this - and I would certainly hope these are incredibly rare occasions - I suppose you can never provide a complete guarantee against deliberate improper activity, if indeed there has been such activity at the Southside Youth Refuge. We do await the police investigation in relation to that. I can comment no further on that. But if that were substantiated, I suppose you could never have a complete guarantee.

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

MR OSBORNE: Thank God for *Hansard*, Mr Speaker, so that I can work out tomorrow what the Minister said. My supplementary question is this: When were you made aware of the problems at the centre - on what date?

MR STEFANIAK: I would not have the exact date, Mr Osborne, in terms of when I was made aware of the problems at the centre. I received a detailed report which I looked at in, I think it would have been, early October. I think there was some mention made of the fact that there was a problem there perhaps earlier than that, but I do not have the exact date in relation to that. I could try to ascertain that for you if you like.

Housing Allocations Policy

MS REILLY: My question is to the Minister for Housing. Minister, it has come to my attention from a number of concerned ACT citizens that your Government and ACT Housing may be implementing discriminatory housing policy. Is the Minister aware that a person who has one adolescent daughter and has access to an adolescent son has been refused allocation for appropriate property and has been offered only a two-bedroom house? Women with children who are waiting months in refuges to be allocated housing are being refused appropriate allocations, while men in shelters with only partial access to their children have been allocated appropriate properties within weeks of going into the refuge. It has also become apparent that a number of people are jumping the queue on the priority waiting list, seemingly at the whim of whoever is doing the allocations. Does the Minister support the wait-turn priority and allocations policy of this Government and ACT Housing?

MR STEFANIAK: Ms Reilly, as you know, there are procedures in place. You have come to me on a number of occasions seeking urgent intervention in the case of certain of your constituents when there were real problems. There are also a lot of mechanisms in place in relation to persons who have a complaint. I think it is very important that things like the priority waiting list are dealt with appropriately, as with the normal waiting list.

If you have any instances of any improper practices, any indications of where you think someone has not been properly treated - apart from the normal avenues your constituent might have in relation to that, such as the Housing Appeals Tribunal, the committee there, or perhaps taking it up directly with a senior member of Housing - no doubt you could give me some details of whom you were referring to and I could take that up as well.

The reason we have procedures is that there are always a number of tenants who want certain types of housing. Certainly, people who seek priority housing often have very traumatic circumstances that need to be taken into account, and action needs to happen as swiftly as possible. I think it is very important that there are strong procedures in place there and procedures that are followed so that people do not jump the queue. It is always a worry that there might be instances of people perhaps jumping the queue. If persons are not in that sort of situation, if they are the ones being jumped, naturally they would see that as a problem. That is why it is absolutely essential, I think, to have strong procedures there. But as you are no doubt well aware, if there are certain situations that need urgent attention and you feel that people are not getting a fair go from anyone in Housing, you can come and see me about it.

MS REILLY: I have a supplementary question, Mr Speaker. Minister, does ACT Housing have available to all its housing tenants clear, written policy on wait-turn lists and transfer and policy allocation procedures? Minister, will you table, by close of business today, copies of these policies?

MR STEFANIAK: I do not know whether I can table any policies by close of business, Ms Reilly, but at the first available opportunity in terms of any relevant information that you seek I will seek to table it.

Electricity Supply - Green Power Option

MS TUCKER: My question is to Mr Kaine, Minister for Urban Services. Mr Kaine, my question is related to green power. I would like to congratulate the Government on introducing the green power scheme. It has been a significant turnaround, but one we welcome. I do have a concern, though, that, under the comparable scheme in New South Wales, the maximum that you would pay is 40 per cent more on your bill. At the moment it is considerably more than that under this scheme in the ACT. Are you working with ACTEW to introduce a staggered scheme for consumers to participate in the green power option?

MR KAINE: Mr Speaker, I think that ACTEW has gone as far as it intends to go in the immediate future in establishing the green power tariff that it has gone for already, bearing in mind, of course, that ACTEW does not of itself determine these tariffs. We now have a pricing commissioner that looks at these matters. Obviously, there is a tariff that has been agreed upon and put in place that took into account the charges that applied in New South Wales for green power. It was not done just in isolation from everything that has been going on around us. Any change to that tariff, as with the normal tariff, will be put into effect only after review by the pricing commissioner. In fact, we are just preparing terms of reference for the next round of review by the commissioner to see

what the medium-term pricing over the next two to three years should be. Presumably, part of that review will be a review of the green tariff. But the decisions on this matter were not made arbitrarily. They will not be changed arbitrarily. Whenever a change is proposed, I am quite sure that the pricing commissioner will take into account what is happening in New South Wales, as well as what is happening in the Australian Capital Territory.

MS TUCKER: I have a supplementary question, Mr Speaker. Minister, are you interested in encouraging consumers in the ACT to be part of the green power scheme? It is not my understanding that it has anything to do with the pricing commissioner; this is an option that people can choose. I would like clarification of whether you are saying that the commissioner had anything to do with the green power scheme. The second question, to which I would like an answer, is: Do you believe that there will be the same participation as New South Wales is getting, when it is going to be over 70 per cent more on a bill?

MR KAINE: I am afraid that I do not have a crystal ball. What we have done is offer a green power tariff. It is now dependent upon the community's reaction to that green power tariff. If the community support that green power tariff to the extent that the Greens seem to think that they will, then we would move fairly quickly to establish alternative green energy sources in the Territory. That is the objective of it; that is what the increased tariff is for. The difference between the normal tariff and the green power tariff is being channelled into research and development. It will be accounted for separately. It will be quite transparent. But I cannot forecast how much money will be raised and where that money will go. Until we get some indication of the extent to which the community responds to that - and that will be translated into people putting in applications to adopt the green power tariff - I am afraid I cannot make any prophecy as to what the future for green power in Canberra is.

The fact is that we have given the ACT community the choice, and we will have to wait and see whether the community responds to that and adopts the concept of green power. If they do, then it will become a feature of the future. If they do not, I imagine the green power concept will disappear. We cannot afford to generate green power at the costs that are involved and still sell it at the same tariff as applies to ordinary energy supply. As I say, it is up to the community. If the Greens really believe in this, they should be out there encouraging everybody they know to fill out an application form and apply to be green power tariff supporters.

Phillip Oval Redevelopment

MR WHITECROSS: My question is to the Minister for Sport. Although Mrs Carnell normally answers the Minister's questions, I hope the Minister for Sport will answer this one.

MR SPEAKER: Just address the question, Mr Whitecross.

MR WHITECROSS: Thank you, Mr Speaker.

Mrs Littlewood: Okay, Mr Overtime; it is all right.

MR WHITECROSS: You looked better with your hat on; you should put your hat back on. Minister, can you explain the current status of the proposed redevelopment of Phillip Oval, at a cost of $8m? Why was the announcement made by one of your advisers in advance of a Cabinet decision? Was this based on the outcome of a feasibility study? How much did the feasibility study cost, and will you table it? Has Cabinet now confirmed your adviser's decision? Is the only way that you can get a decision through Cabinet to get one of your advisers to announce it in advance of Cabinet authorisation?

Mr Humphries: Is Andrew in Cabinet?

Mrs Carnell: I do not know.

MR SPEAKER: Order!

MR STEFANIAK: That is right. I am not too sure that Cabinet even thinks that is a Cabinet decision, Mr Whitecross. You would be aware, if you paid any attention to sporting matters, Mr Whitecross, that there has been considerable consultation, which was certainly something this Government wanted to see, between all the relevant sporting groups in relation to using Phillip and Manuka ovals. You would also be well aware, if you spoke to those sporting groups, Mr Whitecross, that - and I think blind Freddy could tell you - there are probably significant problems with things like parking and lights at Manuka. That is certainly something that weighs heavily in terms of any assessment as to what might occur in relation to those two ovals. Accordingly, Mr Whitecross, I think what you have there are indications of something the Government is certainly considering at present in terms of what is best for all the sporting codes, especially the Australian football code who are very keen to have a first-class oval. As you may or may not be aware, they actually run Phillip Oval.

Mr Whitecross: I have been to Phillip Oval, actually.

MR STEFANIAK: You have? I am glad to hear it, Mr Whitecross. There is also this Government's commitment to ensure that we spend some $8.8m not only in terms of any assessment but also in terms of actually redeveloping a quality oval where AFL games can be played.

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

MR WHITECROSS: Mr Speaker, my supplementary question is: Minister, was the essence of your answer that, in fact, the Government has not made any decision to redevelop Phillip Oval at all? That seemed to be what you were saying. Can you confirm that is what you are saying? If that is the case, when will you be making a decision? If it is not the case, can you answer all the matters I raised in the first place about the feasibility study and tabling it?

Mrs Carnell: You cannot make policy statements in question time.

MR SPEAKER: That is a very convoluted question.

MR WHITECROSS: Mr Speaker, if the Minister does not answer the question, I am obliged to re-ask the question, am I not?

MR SPEAKER: No, you are not, actually; but go on.

MR WHITECROSS: The Minister gave a very convoluted answer which I am trying to decipher, and I am asking a supplementary question in the hope that he will decipher it. Minister, can you confirm that your answer meant that you have not made a decision at all in relation to Phillip? If not, when will you make a decision? If you have, will you table the feasibility study, as I requested? Can you also explain what is happening with Manuka Oval? Finally, can you confirm that blind Freddy's plight is mainly due to the fact that he cannot get spectacles under the spectacles scheme anymore?

Mrs Carnell: On a point of order, Mr Speaker: It is contrary to standing orders to ask for the announcement of Government policy in question time.

MR SPEAKER: I cannot anticipate whether it is Executive policy; but if it is, of course, the Minister cannot answer it because it would be breaching standing orders.

MR STEFANIAK: Mr Speaker, I will certainly be making a full announcement at the appropriate time. But unlike you lot, when you were in government, Mr Whitecross - and I know you were only an adviser then - this Government does believe in extensive consultation with relevant groups, and that is exactly what we are doing on this issue.

Drug Strategy

MR MOORE: My question is to the Chief Minister. Chief Minister, when you attend the COAG meeting on Friday, will you be agreeing to the prohibition drug strategy that the Prime Minister announced on Sunday, since the Prime Minister has ignored the vast bulk of the 26 royal commissions, parliamentary inquiries and official inquiries over the last 25 years, in favour of the Max Moore-Wilton three-week report? Will you insist that this report be released before you discuss the PM's proposal? Will you make it public so that you can have the benefit of the views of academics, coalface workers, deliverers of treatments, users, parents and other interested parties, or will you support the secretary to the Prime Minister's Department in adopting this demonstrably failed prohibitionist approach?

MR SPEAKER: Be careful about the Executive policy again, Chief Minister.

MRS CARNELL: Mr Speaker and Mr Moore, COAG is not being asked to agree to the Prime Minister's announced strategy in this particular area; so, there is not an issue of whether we agree or we do not agree. The Prime Minister has made a Federal Government policy announcement. He has indicated that $87.5m will be spent over the next three years in a mixed area - increased money for the AFP and Customs, increased money for education and increased money for treatment centres. So, on the basis of not actually having been asked to agree on this, I think the most sensible approach here is to make sure that the ACT does as well as possible out of this announcement.

I am sure Mr Moore would agree that we do have one real policy gap or service gap in our area of drug service delivery, and that is a residential facility for young people under the age of 18 who have illicit drug problems, particularly people under the age of 18 who come out of the court system. I hope we would all agree that it is not appropriate - and I cannot think of a situation where it would be appropriate - for an illicit drug user with an addiction problem, not a pusher or not somebody who has been selling, to be sent to gaol. I am sure that we would all agree that we need to make sure that there are enough choices for magistrates and others to refer those sorts of people on to treatment centres. There is a gap at the moment.

So DRIC, other potential non-government service deliverers and I will be making sure we get as much as possible of the $21.5m available for new treatment centres. There is also an amount of money, I think $1.2m, for alternative therapy drug trials. We have already announced in this place that we are interested, on the basis of the heroin trial not being approved by the Prime Minister, in looking at trialling buprenorphine withdrawal therapy and naltrexone maintenance therapy. So, we will be applying for Federal Government funds out of that package for that purpose as well.

Mr Speaker, we will also be looking for input into the money for education, because I believe very strongly, as I know Mr Moore does, that the "grim reaper, say no to drugs" approach simply has not worked and would be useless in terms of increased money for education. So, I will be taking the approach I always do on this issue, and that is, to look for programs that enhance our harm minimisation approach; get as much money as we possibly can for the ACT out of the package; and certainly oppose any advertising campaign that takes the approach "say no to drugs", simply because it has failed in the past.

MR MOORE: I have a supplementary question, Mr Speaker. Thank you, Chief Minister; I appreciate that very positive answer. Of course I will support you in those areas. Will you be supporting education that is based only on a "know" approach, provided we spell "know" k-n-o-w?

MRS CARNELL: I am sure that if it were spelt k-n-o-w I would be much more interested than if it were spelt n-o. Just to answer the first part of Mr Moore's question about the Max Moore-Wilton report, I have not seen it. It has not been released to leaders. On that basis, I cannot make it available.

Mr Moore: Will you ask the Prime Minister to make it available?

MRS CARNELL: I think the Prime Minister has been asked, Mr Moore; but certainly at this stage it has not been made available.

Police Services

MR WOOD: My question is to the Minister for Police. Minister, as the AFP looks for 54 extra police for Federal duties, will you assure Canberrans that the ACT will maintain its full complement of officers; that we will not again be short-changed; importantly, that we will maintain the current level of expertise; and that we will not lose experienced officers?

MR HUMPHRIES: I thank Mr Wood for that question. To the extent that I can offer an assurance that the ACT will not be short-changed, I will. Bearing in mind that technically I do not actually have control over the movements of Federal officers between the ACT and national functions of the AFP, I cannot be watertight in giving such a guarantee. I certainly can indicate to Mr Wood and the house that the Government has made it extremely clear to the Federal Police that our contract for 694 officers is deadly serious and that we want those officers to be there serving the ACT community 24 hours a day, 365 days a year. I view the additional 54 officers at the Commonwealth level as an opportunity for the ACT to satisfy that requirement, rather than as a threat to that arrangement. There will be more Federal Police officers as a result of that decision. Those officers will obviously be drawn from a number of areas; but they will not come from the ACT, at least in terms of the effect on the net numbers of ACT officers. If any are drawn from the ACT Region they will have to be replaced. I am confident that the Australian Federal Police understand the ACT Government's position well enough to react appropriately if any officers are drawn from the ACT Region.

As far as experience is concerned, you asked about the experience of people being taken away. Obviously, some who are taken from the ACT Region may have valuable experience which may be considered by some to be worth retaining here. Again, we expect to have, and we insist on having, fully trained officers. Obviously, the variety of experience that they bring to their job will depend on the sort of job they do and where they have been before. So, it is difficult to answer that second half of the question, but I am confident that we will retain a reasonable and appropriate level of skills in the Federal Police that serve this Territory.

MR WOOD: I have a supplementary question, Mr Speaker. Minister, you used the word "contract", although it appears we have an agreement with the AFP.

Mr Humphries: It is the same thing.

MR WOOD: It was Mr Collaery and the Alliance Government that signed that, I understand. Does that agreement specify the various levels of experience that are to be provided to us in our policing? Can you exercise some control in that way?

