DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

3 December 1997

Wednesday, 3 December 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.

ANIMAL WELFARE (AMENDMENT) BILL (NO. 2) 1997

MS HORODNY (10.32): Mr Speaker, I seek leave to present the Animal Welfare (Amendment) Bill (No. 2) 1997.

Leave granted.

MS HORODNY: I present the Animal Welfare (Amendment) Bill (No. 2) 1997.

Title read by Clerk.

MS HORODNY: I move:

> That this Bill be agreed to in principle.

This Bill addresses a major ethical issue of our time - the use of animals in scientific experimentation. It has been said that a measure of a civilised society is the way it treats its most disadvantaged members. I would extend this saying to include how that society treats the animals in its care. Unfortunately, our society would score a very low mark for the way it treats its farm animals in intensive agricultural facilities and the way it treats animals as unwilling subjects in painful and often fatal scientific experiments. I am glad that this Assembly has already taken at least a small step to counter intensive agricultural practices through its passing of legislation to phase out battery hen farming in the ACT. There is still much more to be done, however, in improving the welfare of animals in our society. This Bill specifically addresses another area that needs improvement, which is animal experimentation.

The Animal Welfare Act already contains the framework by which the use of animals in experimentation or teaching is regulated. Institutions that wish to use animals for research or teaching purposes are required to be licensed. A condition of that licence is that the institution must establish an animal experimentation ethics committee whose role is to approve specific programs of research or teaching using animals in the institution and to monitor the use of animals used in the programs. The composition and operation of these ethics committees are prescribed in the Animal Welfare Regulations. I understand that there are some seven committees in the ACT at such institutions as the CSIRO, the universities and the CIT.

Under the regulations, the ethics committees are currently composed of four categories of members - veterinarians, scientists, animal welfarists and independent persons. The committee members are appointed by the licensee, so they tend to include employees of the institution or fellow researchers. It has been an ongoing concern to animal welfare groups that their representation on these committees has been fairly tokenistic. They have had little influence on decisions made by the committees because they have never had the numbers on individual committees, and decisions are by majority rule.

This Bill, therefore, overhauls the provisions in the Animal Welfare Regulations and the Act relating to animal experimentation ethics committees to give greater recognition to animal welfare concerns. My Bill changes the composition of these committees so that the membership of these committees must comprise equal numbers of the current four membership categories, plus a chairperson who is not directly involved in research or teaching using animals.

The other major reform is that the Bill changes the way that decisions on the approval or variation of research or teaching programs are taken. Such decisions will now have to be made by the consensus of all members of the committee, rather than by majority vote as at present. The criteria for approving programs have also been amended to explicitly mention that the objective of the program must be to improve human or animal welfare and that the program will not cause unreasonable pain to any animal.

The Bill also requires the committee to undertake annual inspections of research or teaching programs and increases the penalty for licensees who undertake unapproved programs from $1,000 to $5,000. A number of amendments consequential upon the change in the composition of the committee relate to the appointment of a deputy chairperson and the quorum for the committee.

Let me point out that this Bill is not about stopping animal experimentation. I must accept that some experimentation on animals has been useful in the past in advancing scientific knowledge. I believe, however, that the need for animal experimentation is rapidly diminishing over time, due to advances in research technologies. The use of animals in teaching is also not really necessary, given that it is relatively easy to replace teaching experiments with models or video- or computer-based simulation.

What this Bill does is put more pressure on researchers to argue that the potential benefits of their research justify the use of animals and that the impact on the animals is minimised. I do not expect that the Bill will cause ethics committees to become bogged down in endless arguments over the ethics of animal experimentation. This has not been the case so far. The role of the ethics committees is already set out in the Act and regulations, and the Act already allows the use of animals for scientific purposes. Appointees to ethics committees in the past have treated their job with the appropriate seriousness and respect for the legitimate research and teaching interests of the institution.

The committees are usually more concerned about examining whether any alternatives exist to the proposed animal experimentation and, if not, minimising the pain and distress suffered by animals and improving general standards of animal care and housing in the institution. The introduction of consensus decision-making on committees is also not unusual, because in some cases committees already attempt to get agreement from all

members to an application as part of good decision-making practice. These committees are an important forum for dialogue between animal users and groups concerned about animal welfare and, if treated constructively by all sides, can be a positive contribution to improving the welfare of animals.

I am aware that the current Animal Welfare Regulations reflect the Australian code of practice for the care and use of animals for research purposes released by the National Health and Medical Research Council. I do not believe that this should be regarded as a restriction on what this Assembly agrees to. As we have said regularly in this Assembly, the Greens believe that the ACT should be leading Australia on social and environmental reform. Somebody has to take the lead in challenging existing national agreements and proposing improvements. We think the ACT is in an ideal position to do this.

If the Assembly passes this Bill, it will be leading Australia on this important ethical issue. I only regret that this Bill has taken a long time to get to the Assembly, due to the general delays that we have had in getting Bills drafted through the Parliamentary Counsel. We may run out of time to debate this Bill during this Assembly; but at least the issue of animal experimentation has now been brought to public attention, and I hope that either this Assembly or the next one will be able to make the next step to further protect the rights of animals by passing this Bill.

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

NATURE CONSERVATION (AMENDMENT) BILL 1997

MS TUCKER (10.41): I present the Nature Conservation (Amendment) Bill 1997.

Title read by Clerk.

MS TUCKER: I move:

> That this Bill be agreed to in principle.

This Bill brings together two major changes to the Nature Conservation Act which the Greens have been working on and thinking about for some time. The most controversial is probably the introduction of protection orders for native trees on private land in the urban area. Secondly, the Bill gives special protection status to endangered ecological communities.

I deal with tree protection first. Members would be aware that section 43 of the Nature Conservation Act already contains the rudimentary tree protection order for native trees on unleased land in the urban area and native trees on leased or unleased land outside the urban area. Members would recall that for a time there was some confusion about whether trees on leased land in the urban area were also covered under this section,

due to amendments to the Act by the previous Labor Government. The present Liberal Government laid this issue to rest in 1995 through further amendments to the Act to restrict the tree protection orders. This Bill seeks to reverse these changes and also includes specific procedures for the granting of licences for cutting down trees, so that the tree protection orders can be effectively enforced.

I must point out that this Bill covers only native trees. This does not mean that some exotic trees are not worthy of protection but merely that for administrative simplicity we wanted to use the existing framework of the Nature Conservation Act, which covers only native plants and animals. Depending on how this Bill goes, we may wish to extend tree protection to exotic trees in the next Assembly. Let me also say that this Bill is not about stopping the cutting down of trees forever. What it does is require that persons who wish to cut down native trees over a threshold size of five metres in height or 300 millimetres in trunk diameter must get a licence to do so. The threshold is based on a comparison with the large number of tree protection orders already in place in various local government areas around Australia. However, there are circumstances where a licence is not required, such as where there is an immediate danger of part or all of a tree falling and injuring people or property, where reasonable pruning or trimming of trees would prevent interference with powerlines and buildings or where the trees to be cut down are in forest plantations.

Where a person wishes to obtain a licence to cut down a tree, the person will first need to obtain a report from a qualified arborist justifying why the tree needs to be removed. Such a report would cost only some $50 to $75, which is fairly minor compared to the cost of cutting down a mature tree in a built-up area, which can be around $1,000. Once an application is received by the Conservator of Flora and Fauna, a public notification process is triggered, including notification of neighbours and an advertisement in the newspaper. People will be able to put in objections to the application to the conservator. Once the conservator makes a decision on the licence, there are appeal rights available through the AAT, including third-party appeal rights by objectors. The Minister already has the power, under section 64 of the Act, to prescribe criteria for the granting of licences, so he would be able to make clear to the community when licences will and will not be granted.

As part of this Bill we have also added an amendment to require the Conservator of Flora and Fauna - the public servant who exercises many of the decision-making powers under the Act - to have appropriate qualifications and experience in the conservation of flora and fauna. It seems anomalous to us that the person who is making all the decisions about nature conservation in the ACT does not currently have to have any expertise in this area.

Our Bill makes sure that any decision to cut down a tree is not taken lightly; that there has to be good reason for it. I do not think that I have to argue in this Assembly about the importance of trees to the environment or to the bush capital image of our city. The question that will inevitably arise, I am sure, is whether we need to have legislative controls over the maintenance of trees. I believe that we do. Our office regularly receives calls from people who see magnificent old trees being cut down on private property, sometimes for the most trivial of reasons - for example, they shade the lawn too much. Sometimes it is because developers do not want any trees to get in the way of

their new buildings, despite the aesthetic advantages of designing buildings around existing trees. Recently we had the publicised case in Forrest where a falling tree was used as a battering ram on an historic house that was in the way of a townhouse development. Surely we do not want to see the wonderful tree cover in the ACT reduced through the uncaring actions of some residents.

The experience in other places that have tree protection orders is that these orders perform an important educative role in the community about the value of trees, rather than being a punitive measure. Some people may say that we should not interfere with the private property of residents. However, I believe that there is significant public interest in the maintenance of trees on private land. Trees perform important environmental functions that benefit all residents and not just the residents who happen to own the land on which the trees are located. Their presence can also add value to the whole neighbourhood. I think that all residents should make the effort to maintain the trees on their property as part of their general duty of care for the environment. Some people may also argue that tree protection is not necessary because new trees are being planted around the town all the time to make up for the ones that are being cut down. However, it is silly to equate a mature tree with a seedling. Mature trees provide nesting sites for native birds, which young trees cannot do. They also provide much more shade. We need to maintain a significant proportion of older trees in our suburbs to maintain the overall tree cover.

The tree protection scheme that we have proposed is designed to protect significant trees in Canberra from being unreasonably cut down, while being simple in its operation and not imposing unwarranted costs on the community. Tree protection schemes are already in place in a number of local government areas in Australia for the good reason that trees are highly valued in those places and they do not want to lose them. We believe that the ACT should also have its own tree protection laws, not only for the sake of the ACT but also to catch up to the local government areas around Canberra that already have tree protection.

The other part of this Bill relates to endangered ecological communities, of which two have already been declared in the ACT - native grasslands and grassy woodlands. In the Nature Conservation Act particular native plants, animals and ecological communities can be declared endangered. The conservator is then required to prepare action plans to protect these endangered species. Endangered plants and animals are also given special protection status, which basically means that there are higher penalties for interfering in various ways with these species. Unfortunately, endangered ecological communities are not currently given the same special protection status in the Act, which we believe is quite anomalous. Our Bill corrects this and also sets up a penalty for engaging in threatening processes relating to an endangered ecological community unless a licence has been obtained. This would include such activities as ploughing up or building on an area of native grasses. The conservator will also be able to give directions to leaseholders about the conservation of endangered ecological communities. I commend this Bill to the Assembly.

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

RESIDENTIAL TENANCIES (AMENDMENT) BILL 1997

MS TUCKER (10.51): I present the Residential Tenancies (Amendment) Bill 1997.

Title read by Clerk.

MS TUCKER: I move:

> That this Bill be agreed to in principle.

Mr Speaker, it is with pleasure that I table the Residential Tenancies (Amendment) Bill 1997, which goes together with the Energy Efficiency Ratings (Sale of Premises) Bill. I will address my remarks to both Bills. The purpose of these two pieces of legislation is to apply the existing home energy rating system to existing houses, so that all houses in the ACT receive what is commonly known as a star rating when they are rented or sold.

Mr Speaker, as we all know, the necessity of reducing our global greenhouse gas emissions is one of the most critical and urgent tasks facing the planet. I have spoken at length in this place previously about the environmental and economic consequences of global warming. Global warming will contribute to an increased incidence of drought, floods, hurricanes and rising sea levels which will threaten small island nations. It will cause seas to rise and tropical diseases to spread. Ecosystems will be lost. Global warming will create droughts and destroy fishery and agricultural industries.

Human activity is causing these changes. Burning fossil fuels, land clearing and industrial activity all contribute to global warming. So, if we are to reduce greenhouse gases, humans must change the way they are living. We simply cannot afford not to take the strongest possible action. Although it is a global problem, local solutions are absolutely essential. While the economic irrationalist spin doctors are busy telling us that reducing greenhouse gases will destroy the economy, they ignore the economic realities. Not only will global warming damage many primary industries; but the economic rationalists fail to see the opportunities that are actually before us.

Creating a more sustainable Canberra in terms of energy use is certainly a challenge; but, as the capital city of a developed country which is one of the highest per capita greenhouse gas emitters on the planet, we have no choice but to take up that challenge. Most of the technology is at our fingertips. All that is lacking is the political will. I see this very much as an opportunity. With the ACT struggling to diversify its economy, developing the expertise to reduce our greenhouse gases is an important opportunity we cannot afford to miss, because energy efficiency projects and the development of renewable energy technologies will generate new businesses and employment opportunities in the ACT. Government must demonstrate leadership if the ACT is to deal with the challenge of minimising our impact on global and local greenhouse gas emissions. One important part of the strategy is practical measures to help businesses and households reduce greenhouse gas emissions, and that is what these two pieces of legislation are about.

Mr Speaker, Canberra's housing stock is ill equipped for our climate. About 60 per cent of the ACT's non-transport energy is used in space heating and 20 per cent is used in water heating. The energy inefficiency of rental housing means that tenants who have no control over the appliances or general efficiency of the dwelling are forced to pay higher bills. While private home owners have more control over the energy efficiency of their house, the market currently offers no incentives for energy efficient housing. The ACT Government brochure on the ACT house energy rating scheme claims that adoption of this new rating scheme may result in savings of 30 to 50 per cent, or $400 to $600 per year in house energy costs. While much money can be saved, we currently do not have an informed market for energy efficiency housing in the ACT. While we cannot turn all our existing houses around to face north, there are many practical things that can be done to improve the energy efficiency of buildings. Insulation is one very good example, as is improving thermal mass through things like internal masonry walls. Obviously, there are many other initiatives that can be taken outside the actual building structure, such as installing solar water heaters, fitting curtains with pelmets, sealing cracks, and installing efficient heating and cooling systems. With a more informed market, people will start to demand these sorts of features when considering a house for rental or purchase.

Members will be familiar with the home energy rating scheme which applies to new houses in the ACT. The problem is that this information is never passed on when houses are rented or sold. While new houses are required to meet a minimum standard of energy efficiency, there are no incentives in place for existing housing stock to become more energy efficient. These pieces of legislation require anyone wishing to sell or rent a house to provide an energy efficiency rating statement in accordance with the home energy rating scheme package. In addition to providing a home energy rating, this Bill requires any advertising material to contain a statement of the current energy efficiency rating of those premises. Under the current system, this would be the actual star rating. This is really making the market operate more effectively by providing consumers with information about the energy efficiency of a house.

Mr Speaker, I see these Bills as a package, and I urge members to do the same. In the last sitting period, an amendment similar to the legislation that is being tabled today to amend the Residential Tenancies Act was defeated by the Independents and the Liberal Party. I urge them to reconsider. At that time Mr Moore and members of the Liberal Party argued that such a scheme should not be applied to one class of people, namely renters, but should be applied across the board. That is what we are doing here today. The Government has indicated that they are prepared to support the legislation in relation to houses that are sold. If they and Mr Moore are going to remain consistent with their earlier arguments, it would not be sensible to apply these measures only to home purchasers - one group of people - and leave out the rental market. Furthermore, it is probably even more important to provide this sort of information in the rental market, because renters have less control over their power bills.

Members will note that there are a number of exemptions. This legislation, if passed, will not apply to caravans or mobile homes, hotels or motels, clubs, educational institutions, retirement villages, and nursing homes or hostels. In addition, there is a capacity for further classes of premises to be exempted by regulation. We have proposed penalties both for failure to comply with the legislation and for providing false

information in an advertisement. While members may question why the penalty for false or misleading information is lower, members may also note that a purchaser may rescind a contract if the vendor fails to comply with the law. Similarly, with the amendment to the Residential Tenancies Act, as a precontractual agreement, failure to comply could also result in any subsequent contract being void. I believe that this adds a pretty hefty incentive to comply accurately with the legislation.

This Bill also explicitly sets out a requirement to get a fresh rating if building work that would affect the energy rating has been carried out. People would use commonsense and would be able to get advice from the Government or individual raters about whether a new rating is necessary. As indicated in the previous sitting period, currently a freestanding house costs, at the most, $100 to be rated. We have been informed that with increased demand the cost should come down, and for bulk ratings and ratings of blocks of flats the price could come down to below $50.

This legislation should create jobs, obviously, in conducting the audits but also over time in installing energy saving equipment as we create a more informed market for energy efficient housing in the ACT. The Greens have been arguing for some time that saving energy creates a lot more jobs than producing energy does. The home energy rating statement is the home energy rating system that is currently prescribed. Over time this may change. As members will be aware, there is a push to introduce a national scheme, NatHERS. I think there are also a number of ways the scheme could be improved - for example, by requiring new houses to be rated without curtains, carpets, et cetera. This would effectively require another star to be obtained for the rating of new houses. Another feature would be including in the rating scheme a more comprehensive coverage of the heating, cooking and lighting requirements, and the embodied energy - the energy that goes into making the materials and building the house.

Mr Speaker, over time these pieces of legislation will encourage more energy efficient housing and will help people save money at the same time as making a contribution to reducing greenhouse gases. I commend the Bills to the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

ENERGY EFFICIENCY RATINGS (SALE OF PREMISES) BILL 1997

MS TUCKER (11.01): I present the Energy Efficiency Ratings (Sale of Premises) Bill 1997.

Title read by Clerk.

MS TUCKER: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I have already spoken to this Bill in my previous speech.

Debate (on motion by **Mrs Carnell**) adjourned.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 6) 1997

MR OSBORNE (11.01): I present the Motor Traffic (Amendment) Bill (No. 6) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

> That this Bill be agreed to in principle.

This Bill repeals two subsections of the Act which prevent motor vehicle dealers from applying to become authorised examiners when cars or trailers are inspected for registration or those inspections being carried out on dealers' premises. As members will recall, the whole issue of vehicle inspections was debated at length earlier this year when the Minister, Mr Kaine, tabled the Motor Traffic (Amendment) Bill (No. 3). These two subsections were the result of an amendment put forward by Mr Whitecross. Mr Whitecross's argument for preventing dealers from becoming examiners and their premises from becoming inspection facilities was very compelling at that time. In fact, it was so compelling that I supported him. If I remember correctly, Mr Whitecross was quite rightly concerned that a conflict of interest could develop if the person inspecting the vehicle was the same person who sold the vehicle. As I said, Mr Speaker, he won me over on that one.

However, a few weeks ago, I was approached by the MTA to consider bringing forward these amendments. Like me and Mr Whitecross, they were concerned that the system of fitness-for-registration inspections be above reproach and that conflicts of interest not arise. After speaking to them and to a number of people, I agreed to bring this Bill to the Assembly for two reasons. The first reason is a matter of commonsense. Quite simply, the dealers have found a loophole in the authorisation process which I understand would be virtually impossible to plug. If a dealer wanted to become an authorised inspector, they could do so by simply subleasing a part of their building to a third party, maybe an employee, who would then make application to become an authorised inspector. The dealer would then be able to have their cars inspected and, in doing so, completely circumvent the intention of Mr Whitecross's amendment. I believe that should this Bill not become law a number of dealers are ready to take that kind of action. It would seem more sensible to keep the whole process above board and to make it work somehow.

My second reason for bringing this Bill forward is that the process of authorisation and, most importantly, the monitoring and auditing system now in place are more onerous than I first believed. It is one that we can, and ought to, have confidence in. I am now satisfied with the arrangements for checking up on private sector vehicle examiners and have been reassured that those dealers who abuse their responsibilities will be severely dealt with.

Another of Mr Whitecross's successful amendments earlier this year ensured that an inspector must own and use a roller brake testing machine when examining a vehicle - something that I supported. As these machines are quite expensive, I believe that to some extent this requirement would provide a kind of natural barrier to the number of dealers interested in doing their own inspections. I understand the motivation behind Mr Whitecross's original amendments to this fitness-for-registration inspection legislation. I have met with reputable dealers over the last couple of months. I appreciate that we are talking about car salesmen here. The whole issue of there being a conflict of interest in performing registration inspections will always be theoretical. The cost and subsequent loss of reputation within a highly competitive industry will hopefully see to that. For the rest, I understand that the current Registrar of Motor Vehicles is both enthusiastic and meticulous in his job, and we seem to have the machinery in place to back him up. I commend this Bill to the Assembly.

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

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL (NO. 4) 1997

MR WHITECROSS (11.07): Mr Speaker, I present the Territory Owned Corporations (Amendment) Bill (No. 4) 1997.

Title read by Clerk.

MR WHITECROSS: Mr Speaker, I move:

> That this Bill be agreed to in principle.

The Territory Owned Corporations (Amendment) Bill (No. 4) 1997 and the related Bill which I am to introduce shortly - the Annual Reports (Government Agencies) (Amendment) Bill - are designed to bring Territory-owned corporations into line with other government agencies when it comes to presenting annual reports on their affairs. Members in this place and others observing the administrative arrangements in the ACT over the last three years will know that there has been an increasing use of Territory-owned corporations for administering areas of responsibility within the Australian Capital Territory.

In the last three years we have seen the corporatisation of ACTEW, we have seen the corporatisation of ACTTAB and we have seen the transfer of a very large area of responsibilities from the Department of Urban Services to the Territory-owned corporation Totalcare Industries. Mr Speaker, under these circumstances the scrutiny of the activities of Territory-owned corporations is a very important part of our responsibilities as members in this place, and it is incumbent on us to ensure that we have from Territory-owned corporations adequate standards of reporting on their activities, so that we can be clear about what they are doing. ACTEW Corporation has assets of over $1 billion - something like $1.3 billion. Totalcare Industries has assets of over $25m. These entities need to be accountable to this Assembly.

Mr Speaker, the recent Estimates Committee raised concerns about the timing of annual reports. At the moment Territory-owned corporations have to produce annual reports by the end of October, whereas other government agencies have to produce annual reports by the end of September. The Estimates Committee was not able to determine any reason why a different standard should apply. Indeed, representatives of at least one of the Territory-owned corporations that appeared before the committee were also unable to come up with any reasons why different standards should apply. I think that bringing the reporting dates into line will also assist the Estimates Committee, or whatever scrutiny arrangements are in place in the next Assembly, in ensuring that they are able to scrutinise the activities of Territory-owned corporations alongside the activities of other government departments instead of, as happened this year, having effectively to reconvene the Estimates Committee in order to consider annual reports of Territory-owned corporations, which came in significantly later than other annual reports.

The other matter which is dealt with in this package of Bills is the kind of reporting which is required. As the shadow Minister shadowing Totalcare Industries, I was very disappointed by the very poor standard of the Totalcare Industries annual report presented this year. It contained very little information about their performance in relation to the activities that they are required to undertake on behalf of the Territory. It was a very inadequate standard of reporting indeed compared with the Department of Urban Services or any of the other government departments which handle activities for the Territory.

I think it is important that we do not establish a situation in which the level of accountability and the level of reporting to parliament and to the community about activities of government can be undermined simply by the process of moving government activities from the purview of a government department or government statutory authority to a Territory-owned corporation. For those reasons, it is important that the same standards of reporting should apply. This, of course, is not to ignore the fact that under company law Territory-owned corporations also have obligations to meet in relation to annual reports; but I believe that the requirements of the Annual Reports (Government Agencies) Act would be complementary to requirements, rather than in conflict with them. It is, of course, possible for the Chief Minister, in laying down guidelines under the Annual Reports (Government Agencies) Act, to ensure that reporting requirements for Territory-owned corporations do not come into conflict with the Corporations Law.

I believe that these statutory reporting requirements will send a clear message to the boards and the chief executives of Territory-owned corporations that this Assembly does expect high standards of reporting from Territory-owned corporations in order to scrutinise their activities. They are still owned by the people of the ACT, and they have a responsibility to the people of the ACT to report on their activities. With the passage of this legislation, we should be able to expect that we will not get a repeat of the low standard of reporting that we saw from Territory-owned corporations this year.

While it is not a matter covered by these Acts, I was particularly concerned that the Totalcare report did not even appear to comply with the requirements in relation to the Freedom of Information Act or the Public Interest Disclosure Act. These Bills will ensure that Territory-owned corporations like Totalcare are more conscious of their obligations

under ACT statute law and will endeavour to meet those requirements in the future, both under the Annual Reports (Government Agencies) Act and under other Acts like the Freedom of Information Act and the Public Interest Disclosure Act.

I commend the Bills to the house. They ought to be uncontroversial Bills because they simply bring Territory-owned corporations into line with other government agencies. It was perhaps an oversight of the Assembly that we did not bring them within the purview of the Annual Reports (Government Agencies) Act when it first passed. This is an opportunity to correct that error.

Debate (on motion by **Mrs Carnell**) adjourned.

ANNUAL REPORTS (GOVERNMENT AGENCIES) (AMENDMENT) BILL 1997

MR WHITECROSS (11.14): Mr Speaker, I present the Annual Reports (Government Agencies) (Amendment) Bill 1997.

Title read by Clerk.

MR WHITECROSS: I move:

> That this Bill be agreed to in principle.

This Bill is complementary to the Territory Owned Corporations (Amendment) Bill I have just introduced. While the Territory Owned Corporations (Amendment) Bill changed the timeframe for annual reports from Territory-owned corporations so that they are identical to those in the Annual Reports (Government Agencies) Act, this Bill ensures that Territory-owned corporations come within the definition of "Territory instrumentality" and therefore within the purview of the guidelines for annual reports which are produced by the Chief Minister. It thus ensures that Territory-owned corporations are subject to the same standards of reporting as other Territory instrumentalities.

Debate (on motion by **Mrs Carnell**) adjourned.

PLANNING MANAGEMENT - COOPERATION WITH FEDERAL GOVERNMENT

MS McRAE (11.16): Mr Speaker, I move:

> That this Assembly condemns the Government for its management of planning with the Federal Government, in particular its complete failure to establish a working partnership and protect the interests of the people of Canberra.

This motion, which condemns this Government's complete incapacity to work in partnership with the Federal Government, is more than timely. I think that this motion is absolutely - - -

Mrs Carnell: Do you think you would do better with this Federal Government? He has not even met Bob Carr.

MS McRAE: It is a challenge I will happily rise to, Mrs Carnell. Just watch this space next year. You will see how we deal with the Federal Government then. Looking back at the record of this Government, we see that the rhetoric has not been matched by action for three years. Early in the life of this Assembly we passed a unanimous motion stating that we needed one planning authority. Crispin Hull, in his article today, referred to the frustration and tensions inherent in having two planning authorities for one city.

Mr Berry: Ros Carnell over here.

MS McRAE: Ros Carnell; that is right. It is absolutely nothing new, nothing of any concern and nothing of any surprise that people who like to get their own way get a little upset with anybody who gets in their way. We saw similar actions from the member for Canberra to those we have seen from Mrs Carnell. It is no secret and one understands why those anxieties exist. The real question before us is: What has this Government done to deal with those tensions? What has this Government done to improve the situation? What has this Government done to protect the best interests of the people of the ACT? I declare that they have done nothing on every score. I declare that they have been a complete failure in coming to grips with the need for better planning in the ACT and the need for better cooperation with the Federal Government.

Subsequent to the motion to have a single planning authority, what action did we see? We saw Mrs Carnell glibly and blithely take over Michael Moore's first push to have a strategic plan done via the Planning and Environment Committee. She declared, "That is the work of the Government and the Government will take it on". Off they ventured into the brave world of a strategic plan for all of Canberra. The so-called plan that eventuated, we found out very rapidly, was not signed off by the Federal authorities. They were not involved. What a complete and utter disaster!

This one notion, this one plan, this one idea, should have started the process of partnership and should have paved the way for a single planning authority and the best way to deal with the planning needs of the Federal Government and the local government and, most importantly, the rights and needs of the people of the ACT. It was a complete and utter waste of time. There was a complete and utter incapacity to work together, to draw each other in, to respect the rights of both authorities and to work towards a coherent outcome. An awful lot of money was spent to prove the point that this Government simply cannot manage one of the most important issues in the ACT.

That was one of many failures. Who can forget the wedding chapel fiasco? Somebody came up with a bright idea. They approached the NCA. The NCA approached the ACT Government. The ACT Government, without as much as a whisper to the people of Canberra, said, "Oh, what a wonderful idea! Yes, build it tomorrow".

There was no thought that perhaps some of the courtesies that are extended under our planning laws should be extended to the people of Canberra. There was no thought that perhaps some people would like a say in what happens around their lake. There was no thought that all the people of Canberra are active, living participants in this city. They said, "Oh, no. We know best. We will tick it off". Then - shock, horror! - when they could not go ahead, they said, "The nasty, awful NCA and the nasty, awful people of Canberra are bagging us for running with every smart idea that we hear". There was a complete and utter failure to understand the needs of planning, to understand the needs of the people of Canberra and to work in a cooperative way with the national authorities.

We saw the same hiccup with the peace park, followed by the same churlishness that anybody should dare to complain about what the ACT Government wanted to do, as if nobody in the ACT had a right to say what they thought about their own city and their own space. It was the same when Mr Moore raised the use of Lake Burley Griffin for the FAI Rally. There was no debate, no discussion, no involvement with the people of Canberra, no working in partnership with the Federal Government. We are seeing it again with the extension of Ginninderra Drive. The Assembly had its own inquiry into it, and now what do we find out? The Federal authorities are going to conduct their own public inquiry into whether they should delete it from the Territory Plan. This Government has absolutely no capacity to develop a working partnership in the interests of the people of Canberra. It shows a complete lack of responsibility in dealing with planning issues both at the local level and at the national level.

The biggest shock of all to the people of Canberra was waking up one day to the slab of concrete by the side of the lake being blithely opened. There was no consultation with the people of Canberra. It was just ticked off by this Government. There was no thought that perhaps everybody who lives in Canberra actually likes to have a say in what happens in Canberra. There is no working with the Federal authority in a way that says, "Thank you for your appreciation of our push, but maybe we should go through a consultation process. Maybe we should have a joint approach to these things. Maybe we should consider the people who live in the ACT". At this very moment a study into the Northbourne corridor is with the Federal authorities, waiting for their tick or disapproval. Nobody in the ACT knows anything about it. Nobody has been involved in public consultation. There is no capacity for working in an open partnership with the National Capital Authority and, hey presto, something is going to land on us one day - maybe.

The list goes on and on, to use a favourite expression of Mrs Carnell's. The record clearly shows three years of lost opportunities, three years of failure to grasp the fundamental issues. About a year ago we called for some protocols for the management of public consultation on projects on national land that would affect the people of Canberra. The ACT Government has been approached by the National Capital Authority for approval, and we have yet to see anything more than a draft consultation paper. We have yet to see any interest at all from this Liberal Government in coming to grips with consultation protocols and coming to grips with the fundamental issue of how planning should be managed in the ACT.

What do we find today and yesterday but a re-airing of ideas Mrs Carnell was floating about a year ago? Rather than put up with this pesky national authority, rather than deal with the problem in an intelligent and comprehensive way and rather than coming to grips with the management issues that are before them, what is Mrs Carnell's answer? She says, "We will take it over. Why do you not give us all those little bits? Then we will not have to go through this pesky and terrible process of having to find some dual management processes, of having to deal with this in the way that a mature city should, and achieving the agreed outcomes that a dual planning process demands for the city". All that is too hard. Mrs Carnell says, "Just give it to us. We will take care of it". What an absolute indictment of this Government's capacity to manage and to deal with some of the most fundamental issues that face the ACT!

As Crispin Hull rightly points out, we are the national capital. We have absolutely no rights to determine what should happen on national space. We have absolutely no money to determine what should happen on those spaces. But we do have rights and capacities and authority to ensure that the people who live in the city have a say. It is on this point that this Government has failed to create any sort of a working partnership with the Federal Government. All they want to do is to take over and to become total control freaks on the whole of the ACT rather than the bits that have been given to us. They want to be the absolute tyrants in all the bits of space that are available for us to share, rather than acknowledge the just authority of the Federal authorities and their responsibilities and deal with them in partnership and rather than accept the right of the Federal Government to run this place as a national capital and to take from that the good that flows to the ACT. No, their only solution is to say, "Forget all that. We will take over. We know best. We will manage it".

Of course, we have seen how they manage. They will put up a wedding chapel on the lake without talking to anybody. They will put up a futsal slab without talking to anybody. They will run a rally all around the lake without talking to anybody. They will put housing up and down Northbourne Avenue without talking to anybody. We see what this Government's agenda is. They say, "Just give us the land. Just give us the capacity. We will just do it". Never mind that the residents might have an opinion. Never mind that we all have to share this city. Never mind that there are clear and defined roles for the different bits of land. No, we are asked to trust Mrs Carnell.

One can only be suspicious and extremely worried about what this says about this Government's attitude both to the national capital and to the people who live in the ACT. What we see overwhelmingly is that they have no concern for people's rights to have a say in their own environment and that which they share as the national capital. They give absolutely no credence to the fact that this is a national capital and that national authorities must be able to manage and maintain the city as the national capital for the good of the nation, not just the people of the ACT. They have become totally churlish about working with anybody else.

The National Capital Authority has been around since 1989. It has a clearly defined role. It has clearly defined responsibilities, but it does not do a lot of things that the ACT Government could do in partnership. At every point when the ACT Government was challenged to do that, it showed its complete contempt for the people of Canberra

and bypassed the opportunity. Where were the consultation processes on each of the major changes that the ACT Government ticked off? Where are the consultation processes, the protocols and the partnership with the Federal Government in dealing with all the issues that affect the future of Canberra? We have not seen them. We have not seen any effort on this Government's part to put them in place. We have not seen anything that says, "We jointly care about this city. We care about people's rights to have a say in their city and we care desperately about what the National Capital Authority is doing with this city. We want to work in partnership for the good of Canberra".

We have seen already the monumental failure that was the strategic plan. We have seen the monumental failures that have come through with the things that the ACT Government is all too willing to tick off, and we have seen the total contempt for the people of the ACT. I think it is important that this Assembly take stock of what has happened in the last three years since that first motion this Assembly pushed through giving a clear indication that we wanted one planning authority. We have seen nothing of what negotiations have taken place since. Nor have we seen any evidence that this Government has in any way taken seriously what this Assembly so clearly asked for. This Government stands condemned for its incapacity to work with the Federal Government, its incapacity to work in the best interests of the people of the ACT and its failure to establish a working partnership for planning with the NCA and the local planning authorities. I commend the motion to the Assembly.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.30): Mr Speaker, I have to say that this is a rather odd motion and it is very hard to understand the argument from the Opposition. Thinking about the position they are trying to put themselves in before the election, I am trying to explain what exactly the Opposition are trying to do here. Perhaps they are trying to rectify the low profile that the planning spokesperson for the Labor Party has had for the last three years by having some sort of spectacular entry into the debate at the later stages.

I think they are also trying to list a litany of issues to do with planning that they hope to make some sort of issue for the election. I do not think that the issues hung together very well. There were all sorts of issues there - some where we had been confrontationist and some where we had been cooperative. What exactly is the message? Are we too confrontationist? Are we too cooperative? Do we work too closely with this iniquitous Federal Government? Do we not work closely enough? What exactly is the Opposition saying? This is the woman who said - - -

Mr Berry: We are saying that you are hopeless.

Ms McRae: I can give the speech all over again.

MR SPEAKER: Order! Ms McRae was heard in silence. I ask that the same courtesy be extended to the Minister.

Mr Whitecross: He was not listening when Ms McRae was heard in silence. It was wasted.

Mr Berry: But Ms McRae did not use spiteful and personal language.

MR HUMPHRIES: Mr Speaker, I heard Ms McRae in silence. I would ask for the same privilege.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, this is the woman who says that there was no cooperation between these two governments on planning; yet the same woman, only three months ago, was accusing us of doing secret deals with the Federal Government about the leasehold system. You cannot win. Either we cannot work with these people or we are doing secret deals with them and making things happen. Which is it? Are we achieving things through secret deals or are we not working with them at all? It just does not make any sense, Mr Speaker. Obviously, those people opposite are looking - - -

Mr Whitecross: That is right. That is one of our problems. Your approach does not make any sense.

MR HUMPHRIES: Mr Speaker, I again have to appeal for your intervention in this matter. I did hear Ms McRae in complete silence.

MR SPEAKER: Yes. I remind members that it might be a very good idea to leave, rather than risk being warned.

MR HUMPHRIES: Mr Speaker, the reality is that this Opposition is running a very confused and very unclear line on this whole approach. There is a particular point about what is being said here which I think is worthy of some reflection by those who might listen to this debate. We have spent much time in the last two years since the election of the Federal Liberal Government making references to the various shortcomings of that Government. We have accused it of being insensitive to the needs of Canberra and of being unwilling to cooperate with other governments, particularly in the ACT. We have accused it of being negative, of being insensitive to the needs of Canberra public servants, of being unwilling to cooperate with the ACT, and of trying to slash legal aid funding to the ACT, et cetera. There is a long list of those things.