MR HUMPHRIES: No; I do not think it does specify the number or the level of experience of officers. With respect, I think it would be very hard to do that. As I have indicated before, there is an appropriate balance in any police force. There should be some officers who are, frankly, freshly recruited. I do not want the force to consist entirely of people who have had 10 or more years' experience, because some of them will obviously have different outlooks to those who emerge from educational institutions or from other backgrounds that might enrich the AFP's operations. I do not know that we

can prescribe these matters or that it is desirable to prescribe these matters. I will say, though, that, as Mr Wood is now aware, there is a review going on of the agreement with the Commonwealth. This is the agreement that he did not know anything about until it was announced in the Estimates Committee last year. That review will no doubt produce a better refinement of the services that we contract with the Commonwealth for. If there is an appropriate way of dealing with the issue that he has raised in that context, then we will do so. But I am not sure that there is.

Health Complaints Investigation

MR CORBELL: My question is to the Minister for Health. Minister, on 23 September, in relation to investigations by the Medical Board and the Health Complaints Commissioner into allegations concerning a Canberra surgeon, you informed this house that a hearing date had been set by the Medical Board for the middle of October. Minister, what is the outcome of the Medical Board's inquiry?

MRS CARNELL: Mr Speaker, I do not know. The Medical Board does not actually report to me, as Mr Corbell, I would assume, would know. The Medical Board is set up under legislation as a separate entity. It does not report to the Minister for Health and has very definite sanctions that it can put in place. I will certainly find out for members whether that inquiry is over or whether any decision has been taken. But again I am fascinated that those opposite do not actually know that our health boards do not report to the Minister or are not responsible to the Minister.

Mr Speaker, I am fascinated today. At the last sitting of this place I started to think, "Maybe there is a future for those opposite", because Mr Berry made comments that he was going to focus on the big picture, the things that matter, jobs, getting on with the job, getting this economy working. Today in question time, we have had from those opposite questions on signs at the Acton arena; school visits by MLAs - - -

Mr Corbell: On a point of order, Mr Speaker: I draw your attention to relevance. The Chief Minister is not answering the question; but if I can ask a supplementary question, my supplementary question is: Will the Minister undertake to provide this information to the Assembly by close of business today?

MRS CARNELL: Mr Speaker, I just answered that question.

Mr Corbell: No; you did not. You did not answer it.

MRS CARNELL: Those opposite can amend the legislation, if they choose and they have the numbers, to make the Medical Board responsible to the relevant Minister; but the legislation that we all passed set this body up as an independent body that does not report to the Health Minister or to the Chief Minister. Mr Speaker, on that basis: As I said in response to the first part of the question, yes, I can ask the Medical Board what has happened. When I have that information I can certainly give it to the Assembly. I am more than happy to do so. But I have no capacity under the Act to direct the Medical Board on how they conduct an inquiry, how long they take with that inquiry or when they make a decision.

Mr Speaker, I was just told by one of my very efficient staff - I assume, from ringing the secretariat of the board - that the hearing did not go ahead; the chairman of the board asked for a deferment due to, I expect, some people not being available; and a new date has now been set for 12 December 1997. Guess what? On 12 December the Medical Board will not report to me either. But I have to say that those opposite have at their disposal a legislative approach to overcome this problem. Just let me finish what I was saying before. Today we have had questions about signs on Acton Peninsula; visits by MLAs to schools - - -

Mr Corbell: On a point of order, Mr Speaker: Again, I direct you to the standing order regarding relevance. The Chief Minister is not answering the question.

MR SPEAKER: Yes, I do uphold the point of order.

MRS CARNELL: Mr Speaker, I accept that those opposite are extraordinarily embarrassed about this.

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

MRS CARNELL: I accept that. Mr Speaker, all I can say is: There has been not one question on business or jobs.

MR SPEAKER: It is probably an appropriate time to suspend for 15 minutes. The chair will be resumed at about 3.30 pm.

Sitting suspended from 3.15 to 3.32 pm

Waterways - Jet Skis

MS HORODNY: Mr Speaker, my question is to the Minister for the Environment, Land and Planning - you would have won a bet if you had put one on that, Mr Humphries - and relates to the preliminary assessment that has just been released on the proposal by Mr Rick Marsh to allow jet ski use on the part of the Molonglo River between the Dairy Flat Road bridge and the Monaro Highway bridge. As you know, there has been a great deal of debate about jet ski use in the ACT ever since Mr Marsh proposed to set up a jet ski hire business on Lake Tuggeranong last year. At the time, you stopped a proposed trial, in the face of opposition from the community and from this Assembly. I understand that you also knocked back a further proposal from Mr Marsh to allow jet skis on the Cotter Dam. Mr Humphries, given your recent actions to stop the proposed housing development on the Federal golf course before the proponents had got to the stage of putting up a variation to the Territory Plan, why have you allowed Mr Marsh to continue pushing his jet ski business, despite the significant opposition to the use of jet skis on Canberra's waterways?

MR HUMPHRIES: Mr Speaker, let me start by saying that I have to express considerable admiration for Mr Marsh's determination to keep going. If I had been in his position, I would have given up a long time ago. He is either very determined or very stupid to proceed in the face of the many obstacles which have confronted him. I want to make it clear to Ms Horodny that I have never rejected any of his previous proposals on the basis that I am opposed to the idea of jet skis on ACT waterways; far from it. My view is that it is a form of sport or recreation - I will leave that question to my colleague the Minister for Sport and Recreation - which members of the community enjoy and find of pleasure. We do not have anywhere at all in the ACT, at the moment, where someone can enjoy this particular activity, and we ought to have.

Mr Berry: Well, move the ACT closer to the water.

MR HUMPHRIES: If those senators who wanted it at Bega, or wherever it was, 70 or 80 years ago had got their way, then we might be on the water today; but we are not, of course. The ACT does have reasonably good access to waterways. It has been a matter of some surprise to me that until now we have not been able to find a suitable site. Mr Marsh persists and the Government continues to cooperate with him in seeing whether a suitable site can be found.

Let me make two comments about what Ms Horodny has said about this particular proposal for part of the Molonglo River near Pialligo. First of all, she talks about considerable community opposition. I do not believe I have seen any sign of community opposition to the concept of jet skis in general or to the idea of putting them on that particular site on the Molonglo River.

Ms Horodny: There is not a safe location for them in the ACT; that is the problem.

MR HUMPHRIES: So Ms Horodny says; but I think I have had two letters from people concerned about that particular location. I have had several meetings with the Conservation Council. I do not believe that they raised the issue with me - at least, not to my recollection. The site is certainly less of a problem than other sites. It may or may not be a suitable site, but I am saying it is less of a problem than some other sites. Unlike you, Ms Horodny, I believe that a process ought to be followed. This person has put their money forward - a very large sum of money, I might say - to have an application considered in respect of a sport that they want to get involved with and provide opportunities for ACT residents to get involved with as well. All he asks for is the chance to have his application dealt with pursuant to the legislation which the parliamentarians of this Territory have enacted. That seems to me to be a reasonable request.

I know we have had a tendency in recent days to say, "Forget the Land Act; chuck it out the window. It is not a question of how well you know the Land Act; it is a question of how well you know the 17 members of this Assembly. Come and see us and we will see whether we can smooth a way for you to get an approval through". I express considerable concern about that development. If we believe in the legislative processes we have established, we owe it to applicants in this Territory to let those applications be dealt with in that process. If we do not support, if we do not trust, if we do not believe in those processes, then any one of us who believes that ought to move to amend the Land Act to change those processes.

You, Ms Horodny, and your colleague Ms Tucker have been critics of the processes. You criticised a whole series of developments and demanded that they be short-circuited before the due processes were to be followed. I would say to you that there is a much more important step you could take, and that is to propose amendments to the Land Act to deal with those issues that you think are not adequately covered at the moment, to put in place the mechanisms that you think ought to be there to deal with these applications, because you, the Greens, who are so concerned about process, should surely be most concerned in this area to indicate what the process is. I heard a report the other day by Ms Tucker, I think it was - it might have been Ms Horodny, actually - in response to the idea of putting aside some land at Latham for a park. It was one of you two, I understand. Actually, it was a Greens candidate, I beg your pardon; it was not either of you two. I apologise for that. It was a Greens candidate who said, "We believe in urban consolidation. We believe in it, but not here. It has to go somewhere else". Well, if not there, then where? If not this process, then what process?

Ms Tucker: We have told you what we think the process is. You have to develop local area plans in full consultation.

MR SPEAKER: Order!

Ms Tucker: Well, he asked.

MR SPEAKER: We do not want to know that. That was a rhetorical question. You will have the chance to speak later.

MR HUMPHRIES: It might have been rhetorical, but it got answered anyway, Mr Speaker. The Government has developed a local area planning process; it has engaged in consultation processes. None of the consultation processes we have ever engaged in are acceptable to the Greens.

Ms Horodny: No, not true.

MR HUMPHRIES: None whatsoever. You have not yet told us what process is acceptable. Give us the process that you want to use. When I asked you what process you wanted to use about mountain bikes you could not tell me. You dithered for five weeks, and then events overtook the whole process. If you are serious about wanting to deal with these things properly, tell people who are in the position of wanting to make applications or anybody in this place what they have to do to satisfy the ACT Greens. So far I am in the dark about that, and I suspect all the rest of us are, too.

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

MS HORODNY: Just to correct the Minister. We have liked some of the processes.

MR SPEAKER: Order! Ask your supplementary question, Ms Horodny.

MS HORODNY: The Kingston ideas process was good and we liked the Gungahlin process.

MR SPEAKER: Otherwise there will be another process followed here very quickly.

MS HORODNY: Back to the supplementary question, Mr Speaker: Given that the New South Wales Government introduced strict new controls on jet ski use last January because of concerns about the safety of these craft, such as a requirement that jet ski users must keep at least 30 metres away from other water craft and licensing of jet ski users, do you propose to introduce similar regulations in the ACT if this proposal goes ahead?

MR HUMPHRIES: I am being asked to announce Government policy. First of all, Mr Speaker, I am not responsible for controls on water craft. That is probably a responsibility of my colleague the Minister for Sport and Recreation.

MR SPEAKER: It is very hypothetical, Minister.

MR HUMPHRIES: In any case, Mr Speaker, there is no point in having strict new controls on jet skis; we do not have any jet skis in the ACT. There is no point in having controls; we do not have any jet skis to control. If we have jet skis in the ACT, if at some distant point in the future we have jet skis, then I am sure that the Territory will want to enact appropriate controls to protect their operation. But if you must cite New South Wales, I am sure you would agree that New South Wales continues to allow them to be available for citizens of that State to enjoy for recreational purposes. Why should we not also have them available in the ACT?

Masters Games

MR HIRD: My question is to the Minister for Sport. In the last two weeks the media have clearly been highlighting the success of the Healthpact Sixth Australian Masters Games. It surprised me that the Opposition did not venture down this path at question time, to compliment the Government on the fine way that the games were organised and the amount of money that they brought into the Territory's economy. They failed to do so. I will put, if I may, Mr Speaker, a question to the Minister for Sport, better known as "golden Bill" for his achievements.

MR SPEAKER: I think in this case you may not. You have to refer to the Minister by his correct title.

MR HIRD: Can the Minister for Sport advise the parliament of the outcomes which the games have produced for the Territory? I would also like to answer Mr Berry's interjection. Might and Power won the 1997 Melbourne Cup. It was not sponsored by ACTEW, but it should have been.

MR STEFANIAK: I thank the member for the question. I might have got a gold medal in the games, Mr Hird, but I certainly did not have much success in the Melbourne Cup today.

Ms McRae: I picked the winner.

MR STEFANIAK: Well done, Roberta. As you quite correctly point out, Mr Hird, yes, the Masters Games were held in Canberra between 24 October and 1 November. They can be described only as a great success, both for sport and for our local economy. In all, the games attracted some 9,820 participants, with 7,230 coming from outside the ACT. That is a record. The total number of participants was also very close to our original estimate of 10,000, which was the maximum we were hoping for. Most of the visitors, of course, were from interstate. However, there were representatives from 26 overseas countries. The resultant value of any international word-of-mouth publicity, I think, can only be guessed at; but from the comments which I heard it can only be very good publicity. People came from New Zealand, Papua New Guinea, Guam - about eight basketball teams came from Guam, I think - Japan, Canada, the USA, South Africa and Germany.

Conducting the games was a really huge organisational task; one example of the organisational pressures being the staging of approximately 3,600 separate events and the awarding of some 10,600 medals. Ernst and Young initially estimated, Mr Hird, that the economic impact on the economy of Canberra and the region would be in the vicinity of $17m. The anecdotal evidence to date certainly supports that. In fact, there is some expectation that the figure might even exceed that to a significant extent. Let us hope so. Certainly, it must be patently obvious that there were great numbers of masters athletes in town last week, with most spending dollars on accommodation, food, beverages, souvenirs, clothing, sporting goods, bandaids, bandages, liniments, massages and massage oils; in theatres and in other places of entertainment; and on innumerable other goods and services; probably on six packs and things like that, too. It was absolutely huge. Certainly, if Phillip District Oval and the rugby union were examples to go by, the amount of bandages and liniments used was huge indeed. The initiative of the special games shopping night was a great success, too. The Canberra Centre businesses reported really excellent trading there.

Mr Humphries: Mostly in bandages, liniments - - -

MR STEFANIAK: Yes, for some of the sports again. Fortunately, one of our local services was not stretched to the limit, and that was the service provided by Canberra's hospitals. I must say, Mr Speaker, that reflects brilliantly on the skills and expertise of the sports trainers, the masseurs and the masseuses, the St John Ambulance personnel, the sports medicine practitioners and, of course, the outstanding level of fitness of most of the competitors. I certainly would not say all.

Mrs Carnell: Not some of them.

MR STEFANIAK: Certainly not some of the rugby people, Chief Minister, myself included. Some 1,700 volunteers worked on some aspect or other of the games, either within their particular sports or in the general games administration. These absolutely outstanding local people worked as registrars, meeters, greeters, couriers, guides, operation officers, marshals, games journalists, tea and coffee makers, team managers, clothes washers, scorers, runners, liaison officers and in a million and one other capacities. All of the expertise and the practical experience gained by these volunteers will now be able to be transferred to the many community-based organisations to which nearly all of them have ties. They did a particularly good job. I am proud, Mr Speaker, to commend to this Assembly the work of all the volunteers.

I can also advise the Assembly that we have now been successful in gaining a new multidisciplined competition; this time for athletes in the age groups from under 20 through to under 40. That will be hosted here in 1998, 2000 and 2002. The Masters Games and the new competition, I think, are very practical examples of our very real commitment to the Territory. I would hope there could be bipartisan support - I cannot see any reason why there would not be - for the recently announced active Australia program.

I think Canberra really can be proud of its achievements over the past two weeks, and I am sure all members of this Assembly will join me in thanking the members and staff of the games company, especially the general manager and the chair of the board, Sue Baker-Finch, Keith Bradley, the board members and, as I have said before, the volunteers for putting on what was a truly outstanding and most memorable event.

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

Housing Allocations Policy

MR STEFANIAK: Mr Speaker, Ms Reilly asked me a question in relation to housing policies in relation to allocations. I have here some material which I indicated I would obtain. I table that material.

GREENHOUSE GAS EMISSIONS

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, on 4 September I informed the Assembly, during the course of the debate on the matter of public importance that day, that the ACT's greenhouse gas emissions were "something like 0.29 per cent of Australian greenhouse gas emissions, and that includes emissions caused by our consumption of power produced outside our borders". I have since received information that the figure of 0.29 per cent does not include emissions caused by the consumption of power produced outside our borders. However, the ACT's emissions are still well under one per cent of the total for Australia.

I just wanted to correct the earlier misinformation provided to the Assembly. As I have informed the Assembly previously, work is continuing on refining the ACT's greenhouse gas inventory, and I expect to announce the outcome of that research towards the end of this month.

AUDITOR-GENERAL - REPORT NO. 11 OF 1997
Annual Management Report

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 11 of 1997, entitled "Annual Management Report for Year Ended 30 June 1997".

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

> That the Assembly authorises the publication of Auditor-General's Report No. 11 of 1997.

AUTHORITY TO BROADCAST PROCEEDINGS
Papers

MR SPEAKER: Pursuant to subsection 8(3) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present authorisations relating to the following committee proceedings:

> Standing Committee on Economic Development and Tourism inquiry into the economic impact of the construction of a very high speed train on 8 and 9 October 1997.
>
> Standing Committee on Planning and Environment inquiry into the Environment Protection Bill 1997.
>
> Select Committee on Estimates 1997-98 hearings into the annual and financial reports of agencies for the 1996-97 financial year.
>
> Standing Committee on Economic Development and Tourism inquiry into the economic impact of the construction of a very high speed train on 29 October 1997.
>
> Standing Committee on Planning and Environment inquiries into three draft variations to the Territory Plan and the Curtin shopping precinct on 31 October 1997 and any subsequent date that a public hearing is held.

Further, pursuant to subsection 4(3) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present a copy of an authorisation for the broadcasting of proceedings to specified government offices.

ADDRESS TO HER MAJESTY QUEEN ELIZABETH II

MR SPEAKER: Pursuant to standing order 271, I report that I have received a response to the Address to Her Majesty Queen Elizabeth II on the death of Diana, Princess of Wales, and I present that response.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices circulated in the chamber. I also present notices for the commencement of the Acts indicated in the schedule.

The schedule read as follows:

Animal Diseases Act - Determination of fees - No. 180 of 1997 (S230, dated 23 July 1997).

Animal Welfare Act - Determination of fees - No. 181 of 1997 (S230, dated 23 July 1997).

Bookmakers Act - Determinations of -

Sports betting licence fee - No. 236 of 1997 (S303, dated 3 October 1997).

General rules for sports betting - No. 237 of 1997 (S303, dated 3 October 1997).

Percentage for purposes of calculating standing licence bookmakers' fee - No. 242 of 1997 (S334, dated 31 October 1997).

Building Act - Determination of fees - No. 226 of 1997 (S278, dated 23 September 1997).

Community and Health Services Complaints (Amendment) Act 1997 - Notice of commencement (3 October 1997) of remaining provisions (S288, dated 30 September 1997).

Cultural Facilities Corporation Act 1997 - Notice of commencement (1 November 1997) of remaining provisions (S325, dated 27 October 1997).

Dog Control Act - Determination of fees - No. 174 of 1997 (S230, dated 23 July 1997).

Domestic Violence (Amendment) Act (No. 2) 1997 - Notice of commencement (17 October 1997) of remaining provisions (S310, dated 17 October 1997).

Gaming Machine (Amendment) Act (No. 2) 1997 - Notice of commencement (22 September 1997) of remaining provisions (S277, dated 22 September 1997).

Lakes Act - Determination of fees - No. 179 of 1997 (S230, dated 23 July 1997).

Land (Planning and Environment) Act -

Determination of classes of applications - No. 227 of 1997 (S281, dated 24 September 1997).

Determination of fees - No. 225 of 1997 (S278, dated 23 September 1997).

Liquor (Amendment) Act (No. 3) 1997 - Notice of commencement (7 October 1997) of remaining provisions (S302, dated 7 October 1997).

Motor Omnibus Services Act - Determination of charges - No. 229 of 1997 (S283, dated 29 September 1997).

Motor Traffic Act - Motor Traffic Regulations - Declaration of declared holiday period - No. 232 of 1997 (S298, dated 2 October 1997).

Nature Conservation Act - Determination of fees - No. 175 of 1997 (S230, dated 23 July 1997).

Ozone Protection Act - Determination of fees - No. 183 of 1997 (S230, dated 23 July 1997).

Parole Act - Instrument of appointment to the Parole Board of the Australian Capital Territory - No. 238 of 1997 (S308, dated 14 October 1997).

Podiatrists Act - Determination of fees - No. 241 of 1997 (S319, dated 24 October 1997).

Pounds Act - Determination of fees - No. 176 of 1997 (S230, dated 23 July 1997).

Public Place Names Act - Determinations of nomenclature in the Divisions of -

Dunlop - No. 233 of 1997 (S301, dated 2 October 1997).

Gungahlin -

No. 234 of 1997 (S301, dated 2 October 1997).

No. 235 of 1997 (S301, dated 2 October 1997).

Radiation Act - Determination of fees - No. 230 of 1997 (S292, dated 30 September 1997).

Rabbit Destruction Act - Determination of fees - No. 177 of 1997 (S230, dated 23 July 1997).

Remuneration Tribunal (Consequential Amendments) Act 1997 - Notice of commencement (23 September 1997) of remaining provisions (S280, dated 24 September 1997).

Roads and Public Places (Amendment) Act 1997 - Notice of commencement (27 October 1997) of remaining provisions (S326, dated 27 October 1997).

Roads and Public Places Act - Determination of fees - No. 231 of 1997 (S287, dated 30 September 1997).

Stock Act - Determination of fees - No. 178 of 1997 (S230, dated 23 July 1997).

Water Pollution Act - Determination of fees - No. 182 of 1997 (S230, dated 23 July 1997).

NATIONAL ROAD TRANSPORT COMMISSION
Annual Report

MR HUMPHRIES (Attorney-General): For the information of members, I present the report for 1996-97 of the National Road Transport Commission, in accordance with the Commonwealth's National Road Transport Commission Act 1991.

PAPER

MR HUMPHRIES (Attorney-General): I present, pursuant to standing order 83A, an out-of-order petition, lodged by Mr Hird, from 40 citizens, relating to the sale and use of fireworks.

COMMUNITY LAW REFORM COMMITTEE
Report on Domestic Violence - Government Response

MR HUMPHRIES (Attorney-General) (3.53): Mr Speaker, for the information of members, I present the Government's response to Report No. 11 of the ACT Community Law Reform Committee, which was entitled "Domestic Violence" and which was presented to the Assembly on 26 September 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 1.

Question resolved in the affirmative.

LEADERS FORUM AND COUNCIL OF AUSTRALIAN GOVERNMENTS
Ministerial Statement

MRS CARNELL (Chief Minister): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the Leaders Forum and COAG.

Leave granted.

MRS CARNELL: Mr Speaker, last Friday I attended the Leaders Forum meeting in Melbourne and met with other Premiers and Chief Ministers. We met principally to discuss the Prime Minister's plan to reform the Australian tax system for the twenty-first century and to discuss a number of additional issues of national interest and concern; for instance, illicit drugs and public health funding. The meeting provided us with an opportunity to discuss the issues before the next special Premiers meeting on tax reform this Thursday, and Friday's Domestic Violence Summit, Council of Australian Governments meeting and Treaties Council meeting.

The Leaders Forum agreed to a number of key principles of taxation reform: There must be no increase in the overall tax burdens; a new tax system must incorporate a reduction in personal income tax to restore incentives to work, save and invest; the tax burden on exports and business inputs must be reduced to boost investment, jobs and our

international competitiveness; the States and Territories must have access to broad-based growth taxes to replace undesirable, ineffective, narrowly based taxes; the Commonwealth-State financial relationship must be reformed to reduce the vertical fiscal imbalance; grants from the Commonwealth must be abolished, with the exception of those for Medicare, horizontal fiscal equalisation and assistance for the smaller States and Territories; instead of receiving grants from the Commonwealth, the States and Territories should have access to sufficient taxation revenue to enable them to carry out their roles and responsibilities; and there must be long-term certainty and consistency in the taxation system.

I intend to reinforce my statement that States and Territories must receive a fixed share of Commonwealth growth revenue and that this must be based on an equation which accounts for population growth and where revenue is collected. Leaders also discussed the fact that the States and Territories were suffering significant revenue losses under the safety net arrangements introduced following the Ha Lim High Court decision. We agreed that we would seek to require the Commonwealth to stand by its commitment to protect the revenue from petroleum, tobacco and liquor franchise fees that were affected by that decision.

Mr Speaker, the Commonwealth's budget is now performing significantly better than anticipated, and it should move into surplus much sooner than expected. Against this background, State and Territory leaders have agreed to press the Commonwealth to discontinue its requirement for State fiscal contributions to help fill the Beazley black hole. If this position is accepted, Mr Speaker, it is likely to benefit the ACT's bottom line by more than $7m, which would, of course, be a significant outcome.

One of the other major issues discussed by leaders was the national crisis in health care. Leaders are of the firm view that this will not be addressed until such time as the Commonwealth, States and Territories undertake major structural reform of the health care system. Leaders have called for this structural reform to be completed within the next six months and have indicated that this issue will be discussed at the COAG meeting on Friday.

Leaders agreed on eight principles which will guide negotiations with the Commonwealth in the area of health. The first of these eight principles is certainty. Long-term planning is necessary to ensure that optimal health services are delivered to all Australians. The second is restoration of base funding. The significant impact of recent cuts by the Commonwealth to the Medicare agreement funding base and the effect of population change must be recognised and base funding restored to an appropriate level.

The third is indexation. This base should then be indexed annually to cover the following factors: Population ageing and growth and utilisation growth; changes in private health insurance participation, with automatic annual adjustments for changes in coverage and utilisation; an additional factor to compensate States and Territories for the additional costs associated with changes in clinical practice, technology and drug treatment.

The fourth is compensation for the decline in private health insurance. Compensation to base funding is necessary for additional costs on the public health system due to the decline in the number of people covered by and using private health insurance, together with an automatic annual adjustment for this effect during the life of the new Medicare agreement.

The fifth principle is high-level performance indicators. The new agreement must have a limited number of high performance or outcome measures. The sixth is information sharing. To assist in the planning, evaluation and delivery of health care in Australia, improved information collection and sharing practices should be established between the Commonwealth and the States and Territories.

The seventh is flexibility. A single funding grant should be provided to give maximum flexibility to States and Territories to meet demand and provide better outcomes for patients. The agreement should promote integrated, coordinated health care by eliminating rigid program barriers and complex reporting and management requirements. The eighth principle is incentives to promote innovation. On achievement of adequate base funding and guaranteed indexation, the Commonwealth should provide additional incentives funding to promote real reform in the health system. These incentives funds should be provided to the States and Territories for agreed innovative trials and programs to overcome existing structural and service delivery barriers.

The leaders also agreed on 11 points to move forward on the issue of illicit drugs. Mr Speaker, members would obviously now be aware that, on Sunday, the Prime Minister announced the national illicit drugs strategy, with the Commonwealth to provide $87.5m over three years for drug education, treatment and law enforcement, as the first stage of a national response to the problem. I was pleased to note that there was $21.8m to be provided for the establishment and operation of new non-government treatment facilities and that $4.8m will be provided for a community grant for local drug prevention and education projects. As I stated only yesterday, the ACT Government will be seeking to access some of these funds, particularly in helping to establish treatment and rehabilitation facilities for teenagers in Canberra, where there is a clearly identified service gap. A total of $1.3m will also be made available for research into alternative treatment options for heroin dependence. As members will be aware, the ACT is participating in trials of naltrexone and buprenorphine, in association with Victoria.

Mr Speaker, I do not propose to debate the contents of the Prime Minister's statement today because I believe that there are other, equally important issues that demand our attention. Suffice to say that I am reluctant to refer to our efforts as somehow being a war on drugs or a moral issue. Mr Speaker, I believe that this issue is more about compassion than morals or wars. We still have a long way to go before we, as a community and even as an Assembly, can be satisfied that we are doing anywhere near enough to address this very real problem.

Mr Speaker, I should also mention that State and Territory leaders were also extremely concerned about the implications of the Commonwealth's aged care reforms, and we resolved to discuss our concerns with the Prime Minister at COAG on Friday. This Friday, I am due to attend the Domestic Violence Summit, the COAG meeting and the Treaties Council meeting. At the Domestic Violence Summit, heads of government

will be asked to agree to work cooperatively to reduce domestic violence, through a national task force; endorse a statement of principles about domestic violence; endorse the work of the Standing Committee of Attorneys-General on model domestic violence legislation; settle a communique reflecting these agreements; and raise specific issues or concerns about the needs of States and Territories in dealing with domestic violence.

The Federal Government has agreed that just over $13m will be made available over three years to States and Territories to fund projects to reduce domestic violence. I have to say that this offer by the Commonwealth was regarded by the Leaders Forum as pretty abysmal. It represents a commitment of approximately $1.78 per annum for each victim of domestic violence, or about 3c a week! We intend to request the Prime Minister to revise his package significantly. I am also concerned that the one hour allocated for the summit is inadequate and, Mr Speaker, at best, somewhat tokenistic. Members can be assured that these concerns will be conveyed to the Prime Minister by all leaders.

The COAG meeting proper will follow the summit. The following items are on the agenda for the COAG meeting: Commonwealth-State roles and responsibilities in environmental regulation; the domestic greenhouse strategy; illicit drugs; intergovernmental agreement for national third-party access on gas reform; intergovernmental agreement on national marine safety; and the endorsement of the report on monitoring compliance with the COAG principles and guidelines for national standard setting and regulatory action.

The discussion on Commonwealth-State roles and responsibilities in environmental regulation is likely to centre on a draft heads of government agreement currently being negotiated between Senator Hill and State and Territory Environment Ministers. States and Territories have indicated that they are not happy with the draft agreement as it stands. The agreement provides for a concept of national environmental significance to underpin decisions about how and when the Commonwealth will implement its responsibilities for the environment. The aim is to move away from Commonwealth involvement in environmental management issues, which are properly the responsibility of States and Territories. Ideally, we will reach an outcome where the Commonwealth's interests are determined early in the process and in an objective and public manner. The agreement also focuses on development approval processes; places of natural and cultural significance; compliance with State environment and planning laws and processes; and national environment programs, including those funded under the National Heritage Trust.

On the issue of greenhouse gas emissions, the ACT Government will be expressing its disappointment with the Commonwealth's stance on differentiation of targets. I should point out that the Commonwealth has foreshadowed its intention to announce a package of measures aimed at reducing greenhouse gas emissions. While the Federal Government will be seeking endorsement of the package at COAG, I regret to say that I have not been informed of exactly what is included in the package at this time. I intend to detail the ACT's excellent record in this area and point out that the Territory's greenhouse gas emissions are less than half the national average emission per capita. I will also be outlining the steps that are being taken by the ACT in helping to reduce emissions.

The signing of the intergovernmental agreement on gas industry reform is planned. Some Assembly members may recall that in February 1994 COAG agreed to implement a uniform national framework for the access rights to natural gas supply networks to facilitate free and fair trade in natural gas within and between jurisdictions. The ACT's signatory to that agreement was, of course, the then Chief Minister, Rosemary Follett. It should be noted that the implementation of the gas reforms is an explicit condition of the Commonwealth's competition payments to the States and Territories. If they are not implemented, the ACT will not receive the second tranche of the first part of the national competition payments, expected to total more than $6.6m. The agreement will commit governments to pass national gas pipelines access laws based on lead legislation to be passed by South Australia in November 1997. This will enable access regimes to be certified by the National Competition Council both for payments and for competition to begin on 1 July 1998. The benefits will include greater choice for consumers and environmental benefits.