We have condemned the Federal Government on a number of occasions in the last two years in this place, sometimes with the support of this Liberal Government here because we have put Canberra's interests first; but, Mr Speaker, when it comes to saying that there has been a failure to agree or to reach a cooperative arrangement between the Federal Government and the ACT Government, we assume that this is the ACT Government's fault. The Federal Government has all these shortcomings, all these failings, all these inabilities to reach agreement with the ACT on a whole range of things, and we have condemned it many times; but when it comes to identifying who is the culprit for failing to reach agreement on a range of issues - I dispute that there is such a range of issues, but let us assume for a moment that there is - why is it entirely the ACT Government's fault? It does not make any sense. Why is it that the Federal Government has all these failings, but when we cannot reach agreement with them on these things it must be our fault?

Presumably, that means that if we had not been able to persuade them to give us an extra $900,000 for legal aid funding it would have been our fault, not their fault because they were cutting back on legal aid. Presumably, if we do not get agreement with them on disability services funding it will be because we have not tried hard enough, not because they have been bastards when it comes to cutting back on spending in these areas. As I say, the line being run by the Opposition is confusing in the extreme. It is also extraordinarily badly timed. Only today we have seen the announcement in the newspaper, on the front page, about substantial agreement between the ACT and Federal governments on a very significant matter relating to planning. By all means condemn us for having discussed this issue and having reached agreement with it on the creation of 999-year leases.

Ms McRae: You miss the point entirely. You are just ducking.

MR HUMPHRIES: Not at all. You say I am just ducking. This is exactly the point. This is about cooperation with the Federal Government on planning issues.

Ms McRae: You are just ducking the issues. Why don't you address the substantive issues?

MR HUMPHRIES: Ms McRae, is it not about planning issues?

Ms McRae: Mr Speaker, if he asks me questions may I please interject?

MR SPEAKER: No.

Ms McRae: Well, would you please ask him to stop asking me questions?

MR SPEAKER: Rhetorical questions, I am sure.

Ms McRae: No. He is asking me very specific questions.

MR HUMPHRIES: They are rhetorical questions, Mr Speaker.

Ms McRae: Mr Speaker, that is a whole new definition of the word "rhetorical". I urge you to be very careful.

MR SPEAKER: You are not allowed to respond to them. You will be able to respond at the end of the debate.

MR HUMPHRIES: The question has to be asked: What exactly are you saying? Are you saying we do not cooperate with the Federal Government on planning issues?

Mr Berry: No; we are saying you are hopeless.

MR HUMPHRIES: We need something more specific than that to pass a motion on the floor of this Assembly, Mr Berry. What specifically have we failed to do? If we have failed to cooperate with the Federal Government on planning issues, how do you explain that headline on the front page of the *Canberra Times* today? It does not make any sense. This is absolutely ludicrous.

Ms McRae: You are doing it now only because it will not pass in the Senate.

MR HUMPHRIES: You are doing it now only because there is an election in two months' time. That is what is going on. That is what it is all about. You suddenly realised that your profile on planning has been subterranean for the last three years and you had better start to do something about it pretty quick smart. That is what it is all about.

Mr Speaker, I will have to go back to the speech notes that have been prepared for me, because I am not really sure of what we are being accused of. I will assume, for the sake of the argument, that we are being criticised for the announcement by Mrs Carnell that we are proposing to the Federal Government that we have some different arrangement with the Federal Government about the management of land in the ACT. It was Mr Kaine, I think, who a couple of years ago moved a motion in this place, successfully, to have the National Capital Authority merge with the ACT planning function so that we had an integrated planning structure for the ACT. That motion, as I recall, was supported unanimously on the floor of this house. I think that was a very laudable move to make. It was very good to see that the Assembly supported the view that there should be an integrated and single ACT planning body for both Commonwealth and ACT planning roles. It is a matter of great regret to me that that has not transpired. We have not seen any willingness by the Federal Government to take that on board.

Again I say to you: When there are so many failings of the Federal Government, which members of this place have been very quick to point to, why do you assume that it is our fault that they have not taken up the idea which we initiated? It has not been through any lack of wanting to put the issue before the Federal Government. In fact, it was at the meeting which was the basis of Ms McRae's motion of no-confidence in me just a few months ago where we talked about the 999-year lease idea. It was at that meeting that I also discussed with the then Minister for Territories the idea of proceeding with a merged planning function for the ACT, doing in the NCA in favour of a single integrated authority. We put the case very forcefully on that occasion. We again said to the Federal Government, "You need to act in this area. It is a good thing to do. You are going to achieve savings in your own budget and you are going to achieve an integrated planning outcome in both our contexts". There has not been success. We have not achieved that.

Again I have to say: Why is that? Whose fault is it? What evidence does Ms McRae have - she has not produced any - to show that this is the fault of the ACT Government? If we were dealing with a pure, lily white, absolutely wonderful body on the other side of the negotiating table there might be some basis for assuming that it must be our fault that these things have not been negotiated very well. You have listed the problems with this other party in these negotiations. Why do you assume that the fault lies on our doorstep? Are you condemning us for the wedding chapel issue or the Nara Peace Park problem?

I agree with you that those things were most unedifying and a sign of a lack of cooperation between two levels of government, but why do you assume that that is our problem rather than the Federal Government's problem? Where is the evidence that it was our problem rather than theirs?

Mr Speaker, as I say, we are seeing a grasping at straws in order to obviate a very obvious problem with the Opposition's performance on planning over the last three years. What we have seen from Mrs Carnell in the last few days, when she has talked about the need to rethink the responsibilities of the respective governments in the ACT over land, is a very good example of moving towards solving a problem with a structural change. At the simplest level, this is about the ACT Government being able to choose the colours of the pavers in Civic and the Commonwealth looking after the national triangle. That is an appropriate division of responsibility. That is what we should be working towards. Things which are genuinely the concern and the responsibility of the citizens of this Territory - things like what their Civic Square looks like - should be decided by the representatives of the people of Canberra, not by the Federal Government.

Both the Commonwealth Government and the ACT Government, I think, believe that Canberra's image as the national capital is extremely important. As the national capital, Canberra has to be presented and maintained in such a way that visitors are attracted to come here, to enjoy the experience of being here, and to become ambassadors for the national capital when they leave, particularly if they are Australians. To achieve those goals, there has to be a clear sense of who is responsible for what. The citizens of Canberra should not feel that they are living in a museum or paying for the lights at Parliament House. The Federal Government needs to present a cutting-edge image of Australia to the nation and the rest of the world, and it can do that by successfully negotiating a better balance in these matters. Mr Speaker, to achieve those outcomes we have to work in a partnership, and that is what this Government has attempted to do in the last three years.

The Commonwealth Government should accept full responsibility for the maintenance and presentation of those areas of the city which are associated with its role as the national capital. That obviously includes things like the Parliamentary Triangle, the main entrance roads to Canberra, Anzac Parade, the War Memorial, the airport and its approaches, the Duntroon-Russell precinct, diplomatic precincts, the Governor-General's residence and so on. There are very large parts of the city outside those areas which are presently under the responsibility of the Commonwealth Government and which ought to be the responsibility of the ACT. We discovered, for example, with the recent FAI Rally of Canberra that it was necessary to obtain the NCA's approval to conduct a rally through Stromlo Forest - a forest which the Federal Government has conceded is the responsibility of, and is owned fully by, the ACT. What possible interest does the Federal Government have in a forest well away from any national approach?

Mr Speaker, we have put on the table the need for reform in this area. We have progressed these issues by putting them up squarely to the Federal Government. It was last May that the ACT put to the Prime Minister the need to have reform of these arrangements between the two governments. That was reform which could have been advanced during the time of the previous ACT Labor Government, but was not.

Where is the evidence of structure reform then? Of course, there is none. I say to members of this place - not that there are many listening to this debate - that this motion really is very silly. It does not have any basis for explaining or understanding what it is that the Opposition are trying to get at. I would say to members of this place: If you want to get better outcomes in terms of planning of the national-local interface, get a different structural arrangement. Support the Chief Minister's announced reforms. Get behind her call on the Federal Government to hand over those areas to the ACT. That would do this community a service. The motion you have moved will not.

MS REILLY (11.45): I have several matters to take up about some of the things that Mr Humphries has said. Like a lot of other Canberrans, when I read in the *Canberra Times* the other day that Mrs Carnell was making a grab for the hills and ridges - of course, we did not hear about it before that - I was gravely concerned because this Government's record on planning and on its relationship with the Federal Government to get anything that benefits Canberra is appalling. I could add to the things said about that ludicrous futsal slab. We must be the only country in the whole world that has an indoor sport at an outdoor venue. It was put there beside the lake where it destroys the view. Then we have chairs being put up and left there for no purpose. They also then put the public toilets on the main thoroughfare of Canberra. I think this is an indication of the very special relationship between this ACT Government and the Federal Government. The NCA does what it likes. It does not consider Canberra, and this Government does not seem to be able to influence anything it does. The only time we hear about some of the issues is when they have to come out in public, but we have no idea of what secret deals have been going on.

I think Mr Humphries has failed to understand the need for proper, comprehensive and integrated planning in the ACT that responds to the needs of the people of Canberra and benefits Canberra. Quite honestly, Mr Speaker, I am not interested in discussing just the colours of the tables in Civic Square. I would like to have some say in the whole of the development of Civic. I would like to see a strategy to make Civic, the heart of Canberra, something that we can be proud of, rather than a piecemeal, ad hoc, bits and pieces process that is going on at the moment because this Government does not have a clue. They have no idea of how to plan anything. They have no idea of how to plan beyond what they can see with their very narrow tunnel vision. They cannot look at the whole of Canberra and see what is necessary for the ACT to benefit the people who live here now, the people who want to visit here and the people who want to be proud of their national capital.

The Parliamentary Triangle, which is the responsibility of the NCA, is becoming tatty. We have a Federal government that is not interested in looking after its national capital, and we have a local government that does not influence anything that happens in relation to the NCA. It is really unfortunate that we do not have a decent partnership between the Commonwealth and the Territory to ensure that we have a national capital we can be proud of, and a local community that is pleasant and easy for us all to live in.

Look at some of the issues in local planning matters. If this Government cannot manage those, how would they handle anything bigger? What would happen to the hills and ridges around Canberra if Mrs Carnell got her hands on them? If you look at some of the muck-ups in planning over the last three years you will realise that this Government does not have a clue. They have made lots of noise, and it is only noise, about their consultation processes. They will tell you how many hundreds of consultations they are carrying out at any one time, but when people really want information it is not available.

I have been out this morning talking to people at Downer about what is going to happen to their oval. This is a community facility that is also part of the heritage of that area. They cannot get a straight answer out of this Government about what is going to go on that site; what sorts of facilities there will be; who is going to use the site; whether there will be lights and what sort of lights they will be; whether the lighting will take into account the planetarium, and what impact it will have. All that these people are asking for is information. All they want to find out is whether this Government has looked at the impact of making changes like that to the Downer oval. Is it too much to ask that the community be informed about what is going on in relation to planning? There are several Ministers involved with this and none of them want to tell the community out there what is going on. This is only just one example.

I attended many meetings last year when the people of Ainslie suddenly had these plans dumped on them. There had been no discussion. There had been no discussion with the LAPAC, which was a very active working group, about what plans PALM and ACT Housing were developing for Ainslie. They did not ask the people who live there. They did not ask the people who had, in some cases, lived there for a long time what they thought should be in their community. They did not ask them what changes they should make to take account of advancing years. They did not ask them what sort of heritage they wanted to keep in one of the oldest suburbs in Canberra. No, they just turned up one day with a set of plans and said, "Make a decision. Do you want it or don't you?". What a way to go about planning for a good community, for a good city - to just dump things on people and expect them to make an immediate decision, without asking the people who live in a community what they want in that community. This has been characteristic of so many things that have happened under this Government.

Obviously, with the objections that came from the people in Ainslie, they have been a bit slow about similar plans for O'Connor. But then you are left wondering whether there are things going on that no-one knows about and whether the people in O'Connor will wake up one morning to find there is a whole new planning system, a whole new arrangement as to what housing stays, what will be sold, and what height of buildings will be allowed. Will this just happen one day for the people of O'Connor? It was on the books at one stage.

This Government does not want an open planning process. They do not want benefits for all people, only for a few people in the ACT or some of their other business mates. Because of that we end up with some of the shambles that we have here. It is obvious that local planning is not working well, and it is not working in the Federal sense either. Even the Prime Minister does not like the Territory. We have to look at developing relationships; we have to look at what this Government is doing with planning.

MR WOOD (11.52): Mr Speaker, I want to make one comment on this. I think back to nearly three years ago when this Government was first elected. Not long after that Mr Humphries, no doubt with the support of the Chief Minister, made this great statement that we were going to have one planning authority for Canberra. They would do away with all the confusion, all the difficulties, and settle on one body to do that work. I recall that the Assembly even passed a resolution in support of there being one authority. That went off to the Prime Minister, who paid as little attention to it as he pays to anything else about Canberra.

Mr Corbell: From the Liberals.

MR WOOD: Yes, from the Liberals. That was the aim of this Government. It was going to do wonders. The resolution, and we gave it our support, was an acknowledgment in part of the considerable difficulties that can occur when you have two planning authorities.

Mr Humphries was speculating a few minutes ago about what this motion is about. He did not want to hear the words that are expressed in the motion. The failure to come up with one planning authority at the end of the life of this Government and about halfway through the life of the Howard Government is an indication of what this motion is about. The Government has acknowledged that the system has not worked. There is the clearest evidence of all that it has not worked because we still have the National Capital Authority, as it is now, and the ACT planning system operating here. "We acknowledge", says the Government, "that we cannot get the answer we want. We cannot get the organisation and the system we want". Mr Humphries's great pronouncements early on about this wonderful thing are now shown to be a failure. That is what this motion is about. Let us recognise it.

MR CORBELL (11.54): Mr Speaker, in the debate this morning we are yet to hear an explanation from the Government as to why they are pursuing this announcement that we heard about yesterday regarding the granting of more Commonwealth land to the Territory Government. We have not heard a single explanation as to why this should be happening. We have heard no justification for it. I was so curious to find out why the Government is seeking more land from the Commonwealth - the story was blazoned across the *Canberra Times* yesterday - that I read the article again this morning. It seems that there is only one reason. The Chief Minister was quoted in the paper yesterday as having said this:

> Visitor and resident perceptions of the city are clouded by overt wrangling between our government planning agencies over development issues. This is especially damaging when it delays or dissuades essential private-sector investment in the ACT.

But what has that to do with who controls the land? Surely, that has more to do with cooperation. Surely, that has more to do with an effective relationship between the Commonwealth Government and the Territory Government. It really does not have much to do with the land. Why want the land unless you want to do something with it?

I think the question that residents in the Territory should be asking is: Why does this Government want control over the hills and ridges in the Territory? Why do they want control over some other areas of Commonwealth land in the Territory? If they are going to manage them in the same way as the National Capital Authority manages them or oversees them, there is really not much point in changing. There can be point in changing only if they want to realise that asset in some way or use it in some way.

Maybe we will see the lines of housing development creep further up the hill. Perhaps they will go right over the top of the hill. I see the Chief Minister nodding, so perhaps that is confirmation. Maybe we will not see ridges in the ACT anymore. Maybe we will not see that wonderful characteristic of Canberra but will have a straight unbroken line of housing rolling over one hill, down into the valley and up over the next hill. Maybe that is why they are saying they want the land.

I think every person in this Territory is entitled to be very suspicious indeed of this Government's motives in wanting to gain control over Territory land. Once again, it seems to be driven entirely by the issue of development. It seems to be driven entirely by what sort of development we can have in the Territory, with no concepts of the national capital plan, no concept of a national capital and the significance that this sort of city has compared to other cities in Australia. We are a unique city, and we are a unique city because of the way we are planned and the way we are managed. We perform a unique role in the line of cities all around Australia. We play a unique role. We play an outstanding role. We are a model city. We should work to improve that model and make it a better model. We should not seek to try to turn our city into everyone else's city. We should not seek to manage ourselves in the way other cities are managed. The way other cities are managed, on the whole, does not produce the same sorts of good planning results that we have seen in Canberra. Why should we change it?

This Government has really failed when it comes to cooperating. My colleague Ms McRae outlined some of those points earlier in the debate. She made the point about the futsal stadium. Here we have a Government that was prepared to move in with the bulldozers on an area of national capital land and lay down the only outdoor-indoor futsal stadium. That was just brilliant! That is the sort of logic we have from this Government. It is the only outdoor facility for an indoor game. That was absolutely brilliant!

Mr Speaker, it did not stop there. There were numerous other examples. One is the flagpole standard the Chief Minister erected outside the futsal slab. Those flagpoles were not meant to go there. It was only when the Labor Opposition raised the issue with the NCA that we discovered that the NCA were very unhappy with the approach that this Government had taken on that issue. The Government basically ignored the requirements that the NCA had in relation to the erection of flagpoles and other things on national capital land on the shores of Lake Burley Griffin. It is not difficult for the ACT Government to go and negotiate with the NCA about putting up something as simple as a flagpole, but they could not even do that.

Mr Speaker, Mr Humphries made some point in the debate about the Labor Party trying to have it both ways on this issue; that on the one hand we were trying to suggest that the Government was incompetent in relation to its dealings with the Federal Government, and on the other hand it was doing secret deals. I want to clarify that point. The concern

we have is not with the ability of this Government to deal with their Federal colleagues in Parliament House, because we know they get along with them quite well. They probably agree with them on quite a few things, even though they pretend to do otherwise in this place. What we have a problem with is when they try to deal with the formal processes that have been agreed upon between the two governments, processes like the National Capital Authority. That is the concern we have. You cannot cooperate. Your two governments do not cooperate when it comes to the formal processes that are in place in relation to planning in the Territory, and that is what we are saying in this motion today.

I notice that there is a deathly silence over there because they obviously cannot refute it in any way. People in this city deserve to see a national capital which is developed as a symbol of what good planning can mean for a community, for a society, for a fair society, for a fair community; but that is not what we are seeing from this Government. That is why it is important in the debate today to highlight some of the problems that this Government has created for itself. Indeed, the example of the land grab that was announced yesterday is only the latest example of that. It is important that we make that point. It is important that we say that good planning means cooperation, not the trivial, political grandstanding that we are seeing from this Government today.