Following COAG will be the first meeting of the Treaties Council. This body was set up as part of increasing the Commonwealth's accountability to States and Territories for its involvement in treaty negotiation. At this meeting the items listed for discussion include the World Trade Organisation agreement on government procurement; the World Trade Organisation negotiations on financial services; the draft Declaration on the Rights of Indigenous People; the draft Optional Protocol to the Convention on the Rights of the Child; and the United Nations Convention to Combat Desertification.

I thank members for giving me the opportunity to advise on the outcomes of the Leaders Forum meeting and to foreshadow the issues that will be discussed at the meeting of heads of government on Thursday and Friday this week. Madam Deputy Speaker, this will be an important meeting, as COAG meetings always are. This will be only the third COAG meeting that has occurred since we have come to government, as they seem to be somewhat less regular now than previously. I present the following paper:

> Leaders Forum and COAG - ministerial statement, 4 November 1997.

I move:

> That the Assembly takes note of the paper.

MR BERRY (Leader of the Opposition) (4.10): Madam Deputy Speaker, nowhere has the difference between Labor and Liberal been better demonstrated than in the Carnell Liberal Government's handling of COAG negotiations. Under successive Follett governments we were able to achieve better outcomes than we have under the Carnell Government. The Carnell Liberal Government has not represented the ACT well at the COAG meetings. The first sign of the problems to come was at Kate Carnell's first attendance. We saw supplementation cut to $15m - much less than the Follett governments had achieved in the past. But "What was the $15m for?" is the very important question. Around $10m of it was for the second major disaster of that meeting - the Acton-Kingston land swap. Most of the $10m was to clean up the Acton Peninsula for the Commonwealth when it was handed over. Most of the money was to be spent demolishing the old Royal Canberra Hospital.

Mrs Carnell: Madam Deputy Speaker, on a point of order: None of these issues have ever been discussed at COAG. They are not COAG issues. So, I wonder what the relevance is.

MR BERRY: Yes, they are.

Mrs Carnell: No; you are actually wrong. They are not COAG issues. Financial matters are Premiers Conference issues, as I would have hoped Mr Berry, if he ever plans to actually lead this Territory, would know, and issues such as the Acton-Kingston swap, Madam Deputy Speaker, are issues of individual negotiation.

MR BERRY: Not your fault.

Mrs Carnell: These issues, Madam Deputy Speaker, are simply not discussed at COAG. I think, taking into account that we are speaking about COAG now, Mr Berry would want to keep to the point.

MR BERRY: Why, then, would the Chief Minister not have discussed with her preferred Prime Minister in any detailed way the sacking of public servants, which has caused the ACT so much damage?

Mrs Carnell: Madam Deputy Speaker, I do ask you to rule on the fact that these issues are not COAG issues.

MR BERRY: You could have raised it.

Mrs Carnell: Madam Deputy Speaker, they are simply not issues that would ever be discussed at COAG. There are a number of forums in which I and other leaders - - -

MR BERRY: But you could raise it there if you wanted to.

Mrs Carnell: I and other Premiers do have an opportunity to speak to the Prime Minister; but the role of COAG is quite definitely spelt out, and it is simply not what Mr Berry is speaking about.

MADAM DEPUTY SPEAKER: Mr Berry, I am sure that you are well aware of the relevance rules and procedures.

MR BERRY: There is no evidence that Mrs Carnell ever tried to raise these issues at that forum, and it is not to say that they could not be raised. They, indeed, could be raised if Mrs Carnell would even bother to try to bring them on.

Mr Kaine: On a point of order, Madam Deputy Speaker: I think the Chief Minister has made it quite clear that the role of COAG is not to deal with the sorts of matters that Mr Berry is dealing with. They are not, and would not be, appropriately brought up there. If they were brought up, I imagine that they would be ruled out of order, because COAG has business which it is established to deal with, and these are not such matters.

Mrs Carnell: And the agenda has to be agreed by all leaders.

MADAM DEPUTY SPEAKER: Mrs Carnell, I am sure that Mr Berry is well aware of that. Mr Berry was talking about the difference between Labor's approach to COAG and the Liberals' approach to it.

Mrs Carnell: Madam Deputy Speaker, he is not speaking about that.

MADAM DEPUTY SPEAKER: No; because you are interjecting.

Mrs Carnell: I would like you to rule on the issue of relevance.

MADAM DEPUTY SPEAKER: I have ruled on the issue of relevance.

Mrs Carnell: You have not.

MADAM DEPUTY SPEAKER: I have said - - -

Mrs Carnell: So you have said that it is relevant?

MADAM DEPUTY SPEAKER: Mrs Carnell, I have said that Mr Berry is well aware of the rules on relevance and he may now proceed. Proceed, Mr Berry.

MR BERRY: The whole issue here is the contrast between the way that the Carnell Liberal Government and her preferred Prime Minister treat the ACT and the way it was done when Labor was in office in both places. I think it is very clear, Madam Deputy Speaker, that the results were better.

Mr Kaine: On a point of order, Madam Deputy Speaker: I think what Mr Berry is trying to say is that the way that the Chief Minister conducts business with COAG is not what Mr Berry thinks it might be if he ever gets to be Chief Minister. It is a big difference.

MR BERRY: That is pretty right.

Mr Kaine: And there is no difference, in fact, between the way the Chief Minister deals with COAG and the way the former Chief Minister dealt with COAG. They both dealt with COAG in the same way. Mr Berry can fantasise, he can invent, he can innovate; but he cannot alter the facts of what COAG exists for.

MR BERRY: I think that is a bit of a statement.

MADAM DEPUTY SPEAKER: Mr Kaine, I have asked Mr Berry to remain aware of the rules of relevance and I am sure that he will.

MR BERRY: I will keep my eye on the job. Thank you, Madam Deputy Speaker.

So, what we end up seeing ourselves signed up to is agreements which have not been scrutinised by this Assembly, and, of course, the Chief Minister attends these COAG meetings with her own mind instead of the mind of the Assembly as scrutinised by the people in it. I think that is where the stark contrast emerges. We did not sign up to agreements without the understanding of the fine print - - -

Mrs Carnell: On a point of order, Madam Deputy Speaker: Mr Berry might like to tell the Assembly what agreements I have signed, because if he is going to speak about them it would be nice to know what we are talking about.

MR BERRY: That is not a point of order. You agreed to the communiques.

Mr Corbell: On a point of order, Madam Deputy Speaker: There is no point of order, and the Government has persistently and wilfully obstructed Mr Berry in speaking on this motion. You have clearly indicated your ruling on the points of order raised by both Mr Kaine and Mrs Carnell, and I would invite you to stop them from continually and persistently obstructing the business of the Assembly.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell, for your advice.

Mrs Littlewood: Mr Corbell is running the Labor Party now. I see. We are going to have another change of leadership.

MADAM DEPUTY SPEAKER: Order!

MR BERRY: Labor, of course, did not sign up to agreements without understanding what was in them and what was likely to be considered favourably by this Assembly. All we seem to get from this Chief Minister is, "You have to agree. I have signed it". At least, under Labor you got a considered assessment of what this Assembly's position was likely to be before they were signed up.

Now I want to talk about the issue of taxation reform, which was mentioned in the Chief Minister's statement. Is it not amazing that the GST has been brought to light again by John Howard? We are yet to find out what the Chief Minister's position is in relation to this tax. It would have been informative if the Chief Minister had come out with a very clear position in relation to the goods and services tax, although that has not been particularly evident in her public announcements in relation to the matter. It strikes me, Madam Deputy Speaker, that Mrs Carnell has been prepared to go along with her preferred Prime Minister down the path which will ultimately lead us, if her preferred Prime Minister has his way, to a goods and services tax, which, of course, is a regressive tax, which will impact mostly on the not so well off. But, of course, that has never been a concern of the Liberals opposite or their Federal counterparts.

So, Madam Deputy Speaker, I think the message that came from the COAG meeting is rather ominous. The absence of a clear statement from our Chief Minister in relation to the goods and services tax is somewhat troubling, because I would hate her preferred Prime Minister to get the impression that the ACT Legislative Assembly was in some way supportive of a move towards that sort of a tax. I suspect that, if it were put to the test here, it would not survive.

Mrs Littlewood: Are you supportive of retrospective overtime payments, Mr Berry? Are you supportive of not paying people for overtime?

MADAM DEPUTY SPEAKER: Order!

MR BERRY: I challenge the Chief Minister, if she is likely to support or run dead on the issue of a goods and services tax, first of all to try it here in the ACT Legislative Assembly to see how well it travels.

Mrs Carnell drew attention to the issue of health. It is true that there is a need to attract more funding for health because of the particular problems which have faced it over the years. One intriguing position which I found noteworthy was the Chief Minister's move for supplementation for the decline in income arising from falling health insurance out there in the community. Whilst this is an appropriate course for the Government to take, I wonder how the Chief Minister could pursue such a course when at the same time here in the ACT she is attempting to discourage people who have private health insurance from using the public hospital system.

In fact, what she is attempting to do is create a problem with the establishment of a new private hospital, which has in turn said that its intent is to draw into the new private hospital people from the public system who are privately insured. Then we have the Chief Minister going to the Prime Minister and saying, "I need more money for my hospitals because of declining income". I would be surprised if the Prime Minister was particularly sympathetic to the ACT's view if he were to become aware fully that the ACT was also doing its bit to attract business away from the public hospital system, particularly business which was privately insured.

Madam Deputy Speaker, I saw the Prime Minister's announcement in relation to Australia's drug problem. It was a narrow vision from a small-minded Federal Government when it comes to the issue of drugs. As we well know, the opportunity in relation to an improved approach to dealing with the issue of illicit drugs by way of consideration of prescription heroin to registered addicts is now lost and the Prime Minister has come forward with $87m for the whole of Australia. On the face of it, it looks like a drop in the ocean. It is much less than had previously been taken out of relevant budgets across the country. I see the Chief Minister's comments in relation to the Prime Minister's position and I see that she is not particularly sympathetic to it. Neither should she be, and she is to be congratulated for her caution about the Prime Minister's position because it is indeed inadequate.

I go back to my original point. The problem here is the way that these COAG meetings are approached and the ideology that drives it. I noticed that the Queensland Government and the New South Wales Government made it very clear that they are not interested in a GST. I would like to see the Chief Minister of the ACT Government make a very clear statement in relation to the matter as well. Mrs Carnell is trying to distance herself from the philosophical position. You have a responsibility to the people in the ACT, particularly those on low incomes, to declare yourself in relation to these COAG meetings in so far as the goods and services tax is concerned. It would be a cowardly act if you were to ignore the challenge to declare yourself. You should declare your position in

relation to this tax. You should say to John Howard either, "I agree with it" or "I do not agree with it". Tell the people of the ACT where you stand. Otherwise they can rightly assume that you are a supporter of it. Your silence will be measured as support for the Prime Minister's approach to a goods and services tax, which we know is a regressive tax and which we know will affect low-income earners more than others.

Madam Deputy Speaker, I have been critical of the general approach that the Liberals have taken during COAG. Their general philosophical approach to dealing with issues which concern the community is, of course, well noted by the community.

Mrs Littlewood: The community well notes the Labor Party's overtime payments, too, by crikey!

MADAM DEPUTY SPEAKER: Order! Mrs Littlewood, this is the third time I have had to call you to order.

MR BERRY: I have mentioned some of those other issues which Mrs Carnell mentioned in her speech. Overall, I think it is fair to say, and I think it is well borne out by the facts, that Mrs Carnell has not represented the ACT well, and the ACT is the worse off for her representation of it at the COAG meetings.

MRS CARNELL (Chief Minister) (4.24), in reply: Madam Deputy Speaker, very briefly, is it not tragic - - -

MADAM DEPUTY SPEAKER: Does nobody else wish to speak? You will be closing the debate.

MRS CARNELL: No-one else got up.

MADAM DEPUTY SPEAKER: I was just checking.

MRS CARNELL: Is it not a tragedy that Mr Berry does not even know what happens at COAG? He does not even know what the Council of Australian Governments is for - what the entity is for. Mr Berry, if he knew anything - and he does not - would know that it is the Premiers Conference that looks at issues such as funding. He would also know that it is the Loan Council that looks at loans, not COAG at all. He has become totally confused. He does not know what he is talking about, which is not terribly surprising. But then he goes on to say that he believes that these agreements that I have signed have somehow not been in the best interests of the ACT. Madam Deputy Speaker, I did ask Mr Berry what agreements he was talking about, and the fact is that he did not know. This is just going straight off half-cocked.

To show just how untrue that is, Madam Deputy Speaker, I have here the compendium of national competition policy agreements for January 1997. Nothing has happened; there has been no agreement since then. With regard to electricity, agreements on the reform in the electricity industry, including the establishment of the national electricity market, were made at the following meetings - and there were some very early on: Special Premiers Conference, Brisbane, 1990; Special Premiers Conference, 30 July 1991; Special Premiers and Chief Ministers meeting, Adelaide, November 1991. But now we actually get to the

ones where agreements were signed, Madam Deputy Speaker: Heads of Government Meeting, Canberra, 11 May 1992, Rosemary Follett; COAG, Perth, 7 December 1992, Rosemary Follett; COAG, Melbourne, 8 and 9 June 1993, Rosemary Follett; COAG, Hobart - - -

Mr Berry: What does this prove? So, agreements are signed there.

MRS CARNELL: I am reading you where they were signed. You said in your speech that I had signed these ones that the Assembly had no input into. No. Wrong, wrong! The one who signed them was Rosemary Follett. Anyway, the list continues: COAG, Hobart, 25 February 1994; COAG, Darwin, 19 August 1994; and, Madam Deputy Speaker, one meeting that I was part of which was one at which no agreement was signed was the Leaders Forum in Adelaide on 12 April 1996, with regard to electricity.

We now go to gas. The agreements in relation to the achievement of free and fair trade in natural gas were made at the following meetings: COAG, Perth, 7 December 1992, Rosemary Follett; COAG, Melbourne, 8 to 9 June 1993, Rosemary Follett; COAG, Hobart, 25 February 1994, Rosemary Follett; and one for me, COAG, Canberra, 14 June 1996. There were three for Rosemary. Here we go with water. Agreements in relation to water research policy were made at the following meetings: COAG, Perth, 7 December 1992, Rosemary Follett; COAG, Melbourne, 8 to 9 June 1993, Rosemary Follett; COAG, Hobart, 25 February 1994, Rosemary Follett; and one for me, COAG, Canberra, 11 April 1995, all of a couple of weeks after we came to government.

Madam Deputy Speaker, those are when the agreements that have produced the legislation that we have on the table now, that we passed in this Assembly and that, I suspect, we are about to debate again, were actually negotiated and signed.

Mr Berry: The legislation was not. You produced the legislation.

MRS CARNELL: Madam Deputy Speaker, Mr Berry, unfortunately, is misleading the Assembly here. It would be a very good idea if he did not, because - - -

Mr Corbell: On a point of order, Madam Deputy Speaker: The Chief Minister knows very well that, if she wants to accuse a member of misleading the Assembly, there are appropriate forms for doing that.

MADAM DEPUTY SPEAKER: That is right.

MRS CARNELL: That is very true, and I am very happy to do that. Mr Berry, would you like to repeat that?

MADAM DEPUTY SPEAKER: No, Mrs Carnell. You have impugned Mr Berry's reputation. You must withdraw that and reword it.