MS McRAE (12.02), in reply: No-one is willing to defend Mr Humphries, I see.

MR SPEAKER: No. Do not provoke.

MS McRAE: Now we see exactly what this Government thinks about its own failure. Mr Humphries's defence was, "Look at what we have done with the 999-year leases". Exactly. Mr Humphries's idea of how to deal in an open partnership with the planning authority is to sneak off to quiet, secret meetings behind closed doors and stitch up deals that no-one has a say in. No-one in the ACT has any idea of the implications of 999-year leases. Nobody has seen what the implications might mean for Federal land and for local land. No-one knows the implications of one type of lease over one part of the Territory and a different type of lease over another, or what it means in common law, what it means in regulations or what the implications are for the planning Act.

Mr Humphries's answer is that it is just enabling, but one must note the timing of it. It is no surprise that it is going through now as enabling legislation. The Federal Government clearly thinks it is an absolute joke because they are putting it through at a time when there is absolutely no way that it will go through the lower house and the Senate in time for the next Assembly to do anything about it. This is Mr Humphries's idea of how they are working cooperatively. He completely ignores the major issues that have been raised in debate. Mr Humphries's idea of dealing with debating issues is just to say, "What is she talking about?". What a wonderful way to deal with key issues that have been put before him and that have been explained! All it does is make him look even sillier than I think he really is.

Let us get back to the heart of the problem. We in this Assembly, as opposed to any other assembly, passed unanimously a motion calling for the formation of a single planning authority. We have seen nothing from the Minister that demonstrates any movement on his part to establish a single planning authority. I am not here to condemn the Federal Government. The Federal Government can be condemned on its own. The polls are doing that very nicely, thank you very much. The people of Canberra have shown the total contempt that we all hold for it. It is not the point in this debate.

The point in this debate is that this Minister, with a clear motion from this Assembly to which he is responsible, has done nothing. He has treated this Assembly with contempt and has disregarded the clear will of the people of Canberra to get on with it and to establish a single planning authority. Worse than that; he has not taken the few steps that he could have taken to establish a more open partnership and a clear role for the ACT Government and the people of Canberra to be involved in key decisions that relate to this city. He has dealt with that problem by saying, "Let us ignore the problem; give us all of the land and then we do not have to deal with it", bypassing entirely all of the proposals that have been talked about over the years in this place about the right of the people in the ACT to have their say.

The current process of planning management by the NCA is that if a proposal is put to them they talk to a range of people to get their response to it. One of the range of people talked to is the ACT Government. We have asked before - the request has fallen entirely on deaf ears because the Minister is clearly contemptuous of the idea - that at this point the ACT Government establish protocols. When asked to approve or disapprove a project that has been put to the NCA or that has been asked for by the NCA, this Government could demonstrate its willingness to engage the people of Canberra in equal partnership in proper processes to enable them to have a say. This Government has failed on every count and has done nothing towards advancing that.

When the wedding chapel proposal was put forward, did anybody in the ACT know? No. Only after vigorous and noisy publicity was the idea finally turned down. When the proposal was put forward for the futsal slab, did the people of Canberra know? No. When the proposal to use the lake for the FAI rally was put forward, was it talked about? No. It is at this point that this Government could have put in protocols; it could have demanded that the NCA undertake proper consultative processes and engage us equally as partners in the planning processes. It would have been an open and proper step to establish in principle what we want to happen in practice eventually - one planning authority. This Government has spectacularly failed.

Mr Humphries is very good at diverting with personal attack, with side issues, with obfuscation; but the more he does that the clearer it is that he absolutely refuses to take seriously his responsibility to deal with the Federal National Capital Authority and to engage the people of Canberra in planning decisions. We have yet to see the disaster that is going to befall us on Northbourne Avenue. It is another example of how this Government works cooperatively with the Federal Government - "We go off quietly and do deals behind closed doors. When we have it all stitched up we land it on the people of Canberra".

We have yet to see just what is involved in this nonsense of taking over extra land. All I can see is one major liability coming our way. What a wonderful proposal - "Give us all of this. Yes, we will take care of it". Where are the dollars that are going with it? Where is the responsibility to maintain it to a national level? Why should the ACT Government take on national level responsibilities without any guarantee of funding or protection or support, when the two governments have so spectacularly failed to even work in partnership? The local planning authority and the National Capital Authority could not even work together on a strategic plan. They could not even engage the Federal Government in a proper process to develop a much needed strategic plan for Canberra. That is just a plan, never mind the practicalities. They could not even meet on the basic ideas of the future of this city and how it should be dealt with. What faith do we have that they could do anything at all with all this land that Mrs Carnell suddenly has her sights on? I cannot help but concur with my colleagues' observation that, quite clearly, all they want it for is to sell it and to develop more, and make more money for the ACT, which is just a ridiculous proposal.

This Government has demonstrated its complete inability to understand people's right to be involved in planning decisions for the ACT. It has failed even to attempt to establish a working partnership with the NCA. It has failed to pay any attention to what this Assembly clearly wants, and it has flipped and flopped on its interpretation of those wishes of the Assembly as it suited it. Mr Humphries was the first to scuttle under a rock as soon as he thought that maybe nine votes were there against the Federal golf course application. He never put it to the test, never put it to debate, never put it out in the open. No, no; he just second-guessed. But with the real issues that have been put before the Assembly, when the nine votes were there when the establishment of a single planning authority was called for, or when the issue of 999-year leases was debated, no, no, no, Mr Humphries is deaf. That is the point at which he demonstrates his clear contempt both for the Assembly and for the people of the ACT.

When the clear wish of the Assembly is for different steps to be taken, for planning protocols to be established, for requirements to be put on the NCA to deal with planning issues and involve the people of the ACT, he has ducked every time. When it suits him to use the blanket of the Assembly and say, "Oh dear, I am not going to get Assembly support", that shield goes up and, boom, over goes some perfectly legitimate proposal that has been put before him.

I think it is timely to assess the activities of this Government over the last three years, in particular its incapacity even to begin to understand how to work with the Federal Government. It has demonstrated over the last three years its complete failure to work with the Federal Government and, worse than that, its complete failure to take into account the wishes of the people of the ACT, their rights as residents of the national capital, of which they are justly proud, and the combined needs of both the Federal Government and the ACT Government to work together, to live in this city together and to develop the city for the greater good of Australia and for the people of the ACT. The strategic plan was the most spectacular failure of this, but every other issue I have demonstrated just underlines the importance of my motion that this Assembly should condemn the Government for being unable to develop a working partnership with the Federal Government over planning in the ACT.

Question put:

That the motion (**Ms McRae's**) be agreed to.

The Assembly voted -

AYES, 6	*NOES, 7*
Mr Berry	Mrs Carnell
Mr Corbell	Mr Cornwell
Ms McRae	Mr Hird
Ms Reilly	Mr Humphries
Mr Whitecross	Mr Kaine
Mr Wood	Mrs Littlewood
	Mr Stefaniak

Question so resolved in the negative.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1997

Debate resumed from 24 September 1997, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

MR KAINE (Minister for Urban Services) (12.17): Mr Speaker, Ms Tucker has proposed that we adopt, I think quite arbitrarily, a 50 kilometres an hour speed limit in our suburban streets. The Government opposes the change at this time, and I will explain in detail the basis for our objection to doing it at this time. Before I deal with that, however, I want to take up a couple of points that have come from Ms Tucker's tabling speech in connection with this Bill. One of the things that Ms Tucker said was that 20 years ago a 35 miles an hour limit was arbitrarily rounded up to 60 kilometres an hour. That was not arbitrary at all, Mr Speaker. It was logically rounded to 60. If you convert 35 miles an hour to kilometres an hour, it is in fact 56. It would have been arbitrary to round it down to 50, which is what Ms Tucker is proposing; but it was perfectly logical with the rules of rounding to round it to the nearest multiple of 10, which was 60. It might have been better if they had rounded it to 55, but apparently that was not under consideration at the time. The fact is that 20 years ago 35 miles an hour was rounded to 60 kilometres an hour, and it has been that way ever since.

Ms Tucker also said that studies in various cities had been conducted and she said that having 50 kilometres an hour would reduce - no question about it - accidents by 15 per cent, injuries by 20 per cent and fatalities by 25 per cent. I am not too sure that studies in other cities have determined that that would occur at all. There is a statistical probability that it might occur. In any case, such studies done in other cities cannot necessarily be translated to Canberra because you have to take into account a number of factors. There are things like the condition of the streets, the surface and the camber.

Are the streets better or worse in their construction? Are they narrower or wider? What are the conditions which lead to accidents, injuries and fatalities on suburban streets elsewhere? They may not be the same in Canberra, and I think we have good reason to suggest that they are not because of the standard of the roads that we have. So it would not necessarily translate directly, as Ms Tucker suggests.

In any case, given the argument that she has adopted for reducing the speed limit from 60 to 50, if the argument is valid, surely 50 is a fairly arbitrary number. Why not 40? Obviously, if you slow the traffic down by 20 kilometres an hour, the benefit is potentially much greater than if you do it by only 10. We are talking about some rather arbitrary numbers here, and there have been no statistics or anything shown for Canberra that would substantiate the proposal.

The third point that Ms Tucker made is that roads are part of the neighbourhood and there is no reason why we should assume that they necessarily belong to the motor vehicle; they are part of the neighbourhood and people should be allowed to cross them safely. I could not agree more. The fact is, however, that the majority of traffic within any suburb is generated by the people who live there. They have, surely, a duty of care. Statistically, I think it can be demonstrated that those people who live in those suburbs and whom we are trying to protect, or whom Ms Tucker is trying to protect, habitually drive at in excess of 10 kilometres an hour more than the speed limit. I suggest that changing the speed limit is not going to change their driving behaviour at all. What we really need is an attitude change, rather than just arbitrarily tinkering with the speed limits.

However, I do have an open mind on the subject and I am prepared to look at some substantial evidence that suggests that perhaps Ms Tucker is right. The suggestion to change the residential speed limit to 50 kilometres an hour has been around for some time. Indeed, it was discussed at the political level in November 1996 at a meeting of the Australian Transport Council, the national forum of Ministers for Transport and Roads from all States and Territories. The outcome of that discussion was that Ministers agreed to retain a 60 kilometres an hour general urban speed limit around Australia, and that is incorporated in the draft Australian road rules.

I attended the most recent meeting of that body in November of this year and the position of the council remains unchanged. Indeed, Mr Speaker, there has been no ground swell of public opinion demanding such a change, and until there is I submit that Ministers from around Australia are not going to place a great deal of weight on the notion that this should be changed. However, jurisdictions are free to alter their local area limits as necessary and, as a consequence of that, the New South Wales Government has commenced a three-month trial of 50 kilometres an hour speed limits in residential areas as of 1 October. That trial involves 14 councils - five in greater Sydney and nine in country New South Wales, including Queanbeyan.

The Government recognises that there may be some value in introducing lower speed limits in residential areas - I repeat that I have an open mind on this subject - but the reality is that the ACT situation is even different from that of New South Wales in several key respects. Recent research by the Federal Office of Road Safety indicates that our roads have the best safety performance of any jurisdiction in Australia and that they are comparable to the best in the world. One of the main reasons for this good performance

is the hierarchical nature of our road network, which has been designed according to the type of traffic that each road is meant to carry. They have been well maintained, too. Streets providing direct access to residential dwellings or community amenities, such as schools, have lower traffic volumes and speeds, and traffic moving between suburbs is carried on arterial roads which are specifically designed to cater for high traffic volumes and speeds.

A critical factor which is often forgotten in this debate is that the 50 kilometres an hour limit, if it is applied, will not be a blanket limit. Rather, it will apply only in those mainly low traffic volume suburban streets which already have relatively low crash rates anyway. In the ACT more than 70 per cent of all fatal crashes and 60 per cent of all crashes in the past six years have occurred on the arterial road system, and lowering the speed limit in residential areas to 50 kilometres an hour will have only a very limited impact on ACT's crash statistics, and the consequences of them.

No matter how good the roads are, the critical factor in serious road crashes is usually driver behaviour. In spite of an excellent ACT road system, individual drivers usually get injured because they ignore speed limits, because they drink and drive, or because they take other unnecessary risks - in other words, just bad behaviour on our roads. Even with the best record in the country, more than 700 ACT residents suffer injury or death on the roads each year and road trauma costs our community over $140m annually. This is too high. It is too high a price for any community to pay, in my view. We, the Government, are determined to change this and we have been addressing the tough area of driver attitudes and behaviour through two important programs. This is the point that I made earlier in connection with Ms Tucker's comments in her opening address. The point is that attitudinal change needs to be brought about. That seems to me to be the significant factor in the road accident rate in the Territory, rather than the quality of the roads or the speeds that are permitted.

The first thing that we have done is to introduce a competency-based training and assessment scheme for learner drivers which focuses heavily on the importance of good driver attitudes so that young drivers will be motivated to want to drive safely, to the extent possible. A number of driving instructors are now accredited to teach and assess learning options for the scheme, and I handed the first graduating class their certificates on Monday morning of this week. The second initiative is the new educational program for novice drivers, "New Drivers: New Attitudes", which is to be introduced into Years 10, 11 and 12 in ACT high schools and colleges in 1999. This program will also be available to young drivers who have left school.

Turning to the area of costs, it has been estimated that it would cost the ACT about $1½m to implement a 50 kilometres an hour speed limit in residential areas. There may well be better value road options, such as education and enforcement, which more directly and effectively target drivers' attitudes and behaviour and bring about the better safety record that Ms Tucker is seeking to achieve. Having regard to our unique circumstances in terms of our road system, the quality of those roads and other things that the Government is doing to address the problem, I believe it is inadvisable to rush in blindly and adopt the 50 kilometres an hour residential area speed limit when we do not know that it is either necessary or justified or what the results of doing so will be.

We should first, I submit, evaluate the costs and benefits of the trials in New South Wales. They started on 1 October. There is a three-month trial. We will soon know whether there is any empirical evidence to support the notion that reducing the speed limits in our suburban streets will have a significant beneficial effect. So why should we rush in today, about a month before the trial concludes, on the basis of no evidence whatsoever, and try to anticipate the outcome of that pilot study?

While better results are needed, we are addressing several aspects of road safety which I believe will be beneficial, and we have no direct evidence supporting the opinion that a 50 kilometres an hour limit will see an improvement, although I concede that it might well do so. If governments acted on the basis of whim and opinion we would spend an awful lot of money and see no worthwhile product from it. I repeat that we have trials to determine whether such a limit is effective currently in place in New South Wales. We need wait only a short time to be able to assess, on the basis of empirical evidence, the effectiveness of such limits. I submit that spending $1½m, with the prospect of finding ourselves out of step with New South Wales at the end of the day, seems to be unwise. It is only a pilot study and New South Wales may well consider that it is not worth it and not proceed with it.

Mr Speaker, I think logic would dictate that it would be imprudent, unwise and perhaps unproductive to step into the arena one month before the New South Wales trial is over and make an arbitrary decision - I mean arbitrary in terms of a reduction to 50 kilometres an hour in our suburban streets - because we do not know what the likely outcome of that would be. We can speculate, but we do not know. We do know that it will cost us $1½m to do it and we do know that - - -

Ms Tucker: We do know that accidents cost $11m now.

MR KAINE: I listened very carefully to what you had to say and I think you have a duty to listen to what I have to say too. We do know that the Government is already implementing a number of programs to encourage drivers to drive more safely. We have introduced some punitive measures for those who do not, and I expect that we will see significant improvement over the next year or so anyway. I repeat that I do have an open mind on the subject, but I would like some evidence to support the proposal that Ms Tucker is making before I would willingly go along with it. For those reasons, the Government does not support this proposal to arbitrarily amend the Motor Traffic Act to impose a 50 kilometres an hour limit in the suburbs. I think we need to wait until the results are in on the trials that are currently ongoing, before we take that step.

Debate interrupted.

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospital Waiting Lists

MR BERRY: I direct a question to the Chief Minister. I refer to a colour supplement that appeared in the latest issue of the Canberra *Chronicle*.

Mr Whitecross: Gary thinks the question is to him.

MR BERRY: No; it is not to you, Mr Humphries. You will get your turn later. I refer to a chart in the very expensive colour supplement which boasts - you guessed it - about waiting lists; but it boasts only up to June this year. Is the reason the chart stops at June that since June waiting lists have been going up at the Canberra Hospital? Is that the reason, Chief Minister, why you boast about waiting list figures only up to June? Will you tell us about the waiting list increases since June and why you did not include that in the colour supplement?

MRS CARNELL: Mr Speaker, I wonder whether Mr Berry could give me a copy of the supplement; I have not seen it. But I can tell him about waiting lists. I can very happily tell him about waiting lists.

Mr Berry: Can you tell us whether they have gone up in the last two or three months?

MRS CARNELL: They have not; that is the reality.

Mr Berry: They have, at Canberra Hospital.

MRS CARNELL: At the end of September 1997, across the entire ACT public hospital system - - -

Mr Berry: No; I am talking about Canberra Hospital.

MR SPEAKER: Order!

MRS CARNELL: There were 3,400 people listed as waiting for elective surgery. There were 166 or 4.7 per cent fewer people waiting for elective surgery than was the case 12 months ago. There were 1,169, or 25.6 per cent, fewer names on the waiting list than when we came to government. When you compare that to Mr Berry's extraordinary performance when he was Health Minister, when he allowed waiting lists to more than double, I am amazed that he could even ask the question. When we came to government, we promised to reduce waiting lists by 20 per cent. We have now reduced, at the end of September - - -

Mr Berry: You did not promise to increase costs by $8m.

MR SPEAKER: Order! The question was about waiting lists.

MRS CARNELL: At the end of September we had reduced waiting lists by 25.6 per cent. I have just been informed, again by my extraordinarily efficient staff, that that particular document, the newspaper leaflet, was based upon the annual report, Mr Berry, which is the reason that it stopped at the end of the financial year. It is actually a fairly normal thing to do when you base something on the annual report. The annual report always goes to the end of June; that is actually the way it always goes.

MR SPEAKER: Annual reports do have to stop somewhere, do they not?

MRS CARNELL: They do. The annual report stops at the end of June and, yes, the annual report - - -

Mr Berry: But the dishonesty goes all the year.

MR SPEAKER: Order!

MRS CARNELL: Yes, the annual reports come out in September, because that is the requirement in the legislation. I understand that is when they have to come out. I think it is quite appropriate that the hospital should use the figures out of their annual report for these things. But, of course, if they had used the last published data for waiting lists, which I think is to the end of September, they would have got a figure that was even lower than the one they printed. Maybe, what they really should have done was printed the more up-to-date figures. In 1995 additional surgery was carried out at Canberra Hospital and at Calvary Public Hospital.

Mr Berry: There were 800 fewer at Canberra Hospital at the end of the year.

MR SPEAKER: Order!

MRS CARNELL: In fact, 303 additional patients were treated at the Canberra Hospital and 407 at - - -

Mr Berry: There were 800 fewer.

MR SPEAKER: I warn you, Mr Berry.

MRS CARNELL: Thank you very much, Mr Speaker. In 1996-97, an additional 765 cost-weighted separations were achieved in the area of elective surgery. This Government has concentrated on waiting lists, has certainly put extra dollars into waiting lists over the last couple of years and has managed now, at the end of September, to reduce waiting lists by 25.6 per cent. That means that at the end of this last financial year we had managed to bring in a health budget with a small surplus and reduce waiting lists. I have to say that we are the only government in Australia that has managed to do that; and, certainly, when you compare that with Mr Berry's more than doubling of waiting lists and four out of four health budget blow-outs, I am amazed that he can even bring himself to ask that question.

MR BERRY: Mr Speaker, I seek leave to table the colour supplement from the *Chronicle*.

Leave granted.

MR BERRY: That shows the waiting list figures to June. I also seek leave to table a copy of the waiting lists for elective surgery by specialty at the Canberra Hospital. This is out of the document that was provided on 12 November, which shows waiting lists at Canberra Hospital growing until August.

Leave granted.

MR BERRY: This clearly shows that the Chief Minister - - -

MR SPEAKER: Do you have a supplementary question?

MR BERRY: Mr Speaker, my supplementary question is this: Can we expect the Chief Minister to spend more public money on glossy, colour misinformation in the lead-up to the election? Will you give a commitment to the electorate that you will provide accurate information, information which you have already provided to this Assembly and which you will not expose to the community because you know that it shows that waiting lists are actually increasing?

MR SPEAKER: There are about four things wrong with that supplementary question, actually. One is that it relates to possible Executive policy.

Mr Berry: Mr Speaker, I did not ask it of you. I asked it of the Chief Minister.

MR SPEAKER: I am ruling on your supplementary question. There are imputations and there are hypotheticals.

Mr Berry: There were no imputations.

MR SPEAKER: I am afraid, if you reread your question, you will see that you are making imputations against the Chief Minister.

Mr Berry: None that she does not deserve.

MRS CARNELL: Mr Speaker, Mr Berry will have to withdraw that.

MR SPEAKER: Yes; I agree.

Mr Berry: Withdraw what?

MR SPEAKER: Withdraw the comment that the Chief Minister deserved the imputations that were made against her.

MRS CARNELL: Imputations are out of order.

Mr Berry: If there is an imputation, tell me which one; and I will withdraw it.

MRS CARNELL: You will withdraw any imputation? Okay. That is what you said.

Mr Berry: I have not made any.

MRS CARNELL: I am actually quite happy to answer this. I am amazed that Mr Berry can even ask questions about waiting lists. Waiting lists are not going up. Remember that Mr Berry was Minister for a while. No wonder the system fell apart when he was Minister. If he knew anything about his shadow portfolio of Health - and I think we even made it clear in the estimates process that the way we were spending the extra dollars that we put into elective surgery was predominantly to contract with Calvary - he would know very well that what has actually happened is that Calvary's waiting list has fallen dramatically because we are contracting with Calvary to provide the extra elective surgery in almost all cases. What happens under those circumstances is that Calvary falls and Woden stays about the same.

I think it is really important just to run over the actual monthly figures here. In June 1997, the month that those figures were in place, the waiting list figure was 3,586; in July 1997, 3,564; in August 1997, 3,553; in September, 3,400. That is the lowest level that waiting lists in the ACT have been since 1993, from memory. That is a great outcome. If Mr Berry is going to get his knickers in a knot about which hospital's waiting list is at which level, I can tell him categorically that those are the waiting list figures. They have come down by over 25 per cent since we came to government. Mr Berry should compare that to what he achieved, which was a more than doubling of waiting lists and four blow-outs out of four health budgets.

Poker Machines

MR HIRD: My question is to the Chief Minister. I refer to an article in the *Canberra Times* this morning which stated that the Government had proposed allowing 100 poker machines in the casino and up to 230 machines in hotels that have accommodation. Firstly, Chief Minister, is this report accurate? I know, from the Leader of the Opposition's previous question, that he likes to have true and accurate information. If the report is not accurate, can you advise the parliament about the Government's position on this issue?

MRS CARNELL: Thank you very much, Mr Hird, for, I think, a very important question. It is an issue that we will obviously spend some time debating later today. Today's report is simply not correct. The Government's position on poker machines has been consistent for the past three years; that is, we believe the current arrangements should continue for the life of this Assembly. In fact, all members here would be well aware that the proposal to allow poker machines in casinos and certain hotels was put forward by the Licensed Clubs Association, not by the Government at all.

My understanding is that the LCA has put the proposal to all parties and Independents in the Assembly. The Government agreed to consider the proposal, given that it came from the industry, but made it clear that we would be prepared to put the proposal forward in legislation only if there was broad support from members in this place, particularly as it was so close to the end of this Government. Based upon my discussions with members and a press statement from the Leader of the Opposition headlined "No extension of Gaming without Social & Economic Impact Study", it was clear to me that there was no broad support for the LCA's proposal.

However, it has now been drawn to my attention that, while the Government's position on poker machines is very clear, there seems to be a major split in the Labor Party on this issue. Can you believe that, Mr Speaker?

Mr Berry: No split.

MRS CARNELL: Absolutely no split. Indeed, within 24 hours of Mr Berry releasing the statement - - -

Mr Corbell: I notice that Gary Humphries and Bill Stefaniak have no noise regulations. See what sort of a split you get there.

MR SPEAKER: I warn you, Mr Corbell.

Mr Wood: Are you going to warn me, too?

MR SPEAKER: I warn you, too, Mr Wood.

MRS CARNELL: Within 24 hours of Mr Berry releasing the statement I referred to earlier - a statement that made it clear that the Labor Party "remains unmoved by suggestions that gaming should be extended in the ACT"; those are Mr Berry's words - a Labor candidate expressed a markedly different view. Labor candidate Mr Ted Quinlan, who is clearly making a big effort for elevation from the B team to the A team, had this to say on radio 2CC:

> ... I do know that the Licensed Clubs Association, of which we're a member and in which we are integrally involved, has negotiated with Government and in fact negotiated with I think a number of parties within the Legislative Assembly, on what is considered to be a reasonable compromise package.

That is an interesting description - "a reasonable compromise package". He went on to say:

> And if that includes - and I think it does - poker machines in the Casino, to a limited degree, so be it. We're happy to go with that, yes, because we're sensible, reasonable people ...

Unfortunately, it seems that the B team are sensible and reasonable and the A team are - well, we will not tell you what the A team are. Unfortunately, it does seem that the communication between Labor A team and Labor B team has broken down somewhat; but it would not be the first time. Of course, it does raise the question of who is setting Labor policy for poker machines. Is it Mr Berry or Mr Quinlan?

Mr Berry: It is Mr Berry.

MRS CARNELL: Mr Berry says, "It is Mr Berry". It is; all right. The fact that Mr Quinlan has actually had some experience in this rules him out. He is out of it because he knows something about it. At the moment, obviously, Mr Berry and Mr Quinlan are completely at odds. Mr Berry says that the party is unmoved and will not move on poker machines; and Mr Quinlan is saying that poker machines in the casino and certain hotels would be supported by sensible and reasonable people.

Mr Osborne: You had better drag him in again, Wayne.

MR SPEAKER: Order! Mr Osborne, stop interjecting.

MRS CARNELL: Mr Quinlan says that sensible and reasonable people would support the licensed clubs' approach, but Mr Berry makes it quite clear that he would not. You could jump to a bit of a conclusion here, Mr Speaker, on what Mr Quinlan thinks about Mr Berry - that he ain't too sensible and reasonable.

Mr Berry, given that this Assembly will be debating this afternoon this issue of access to poker machines, it is those opposite who really do need to detail their policy on this. Mr Berry, though, has said absolutely it is he who makes the decisions on this, not Mr Quinlan at all; but I think perhaps Mr Berry and Mr Quinlan should sit down in the visitors gallery out there and come up with a consistent position here. Mr Berry, given that Mr Quinlan has already been threatened with disendorsement for criticising his leaders, one wonders what this fairly provocative defiance of his leader will bring. Maybe Mr Quinlan believes that being sensible and reasonable is more important. What we seem to have here is a Labor Party where there is no longer just a conflict of interest, there is also a conflict of opinion.

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

MR HIRD: Yes. I noted that the Chief Minister referred to a press statement put out by the Leader of the Opposition and an interview which took place, I understand, with Ted Quinlan on 2CC. Could the Minister advise the house by tabling those documents?

MRS CARNELL: With pleasure, Mr Speaker. There are the documents - Mr Berry's press release and the report of Mr Quinlan's interview.

Chronicle - Advertising Supplement

MR CORBELL: My question is to the Chief Minister. Chief Minister, in yesterday's *Chronicle* - and perhaps by now you would have a copy from your extremely efficient and helpful staff; I am sure you will be able to find one; it is in every letterbox in Canberra - which went to every household in Canberra, there was a colour supplement about the Canberra Hospital. Chief Minister, how much did it cost to design, prepare, print and then place this supplement, which contains a photo of Mr Humphries, into every edition of the *Chronicle*?

MRS CARNELL: How much? Mr Humphries might like to answer about the photo, because I have to say that I still have not seen it. But I do know how much it cost. The head of the hospital, Mr Brian Johnston, came to see me to tell me that this was what he wanted to do, because he believed very strongly that the very good work that was being done by the hospital should be known about out there in the Canberra community. Mr Johnston said that this is the sort of approach that he had taken at other hospitals that he had worked at, and he believed - and I actually agree - that something as important as your hospital in a city, particularly your major teaching hospital, does need to have a degree of, I suppose, community ownership. He believed - and I have to say I agree with him - that the way to achieve that was to make sure that the people of Canberra knew what was actually happening at the Canberra Hospital; some of the really good things, some of the great things that are being done at the hospital.

I think it is a great pity that those opposite do not share this view. I certainly hope that, if one of those opposite is Health Minister next time, they are willing to support their hospital in improving their public profile.

Mr Corbell: On a point of order, Mr Speaker: I asked the Chief Minister how much it cost to design, prepare and print. If she does not know she can tell us that and inform the house later, but I would ask you to instruct her to answer the question - on relevance.

MRS CARNELL: Mr Speaker, I have been answering this question for all of, I think, 45 seconds now.

MR SPEAKER: Yes; the Chief Minister is answering the question. I think she is going to tell you how much it cost, anyway.

MRS CARNELL: Mr Speaker, I was, I thought, telling the Assembly the basis, as it was put to me, of this supplement. I thought members opposite would be very interested in knowing the background of this colour insert. I understand the printing costs were just over $10,000. I understand there was a small amount of money on top of that for layout and so on, which might have meant it came to - again, I do not have a brief on this - something just over $12,000, from memory. That is money that Mr Johnston and his management team believed was important. The health budget in the ACT is some $300m. It is a significant part of our budget all-up - over 25 per cent.

We have a lot of extraordinarily capable people working very hard at Canberra Hospital, and I think it is very appropriate that the people of Canberra should understand a little more about what is happening at their hospital. I certainly did make it very clear that, taking into account the proximity to the election, there should be no reference whatsoever to me or to the Government in any terms, because this was something from the hospital to the people who use their hospital. I think it is very appropriate.

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

MR CORBELL: Yes, Mr Speaker. Can I ask, first of all, Chief Minister: Does the $12,000 include the placement cost for the supplement?

Mrs Carnell: I understand so.

MR CORBELL: Okay, it does. Chief Minister, in December 1994, your now deputy, Mr Humphries, was outraged about a leaflet that went into ACT households with a photograph of the then Chief Minister and the then Deputy Chief Minister. In fact, he was so outraged that the man who is now Deputy Chief Minister announced that he would ban such material in the last six months before an election. I quote from the *Canberra Times* of 11 January 1995:

> Under our plan advertising featuring photos, statements and/or signatures of politicians paid for by ACT Government departments or agencies will not be permitted during the late life of the Parliament.

My supplementary question is: Where is the promised legislation? Why did Deputy Chief Minister Gary Humphries's picture feature prominently on page 3 of this article, but not yours?

MR HUMPHRIES: Mr Speaker, since this relates to me, may I answer this question?

Mr Corbell: No. The question was to the Chief Minister.

Mrs Carnell: I have handed it to Mr Humphries.

MR HUMPHRIES: Mr Corbell asked where the legislation is to effect the ban on the appearance of members of the Assembly in paid advertising before an election. I refer members to page 900 of the minutes which are probably on their desks at the moment, right in front of you. You will see three-quarters of the way down that page reference to Electoral Regulations which have been made. They have the effect of making that very ban that you refer to.

Mrs Carnell: So, he has done it.

MR HUMPHRIES: So, I have done it.

Psychiatric Services

MS TUCKER: My question is to the Minister for Health and Community Care, Mrs Carnell. I refer the Minister to the fact that the ACT Government has lodged notice of an industrial dispute with the Industrial Relations Commission. The mental health workers demanded an operational plan for proposed changes at the psychiatric services unit at Canberra Hospital. Workers believe that management of Mental Health Services are planning to reduce the number of beds in the unit by about 15 in the next six months, despite the fact that an operational plan has not been released and adequate community support has not been put in place. As I am sure the Chief Minister is aware, it is essential that services are not reduced in acute settings unless proven and stable services are in place to replace them. Most experts would say that you need to run two systems in tandem before you drop off one of them. Can you inform the Assembly whether there are plans to reduce the number of beds at the psychiatric services unit; and when, and whether, you believe the level of service provision in the community has improved enough, in both quality and quantity, to enable such a reduction in services to take place?

MRS CARNELL: This is actually an easy one. No; we are not reducing bed numbers. No; I do not believe the standard of service generally has improved enough to reduce the number of beds; and I am not sure that you could reduce the number of critical care beds, in my timeframe anyway, in the psychiatric area. As I understand this particular industrial dispute - and again I come back to beds - we are not reducing the number of critical care beds in the psychiatric area. Last year we had occupancy rates that were in the high 90s. They have fallen a bit now, with the improvement of our 24-hour crisis service, with the work that we have done in the community setting and with better support services for people to stop them ending up in critical care units. But the occupancy rates are still in the vicinity of 90 per cent. They are still actually quite high; they are even a bit more than that at times. So, there is no capacity to close any beds at all.

As I understand it, what this industrial dispute is about is more to do with the implementation of the national mental health reform guidelines; that is, to have a mental health service that has, I suppose, more continuity of care. Ms Tucker would be very well aware of the national mental health reform approach and where we are very keen to achieve that reform. I understand that is what this is about. But, again, no bed numbers will be cut. We have actually increased funding by about 10 per cent in mental health over the last couple of years, and I think Ms Tucker could be fairly confident - in fact, could be very confident - that that increase in funding for mental health will continue, because the reality is that there is still unmet need out there.

MS TUCKER: I have a supplementary question, Mr Speaker. Could the Chief Minister and Minister for Health at this point elaborate, then, on the nature of the operational plan that is being asked for and that I believe is also a cause of dispute?

MRS CARNELL: I understand there is not an operational plan, and I think that is what the problem is here. As it has been explained to me, there has been ongoing consultation between the union and hospital management and the people in the mental health area about ways that we put in place the national mental health reform agenda and how we

make sure that we have a greater community focus in our critical care end of mental health. We plan to move to a situation where a patient is, I suppose, looked after right through the system, whether they happen to be at home, in a hostel or in hospital. That means that there needs to be quite significant reform in the way we do things.

The fact is that there is no operational plan for reform of the hospital. If there were one, it would need to be worked up with the staff. Certainly, over time, there will need to be one; but the way we started with mental health reform was with a 24-hour crisis service. We will move through the system, from the community backwards. Certainly, the staff will be involved in any changes that happen. It seems that some are not willing to accept that there simply is no hidden agenda here - no hidden agenda, no reduction in bed numbers. All we want to do is make sure we have a better mental health system that looks after the people that need it. I believe that will cost the ACT more money over the next couple of years. I think there are some facilities that are lacking at the moment, and they are certainly things that we intend to address.

Mental Health Facilities

MS REILLY: My question is to the Chief Minister. Chief Minister, this week's colour advertisement for your Government in the Canberra *Chronicle* contains an article on mental health. That article contains the following claim:

> A substantial reorganisation has taken place and the improvements are already evident. 1997/98 will see further improvements.

Chief Minister, considering that you have taken the unions to the Industrial Relations Commission because they asked for information about the new changes, does this mean that the reorganisation has not yet taken place? Does that mean that the advertisement is wrong again?

MRS CARNELL: Again, I have not actually read the article. This is not advertising.

Ms Reilly: It says so on it.

Ms McRae: It says "Advertising Supplement".

MR SPEAKER: Order! Be very careful.

MRS CARNELL: These are excerpts from the annual report. They are for the information of the people of Canberra, and it is information that is contained in the annual report, as I understand it.

Ms Reilly: It says on the top "Advertising Supplement".

MR SPEAKER: Order! If you want to look at the pictures I suggest you go out into the lobby.

Ms McRae: Mr Speaker, on a point of order: The Chief Minister had better be very careful. This page says nothing about extracts.

MR SPEAKER: There is no point of order.

Ms McRae: There is a possible misleading. There is nothing about extracts from annual reports. It says "Advertising Supplement".

MR SPEAKER: There is no point of order. Resume your seat.

MRS CARNELL: There is no doubt that ACT Health have paid for this insert; there is no doubt at all about that. But advertising is usually about selling a product.

Ms Reilly: That is what it is doing.

MRS CARNELL: No. I have to tell you that we are not selling any of the hospital; I promise.

Ms McRae: It is not the annual report.

MRS CARNELL: As I understand it, these are excerpts from the annual report.

Ms McRae: It does not say that.

MR SPEAKER: Order! I warn my Deputy Speaker, Ms McRae.