MRS CARNELL: Or you will take the appropriate action. If what he said - - -

MADAM DEPUTY SPEAKER: There is no motion - - -

MRS CARNELL: No. If what he said - - -

MADAM DEPUTY SPEAKER: Mrs Carnell, there are no ifs and buts.

Mr Berry: Come on; just withdraw.

MRS CARNELL: I withdraw. Madam Deputy Speaker, if what Mr Berry said was that the legislation was not agreed to at these meetings that Rosemary Follett signed off on, then he is wrong, because the agreement to enter into the legislation was actually part of those meetings and those agreements. I did not disagree with those agreements. I did not disagree with that approach that Rosemary Follett took. I totally agree with that. Mr Berry says, somehow, that this approach is predominantly from me or my Government. Rosemary Follett entered into 11 agreements with regard to competition policy, in gas, water and electricity; I have entered into three, one in each. All of those issues were signed off.

The agreements to enter into model legislation were signed and agreed to under the previous Government. I agree with it. I think it is a good way to go. But Mr Berry cannot now distance himself from it. He was Deputy Chief Minister when these agreements were entered into. You simply cannot be that hypocritical. You have to accept that, if 11 of these agreements were signed off by Rosemary Follett, and three by us, you cannot then say, "They have nothing to do with me. It was not me". The fact is that it was.

Mr Moore: And he was Deputy Chief Minister.

MRS CARNELL: He was Deputy Chief Minister.

Question resolved in the affirmative.

FIREARMS BUYBACK
Ministerial Statement

MR HUMPHRIES (Attorney-General): I ask for leave of the Assembly to make a ministerial statement on the firearms buyback in the ACT.

Leave granted.

MR HUMPHRIES: I thank members. I am pleased to report to members on the outcome of the buyback of prohibited firearms in the ACT. As it turns out, Madam Deputy Speaker, this is a quite timely ministerial statement, because this is actually also about a national agreement - a national agreement that was reached in May of last year, a national agreement that occurred with very little - in fact, no - consultation with members of the Assembly, but which, I am pleased to say, was followed immediately it was reached by the unanimous support of the Assembly in banning an agreed range of semiautomatic firearms by introducing amendments to the Weapons Act 1991.

This is a good example of occasions when you do need the capacity to be flexible about national agreements. This is a national agreement that was reached with very little warning and very little chance to negotiate; but it was historic in its breadth and purpose and I think it has achieved, as my statement will show, very important goals for the ACT and Australian communities.

After the legislation was amended in 1996, the ACT became the first jurisdiction to put into effect prohibitions on the possession of semiautomatic firearms. In February 1996, the new Firearms Act was enacted - again with the unanimous agreement of the Assembly - maintaining the ACT's position at the forefront of rigorous and comprehensive firearms controls in Australia. I should stress that, while the Government was committed to giving effect to the totality of the resolutions agreed to by Police Ministers, the drafting of the new legislation and the associated regulations was undertaken in full consultation with all relevant shooters groups. Significant features of the legislation and key regulations resulted from this consultation, and I repeat my thanks to those shooters' representatives for their support and commitment under difficult circumstances.

The buyback of prohibited firearms in the ACT effectively commenced on 17 May last year, the day on which these firearms were banned and just one week after the decision by all governments to institute a national ban. An amnesty was put in place for the voluntary surrender of these firearms, and I subsequently extended this to 30 September to bring the ACT into line with the provisions of the national buyback. This is not to say that possession or use of these firearms during the amnesty period was legal, as was the case in some jurisdictions. The banned firearms were prohibited from day one, but no action would arise against any person who voluntarily surrendered a prohibited firearm to the police. It did not matter whether the firearm had been held legally or illegally prior to 17 May; nor did it matter that the owner was not an ACT resident. The primary objective of the amnesty and the buyback provisions was to remove from the community as many of these prohibited firearms as possible, whilst providing fair and reasonable compensation to the owners.

Madam Deputy Speaker, in May 1996, the police estimated that approximately 4,500 prohibited firearms existed in the ACT. These comprised 3,600 registered firearms, with the balance being estimated to be held illegally. At midnight on 30 September 1997, 5,246 prohibited firearms had been surrendered - well above the estimated number of such firearms. As at 31 October 1997, across Australia some 640,401 now banned firearms had been surrendered or recovered.

In the ACT, in addition, some 1,082 firearms which were not covered by the agreement to ban had also been surrendered - firearms for which no compensation was payable but which the owners considered they should no longer keep. Over 6,300 firearms have been removed from the community and they no longer pose any threat to our citizens. That represents a significant reduction - 25 per cent, in fact - in firearms ownership across the ACT. It is also very heartening that so many of these were not prohibited firearms and were surrendered with no prospect of receiving any compensation.

The payment of compensation for the surrendered prohibited firearms was delayed until the list of nationally agreed values had been published by the Commonwealth on 5 August 1996. The published values were based on the average sale prices listed in dealers' catalogues across Australia in March 1996. Members will recall that an amendment to the Firearms Act in May this year gave statutory force to the amount of compensation payable for surrendered prohibited firearms.

Processing of the backlog of surrendered firearms required significant additional resources on the part of police in the Firearms Registry and of officers in my department, and I would like to particularly acknowledge their efforts during the buyback. I would also like to acknowledge the patience and understanding shown by those firearms owners who were required to wait for their payments. On the whole, these firearms owners are citizens who have always behaved reasonably and taken their obligations as firearms owners very seriously. They were asked to make a significant sacrifice in the interests of a safer community. For that, I think we all should thank them; but, for my part, I want to say that I recognise the difficulty many have had in coming to terms with these new laws and thank them sincerely for their cooperation.

Madam Deputy Speaker, at the time of the buyback closure, $2,803,918 had been paid in the ACT in compensation for surrendered prohibited firearms. The payments have ranged from the median level of $250 to $350 up to $50,000 for a gold and platinum engraved self-loading shotgun. There have been contemporary military-style rifles with list values between $2,500 and $5,500 and self-loading or pump-action shotguns with list values between $250 and $10,000. An assortment of World War II vintage machine guns, sten guns and rifles were also surrendered, which were independently valued at between $500 and $8,500.

Eight hundred thousand dollars was provided to the ACT by the Commonwealth to meet the costs associated with the buyback and the administration of the new firearms laws. To date, approximately $270,000 has been spent, principally on salaries and overtime payments for officers in the AFP's Firearms Registry and my department, the purchase of a new computerised firearms licensing system and a public information campaign. The remaining funds will be spent on additional salaries and overtime costs; enhanced computer systems, with the possible direct linking of shooters organisations with the Firearms Registry; and costs associated with the development of a national firearms registration system. The buyback scheme in the ACT has also been fully audited by the Australian National Audit Office for the AFP and by the Auditor-General's Office for my department. Initial findings indicate that the scheme has been effectively managed and all surrendered firearms and associated payments have been properly accounted for.

Multimedia advertising of the amnesty and buyback scheme was conducted by both the Commonwealth and the ACT. Tracking studies commissioned by the Commonwealth indicated that 78 per cent of all adult Australians were in favour, and 56 per cent of people strongly in favour, of the new laws and the buyback. Public awareness of the new laws was rated at 96 per cent. The research also showed that more than eight in 10 current firearms owners were prepared to hand in an illegal firearm if they had one. Indeed, a greater success rate than that was actually achieved in the ACT.

Advertisements placed periodically in the local media had the desired effect of reminding firearms owners that their prohibited firearms were worth money but that the amnesty deadline was approaching. This culminated in a concerted effort on the Saturday before the amnesty concluded. Business was brisk in the Firearms Registry right up until 10.00 pm on Tuesday, 30 September. I would like to recognise the contribution of Canberra's media to that heightened public awareness.

With the end of the amnesty, some 174 registered prohibited firearms remained unsurrendered. The staff of the Firearms Registry have commenced the process of visiting individual owners and taking possession of those firearms which have not been surrendered. Of course, no compensation is payable for these firearms. I am advised, Madam Deputy Speaker, that a significant proportion, perhaps the vast majority, of those 174 firearms belong to owners who have since left the ACT. So, it is quite likely that a very small proportion of the illegal weapons which were registered, and possibly not a very large proportion of those which were not registered, remain in the community. I think it is true to say that the buyback has been a great success. Across the country, over 640,000 banned firearms have been removed from the community and over $304m paid in compensation from a total allocation by the Commonwealth of $500m. The Assembly has been and is still, I think, serious about removing these firearms from the community, and the penalties are severe for their unauthorised possession or use. By all accounts, the new firearms licensing provisions are proceeding smoothly, with firearms owners again demonstrating patience and cooperation in their dealings with the staff of the Firearms Registry. This has been a significant exercise for each jurisdiction and in terms of national coordination. It remains unparalleled in Australia's history.

It is unfortunate that a human tragedy of these proportions was the catalyst for this action, but this is often the case. A major and positive legacy of the Port Arthur massacre is a comprehensive national regulatory regime for firearms which is internationally acknowledged and is, in my view, a small but significant step towards making Australia safer. The Government will ensure that the ACT remains at the forefront of firearms control which maximises the safety of the community and recognises the right of responsible shooters to pursue their legitimate pastimes.

COAG AGREEMENTS AND NATIONAL COMPETITION POLICY
Discussion of Matter of Public Importance

MADAM DEPUTY SPEAKER: Mr Speaker has received a letter from Mr Osborne proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The necessity to bring greater scrutiny to bear on COAG agreements, and in particular the national competition policy.

MR OSBORNE (4.43): I raise this matter because of a growing sense of disquiet about the increasing number of irreversible decisions coming out of the Council of Australian Governments. Those decisions are hammered out by the Prime Minister, Premiers and Chief Ministers and then delivered to parliaments around Australia as a fait accompli.

The laws COAG proposes are often broad in their sweep and have far-reaching and different consequences in different jurisdictions. Often the decisions are tied to funding, as is the case with the national competition policy legislation. Predictably, anyone who dares to raise concerns about them is shouted down as a wrecker who is hell-bent on jeopardising funding for his or her State or Territory. So, there is no real opportunity for genuine scrutiny of this process.

That raises a related issue for me: What price do we put on the democratic process? In this case, it seems that our right to a say on this matter has been bartered away for $184m over seven years. I would have thought democracy was worth a little more than that, but perhaps that is just another reason why I will never become Treasurer. The competition policy Bills will radically change the way in which we get our gas, electricity and water. These things are vital day-to-day needs of every member of the community; yet there has been very little community-based discussion about the consequences. It is time to have the discussion, even if in the end there is nothing we can do but give our grudging assent to these Bills.

In most Australian parliaments there is little trouble passing the Bills because the Executive is in control of the lower house. In those parliaments the members pass the Bills, as they do with all government-initiated legislation, because their parties make them. Thankfully, this is not the case here; so we have the privilege of participating in a very rare debate. I do not hold out any hope that this discussion today will bounce out of this place into the national media spotlight, but it should. The gutting of parliaments should concern everyone who genuinely cares about our political system.

My own appreciation of what is happening at COAG, and my growing concern about it, has come slowly. It has been only in recent briefings between departmental officers and my staff that it has grown from a niggling doubt to genuine alarm. I should say at the outset, though, that I am grateful for the briefings and none of what I am about to say should be taken as a reflection on the work of the ACT bureaucrats who are involved in working on the policies in our jurisdiction. They are doing their jobs and, as far as I can see, doing them well. My concern is about the directions given by their political masters. And, in criticising the politicians driving the COAG process, I am well aware that, at least on the national stage, the Labor and Liberal parties have basically agreed on the process. I do not hold any one Territory government to account on this matter, but I strongly believe that there should be some accountability in the process.

I am not going to address each Bill in the package that will be presented to us this week, but will use the Water Resources Bill as an example of them all. I note that the 1994 report of the working group on water resource policy says that in introducing a strategic framework for the water industry eight principles should be followed. Dead last in that list of principles is that the community be involved in the water reform process. It is clearly an afterthought, but it is there.

I defy any government, anywhere in Australia, to show how this principle has been adhered to when not even the parliaments have been properly consulted about how the process should proceed. All of the competition policy reforms have been worked out in the bowels of COAG and then dumped on parliaments and the public alike. A cynic could

say that the only reason the public score any mention at all in COAG documents is to create the impression that their opinion matters a damn. Clearly, it does not. Yet, equally clearly, the changes will affect them, even if the policy boffins at COAG are uncertain how.

One thing the changes call for is the removal of cross-subsidies for metropolitan and town water. What does this mean? It could mean that, in some instances, water prices for domestic consumers will rise. But do not be afraid, because the same document says, in perfect bureaucratese, that the impact will be offset by cost reductions and more efficient customer-driven service provision. Bull! I seem to recall that this is almost exactly what was promised when the banking sector was deregulated.

Do you remember how we were all going to benefit from the brave new world of competition because competition meant service, it meant efficiency, and it meant choice? And what a load of codswallop that turned out to be! Thirteen years on, banking competition has delivered higher charges and no significant threat to the domination of the big four banks. Those banks rarely break ranks to any significant degree on either interest rates or customer charges. And the poorest pay the most for the privilege of putting their few lousy dollars at the disposal of banks. Deregulation of the banking industry has been a boon. It has been a boon to the already rich and to those who run banks. But it has been a nightmare for the poor. Today, if you have a few hundred dollars, you are actually better off keeping it under your mattress. At least there it would not be rapidly eaten away by bank and government charges.

Water is a far more basic need than money. A person can live without much money but he or she cannot live without water. Mark my words, the competition policy Bills mean that the price of water, gas and electricity will rise for ordinary consumers, while big business and the big privately-owned utility companies will reap the benefits. We are told that this Bill will be good for the environment. It may well be on some fronts, such as regulating environmental flows; but I know the Greens have some doubts about that. I am sure if they turn up we will hear them. I will leave it to the Greens to explain their concerns, but I make one observation. Markets reward those that use them most. In essence, markets reward gluttons. The really big users of water will inevitably pay less for their water than small users because the water providers will offer discounts to attract their custom.

Part of the rationale for this Bill is to remove the burden from those poor, put upon dears in big business who are, we are told, subsidising the water uses of mums and dads in the suburbs. I have no doubt that subsidy will quickly disappear under these proposals because it will be reversed. The mums and dads will end up subsidising the gluttonous use of water by big business and government. So how does building a system that rewards excessive use do anything at all for the environment?

Although paying more for water may be inevitable, and in some cases even desirable, the public should be told what the possible outcomes are and given an opportunity to have its say. Since I raised my concerns about the Water Resources Bill a few short weeks ago I have been approached by some of the managers of the ACT's golf clubs. These organisations are usually in a better position to scrutinise government decisions that affect them than most ordinary punters because they have the resources to do so.

Yet when these people came to my office they said they knew nothing about the legislation but, on investigation, discovered they may face new charges of at least $22,000 a year. They then asked how long they had to examine the Bill and have input before it was passed. They nearly fell off their chairs when they were told they had less than a week. It may be that it is high time that golf courses paid for the groundwater they use. But I think it only fair that they have a chance to put their case before the Bill passes into law.

I am happy to say that I am not on my own in raising concerns about the COAG process, even in this place. The Attorney-General, Mr Humphries, has recognised the problems inherent in national systems of legislation. In his speech at the National Futures Conference on 29 September this year, he said that the principle of merit review was well entrenched in the ACT's way of doing business and governance, but that what threat there was came from "schemes of national legislation". He said:

> The schemes of national legislation which are being developed around Australia ... will, over a period of time, I'm sure, produce a less open form of government - if they are not carefully controlled. I haven't got time to detail the risks that poses but I believe that it's an area that governments have to be very attentive to.