MRS CARNELL: This is information that is going out to the Canberra community. As I said earlier, mental health, as I thought Ms Reilly would have been aware, has been subject to a quite significant change over the last little while. Earlier this year we put out a strategic direction for mental health which ran through the approach that we would take. The first cab off the rank, of course, was the 24-hour mental health crisis service. The 24-hour mental health crisis service has been significantly upgraded. There are a significant number of new people who are working in that area. I think the number of people has been increased by - it may even be - up to eight. The number of contacts that the 24-hour crisis service is undertaking now has increased significantly.

Other areas of change and restructuring have been with regard to residential accommodation. As members would know, we have put out for tender some residential support accommodation for people with mental health problems in the ACT, to give them more options in terms of where they may live. We also have the Mental Health (Treatment and Care) Act 1994 out for community consultation. An extensive public consultation has been undertaken by the Department of Health and Community Care. Those opposite have been asked for input on that. I understand that we will be in a position, hopefully if we are re-elected, to introduce the legislation which will reflect that approach. I understand that the mental health area is finalising the details of a draft strategic plan for the future of mental health, to build on the work that they have done already. I could go on forever about the work that has been done already. But the fact is that it is not finished; it is only halfway through. There is still more to do, and this Government will continue to work hard to ensure it occurs.

MS REILLY: I have a supplementary question, Mr Speaker. In the advertising supplement there is a number given that people can ring to get further information on these changes. You listed some then. Are these a secret that you have not told the staff; or have any of these changes, improvements, rearrangements, or whatever you call them, not been put into place?

MRS CARNELL: I assume the phone number is for the public to ring, not the staff. I am sure the staff are very well aware of the restructuring that has occurred.

Ms Reilly: When you ring that number, the staff at the other end do not seem to know about the changes, Mrs Carnell.

MRS CARNELL: I am confident that the staff are very well aware of the changes that have occurred in Mental Health Services over the last little while. I would be very surprised if the mental health crisis team was not aware of the moves. According to Mr Gianfrancesco, who did the initial report over 12 months ago, the 24-hour crisis service was simply not up to scratch. When he did a recent re-evaluation he determined that the mental health crisis service was now working very well; in fact, the service that was being provided was as good as it comes. I think the staff in that area should be extraordinarily pleased that in a very short period of time they have gone from being regarded as worse than most in Australia to now being regarded as better than most. I think that is a huge step in the right direction.

Value Creation Group

MR OSBORNE: My question is to the Chief Minister, Mrs Carnell. Chief Minister, I have here part of a document entitled "ACT Government: Community Spirit/Sense-of-Community - Focus Group Discussions". It also has a very clear stamp which says "Commercial-in-Confidence" on the first page, on the second page and on every page. I seek leave to table this document, for the information of members.

Leave granted.

MR OSBORNE: The discussions which form the basis of this report were apparently held on 11 February this year. The survey was conducted by a company called the Value Creation Group. It asks a series of questions of citizens and ACT Government staff to gauge their reaction to how the Government was performing on a number of issues. It asks people to rate the importance of issues like "Good Representative Government", "Family Values" and the need to have "Accessible and Well Planned Services" within the Government. The responses of the community are then compared to the responses of the bureaucrats.

Mrs Carnell: It is interesting, is it not?

MR OSBORNE: It is interesting, yes. My question, Chief Minister, is this: Who or what is the Value Creation Group; where is it based; how much did this survey cost; why was it conducted; have there been any other similar surveys; and why is the information in it considered confidential? What commercial interests are at stake here, other than your own?

MRS CARNELL: Mr Speaker, I am disappointed that Mr Osborne has not been aware of this whole approach. This has actually been going on for a while and was part of the work done on the customer focus approach for the ACT Government, as we have actually announced. It is in the annual reports, everywhere, that the Chief Minister's Department and all other departments were required, under our new customer focus approach for all of our Public Service departments, to do some focus group work and to do some work generally to assess what the consumers, our customers, the people that we are dealing with, are actually thinking; what they believe is important; and the sorts of attitudes or how they react to the services that government departments are actually providing.

The spin-off from that work has been customer commitment statements or strategies in every department, as has been required, as Mr Osborne would know, because it is all in the annual reports of all of our departments. They are not just statements that we have to care about our customers; it goes lots further than that. Every department is required to put in place an action plan on how they plan to address the issues, some of which were raised in these sorts of survey-focus groups. I will have to take on notice exactly how the company that did at least some of that work was decided upon - normally, these things are done by tender - and how much it cost. What our customer commitment focus approach was costing was all in the budget, but I am very happy to get those figures for Mr Osborne.

MR OSBORNE: The main part of the question, Mrs Carnell, was why it was considered confidential and what commercial interest is at stake here. I would like to hear your answer to that. The document that I tabled was missing pages 8 to 14. Will you table those missing pages?

MRS CARNELL: Mr Speaker, I have absolutely no problem in tabling those pages. I am actually very happy for members of the Assembly to see the documents. I did not stamp them confidential; but from memory - and this is a few months ago now, so I am really having to remember - if you look at that document, Mr Osborne, some of the responses to the services provided by some of our agencies were less than wonderful. The result of that was, of course, the need to improve. I think you will find that people believe the service they were getting from some areas - and I do remember a few of them - was not up to scratch. I have to say I do not believe it is fair to the public servants involved to have that sort of information on the front page of the *Canberra Times*, but I do believe that sort of information must be addressed.

That is what we did, via our customer commitment programs, via the action plans, via the approach we are taking that if perceptions by the community are that the standard of service that they get from any government department is below expectations - some of it is below 50 per cent, I have to say - that is not all right and we simply have to address it.

That is the approach we take. I do not think it is all right for whole departments - and that is what we are talking about here - to end up, I suppose, with front-page *Canberra Times* headlines saying that everyone hates a particular department or that such and such a department is significantly below average in the service that they provide. I do not think that helps anybody. What does help, though, is to do something about it.

ROCKS Area

MS McRAE: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. Mr Humphries, the tenants at the ROCKS, the colloquial name for the Residents of Childers and Kingsley streets, have been told that the Ethnic Communities Council will move from the Griffin Centre to the ROCKS. This information has been actively promoted not only by developers but also by government employees. Some tenants and users of space at the ROCKS have been told that they will have to change their operations and/or look somewhere else for space. Has a decision been made? If so, what is the decision? If no decision has been made, why have government employees been involved in spreading misinformation?

MR HUMPHRIES: I thank Ms McRae for this question. I am quite concerned that there would be government employees who would be spreading that misinformation, because there is no decision. There is nothing more than a proposal, much of the detail of which members are aware of and which has no approval or imprimatur from the Government whatsoever. So, if Ms McRae would like to supply me with details about the public servants supplying that information, I will make sure those public servants are put right.

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

MS McRAE: Yes, Mr Speaker. Minister, will the Government also now approach all tenants and people who use the current buildings in the ROCKS area to clear up the misinformation and stop the confusion and concern?

MR HUMPHRIES: If Ms McRae can show me where the misinformation is coming from and who is imparting it, I am very happy to address the issue. I have not heard of any government employees who are making these misrepresentations. Indeed, I have spoken to a number of the organisations as well and made it quite clear, and they have not expressed to us any concern about misinformation; so, I cannot promise to do that, unless I can see a basis for it. But if there is such a basis, of course, I will make that approach.

Tourism Statistics

MRS LITTLEWOOD: My question is to the Minister for Tourism. Is the Minister aware of the latest ACT tourist accommodation figures released by the Australian Bureau of Statistics? If so, what is his reaction to those figures?

MR KAINE: Yes, I am aware of those figures. I must say that I was quite pleased with those figures because they run contrary to the doom and gloom picture that has been painted by Mr Corbell about the tourism industry in Canberra and give the lie to all of the things that he has been saying recently about how the tourism industry is in the doldrums. What those figures did was reveal a most encouraging and positive set of numbers for people engaged in the accommodation sector of the tourism industry in Canberra. At first glance, there was one figure that disappointed me a bit because there seemed to be a slight downward dip; but, when I examined that, it actually was the figure that had to do with room occupancy rates. It had decreased slightly, but that was because the total number of guestrooms available in the ACT had, in fact, increased by 140 as a result of the opening of a new hotel towards the end of last year and the reclassification of two establishments into the hotels, motels and guesthouses category where they were not previously recorded. So, even that figure which, at first glance, showed a negative is, in fact, a positive.

All the other indicators for hotels, motels and guesthouses during the September quarter of this year showed an improvement over the same period last year. Specifically, the figures show that the number of persons employed in the industry increased by 31; the number of room nights occupied increased by 1.6 per cent; the total number of guest nights increased by no less than 10.8 per cent; bed occupancy rates increased by 2 per cent; guest arrivals, which is probably the best indicator - people coming in through the front door - increased by 4.7 per cent; the average length of stay increased from 1.8 to 1.9 days. That is a very small increase, on the face of it; but even a one point change in that statistic is significant. Of course, overall takings for the period increased by nearly $850,000, which is about a 4.7 per cent increase. Those figures, I think, are excellent results and have been acknowledged as such by the Australian Hotels Association. The people that are in the business understand the figures and understand that they were good figures for Canberra.

Other figures that I think were interesting were the attendances at this year's Floriade. There was a 31 per cent increase in the number of visitors from outside the ACT. In fact, a very large percentage of those people came here specifically for Floriade. So, that is still a good drawcard.

Mr Corbell: Are you going to rule out an entry fee?

MR KAINE: Here we go; the knockers again. They hate good news; they absolutely hate good news. Anything that is bad news, they jump on and cannot get to the media quickly enough; but they do not want to hear about a bit of good news. They are just a bunch of knockers, Mr Speaker.

Mr Corbell: An entry fee? What are you going to do about that?

MR SPEAKER: I was not aware that the question had been asked from that side of the house; therefore, it is an interjection.

MR KAINE: The fact is that during Floriade this year the "house full" sign was up all over Canberra. Major attractions like the Australian War Memorial reported that their visitor numbers were up by about 17½ per cent compared to the same time last year. So, it is not only the ACT Government but all of the attractions around Canberra that are noticing this.

The recent Masters Games led to many accommodation houses reporting full or near full occupancy. Just as successful was the recently completed FAI Rally of Canberra, which attracted thousands of tourists and tourist dollars to the ACT. I suppose Mr Corbell is going to knock that, too. Coming up this month and next month we have the National Gallery of Australia's blockbuster, the Rembrandt Exhibition; followed then by the Summernats; and early next year the month-long National Multicultural Festival - all of which will boost the local tourism industry. I think there is no doubt whatsoever that CTEC, the Canberra Tourism and Events Corporation, is already proving its worth. It has been in existence for only five months. It is rapidly moving to develop a year-round calendar of events which are attracting thousands of people to Canberra as tourists. That is what is reflected in those ABS statistics.

Mr Berry: It could be those "fondle the power" ads in the ACT that are making it all work.

MR SPEAKER: Mr Berry, I name you.

MR KAINE: What Mr Berry is doing, of course, is feeling the power of Canberra, Mr Speaker.

Motion (by **Mr Humphries**) put:

> That Mr Berry be suspended from the service of the Assembly.

The Assembly voted -

AYES, 11	*NOES, 6*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Ms McRae
Ms Horodny	Ms Reilly
Mr Humphries	Mr Whitecross
Mr Kaine	Mr Wood
Mrs Littlewood	
Mr Moore	
Mr Osborne	
Mr Stefaniak	
Ms Tucker	

Question so resolved in the affirmative.

MR SPEAKER: Mr Berry, you are suspended from the service of the Assembly for two sitting days.

Mr Berry accordingly withdrew from the chamber.

MR SPEAKER: Mr Kaine, were you in the middle of an answer, or had you finished?

MR KAINE: I think I had fully answered that question, Mr Speaker.

Mr Whitecross: Mr Speaker, I seek leave of the house to move a motion of dissent from your ruling.

MR SPEAKER: It is not a ruling; I have been advised by the Clerk that it is a vote of the Assembly. Mrs Littlewood, do you have a supplementary question?

MRS LITTLEWOOD: Of course, to the Minister for Tourism. What would occur if the bed tax, as suggested by the Labor Party, was brought in by the Labor government?

MR KAINE: That is an interesting question, and it is one that I have thought about often lately because - - -

Mr Moore: On a point of order, Mr Speaker: I do believe the question is speculation.

MR SPEAKER: I uphold the point of order.

MR KAINE: It is not a matter of speculation at all, actually. The consequences are quite real because there is plenty of - - -

MR SPEAKER: You may address the consequences but not necessarily the speculation.

MR KAINE: From what has been said by the Labor spokesman on tourism, we can be pretty confident that they are intending to bring in a bed tax. That is the reason why it is an interesting question and that is the reason why I have given it some considerable thought lately. If you have listened carefully to Mr Corbell in recent times, he has been talking about all sorts of significant increases in expenditure that he is going to put into effect in tourism after February, if they happen to be elected to government. Only in the last few days he talked about injecting an extra million dollars into the tourism marketing budget. I know how hard it is to get a million dollars for the tourism marketing budget - - -

Mrs Carnell: He certainly does.

MR KAINE: - - - and he is going to be getting it from somewhere outside - - -

Ms McRae: Mr Speaker, did you hear Mrs Carnell interject? I thought interjections were entirely out of order. May I just point this out to you.

MR SPEAKER: I would be very careful, Ms McRae. I am quite capable of suspending somebody else here very shortly.

Ms McRae: Mr Speaker, on a point of order: I am quite careful in pointing out standing orders to you. The standing orders you are applying today are: No interjections. I would simply seek to remind you of that.

MR SPEAKER: Thank you for your guidance.

MR KAINE: Is somebody on the other side of the house a bit tetchy, Mr Speaker? Is that what the problem is?

MR SPEAKER: There will be a few more if we continue with these interjections.

MR KAINE: Mr Corbell has talked not only about injecting an extra million dollars into tourism but also about making a major capital injection into the ownership, by way of capital investment, of the Canberra Airport. If he is going to be able to do all these things, he is going to have to get the money from somewhere. It is pretty consistent with what has happened in New South Wales that he would see a bed tax as being a pretty good source of revenue to fund some of the things that he has been talking about. I think that raises some very serious questions. If he does his research at all, of course, he will know that the introduction of a bed tax will have a devastating effect on tourism. I have just given some very encouraging statistics as to what is happening in the Territory. But if Mr Corbell goes ahead with his bed tax proposal we will see exactly what happened in Sydney happening here; that is, fewer tourists, fewer tourist dollars, fewer people employed in the tourism industry and a major blow to the morale of people engaged in tourism who have been working assiduously for years to build up Canberra as a tourist destination. I think that summarises very briefly what the ramifications are - - -

Mr Moore: On a point of order, Mr Speaker: Standing order 117(c)(i) makes it clear that a question shall not ask Ministers for an expression of opinion. Indeed, that is all that Mr Kaine is talking about - an expression of opinion. He draws attention to New South Wales, where there is a drop in tourism perhaps, or suggests there is. He does not compare it, for example, with the Northern Territory, where, in fact, there has been an increase in tourism since the bed tax was introduced. This is just speculation and a matter of opinion.

MR SPEAKER: I think the Minister has finished his answer, Mr Moore.

MR SPEAKER
Leave to Move Motion

Mr Whitecross: Mr Speaker, I seek leave to move a motion that the Assembly expresses a lack of confidence in the Speaker.

MR SPEAKER: Is leave granted?

Mr Moore: No. Do it after question time. Mr Speaker, I do have a question.

MR SPEAKER: Order! Is leave granted to move the motion?

Mr Moore: Mr Speaker, he sought leave. He was denied leave, and now I am ready to ask a question.

Leave not granted.

Suspension of Standing Orders

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

> That so much of the standing orders be suspended as would prevent Mr Whitecross from moving a motion of want of confidence in the Speaker.

Mr Moore: I told you to wait till after question time. I move:

> That the question be now put.

MR SPEAKER: The question is: That the question be now put. Those of that opinion say aye, to the contrary no. I think the noes have it.

Mr Moore: No. The ayes have it.

MR SPEAKER: The ayes have it.

Mr Whitecross: The noes have it.

MR SPEAKER: The question now is: That Mr Whitecross's motion for the suspension of standing orders be agreed to. Have you challenged my call, Mr Whitecross?

Mr Whitecross: Yes, I have.

MR SPEAKER: What have you moved?

Mr Whitecross: Mr Speaker, it is terribly difficult because you have called the vote both ways. First of all, you said that the noes had it; then you changed your mind and said that the ayes had it.

MR SPEAKER: You moved your motion for the suspension of standing orders.

Mr Whitecross: First of all, you called that the noes had it; then you changed your mind and called that the ayes had it. So, I am suggesting that the noes have it.

MR SPEAKER: All right; so, you are now calling for a division on the question?

Mr Whitecross: That is right, Mr Speaker; in accordance with the standing orders. Perhaps that is why we are moving the motion.

Question put:

That the question be now put.

The Assembly voted -

AYES, 11	*NOES, 5*
Mrs Carnell	Mr Corbell
Mr Cornwell	Ms McRae
Mr Hird	Ms Reilly
Ms Horodny	Mr Whitecross
Mr Humphries	Mr Wood
Mr Kaine	
Mrs Littlewood	
Mr Moore	
Mr Osborne	
Mr Stefaniak	
Ms Tucker	

Question so resolved in the affirmative.

Original question resolved in the negative.

QUESTIONS WITHOUT NOTICE

Poker Machines

MR MOORE: My question is to the Chief Minister and Treasurer and follows a question that Mr Hird asked earlier. I indicate that I gave the Chief Minister a small amount of notice that I would be asking a question on facts and figures, so that she could have them in front of her. How much revenue, on an annual basis, would have been available to the Territory if we had adopted taxation policies on poker machine licences to match those in operation across the border in New South Wales?

MRS CARNELL: Thank you, Mr Moore, for giving me a bit of time to get the information here. As I understand it, New South Wales announced in their budget - and they brought down their budget on the same day as we did, as everyone would remember - that they would change gaming machine tax to a sliding scale which meant

that from zero to $8,333 the rate would be nil; from $8,333 to $16,666 it would be one per cent; from $16,666 to $83,333 it would be 22.5 per cent; and over $83,333 it would go up to 30 per cent. So, basically, what this meant was that some of the small- to medium-size clubs actually ended up better off; but it ended up that it would cost the larger clubs significantly more dollars. In New South Wales the overall revenue increase was projected to be approximately $74m a year.