Yet not from Mr Humphries. I agree with Mr Humphries: There are serious threats to the democratic process in the way these decisions are manufactured. It is a fundamental requirement of our shared system of government that parliament scrutinises the work of the Executive. In COAG we have a super-executive operating without a parliament, without scrutiny.

I trust the Government has the wisdom to see that I do not take lightly the step of calling these Bills into question. It should reflect that I have not made a habit of pulling down its proposals just for the sake of it. The Government should reflect on the very real issues of concern I raise and seek to address them. I think I have made it clear that simply responding with, "Pass this or we lose the money" will not, in my view, constitute a very persuasive argument.

I want the Government to explain how the system will work in practice. I want to know how the poorest of consumers will be properly protected. I want to know what systems there are in place to stop speculation on the national water market. I want to know what the real timetable is for passing these Bills. From what date do we begin to lose the competition payments? I want to know whether there is any opportunity for community consultation on all or any of these Bills before that deadline falls due. If there is not, I want to know how the Government intends to raise with other governments the concern that the final point in the guiding principles of the policy has been ignored, that the community has not been involved in the reform process.

Whoever is going to speak should not bother saying that competition policy has been on the agenda since Hilmer delivered his report in the early 1990s. Competition policy has been an impenetrable academic discussion over the years since Hilmer raised it and Australian governments adopted it. There has been no real community debate and no real

attempt to explain what it all meant. It is, and always has been, a top-down policy wonk discussion. COAG, as usual, knows best and we should all just shut up and do what it says! The detail of what these changes mean is in the seven Bills which were circulated in this place only in September. What they all mean in reality is anyone's guess. I defy the Government to say categorically that it knows how this system will work in practice when it is up and running. If members opposite do know, I ask them to explain it in this place today. If they succeed, they will go boldly where no-one has gone before, because no academic or bureaucrat has had the guts to predict what this market will do once it is established. If the Government succeeds in explaining this system, I suggest its members would be better employed on Wall Street. I await their response with interest.

Finally, Mr Speaker, I have a feeling today - Melbourne Cup day - that we are all about to be "Jeffed" by these Bills. You know what I mean: You have an irritating itch in your behind and you have no idea how it got there.

MRS CARNELL (Chief Minister) (4.56): Mr Speaker, I welcome the opportunity to discuss this matter today. The Council of Australian Governments first met on these issues on 7 December 1992. It was formed as a forum for executive governments to meet and discuss significant matters of national interest with the aim of achieving reform - not the things Mr Berry was talking about before, but that is another issue. However, it goes without saying that the development of any reforms agreed at COAG is subject to all the usual requirements. If the subject matter is governed by legislation, it needs to be considered by the local parliament at State or Territory level.

Mr Speaker, it is important that we have checks and balances in any system of government. That is the very basis of our democratic system in this country. The balance with COAG is to ensure that the interests of Australia as a whole are not overlooked in the hurry to look after the local electoral fortunes of individual jurisdictions. The big picture is tempered by the opportunity given to local parliaments to debate any legislation arising out of COAG agreements. This is a balance that is necessary for the good governance and proper functioning of our federal system of government.

But when we start to look at the facts in this debate, it becomes clear that the members opposite, and possibly to a smaller extent Mr Osborne, are again fairly ill-informed. Since February 1995 COAG has met only twice - in April 1995 and June 1996. The third meeting is scheduled for this Friday, as I mentioned earlier. I attended both of these meetings as Chief Minister for the Territory. Mr Speaker, I have always reported outcomes to the Assembly by way of ministerial statements and earlier today I made a statement outlining the meeting that is coming up this Friday.

Mr Speaker, I do not know what Mr Osborne thinks happens at heads of government meetings or when we all get together. This is a tough forum that is renowned for hard negotiation, with all members being acutely aware of the needs and aspirations of their local communities. Indeed, over and above everything else, there has been widespread public debate on many of the significant reforms currently before the Assembly. In addition, when attending COAG no leader is foolish enough to overlook his or her own accountability requirements as a member of parliament or an elected representative.

I attend COAG, and I can assure members that the interests of the ACT are always uppermost in my mind. I have never been swept along by national interests, to the detriment of our local citizens. I think my record shows that, as I think Rosemary Follett's record shows too. In addition, the matters considered by COAG are extremely complex issues that cut across a myriad of financial, legal and service delivery frameworks. The matters that get to COAG are the ones that have been put in the too-hard basket for years. COAG agreements do not suddenly appear out of thin air. They evolve over long periods of time after a lot of research, analysis, public consultation and negotiation between governments. Mr Berry will recall the COAG agreements which were reached in his areas of portfolio responsibility when he was a Minister in the Follett Government. He may like to outline the process for the agreements he entered into as Minister for Health between 18 June 1991 and 7 June 1992. I believe these included things such as the Food Standards Code and the National Food Safety Regulations.

As any member of the Assembly who has the responsibility of government will know, reaching agreement at COAG is not, by any stretch of the imagination, the end of the process. The full process often includes further years - and I mean years - of discussions and negotiations between the different levels of government and further public consultation before the details of the agreements are finalised and associated benefits accrue to the general public. Over more recent times, there has been additional scrutiny by the Leaders Forum in relation to the COAG proposals. This brings another perspective to these critical matters. This is yet another check in the system to complement consideration of these issues by individual jurisdictions - that is, both the local governments and the local parliaments.

Since 1995 - that is, since I have been in government - only the following matters have been the subject of formal agreements by COAG: The trans-Tasman mutual recognition agreement, signed on 14 June 1996, and the COAG agreement to some follow-up arrangements for gas in 1995. However, Chief Minister Follett had committed the ACT to this process in February 1994 by agreeing to implement the uniform national framework for the access rights to natural gas supply networks, to facilitate free and fair trade in natural gas within and between jurisdictions. The trans-Tasman mutual recognition agreement was implemented by way of legislation passed in this Assembly on 19 June 1997 - that is, it was subject to the usual scrutiny of this house.

Mr Speaker, I would like to remind members of the excellent concessions the States and Territories have won from the Commonwealth in relation to the development of treaties. Last year, after extensive debate on the Commonwealth's practice of negotiating and signing treaties without proper consultation with the States and Territories, COAG established the Treaties Council. This enabled the proper involvement of States and Territories in the treaty-making process.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

COAG AGREEMENTS AND NATIONAL COMPETITION POLICY
Discussion of Matter of Public Importance

Debate resumed.

MRS CARNELL: In addition to this forum, all treaties considered by COAG members sitting as the Treaties Council are scrutinised by the Commonwealth Parliament. A national interest analysis is prepared for each treaty being developed. This sets out the consultations on each treaty. These arrangements reflect even more checks and balances in the COAG system. Furthermore, Mr Osborne has been advised by the Attorney-General of this Government's support for protections against erosions of individual rights that could be overlooked in national legislative schemes.

Mr Speaker, I refute any suggestion that this Government is part of any backroom deals. We are conscious of the need for open and accountable government. Mr Osborne's sudden interest in national competition policy makes it worth touching on the history of COAG agreements in this area, the process by which they have been reached and the means by which the Government is seeking to implement the agreements.

The national competition policy has many threads. They have been developed over many years but all with one fundamental outcome in mind, that is, to capture the benefits to the general public and business of increasing competition in the various product and service markets in Australia. This means ensuring that there are no regulatory constraints that prevent the benefits from accruing to all Australians. More than seven years ago, the work started which subsequently led to agreements on electricity, gas and water reform. Over five years ago, the work on other key elements of national competition policy covered by the 1993 Hilmer report got under way.

For the benefit of the members of the Assembly, the process generally followed is as follows: If an area appears to require reform, governments commission an independent study into the area. The independent study is conducted with the benefit of public submissions and consultations, and a report is prepared for government. Governments and others consider the report and decide on the appropriate responses to the issues raised. This often involves further public consultation, negotiations between interested parties and examination of the issues by parliamentary committees in various jurisdictions. Where more than one Australian government is involved, extensive discussions and negotiations occur between government officials and Ministers. Only then can COAG agree on the best way forward.

The COAG agreement is only the mid-point of the process. Implementation often takes several more years as the fine details are resolved and appropriate regulatory regimes are put in place. Take the case of electricity. This often involves extensive further studies and public consultation, as evidenced by the work of the pricing commissioner in relation to electricity charges. At no point does the Executive ignore the interests of the community or the Assembly. There have been numerous briefings and offers of briefings - often not taken up, I have to say - for members of the Assembly on the broad range of issues and legislation associated with COAG agreements. I note that, in the case of the competition policy legislation currently before the Assembly, Mr Moore and the Greens have received briefings on the issue. The Labor Party and Mr Osborne have not taken up the offer at this stage, although I understand that Mr Osborne's staff have been briefed. Mr Osborne's sudden interest is very welcome. To date, Mr Osborne has not said much in relation to key pieces of legislation related to competition policy and COAG agreements. He has not participated in the debate to date, but I am very pleased that he is doing so now.

What are we talking about with these reforms? They are not academic exercises or some conspiracy to harm residents of the ACT. The agreements and reforms have been pursued by ACT Labor and Liberal governments alike. Why? Because they bring benefits to the residents of Canberra. We are already seeing some of the benefits in terms of electricity prices. Over time more benefits will flow. The legislation currently before the Assembly arises largely from agreements that were signed by the Follett Government.

The development of a nationally coordinated approach to micro-economic reform has been on the political agenda since the Special Premiers Conference in October 1990. One of the most surprising and, might I say, admirable aspects of the process has been the apolitical manner in which this has been progressed, at least until now. Successive governments at Federal, State and Territory levels have put their political differences aside to achieve reforms that all have recognised are in the national interest.

This has historically been the case in the ACT, and I stress "historically". Although Mr Kaine, as Chief Minister, was involved in the initial round of reforms in October 1990, all the following meetings of Premiers and Chief Ministers at the Council of Australian Governments were attended by Rosemary Follett as Chief Minister. Rosemary Follett, on behalf of the ACT Labor Government, with Mr Berry as Deputy Chief Minister, signed off on the gas, water and electricity agreements. The Follett Government also signed off on all the national competition policy reforms bar the last one. That was signed off by me in April 1995, a couple of weeks after we got into government. It goes without saying that I adopted the same bipartisan approach to these reforms as other leaders. All of these reforms have involved extensive consultation processes and all members of the Assembly have had the opportunity to participate in these processes. This Government cannot be held responsible for the limited input of others. These documents - and there are buckets of them - have been on the table for years and they spell out the whole policy, the intricate nature of the policy, what is going to happen and when it is going to happen. Some of the timeframes have been extended.

One thing that is most interesting here is that Mr Berry has used this issue to say that these Bills are about privatisation. That shows again that Mr Berry does not understand what he is talking about. The competition principles agreement explicitly states in subclause (5) - and I think Mr Berry should listen to this, too:

> This agreement is neutral with respect to the nature and form of ownership of business enterprises. It is not intended to promote public or private ownership.

It is quite explicit that the national competition policy is not about ownership at all. The fact is that this shows once again that Mr Berry has not read the documents. He has gone off half-cocked in a political direction without having a clue as to what he is talking about. He did not even realise that Ms Follett, his Chief Minister, had signed virtually all of the agreements and had committed the ACT to the passage of legislation in these areas. He did not realise that this is not about privatisation, and it cannot be, as that is spelt out in the competition policy. He certainly did not realise, obviously, that this was about creating a fairer market, one in which publicly-owned businesses will not be in the position of being subject to unfair competitive advantages or disadvantages. We are already seeing the benefits of national competition policy - something that we supported in opposition and something that was entered into by the previous Government. For the life of me, I do not understand what Mr Berry is talking about.

MR SPEAKER: Order! The Chief Minister's time has expired.

MS TUCKER (5.11): Of course, the Greens are very interested in this debate today. This is not a sudden interest for us; it is an issue that has concerned us for some time. As members will no doubt recall, we first raised the issue in a substantial way in 1995, when I moved for a select committee into competition policy in the ACT. At the time, we were told that it was too late for any discussion of competition policy because the agreements had all been signed - as Mrs Carnell says, by the former Chief Minister, Rosemary Follett. As we all know, the Hilmer reforms, which are the basis for all these reforms, were initiated by the former Commonwealth Labor Government.

I have spoken at length in the past about my concerns with all these reforms, especially at the time when we debated the Competition Policy Reform Bill; but I will repeat a few of the points in the context of today's debate. As I have mentioned, we did initiate a select committee. I argued then that the Competition Policy Reform Bill was legislation with implications which had not been debated sufficiently either within the Legislative Assembly or in the wider community. Mrs Carnell just stated that these things had been well researched and thought through; but that has not been my experience or the experience of the community. I notice that Mrs Carnell has actually instigated further work with various community organisations to look at some of these implications and try to find out what is the downside of them. So, I do not think the work was sufficiently done before it was introduced.

I have argued consistently that, in the name of economic efficiency, this legislation had the potential to severely curtail State, Territory and local government capacity to promote and protect social justice, consumer and environmental objectives. As I said in 1995, the 17 people in this Assembly are elected to represent the interests of the ACT.

The members of this Assembly have a responsibility to their constituents to find out how legislation before them will affect the lives of their constituents. This involves a responsibility to ensure that national uniform legislation does not have an adverse impact on the community and does not limit the capacity of our local legislature to promote social justice and environmental objectives, the economic wellbeing of the local community, maintenance of basic wage and work conditions for residents of the ACT and other important community concerns. So, it is up to the 17 members in this Assembly to look very carefully at all pieces of legislation, debate the consequences for the ACT and then ensure that all the interests I have just mentioned are protected.

Many of the issues that have been raised by members over the past two days are not new. A big concern with all the agreements and legislation is the lack of specific criteria to assess public interest. There has been a lot of rhetoric about community service obligations, but little detail. We are still seeing the consequences of that when we have our Estimates Committee hearings and we ask questions about the community service obligations aspect of government service agencies. We keep getting the answer that it is not their responsibility, basically. A good example, of course, would be housing. We are continually told that it is about bricks and mortar, but we have to see where the community service obligations aspect of housing is fitting into the Government's work.

Also, the issue of freedom of information and commercial confidentiality is very important in this whole issue of competition policy, because we can lose accountability when the private sector is seen to be doing business with the public sector. A number of inquiries actually have occurred and have reported, or are currently under way, looking at the commercial-in-confidence issue in this time when we have the growing likelihood of government working with the private sector. Something that comes out quite clearly from all those reports and investigations is that there have to be different rules for the private sector if it is working with government. This is a bottom line that it is going to have to understand. I am looking forward to the current inquiry in Victoria to see what it comes out with on this subject.

Of course, the environmental aspects of this are very important and have been an ongoing concern. The Federal Government before this one actually had an independent forum, similar to the one that is now set up in the ACT, which had on it representatives of the ACF or other community environmental experts, to review any legislation in terms of its impact on the environment. The current water Bill that we are looking at in the ACT is an example of imposing market principles, and trading water certainly raises some concerns. I have grave concerns about certain aspects of that. If we look at the current crisis of our river systems in Australia, I cannot believe that any of us could feel even vaguely complacent about how, to date, we have been managing our water and the sale of water in rural areas. It is alarming, to say the least, to see this rather vague Bill that we have been presented with. But that is something that, I guess, we will be debating later on.

In the Select Committee on Competition Policy Reform we actually made a couple of recommendations about the involvement of other members of this place. We also recommended that there be an independent forum established, which was initially rejected by the Government; but when we re-presented it in the form of a motion it got the numbers. So, that panel has been working for some time. I understand that it has been

bogged down a bit - or a lot - and the form of it has changed somewhat recently, with less presence of government agencies and more independence in terms of how that group works. So, I am looking forward to seeing what its process will be. As well, I am very interested to know whether it has had an opportunity to look at these Bills that we are being presented with. The committee recommended:

> ... that the Assembly gives consideration to developing mechanisms to increase its involvement in the making of intergovernmental agreements.

That is partially what Mr Osborne's matter of public importance today is about and what I understand Mr Moore's proposed legislation tomorrow will be about. The Government was not particularly interested in that recommendation. It said, in relation to other intergovernmental agreements, that it believes that these are primarily the responsibility of the Executive, but it acknowledges that this should be revisited in the context of the treaty-making process in Australia by the Council of Australian Governments. So, that has been very slow and is of concern to the Greens.

I feel that, on many of these issues, the horse has bolted. I guess that both major parties need to be thanked for that. If we had more minority governments in this country, with strong voices for social justice and environmental concerns, we probably would have gone into this thing with a little more caution. But we should not have to accept all of this as a fait accompli. We need to see how these legislative proposals impact on the ACT. We also need to look for ways to ensure that, in future, all Assembly members have an opportunity for input to intergovernmental agreements and legislation. As I said, the select committee was concerned about this issue; but we did not get a strong enough response from the Government. So, I am happy to be debating it again. I am glad that Mr Osborne has become interested in the issue, and I am glad to see the Labor Party, even though it does not seem to be quite across the history of it, showing some more concerns. Let us hope that, as a group, we will be able to come up with constructive solutions to deal with the possible costs of moving with competition policy in the way that we have done.

MR BERRY (Leader of the Opposition) (5.20): The first thing I want to deal with is the Greens' whingeing about the major parties in relation to this matter. Let us not forget that it was the Greens, among others, who voted for the establishment of a Liberal government and who have had their hands on the levers ever since. Let me draw attention to some of the mischievous statements that have been made in this place in relation to Labor's involvement. I am not opposed to competition per se, and never have been; but what I am opposed to is competition which affects badly those people who are less well off. That is what worries me with any proposed legislation which is developed by the Liberal members opposite.

Mr Moore: It did not worry you when Rosemary was signing up.

MR BERRY: I heard Mr Moore interject, "It did not worry you when Rosemary was signing up". Rosemary Follett and a Labor government did not produce this legislation; the Liberals did. It is Liberal legislation, and you have to be wary of it, Michael - in case you have not noticed that you need to be wary of it. If Mrs Carnell had been

completely honest about Rosemary Follett's involvement in this whole matter, she would have drawn members' attention to a speech that Rosemary made on 24 October 1995 in relation to competition policy, in which she said:

> ... I still believe that in discussing competition policy for Australia there are a great many issues that need to be quite clearly specified so that the community, the governments and parliaments involved, and also the organisations who will be directly affected by a competition policy, the government business enterprises and so on, are aware of what the important issues are.
>
> I was concerned in the debate on competition policy to ensure that there would be benefits for the community overall as a result of this reform process, and the kinds of benefits that I was anxious to see were, of course, benefits to the consumers; of course, benefits by way of community service obligations on the organisations involved; of course, greater environmental protection, and so on. But it seemed to me that in the debate on competition policy, while there was often lip-service paid to those kinds of issues, it was the rhetoric of competition and of reform that seized the moment and these other issues were not given, throughout that debate, the kind of profile they deserved.

That was the emphasis which, if you had been honest, Mrs Carnell, you would have drawn attention to, because Rosemary Follett, when in opposition, made clear her concerns about the approach of a Liberal administration. She rightly expressed those concerns. It was less than honest of you not to draw attention to her later words in relation to the matter. It is a quite different issue when you look at the comments from Ms Follett which are on the record. Her social justice concerns were made abundantly clear, as were her concerns about the performance of the type of government which we have opposite.

Mrs Carnell was moaning earlier about how certain agreements were never made in the COAG process. I will read from page 422 of *Hansard* of 10 May 1995, quoting Mrs Carnell:

> We are working on implementing the competition policy, and I think it is a really important part of what we did at COAG this year. There are a number of things we are happily committed to doing, such as reviewing legislation and regulations affecting competition, and developing a timetable for reform of all anti-competitive regulation and legislation by the year 2000, in accordance with the Hilmer principles. Further, in line with the principles agreed to under the Hilmer reforms, we will also move to corporatise ACTEW, ACTION and ACTTAB ...

She then went on to say:

> In relation to other items on the COAG agenda, I advised members of the agreements that had been reached in relation to the reform in health and community services, public housing, and the treaty ratification process. It is good to note that in the area of health and community services more than one meeting has already occurred. We are seeing some movement in the continuity of care area, trying to break down the barriers between critical care and community care.

She talked about the agreements that were reached at COAG. That gets back to the issue that has been raised in Mr Osborne's matter of public importance, which, of course, has attracted the derision of Mrs Carnell because, I suspect, Mr Osborne had the audacity to raise such an issue, knowing full well that there has been insufficient consultation in relation to these matters and insufficient scrutiny.

I will tell you why there has been insufficient scrutiny. Ms Tucker referred to the committee recommendations. Of course, that committee was chaired by Rosemary Follett - so, she had a fair understanding of the issues - and it was driven, as chair of the committee, by Rosemary Follett. That was Rosemary Follett's last involvement in the development of policy in relation to the issue. Ms Tucker said that they had moved the motion to establish the select committee, and that is true; but this committee was driven by the chair of it, Rosemary Follett. One of the committee's recommendations, referred to by Ms Tucker, was:

> ... that the Government establish a forum to provide ongoing monitoring and advice on the implementation of competition policy. Such a forum should include representatives of community, environmental, consumer, union, business and academic organisations.

This was the response by the Government to recommendation 8 of that report of the committee chaired by Rosemary Follett, set up on the motion moved by the Greens, arising from the Government's approach to competition, in relation to a speech given in the Assembly which drew attention to those issues - again, a speech by Rosemary Follett - all post the signing of agreements with a Labor philosophy behind them instead of a conservative one from those opposite:

> The Government does not support this recommendation.

This is the Government that you supported, Ms Tucker - the Government that you put in. This Government, of course, did not support the recommendation. Why should you be surprised that the forum that was set up did not work? Why should you be surprised that it is bogged down?

Ms Tucker: It is working now. So, you can relax, Mr Berry.

MR BERRY: It is working now. It has not worked for months and months. The issues which will be the focus of attention on Thursday have not received an adequate public airing because the forum at which it was intended to do that has not been operating as effectively as it should be. So, you have brought it on yourself by not ensuring that the forum could adequately examine the issues which have come before this Assembly.

Now let us make a few things abundantly clear here. Let us summarise them. Labor is not opposed to competition per se. We are opposed to Bills passing through this legislature without a full public airing by the committee and an understanding of the effects that that legislation is going to have on the community. Had that forum been established and been working properly, as recommended by the committee chaired by Rosemary Follett, there might have been a more adequate public airing of the issues; and there was not. That is what it was proposed to do, on my recollection of it. Had that been the case, of course, there would have been a better public airing of it.

The fact of the matter is that this matter of public importance is appropriate. It is not appropriate by virtue of the fact that COAG exists; it is appropriate because of this Government's inadequate performance in consultation and in allowing scrutiny of matters which have been occurring in the COAG process. Mr Speaker, this is an important matter of public importance. It has allowed me to draw attention to some of the issues which have developed over time, which have not been mentioned by Mrs Carnell, in the context of Rosemary Follett's involvement in this.

Again, I summarise: Let us not forget the committee that was chaired by Rosemary Follett and the comments of Rosemary Follett in this place expressing concern about the way the Liberals handled these issues and expressing the Labor Party's commitment to social justice. We will not abandon that in favour of a hasty throughput of legislation.

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

MR MOORE (5.31): Mr Speaker, it gives me great pleasure to rise to speak. I see Mr Kaine rising to speak. I understand that there is about 10 minutes to go; so, I will keep my speech very tight, Mr Speaker.

MR SPEAKER: Please do.

MR MOORE: As you know, I do regularly. That will give Mr Kaine an opportunity to speak as well. I congratulate Mr Osborne for bringing this matter to the attention of the Assembly in this MPI discussion. It is important that we bring greater scrutiny to bear, not only on COAG agreements but on all ministerial council agreements that come back to this Assembly in the form of legislation. Mr Speaker, as you would be aware, this is something that I have commented on for many years in this Assembly. I have constantly warned Ministers about bringing in legislation and saying, "This has been agreed on; so, we really have to proceed with it". That does not necessarily tie me in, unless I have been involved in some way in the preparation for those negotiations. I realise that that has not been the practice in this Assembly.

This matter has been brought to a head, I think, by concern over legislation coming out of our national competition policy that will come before the Assembly in the next couple of days, particularly the agreement on water and how we are going to deal with water. Mr Speaker, there are negotiations going on on those things at the moment. Certainly, I have been part of making sure that there is a round table conference so that we can distinguish between parts of that legislation that are tied to funding and have to be done

now and what I like to refer to as the "blackmail" funding - maybe it should be called "bribe" funding - of the Federal Government. Mr Speaker, there is a series of issues here. We have known in self-government - and it applies to the States as well as to the Territories - that the Federal Government uses this technique in order to get its own way. What it reflects more than anything is the imbalance in our taxation systems, whereby the Federal Government can use money in this sort of bribing way: "Either you do it our way or you miss out on the money". We are talking about large sums of money.

Mr Speaker, because this has been a concern and the issue has been raised and it has been on my mind for some time, I foreshadow to the Assembly that I shall be introducing tomorrow the Administration (Interstate Agreements) Bill 1997, which is about negotiations for interstate agreements, which will require Ministers to notify all members of negotiations and to consult with the appropriate committee of the Assembly where the committee actually has a reference which bears directly on the negotiations.

Of course, there are some difficulties with this, because there needs to be a procedure for that kind of notification; but also there will be very regular occasions for these sorts of agreements where there are fairly urgent or extraordinary negotiations. The legislation will allow for those. I will talk on it in more detail tomorrow. Mr Speaker, it is also appropriate for us to make exemptions, and I will talk about the exemptions when I introduce the legislation tomorrow. What I am trying to do by introducing this legislation is exactly the same thing as Mr Osborne is trying to do - that is, to say that, when negotiations are occurring, this Assembly should be involved in the initial instance, to understand what is going on, so that we are involved in the process, instead of being tacked onto the end of the process when legislation is dropped on the table.

It is not just this Government; it happened under the Labor Government. So, it is quite extraordinary for Wayne Berry to stand here and point the finger at the Greens and say, "The Greens supported this Government. Now they can stand up and be critical". Mr Berry, it was a choice between Tweedledum and Tweedle-even-dumber - and now much-dumber - as to which way we should go. It would not have mattered which way we went, because we still would have dealt with this issue in exactly the same way as it had been dealt with before 1995. In this debate, 1995 is a quite key issue, Mr Speaker. I notice that Mr Berry was quoting Ms Follett when she was speaking in 1995, after she came into opposition. Do not forget that apocryphal quote from Mr Gary Humphries: "I can be honest now that I am in opposition". I think it might well apply in this situation.

Ms McRae: That was Mr Humphries, not Ms Follett.

MR MOORE: Ms McRae, you must have misheard me. I was very clear in saying that it was Mr Humphries who made that quote.

Ms McRae: I am just interjecting for the record that it was not Ms Follett.

MR MOORE: Your interjection was unnecessary. When you see the transcript, you will see that I attributed that quote to Mr Humphries. How could we miss it? We all know that Mr Humphries made it; we keep raising it again and again; and no doubt we will continue raising it as long as Mr Humphries is in this Assembly.

MR SPEAKER: Repetition is out of order.

MR MOORE: Mr Speaker, it will be raised in appropriate circumstances. It is an excellent thing that Mr Osborne has raised this issue today. It is part of the continued scrutiny by the crossbenchers of what is going on in this Assembly. It is the crossbenchers, of course, that have continued to make move after move that not only seeks cooperation in this Assembly but also seeks to make sure that there is adequate scrutiny, and we will continue that process.

MR SPEAKER: Mr Kaine, you have seven minutes.

MR KAINE (Minister for Urban Services) (5.36): Mr Speaker, listening to the debate so far, one would almost assume that COAG agreements appear like - - -

Mr Berry: On a point of order, Mr Speaker: During Mr Moore's contribution to the debate, he clearly impugned the honesty of a former member, and I would ask him to withdraw it.

MR SPEAKER: Did you do that, Mr Moore?

Mr Moore: Mr Speaker, I believe that I did not; but, just to clear the record, if in some way I made the imputation that Ms Follett was dishonest, I certainly withdraw it. I do not believe Ms Follett to be a dishonest person.

MR SPEAKER: Thank you.

MR KAINE: Mr Speaker, listening to the debate so far, one would almost assume that COAG agreements are like bolts of lightning that suddenly appear from the sky with no warning - nothing. Of course, it could not be further from the truth to assert that. They are, in fact, often the result of months, if not years, of research and analysis, and negotiations on a government-to-government basis at the officials level and at the political level; and often a great deal of public consultation goes on as well, even before the COAG agreement is reached. So, to suggest that there is no knowledge, nobody is informed, nobody knows what is going on, I think, is a gross distortion of the truth.

There also seems to be some assumption that these things produce no benefit. I will confine my remarks specifically to electricity, which is something that I know a little bit about. I think that it is positive and that there have been many benefits already from the economic and other reforms that have taken place in the electricity supply industry, particularly so far as the ACT is concerned. The wholesale price today is far below what it was under the former monopoly tariffs. The ACT consumers have benefited enormously. That has come purely from the benefits of competition. Perhaps the best example is transmission charges. For years, ACTEW and its predecessors, although unhappy about the charges, simply had to pay them. There was no other way in which they could deal with it. But now we do have a significant say, and the costs have been significantly reduced.

I think that the thrust of Mr Osborne's matter of public importance is that somehow or other there is no scrutiny. Mr Speaker, I have to say that, in connection with electricity, there has been plenty of opportunity for that. I do not know on what basis Mr Osborne or anybody else asserts that there has been inadequate scrutiny. The process has been going on, in connection with electricity, for about five years now. There have been many phases of it. All of the appropriate documents and agreements have been tabled in this place. There has been quite some discussion here. All the way through, members have been involved in what is going on.

When we introduced the regulation of ACTEW's charges a little while back - following, I should add, Mr Osborne's amendment to the ACTEW corporatisation legislation - there were briefings for all members of this place. All Assembly members were provided with our issues papers on how we might move to introduce competition into electricity retailing. Later on, in May this year, I wrote to all the non-Government members of the Assembly and I urged them to take up the opportunity to be briefed on our electricity reform package. The then Leader of the Opposition, Mr Whitecross, did take up that offer. Subsequently, after we had introduced the legislation, briefings were provided to the Greens, to Mr Berry, to Mr Moore and to Mr Osborne's office. I repeat, "to Mr Osborne's office" - not to Mr Osborne. He chose not to be briefed.

I understand that my office has provided further information as it was sought. I further understand that the members were happy with the outcome of all of those briefings and had no further questions at that time. All of that was in addition to the exhaustive consultative process conducted by the National Grid Management Council and the Australian Competition and Consumer Commission. I think it demonstrates an incredible effort to ensure that everybody, including members of this Assembly, was informed. Claims now of inadequate briefing, I think, Mr Speaker, are pretty hollow.