If the same regime were implemented in the ACT the result for a full year would be approximately $4m in additional gaming machine tax. It would mean that some 19 clubs would pay a higher tax; 36 would pay less tax; and 14 would pay no tax at all. All clubs pay some level of tax at the moment. So, we are talking about approximately $4m. It is interesting, Mr Moore, though, that New South Wales actually have not implemented it yet. They were planning to implement it on 1 September, but it appears that the club lobby group managed to have it put off till 1 February.

MR MOORE: I have a supplementary question, Mr Speaker. It deals with the power of the club lobby group, indeed. How can you justify the loss of this equitable and sensible opportunity to increase revenue, considering our $200m-odd operating loss? Can you comment on the appearance or public perception that this revenue was forgone by your Government, which had committed to the Licensed Clubs Association's no-change policy, because there was a donation of $12,000 to the ACT Liberal Party?

MRS CARNELL: The operating loss for the ACT in the year just finished was $153m, not $200m. We actually improved a lot. There is no doubt that we still have an operating loss, and one that does have to be addressed. The reason that my Government determined not to put up poker machine taxes at this stage is that the club industry is one of the largest employers in the ACT. To increase taxes could put jobs at risk and could see, I suppose, the number of job opportunities in the industry diminish. I also believe that it is dangerous for any jurisdiction to start spearheading revenue measures via gambling. The ACT has the lowest level in percentage terms, I think, of gambling revenue in Australia, or very close to the lowest. I believe that is probably not a bad thing for Canberra. Some States, like Victoria, have really, I suppose, started to escalate the amount of money that they get from gambling. I wonder whether that is a sound basis for any State or Territory to run a budget on.

Mr Speaker, I think I answered yesterday the second part of Mr Moore's question with regard to dollars from the club industry. The ACT Liberal Party gets some $12,000 - or did last election - from the Licensed Clubs Association. The Federal Liberal Party gets significantly more than that from the Australian Hotels Association. I do not believe there is any conflict of interest for the ACT; but the ACT Government did determine that, in the community interest and in the interests of jobs, it was best not to put any jobs at risk, particularly in the current climate.

Information Technology - Outsourcing

MR WHITECROSS: My question is to the Chief Minister. Chief Minister, on Monday you gave what you styled as the "Canberra into the twenty-first century" address, where you promised something new some time later but not on Monday. In that address you said that, thanks to the strategic planning undertaken by InTACT with regard to outsourcing of ACT Government IT services, 90 per cent of those services had gone to local companies. I refer you to the article in Monday's *Canberra Times* which states:

> Telstra walked away with the communications network, Fujitsu won the mid-range deal and last week GE ... was awarded the contract for desktop PCs and associated software.

How do you reconcile these facts about what happened with the InTACT outsourcing contract with your claim that 90 per cent of those services had gone to local companies?

MRS CARNELL: It is hard to believe, is it not, that sometimes the *Canberra Times* is wrong? I know that this is a very big leap of faith for us all to handle. What I was talking about in that speech, as Mr Whitecross was aware, was the desktop and applications contract that has recently been let, which is the basis of the school computers, which is how that speech reads. The way that we are funding the very exciting announcement that Mr Stefaniak will make later this week, and the computers for teachers that we have already announced, were as a result of the tendering process that we have just embarked upon.

As I understand it, the way that the strategic partnership actually worked with regard to the GE consortium tender was that we are strategic partnering with GE; GE then have partnerships with a quite large number of local companies in the ACT; and those local companies are providing something like 90 per cent of all of the goods and services that will run via that strategic partnership. Mr Speaker, the sorts of companies that we are talking about are Wizard, Select, CES, I think Aspect, Aulich and Co., CIT, NCSS - there is a quite long list, and I am very happy to provide that information on the companies that are strategic partners to the GE consortium. But my understanding is that 90 per cent of those goods and services will be provided by local companies.

As well, we have already been able to announce that over the next couple of years, and starting very definitely next year, all full-time teachers in the ACT will have access to their own computer, whether they choose to have it at home or at school. Mr Stefaniak will be making some exciting announcements with regard to the further expansion of our information technology approach to schoolchildren. There you have, Mr Speaker, an approach that will significantly improve education in the ACT; that will really put Canberra at the forefront of information technology in Australia, something that is a really big job creator and, most importantly, is funded. We did not even have to use the cash in bank. What a perfect policy outcome!

MR WHITECROSS: I have a supplementary question, Mr Speaker. Chief Minister, am I to understand from your answer that this contract for desktop PCs and associated software which you awarded to GE actually requires GE to provide only 10 per cent of the desktop PCs and associated software and that 90 per cent of the desktop PCs and associated software provided under the GE contract are actually provided by local firms? Is that what you are saying? Are you also saying that 90 per cent of the services provided under the mid-range deal with Fujitsu are actually being provided by local companies? Are you also saying that 90 per cent of the communications network under the Telstra contract is being provided by local companies? Or is it not true that many of the local companies you were referring to are, in fact, multinational companies like Fujitsu who have been attracted to Canberra by the glut of Commonwealth and ACT government outsourcing, and the truly local companies are yet to receive the full benefit of the outsourcing which your Government is claiming?

MRS CARNELL: Mr Speaker, it is always unfortunate when members feel a need to read a supplementary question that is obviously wrong, if you listened to the first half of my answer. It does show a lack of capacity to listen and comprehend. What I said in answer to the first question was that, as Mr Whitecross would know from that speech I gave on Monday, when I was speaking about 90 per cent of the services and hardware being provided by local companies, I was talking about the desktop and applications tender, which is the one we have funded the education improvements out of. That is the tender we are talking about here; and, yes, it is my advice that 90 per cent of the services and so on will be provided by local companies. The companies whose names I have just read out - companies like Wizard, Aspect, CES, Aulich and Co. and so on - are not multinationals; they are local companies.

If Mr Whitecross does not believe that local companies are really picking up some of the Federal Government outsourcing, he should actually go and speak to companies like Select - local IT providers who have significantly improved their outcomes. The local companies that are part of this tender are providing 90 per cent of these services that will be required for this tender.

Mr Whitecross: They are not goods now - a quick change.

MRS CARNELL: No; remember that we lease all of our hardware. They are on leases, so that is a big difference. Just because a company has its corporate headquarters elsewhere does not mean that the actual hands-on work goes elsewhere. I believe really strongly that the approach that has been taken by the ACT and by InTACT should be a model for the rest of Australia because it shows that strategic partnering can work and can ensure that business stays local; that we can make sure that local businesses get a fair share of the business and, at the same time, get a significantly better outcome for government. That surely has to be, I suppose, the best possible outcome for any Government approach in this area.

Residential Development Applications

MS HORODNY: My question is to the Minister for the Environment, Land and Planning, Mr Humphries, and relates to a development application to build a mansion at 16 Brown Street, Yarralumla. Minister, you would be aware that the original plans for this mansion generated a number of objections, particularly about its size, height and consequent overshadowing of neighbouring blocks; and that the original development application was given only conditional approval, including a requirement that the height be lowered by nearly a metre. However, it came to light only by accident that PALM, at the request of the developer, later approved a significant variation to the development application to return the building height almost to the original proposal that had already been rejected. PALM used section 247 of the Land Act to do this, but this section is meant to apply only to minor amendments; and there are no appeal rights. Minister, the Yarralumla Residents Association is very upset at this development, which is an approval by stealth. Could you tell us what you intend to do to reverse this decision, which you can do under section 253 of the Act, before building work commences?

MR HUMPHRIES: I thank Ms Horodny for this question. I have, in fact, had quite a lot to do with this matter and have met with the president of the Yarralumla Residents Association, who also happens to be the affected resident in this matter, and have also discussed the matter at length with my department.

I might just briefly outline the history of this matter. After that public consultation period that Ms Horodny referred to, approval was granted, on 4 June, for the development of a new dwelling on block 8, section 9, Yarralumla; that is, 16 Brown Street. The approval was granted subject to conditions, one of which limited part of the dwelling to a nominal floor level of RL561. PALM subsequently approved in October, as a minor amendment under section 247 of the Land Act, an increase of this nominal floor level by 0.62 metres, but only after a precise survey undertaken by a registered surveyor had determined that the effect of the earlier nominal level was, in fact, 0.3 metres lower than originally thought. An effective height increase of only 0.32 metres was, therefore, approved. Whether or not that was significant, we can all have an opinion about, I suppose; but that was the height - an 0.32-metre increase from the approval that was earlier given.

Section 247 of the Land Act does enable minor amendments to be approved only where strict criteria can be met, including not altering the effect of a condition or not allowing a significant increase in detriment to any person. The increase in floor level was approved on the basis that it would assist in preventing seepage problems which had been experienced in the former dwelling and only after PALM officers had assessed the likely impact of a change upon neighbours to be marginal. The assessment considered the increased effect of overshadowing and building size.

As I said, the owner of the adjoining property came to see me; I had a meeting with him; I undertook to obtain legal advice about the effect of the approval and the effect of my capacity as Minister for Land and Planning to reverse that approval. The Government Solicitor has given me advice on both of those subjects and has advised that the interpretation of section 247 by PALM that the variation in the approval was a minor variation was justified, and it was capable of being made within the terms of section 247.

I have undertaken to make a copy of that advice available to another member of this place. I am very happy to show it to Ms Horodny as well, if she wishes. I also sought advice on whether, in fact, I had the power to overturn the decision of PALM made by a delegate at PALM. The advice to me was that I did not have that power; approval had been given, and the approval could not be revoked. There is a basis for revoking an approval, and that is if fraud or misrepresentation has been relied upon; but the advice to me is clear that that is not the case in these circumstances and, therefore, a reversal of that approval cannot be given.

I understand that the Administrative Appeals Tribunal has been asked to consider the matter. I understand that the applicant in the appeal, the president of the Residents Association, has been refused leave to appeal, principally on the basis that he was out of time. The AAT also found the developer had acted upon the original decision to approve by demolishing and removing the existing dwelling and levelling the site, and significant prejudice would now occur to him if the original decision were able to be reviewed.

I will say this, Mr Speaker, about this matter: In my view, it was unwise of PALM to amend the original approval without going back and talking to the original objectors. It was apparently within the power of PALM to make the decision, but it was, I think, unwise to make the decision without having consulted with those who were clearly stakeholders in this matter by virtue of their objection to the original building height for the proposed structure. I have indicated to PALM that this should not recur and have instructed that procedures within PALM are to change to address such situations in future. That, of course, is not much comfort to the objector in this particular case; and to him I extend my regret that this was the case. But I emphasise again that PALM considers that the variation was within the terms of section 247 and there is not any power that they have identified for me to reverse that decision.

MS HORODNY: Mr Speaker, I have a supplementary question. How can the public be expected to have any confidence in the planning system when PALM is making such arbitrary decisions over development applications in situations like this without any accountability to the public or even to the Minister?

MR HUMPHRIES: I think that inherent in that question is the criticism that if delegates make decisions it should be possible for the Minister to review them. I would say to Ms Horodny that she should think very carefully about whether that is actually a wise position to suggest. Of course, you, as a legislator, have the power to bring legislation before this house to change that in the Land Act, if you wish, and provide for that power of review. But I would say to members that it is not appropriate to do that. Under the circumstances, when a decision gets made, it should be reviewable properly by a court or tribunal such as the Administrative Appeals Tribunal.

If Ministers are to be involved as a special court of appeal because they disapprove of a decision a delegate has made, firstly, it will increase the workload of Ministers because they will be asked to make all these decisions rather than leave them in the hands of delegates, which rather defeats the purpose of having a delegate; and, secondly, it also undermines the system that people should be able to go to a court and argue the matter in a proper court.

Ms Horodny: But what about where you agree the department has made a mistake?

MR HUMPHRIES: I admit they made a mistake. I concede they made a mistake, but they also made a decision. We are entitled to have a system which delivers on decisions at various points in the process. A long process preceded that decision, but the decision was made. As I say, I think PALM should have gone back to the applicant and said, "What do you think about this proposal?". He may have said, "I do not like it". They may have said, "Notwithstanding that, we are going to make this decision". That would not have altered the fact that the decision would have been made and, it having been made, I think the appropriate body to review it is the Administrative Appeals Tribunal, not the Minister.

There are many decisions which get pushed up the line to the Commissioner for Land and Planning or, further still, up to the Minister, and in that case the court of review is this body, the Legislative Assembly. That is an exceptional class of matters, though. The vast majority of matters are at that bottom end of the scale where we are looking at decisions made by PALM every day of the week in hundreds of different matters, and it would be unwise, I think, if we were to make a Minister a court of appeal for those sorts of decisions. If I am asked about the matter, of course, I express a view about it and suggest to PALM what they should consider doing. But if a decision has been considered and made, I think that is the appropriate course of action; and, of course, that is what the law says. If members want to change that, of course, it is open for them to do that.

Political Advertising

MR WOOD: My question is to Mr Humphries. Minister, earlier today you were asked about your promised legislation to stop Government-sponsored election advertising. I will repeat what your promise was. You promised:

> Under our plan advertising featuring photos, statements and/or signatures of politicians paid for by ACT Government departments or agencies will not be permitted during the late life of the Parliament.

Minister, if your statement is correct, as this regulation predates the advertising material we have been looking at and we are in the late life of the parliament, with the election less than 2½ months away, have you committed a breach of the Electoral Act by the publication of your photograph?

MR HUMPHRIES: Mr Speaker, let me say, first of all, that I have not committed a breach because I did not publish that photograph. It was published by the - - -

Mr Wood: I did not say that you did.

MR HUMPHRIES: If members would like to calm down and listen to me, I will explain what has happened.

Mr Wood: Has there been a breach?

Mr Moore: Have you got a legal opinion?

MR HUMPHRIES: Well, it is asking for a legal opinion; but let me offer one anyway. I think there probably has been a breach of the regulation. Of course, there have been breaches of regulations made by all of us in this place because the electoral regulations, prior to the amendment which I referred to earlier today, required that any document which was published and which bore the name of an MLA on it, with certain very limited exceptions, was to be authorised, with a name and address of an authoriser and a name and address of the body or person printing that particular publication. That regulation was so widely drafted that, in fact, we caught things such as the telephone book. Telecom or whoever publishes the telephone book has been in breach of the Electoral Act for quite some time. I do not propose, however, to organise for prosecutions to be launched against Telecom, in the circumstances.

The fact of the matter is that the regulations are too broadly drafted at the present time. I indicated, as Mr Wood referred to before, the need to ensure that there was some restriction on the capacity of MLAs, particularly Ministers in government, with access to the publication of documents, to make sure that they were not publishing their photographs and using Government publications to, in effect, promote candidates before an ACT election. I indicated that in the period preceding an election - let us say six months before an election - we consider that there should not be promotion of the ministry particularly, but of MLAs generally, using Government funding.

As a result, I promulgated the regulation which you have referred to, which was enacted on 1 December. In future, that will cover all pre-election periods for six months before an election date. We imparted to the ACT Public Service the intention that any publications that might have been planned that were to carry pictures of MLAs, be they Ministers or other MLAs, at least should have those pictures removed. Generally speaking, as I understand it, a number of publications were addressed in that way. Unfortunately, the Canberra Hospital did publish that document. It took out what I think might have been planned to be a photograph of the Minister for Health in it, pursuant to the instruction, but omitted to take out the picture of another MLA in another part of the document. They have technically committed a breach of the electoral regulations. Whether anything happens is a matter for, I suppose, either the Electoral Commissioner or the Director of Public Prosecutions. But, given that they were told this was to happen, we made it very clear what we were doing and we imparted a very clear direction, through regulation, I do not really think the Government could be held to account for that particular omission.

MR WOOD: I have a supplementary question, Mr Speaker. I suggest to Mr Humphries that he is drawing a red herring across the path here. He has the regulation in front of him. It refers to authorisation. He might like to tell me where in this regulation it makes any reference to the promise to which I was referring. You are simply drawing a red herring across this path. This regulation permits letters, media statements and other material, clearly identified with a member, to go out without an authorisation. That is what it is about; it is nothing to do with your promise. Your statement now is to cover the embarrassment because you have done nothing. Is it not the case that you have misled the house?

MR HUMPHRIES: No, it is not the case that I have misled the house. An authorisation can, of course, still be attached to any of those - - -

Mr Wood: It is a red herring, the authorisation.

MR HUMPHRIES: Well, you just raised it, Mr Wood. If I understand what you - - -

Mr Corbell: You are the one who raised it.

MR HUMPHRIES: No; Mr Wood just raised the question of authorisation. I did not mention authorisation.

Mr Wood: You are twisting the path, Minister.

MR SPEAKER: Order!

MR HUMPHRIES: If I could be allowed to give my answer, Mr Speaker: It was our view that, if publications were to be made which carried those photographs in future, then they should carry an authorisation.

Mr Corbell: No; that is not what you said. You said they should be banned.

Mr Wood: It is not about authorisation; it is about banning.

MR SPEAKER: Order!

Mr Stefaniak: On a point of order, Mr Speaker: I am trying to hear the Minister's answer. It is very difficult with those two over there interjecting.

Mr Wood: I will speak to that point of order, Mr Speaker. The question is about banning those photographs, not about authorising or otherwise.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: The effect of the regulation I have made is to ban those sorts of publications.

Mr Wood: It is not.

MR HUMPHRIES: It is.

Mr Wood: Will you get a definition from the Electoral Commissioner?

MR HUMPHRIES: I am not going to shout over Mr Wood if I am to answer this question. If an agency of the Government, a publicly-funded agency, wishes to publish a photograph of a Minister or a member, from this point onwards, in this period before an election, they have - - -

Mr Wood: That is wrong.

MR HUMPHRIES: It is not wrong. They have to put an authorisation on their - - -

Mr Corbell: On a point of order, Mr Speaker: I draw your attention to the regulations that the Minister has tabled. They specifically mention letters and press releases and require an authorisation. They at no stage indicate photos. The Minister is deliberately misleading this house, and he should apologise for that.

MR SPEAKER: Order! I do not uphold that point of order.

MR HUMPHRIES: Mr Speaker, that is not a point of order and it is not the case. I do not have the publication.

Mr Wood: I think you had better check.

MR HUMPHRIES: I do not have the regulation in front of me. If someone could obtain it for me, I will read it for you. If you like to pass it over to me, I will read you what it says.

Mr Wood: Yes, I will.

MR HUMPHRIES: Thank you. The effect of the regulation - - -

Mr Whitecross: You have a note there saying you have it wrong, Gary. Maybe you should read the note.

MR SPEAKER: Be careful. We can do without the gratuitous advice from my left.