In his matter of public importance, Mr Osborne adverts specifically to the national competition policy. Let us review the facts. We had presented to this place a Bill called the Competition Policy Reform Bill 1995. Some of us were so concerned that we formed a select committee to look at it - specifically, Ms Follett, Ms Tucker and me. We submitted that Bill to exhaustive review and we reported to the Assembly on the matter. That report, or aspects of it, were debated in this place on four different occasions. Where was Mr Osborne during that process? He did not want to be on the committee. He made no submission to the committee. He did not appear before the committee. In the four debates that followed, Mr Osborne's name does not get a mention in *Hansard*. If he was so concerned about it, where was he when the competition policy was being debated in this place?

It is not good enough, Mr Speaker, 1½ years after the exhaustive process of consultation and debate in this place, to get up and say, "I did not have enough opportunity to put in my two bob's worth". He had the same opportunity as everybody else in this place had, and he obviously chose not to take it. So, I do not accept from Mr Osborne his argument that he has not had the benefit of due process and he has not had the opportunity to make the input that he might have chosen to make, either on the national competition policy specifically or in connection with the evolving processes and systems that we are putting in place to ensure an adequate supply of electrical energy to people who live in Canberra,

at a reasonable price. I think that either you are in it at the time and you say your piece or you stay out of it and you abdicate the right to say your piece. It is not good enough to come along later and say, "The process is defective". In this case, Mr Speaker, I suspect that the process has been defective only because the member has chosen not to involve himself in it at the time.

There are other aspects of all of this. There is water, there is gas, there is the road reconstruction system - all of which are part of the reform program. I submit that my comments in connection with the competition policy in particular, and electricity supply in a more general way, apply equally to all those areas. If Mr Osborne wants to be involved, he can and will be carefully briefed, if he chooses to be briefed. His input is always welcome - but at the time, not a year-and-a-half later.

MR SPEAKER: The time for the discussion has now expired.

UNIVERSITY OF CANBERRA (TRANSFER) BILL 1997
Detail Stage

Clause 1

Debate resumed.

Clause agreed to.

Clauses 2 to 14, by leave, taken together, and agreed to.

Clause 15

MR STEFANIAK (Minister for Education and Training) (5.44): I seek leave to move together two amendments circulated in my name.

Leave granted.

MR STEFANIAK: Mr Speaker, I move:

> Page 8, line 22, paragraphs (e) and (f), omit the paragraphs, substitute the following paragraph:
>
> "**(e)** by omitting subsections (3) and (4) and substituting the following subsection:
>
> '(3) A Statute is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.' ".

Page 8, line 32, paragraph (h), omit the paragraph, substitute the following paragraph:

"**(h)** by omitting subsection (7).".

I present a supplementary explanatory memorandum in relation to those amendments. Mr Speaker, as a result of the matters raised by the Scrutiny of Bills Committee, on behalf of the Government, I propose these two amendments. They are both to clause 15 of the Bill. They cover the approval and publication of statutes. They have been developed in response to concerns of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. The Government agrees with the standing committee that under the present Bill it may be difficult to distinguish between a legislative statute and an administrative statute. To avoid this situation, the Government proposes that all statutes made by the university should be disallowable by the Assembly. Accordingly, I propose that subsections 42(3) and (4) of the University of Canberra Act 1989 covering statute notification and tabling be omitted and a new subsection 42(3) substituted. It makes all university statutes disallowable for the purposes of section 10 of the Subordinate Laws Act 1989. The notice provisions in the Subordinate Laws Act cover all university statutes. Subsection 42(7) of the University of Canberra Act is therefore unnecessary and should also be omitted.

I had some concern, as I think did my colleague Ms McRae, that by these amendments we might be imposing an unreasonable burden on the university. I note that there were some 34 statutes. I am advised that they have all, in fact, gone through a similar procedure in the House of Representatives and the Senate. Accordingly, whilst there is obviously some inconvenience, it is not an unreasonable matter for the Scrutiny of Bills Committee to raise. Accordingly, the Government has proposed, in accordance with the points raised by the Scrutiny of Bills Committee, these amendments, which I commend to the Assembly.

MS McRAE (5.46): We will be agreeing to these amendments. They came out of a recommendation of the Scrutiny of Bills Committee, as Mr Stefaniak has pointed out. They obviously did deserve attention. We did follow through to see what level of inconvenience they would cause and whether, in fact, they were necessary. The court is still out as to whether they are absolutely necessary. It was a question of which statutes that the board of the University of Canberra was actually putting through were legislative statutes and which were not. Since the Scrutiny of Bills Committee felt that this may cause questions of interpretation and disputes, it is probably easier to go with the amendment and allow all statutes to be tabled in the Assembly.

The Minister said that there were 34. I thought that there were 64 statutes. Anyway, I believe that an awful lot of these statutes are going to come past our noses and sit here as disallowable instruments. It may be something that we will seek to review in the future if they do end up creating a level of cumbersomeness and unnecessary bureaucratic and legislative processes and do not necessarily yield any productive results for the University of Canberra.

The Commonwealth may well seek to do the same, as this net for catching statutes seems to catch everything which it may or may not be necessary for the Assembly to scrutinise. But it seems simpler at this point to support this amendment and, perhaps in a year's time or so, to review it, have a look and see what the impact of it has been and how the whole thing is travelling, and make appropriate changes at that time. So, the Opposition will support both of these amendments.

MR STEFANIAK (Minister for Education and Training) (5.48): Just to conclude on that, I think Ms McRae raises a valid point. Certainly, we also were concerned about whether there would be considerable inconvenience for no real benefit. I think the idea of monitoring this is very sensible, and is certainly something the Government would agree with.

Amendments agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MR MOORE (5.49): Mr Speaker, I move:

> Page 11, line 25, clause 31, omit the clause, substitute the following clause:
>
> "**Regulations**
>
> **31.** The Executive may make regulations for the purposes of this Act.".

Mr Speaker, this amendment brings to my mind the old song - to spare you, I will not sing it - about "Henry the Eighth, I am, I am". I can see the Chief Minister already bopping up and down to that. Mr Speaker, clause 31 is a Henry VIII clause; that is, one which, the legislation having been passed, allows the Executive to change the legislation to whatever it wants. It is a transfer of power back to the Executive from the parliament to do the job of the parliament, and, as such, is entirely inappropriate.

I am a bit disappointed that it was not picked up by the Scrutiny of Bills Committee. I am a bit disappointed that it was not picked up by the Minister. But, having said that, I have to say that I also did not pick it up until about the third reading of the Bill very recently. That is just an unfortunate thing. All members of the Assembly have a role to make sure that their scrutiny of the legislation is as thorough as possible, and that increases our chances of picking these things up.

Mr Speaker, I am pleased that members have indicated that they will be supporting the change in the amendment. I think it does highlight for us that we have to be careful with this sort of legislation. Since Professor Whalan actually explained to me what a Henry VIII clause was - after I had been in the Assembly for some time, I must say - I have actually found them very interesting. I have never quite understood why it is called a Henry VIII clause. Perhaps somebody will be able to explain that to me.

Ms McRae: Get on with you! Because he made up his own laws to suit his own purposes.

MR MOORE: I hear Ms McRae saying that it was because he wrote his own laws. I presume that he got his parliament to pass laws that gave the power back to him. I see the Deputy Clerk nodding as well. So, we do have a good understanding of why they are called that. Here he is, quite a number of centuries later, still popping his head up. Of course, others who were close to him were not able to pop their heads up.

Mr Hird: He chopped them off.

MR MOORE: Thank you, Mr Hird; indeed. I am pleased that we have been able to pick this up and that members have agreed to make it the normal regulatory power of legislation.

MS McRAE (5.52): The Opposition will agree to this, although the explanation given to me is far less sinister than perhaps is implied by Mr Moore. I do not think every Henry VIII provision is necessarily, of itself, something that gives the Executive any extra power than it ever has. For heaven's sake, the Executive can always amend its own legislation by bringing in new legislation. This is simply a provision within the legislation to change the regulations. I would like, one day, to debate the clause further as to whether it is actually as sinister and as dreadful as all that and whether it should be expunged in every case.

The reason that was put forward to me - and perhaps the Minister could have explained it to us more fully in the explanatory memorandum - was specifically that this is such an extraordinary and unusual piece of legislation, and it happens so rarely, if it ever has, in the history of transfers of universities in Australia, that they were very nervous that somehow they had got something wrong or had forgotten something. Because it is so complicated to get it through both here and the parliament, the answer, as I understood it, was a provision that had a sunset clause, was available to the Executive for only a year and was just to make things smoother.

I do not necessarily view that as anything sinister or untoward, although I accept the basic principle: Why do it that way when you can do it by regulation or, in fact, bring in a new Bill? It is probably better, in terms of consistency, to stick with that provision rather than put in these extra clauses. Because it was given a sunset clause and because it was so clearly an unusual piece of legislation, I do not have any concern about that particular provision; but I am more than happy to accept this amendment and put it into the more normal regulatory processes that we are used to.

MR STEFANIAK (Minister for Education and Training) (5.53): Certainly, Ms McRae is quite right in terms of its being unusual legislation and there being nothing sinister. Also, she has quite rightly pointed out that it is a sunset clause. That being said, the Government does not have any real problems with Mr Moore's amendment, which is the standard form of all Acts. Accordingly, we will be supporting it.

MR MOORE (5.54): There is just one thing I cannot let go, Mr Speaker. I accept that there was not any particular sinister motive; it was just one of those things that slipped through. I think that was the main point Ms McRae was making, and I do not disagree with that. But I think the critical thing about this sort of regulation is that it takes the power from the parliament and leaves the power with the Executive. It is the parliament that passes Acts. What it would allow is the Executive to undo something that the parliament had enacted. To me, that is the important part. It was not sinister.

I think another important point is that it was within a very narrow scope. It could apply to anything consequential upon the transfer of responsibility for the university from the Commonwealth to the Territory. So, it was a very narrow application. It applied not just to this Act but to a whole range of Acts. Nevertheless, there is a principle, and that is what we are dealing with. I think that is what we have agreed with.

Amendment agreed to.

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

Bill, as amended, agreed to.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1997

Debate resumed from 25 September 1997, on motion by **Mrs Carnell**:

> That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (5.55): Mr Speaker, Labor will be supporting this Bill. The explanatory memorandum sets out in detail the effects of the proposed amendments in relation to the use of drugs in Class I and Class II institutions and the difficulties which have been faced by health professionals in the past in relation to these matters. There are a couple of issues of principle which I think one should talk about in this context. One is the use of drugs generally. Health professionals are not isolated from the use of drugs of dependence. It has been reported on many occasions in the past that health professionals have, indeed, used these sorts of drugs. What we have to do, of course, is remain vigilant to ensure that these sorts of processes are properly policed.

On the face of it, one could say that this is a relaxation of the laws which might lead to circumstances held to be undesirable. I trust that that is not the case. I note that there has been an involvement by relevant organisations to ensure that this matter is properly considered. I refer to the multidisciplinary committee - I almost mispronounced it because it is misspelt in the explanatory memorandum - which comprised members from the ACT Nurses Board, the Australian Federal Police, the ACT Government Solicitor's Office, the ACT Chief Pharmacist and the Canberra Hospital. I note that that is spelt with a small "t", which I am sure just escaped somebody's attention editorially. That is about the strongest criticism I could make of the explanatory memorandum and the substance of the issue.

I say to the Government in relation to this matter that it ought to keep a weather eye on the issue to make sure that it beds down safely, to ensure that these drugs of dependence are kept secure and that there is no chance of leakage into the community. I am not suggesting for a moment that health professionals are prone to that, although I do say that health professionals are not immune from the use of drugs. Mr Speaker, I reiterate that the Labor Party will be supporting this legislation.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.59), in reply: Mr Speaker, I assume that this means that the Assembly as a whole will support the Bill. I am very pleased with that support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

INTOXICATED PERSONS (CARE AND PROTECTION) (AMENDMENT) BILL 1997

Debate resumed from 25 September 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (6.00): Mr Speaker, I was most disturbed to see that the sobering-up shelter had been closed up, and I was most disturbed - - -

Mrs Carnell: Do you think we should not have closed it up?

Ms McRae: Let him finish. You might be pleased. You might change his mind if you keep on.

MR SPEAKER: Continue, Mr Berry.

MR BERRY: I was most disturbed at the circumstances which gave rise to that, and I see that the Government has come forward with something which may prove to be a help in relation to incidents in the past which caused the closure. There is no way of preventing people from doing harm to themselves at all times, I suppose; but, in the circumstances, it seems that it was indicated that, had there been proper search procedures in place, this might not have occurred. I trust that the proper search procedures that are put in place will help to prevent any likelihood of the occurrence of these sorts of incidents, however remote the chance, in the future.

There is an issue of civil liberties involved when it comes to the searching of people and there is an issue involved of who should conduct these searches. I note that the police already carry out a pat-down search, which, of course, is a preliminary to a closer inspection. I think, Mr Speaker, handled in the right way, this will be a positive move and will ensure that people who are in one of these sobering-up places are properly cared for. That was the aim of it. This is a long-held view of mine that goes back, I think, to the First Assembly - that we need a sobering-up place for people who have poisoned themselves with alcohol.

It was a long time coming, for one reason or another. It was put in place, I think, by a Labor government. I think Terry Connolly was the person responsible for it at the time. It is something that I have been an avid supporter of from the word go. I am pleased that the Government has put forward this proposal and I hope that it leads to an early opening of a facility which will enable the provision of care for people who, as I said earlier, have poisoned themselves with alcohol and need care for a few hours so that they do not do further injury to themselves or others. We are supporting the Bill.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.02), in reply: I thank the members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Motion (by **Mrs Carnell**) proposed:

> That the Assembly do now adjourn.

Tuggeranong Motel

MR KAINE (Minister for Urban Services and Minister for Tourism) (6.02): Mr Speaker, as a member for Brindabella and also in my capacity as Minister for Tourism, I would like to note with some satisfaction the latest development in my electorate, namely, the construction of a motel in the town centre at Tuggeranong. There has been a gap in Brindabella for years, in that there is nowhere down there where anybody can stay, if they are visiting relatives, if they are there on business, or even if they are there as tourists. That gap is now being closed. It will be a 100-room four-star facility and it is being constructed adjacent to the Town Centre Sports Club. It is another initiative on the part of the Tuggeranong Rugby Union Club and it will be of great benefit not only to the people who live in Tuggeranong but also to the people who visit it.

I see it as a great tourism resource, in that people who choose to stay there will be in close proximity to places like Lanyon, Tuggeranong Homestead, Cuppacumbalong, Tidbinbilla, the tracking station, Namadgi National Park, and the Murrumbidgee corridor. I expect, once it is built, that a lot of people in future will choose to stay in Tuggeranong rather than in less salubrious places in Canberra. I know that other proposals have been around the traps for some time for other accommodation facilities down there. All I can say is that this is only the first; the more the better. The more tourists we get who come and stay in Tuggeranong the better.

Tuggeranong Motel

MRS LITTLEWOOD (6.04): Mr Speaker, I would like to echo those comments and to add my delight that this will provide employment for young people in the valley. I visited the motel site late last week and I am delighted, as Mr Kaine is, to see that it is taking place. I look forward to the employment it will create for people within the valley.

Question resolved in the affirmative.

Assembly adjourned at 6.04 pm