MR HUMPHRIES: I have not seen the published version of this; so, I am trying to work out what the requirement is. What I have in front of me here is the regulation I tabled yesterday. It does not do what I said it was going to do. I concede that. I apologise to members opposite if I misrepresented the situation. But I have made a regulation - I do not think this is the one that affects that - to the effect which I have described. If the regulation has not been tabled yet, it will be tabled very shortly; and it has that effect. What it does mean, of course, is that the provisions in that supplement which were referred to earlier as having been illegal are not illegal.

The other point, of course, is that the Government clearly is indicating the intention to put on the table that regulation under the Electoral Act. As I understand it, the Government has already indicated very clearly that it does intend to ban those publications in the future. That is what we promised to do. I am sorry; we have not done it with what has supposedly been produced here. If that is the case, then obviously I want to correct what I said to the house. But we have indicated our intention to do that; and we will do that as soon as the regulation is made.

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

Chronicle - Advertising Supplement

MRS CARNELL: I would like to give some extra information from question time. First, as to the cost of the publication: The *Chronicle* costs were $10,977.48, and the graphic design cost was $2,670.55, which was $13,648.03 altogether. The decision to go ahead with the publication was made by the head of the hospital and the board at the hospital.

Value Creation Group

MRS CARNELL: There is also some information on the question that Mr Osborne asked about VCG and who they were. It is a company called Value Creation Group, headed up by Jim Comain. The costs of that work are in the annual report, as I pointed out. There are no problems whatsoever in Mr Osborne or, for that matter, anybody else having a briefing and having a copy of it, because the outcomes of those focus groups were given to all participants. They have been out there all the time. There are absolutely no problems at all with that.

MR SPEAKER
Motion of Want of Confidence

MR WHITECROSS (4.06): Mr Speaker, following Mr Moore's invitation, I seek leave to move a motion of want of confidence in the Speaker.

Mr Moore: I do not think I invited you; I just said "not at question time".

MR WHITECROSS: Mr Speaker, Mr Moore invited me, after question time, to seek leave to move a motion of want of confidence in the Speaker. I am seeking leave to move that motion.

Leave granted.

MR WHITECROSS: Mr Speaker, I move:

> That this Assembly expresses a lack of confidence in the Speaker.

The Opposition has been forced at this juncture to move a very serious motion of lack of confidence in the Speaker by the relentless bias that has been shown by the Speaker in this place over the last three years - a bias which has become increasingly evident over the last six months. We have in this place a weak and biased Speaker; a Speaker who sits in his chair up there all the time waiting for the nod from the Chief Minister, waiting for the Chief Minister to give him the eye, to give him the instructions; a Speaker who is incapable of discharging his responsibilities as the Chair of the Assembly in a fair and unbiased manner, a manner designed to promote a proper, vigorous debate and a vigorous exchange of opinions on what should be happening in the Territory and in this place.

It is incumbent on a Speaker in the parliamentary system of which we are a part to conduct himself in a way which is fair to all, to conduct himself in a way which ensures that all members in this place have an equal opportunity to discharge their responsibilities to the people who have elected them and put them in this place. It has become increasingly apparent that that is not possible in this place.

The litany of obstacles which members in this place have faced in relation to this matter is very long. To begin with, there is the relentless inconsistency in the approach taken to dealing with members of the Opposition and the approach taken to dealing with members of the Government. As we saw only today, no fewer than four members of the Opposition were warned about interjections. We have a situation where any minor breach of the standing orders results in a very heavy hand being applied by the Speaker, while persistent and wilful breaches of standing orders by Government members, particularly in relation to relevance, are consistently ignored by the Speaker. That is not to mention the question of interjections. No-one from the Government side is ever brought to order for interjecting; nor is any Government member ever warned about interjections.

It seems to me that this place will not work if we have a situation where the robust debate which is an essential part of the parliamentary process, an essential part of parliamentary democracy, is stifled by the heavy hand of a Speaker who is not able to manage the place without applying an iron fist to each minor interjection that is made. Mr Berry was suspended today for a one-off interjection - not part of a relentless pattern of wilful and disorderly conduct, but a one-off remark made across the chamber to Mr Kaine. The last time he was suspended, he was suspended for a remark which most members in this place did not even hear. In fact, Mr Speaker, I would not be surprised if you did not hear it, because normally you name someone only after you have got the nod from Mrs Carnell, not because you have made an independent judgment as to the disorderly nature of the conduct. Mr Speaker, on both occasions on which Mr Berry has been named, he has been named as a result of a deliberate policy, which was evident from the start of proceedings, to have Mr Berry suspended - not on the basis of Mr Berry's conduct in this place.

Mr Berry's conduct in this place today and on the previous occasion on which he was suspended was perfectly consistent with normal standards of parliamentary practice which you would see in any parliament in Australia. On both occasions, the action which led to his being named was an isolated incident, not part of a systematic campaign of wilful and deliberate disorderly conduct of the kind which normally leads to someone being named. Certainly, Mr Speaker, it was not a flagrant breach of the standing orders, which one would expect to be the basis for people being named.

Mr Speaker, it is not good enough for the office of Speaker in this place to be used to prosecute a Government policy of seeking to have Mr Berry suspended from the service of the house simply in order to make some kind of obscure political point about Mr Berry. On both occasions on which Mr Berry has been suspended, it has been as a result of a Government policy - not Mr Berry's actions - designed to somehow put Mr Berry in a bad light by having him suspended from the house. Mr Speaker, that is not the role of the Speaker in this place, and it is unacceptable that you have lowered the standing of the

office of Speaker by allowing yourself to become part of a political agenda being prosecuted by the Government, by acting at all times on the nod of the Chief Minister in this place. It is the role of the Chief Minister to prosecute political objectives; it is the role of the Speaker in this place to uphold consistent standards of order.

Mr Speaker, among the other problems being faced by members in this place is the inconsistency of rulings. On one day, a very high standard is applied in relation to disorderly conduct; yet, on other occasions, a very low standard is applied in relation to disorderly behaviour. I well remember my first speech in reply to a budget two years ago, when Mrs Carnell wilfully and deliberately interjected all the way through that speech without ever being called to order by you, Mr Speaker, because in your party room, in the Liberals' party room, that was the tactic that had been decided upon and you, Mr Speaker, abused your position as Speaker in order to prosecute that Liberal Party party room decision to interject all the way through a speech.

So, Mr Speaker, there is no consistency. Just as you, on that occasion, ignored interjections because your party room had told you to, today you came in with an intention of naming a Labor Party member, and preferably Mr Berry, because that is what your party room had told you to do. It is no coincidence, Mr Speaker, that, after the Labor Party got all over the Government yesterday in question time, today you came in and warned no fewer than four members of the Opposition and named Mr Berry. Mr Speaker, what we are talking about is a Government with a glass jaw that cannot cop some vigorous scrutiny from the Opposition. At any time that the Opposition is seen to be getting ahead of them, they send you in here with orders to shut us down, to tie us up, so that we cannot do our job. That is not your role as Speaker in this place. You degrade the office of Speaker and you degrade this Assembly as well.

Mr Speaker, your conduct as Speaker in this place has also been characterised by some very weak and inconsistent performances in relation to upholding the standing orders. Earlier this year, we had the spectacle of you allowing a series of questions under standing order 116, clearly in breach of the standing orders. In fact, Mr Speaker, it was not until those questions started to impinge on the Government that you decided that perhaps you ought to do something about it, and you went away to get a ruling on standing order 116. We had inconsistent rulings on collective insults, where one day when collective insults were applied to the Liberal Party they were out of order and people like Mr Kaine were able to get up and complain about how they had been insulted by some collective insult hurled at them by Mr Osborne and Mr Osborne was ruled out of order; yet a few months later a collective insult applied to the Opposition by the Government was ruled in order because, Mr Speaker, you cannot be consistent; because you are biased; because you insist that your job is to look after the Liberal Party and not to look after good order in the place; because you think your job is to defer to the Chief Minister, not to uphold the standing orders and not to uphold the interests of all members in this place, as is your job.

Mr Speaker, perhaps the most serious - maybe not the most serious, but the most irritating - among the offences that you perpetually perpetrate from the chair is your habit of abusing your position as Chair to editorialise on the proceedings in parliament, to pass comment on questions asked in parliament, to pass comment on speeches given in parliament, to give advice to Government Ministers on how they might answer questions in parliament. Mr Speaker, that is not your job. It is not your job to advise the

assembled masses whether you thought it was a good question or a bad question asked in question time. It is not your job to comment on whether or not you like the points that someone has made in a speech. It is not your job to advise a Minister on how to answer a question in question time. It is your job to uphold the standing orders and to ensure good order in the house.

It is not your job to work out your frustration about your lack of opportunity to express your political opinions by expressing them from the chair. That is an act of bias. It is an abuse of the privileges of the Chair. It degrades the office of Speaker and it degrades this place. It is the kind of behaviour which would not be tolerated in chairing a P and C meeting or any other meeting. But you think that in the parliament in this place - in a sense, the greatest committee or assembly in this place, apart from the Federal Parliament, of course - you can abuse standards which would be applied by any self-respecting chair of any committee at any level in the community, Mr Speaker. That is a measure of how low a standard you have set for this place.

The role of a Speaker, the role of a chair, in this place is to uphold the standing orders. It is to uphold consistent standards which will ensure that all members in this place have the opportunity to discharge their responsibilities. Mr Speaker, in indulging your own opinions, in acting with bias, in kowtowing to this Chief Minister, in prosecuting Liberal Party agendas to get Mr Berry or anybody else, you have brought this place into disrepute. I believe, and members on this side believe, that it is time that we found ourselves a Speaker who is willing to do the job in an impartial way, who is willing to do the job in a way which would uphold standards in this place, which would elevate the standards of the Assembly, which would place us in a good light in the community, Mr Speaker, because, quite frankly, we are sick and tired of the bias and the weakness which you show.

Mr Speaker, I have to say that this is a matter which not just I but members on the crossbenches ought to take very seriously. Members on the crossbenches are very fond of editorialising about how they believe a new standard should apply, about how we should get away from the style of politics that is based on winner take all, about how we should have an approach to politics which is based on collective ideas and cooperation. That style of politics is not going to be possible while we have a Speaker like you, who does not understand the difference between his private political opinions and his role as Speaker in this Assembly.

Mr Speaker, it is not surprising, perhaps, that you are letting standards go. If opinion polls are to be believed, you will not be here after February, and perhaps you are deciding to let your hair down and have a good time for your last couple of weeks in the Assembly. But, Mr Speaker, you owe it to yourself, you owe it to your own self-respect, you owe it to this institution, not to give vent to your frustrations as your term as a member of parliament comes to a close, not to act in a biased way, and not to look after the Chief Minister.

You owe it to yourself, you owe it to this place and you owe it to the Canberra community to uphold the standards of the office of Speaker, the standards in this place, and to be an example of how parliamentary processes should work. They should not work in the way you have made them work. They should not be about jumping when the

Chief Minister says, "Jump". They should not be about prosecuting Liberal Party agendas decided in advance in the Liberals' party room. They should not be about conducting "Get Wayne Berry" campaigns.

Regardless of what individuals in this place might think about Wayne Berry, Mr Speaker, the Leader of the Labor Party is not in this place to win popularity contests amongst members in this place. He is here to do a job. There are plenty of other members in this place that do not enjoy universal acclaim; but, Mr Speaker, they are there to do a job. Your job is to ensure that all members in this place get to do a job; it is not to indulge in personal animus and not to indulge in pursuing party-political agendas.

MR HUMPHRIES (Attorney-General) (4.22): Mr Speaker, let me start by saying that, if it is the will of the electorate that you do depart this place at the next election, you can be fairly confident that Mr Whitecross will have left through the doorway before you do, if the opinion polls are anything to go by. Mr Whitecross is singularly inappropriate as the man pointing the finger on this particular occasion. Let me say, Mr Speaker, that it is traditionally the job of the leader of the house to defend the Speaker and his rulings, and it is a job which I undertake today with no sense of obligation, but rather with a sense that the conduct which those opposite accuse you of having engaged in is conduct which is not justifiably levelled against you and which is, in fact, a distortion of the real issue which should be under debate today.

We have seen this afternoon during question time in this place, as we have seen so many times in the last three years, a display of behaviour by Labor members opposite which itself is the biggest denigration of the institution of parliament, which ought to be the subject of this debate this afternoon. For you to come in here, Mr Whitecross, and say that Mr Berry's behaviour is justifiable - that his interjections, his talking down of other speakers, his rude and often unparliamentary remarks, his frequent hurling of unparliamentary remarks, his refusal then to withdraw them, and his behaviour generally in this place are, as you put it, "consistent with normal practice and parliamentary procedures as seen in other parliaments" - is a gross distortion.

For you to pretend that Mr Berry has been victimised this afternoon because he has been taken to task by the Speaker for that behaviour is nothing short of laughable. Those opposite know full well that Mr Berry and others on their side of the chamber have tested the limits of the standing orders consistently during question time, and their increasingly impolite, erratic and excessive behaviour has become more prominent as we lead up to the next election. It is no coincidence that that should be the case. The things that have been occurring in this place are not in accordance with the standing orders, either literally or within their spirit, and members opposite know full well that their intention has been to test those things.

No-one has tested them more than Mr Berry. Nobody has breached the standing orders of this place more often than Mr Berry. I have been here for nine years. I have observed Mr Berry during that time. Many of us have been here for a similar period. We know perfectly well that is the case. Mr Berry has been the arch perpetrator of breaches of the standing orders of this place, Mr Speaker. I think, if you go back and check and add up the number of times that he has been taken to task on breaches of the standing orders, you will find that no-one comes even close.

He was taken to task today after warnings not only today, but also yesterday, by the Speaker. He was told in no uncertain terms that he would have to curtail that behaviour. He refused to do so, and the inevitable happened. The Speaker exercised the authority of the house and of the Chair, and named him. The house then, as is appropriate in the circumstances, suspended him from the service of the house. If you people over there are so blind as not to see what kind of game is being played by your leader - and, of course, you are not, because you are part of that same game - then I have great pity for your lack of perspicacity. But, of course, you are not unaware of what is going on. You know perfectly well what the game is. You are all playing that game, and you are all part of that process.

Mr Speaker, Mr Whitecross said that Mr Berry's behaviour in this place is consistent with normal practice and parliamentary procedures as seen in other parliaments. Let me remind you that members of oppositions, particularly of other parliaments, do regularly get excluded for that sort of behaviour. So, if you expect them to be suspended from the service of the house in other parliaments and say that that is perfectly normal, then you should not be complaining when it happens in this parliament, should you?

Mr Speaker, I think that those opposite know perfectly well that this is a shallow attempt to defend Mr Berry's behaviour. To describe it as a one-off interjection, I have to say, strains the credibility of anybody who has been listening to this debate. Go back and look at *Hansard*. Go back and listen to a tape of the proceedings in question time today and yesterday. Add up how many times - - -

Mr Wood: I would like to do that. Let us run it.

MR HUMPHRIES: I invite you to do so, Mr Wood. Add up how many times interjections have been made and other steps unacceptable under the standing orders have been taken by Mr Berry. You go and add them up. You know that they would run into pages upon pages.

Ms McRae: I think we will check that against your record, too, Mr "Standing Orders" Humphries, Mr "Points of Order" Humphries.

MR HUMPHRIES: Move a motion against me as well, if you want to, Ms McRae; but that is the fact. To say otherwise, I think, Mr Speaker, is a demonstration of the extreme bias exhibited already by those opposite. This is no defence of you, Mr Speaker; but indicating that members of the Opposition have attracted more warnings, more overrulings and so on in the course of proceedings in this place does not necessarily reflect bias on the part of the Speaker. It reflects very often the way in which oppositions may feel that they need to behave in this place to make an impression. I suggest that members go back and examine the *Hansard* for the period during which Ms McRae was the Speaker of this place and see who was subject to most of those sorts of rulings at that time.

Ms McRae: And who took the most points of order.

MR HUMPHRIES: No doubt it was me. Mr Berry takes lots of points of order. That is quite acceptable. Despite Mr Corbell's appointment as Opposition Whip, he is effectively the leader of Opposition business in this house; and, as leader of Opposition business, he will take most points of order. I am the leader of Government business. I have taken most points of order, probably, if you go back and look at the statistics. That is not surprising. It is not so much points of order that we should be looking at, Ms McRae, as occasions when the standing orders are flagrantly breached. If you maintain that coming down on the Opposition is an act of bias, then you are making a very damning admission about your own behaviour as a Speaker in this place, because the same records will show that for the previous Assembly that was your performance as well.

Mr Speaker, I think that members opposite are being quite churlish. They claim that there has been a systematic use of bias by the Speaker in this place. They have not raised this in any kind of formal way in the Assembly before. I assume, Mr Speaker, that you have received letters from those opposite complaining about your bias in this place. You have not, Mr Speaker?

MR SPEAKER: No.

MR HUMPHRIES: No letters, no telephone calls, no facsimile messages, no anonymous letters, no emissaries, no carrier pigeons, nothing of that kind?

MR SPEAKER: No.

MR HUMPHRIES: Those opposite have found it convenient today, when the Leader of the Opposition gets thrown out, to decide to raise this question of the bias of the Chair; but not to raise it in any formal way, other than by snide remarks on the floor, mostly snide remarks about bias of the kind we have heard here this afternoon. Mr Speaker, I maintain that it is the function of the Speaker to maintain order in the house, to enforce the standing orders. During question time today it was absolutely clear to anybody observing question time that the Opposition was monopolising the attention of *Hansard* in terms of breaches of standing orders, taking points of order and making interjections - another unparliamentary activity. The record will show that quite clearly. The record will show that there were very few interjections by either the crossbenchers or the Government; that their origin was exclusively in the Opposition.

I think that Mr Whitecross is being very churlish in making comments about expressions of opinion by the Chair. I would certainly say, Mr Speaker, that I have observed you make comments from the chair. They have generally been witty and they have lightened the occasion. They have been done with a quite deft touch. Indeed, members have generally enjoyed those sorts of comments on occasions and have generally laughed at those - including those opposite, particularly when they have been directed at somebody else in the chamber. So, for him now to come into this place and say that the

editorialising from the chair is a matter to be censured or to be the subject of a motion of want of confidence, I think, is extremely poor form and very ungracious, if I might say so, Mr Speaker. I believe that the house ought to have confidence in your ability to continue to chair this place. You have done well under often extremely difficult circumstances. I indicate that the Government, at least, will not be supporting this motion by Mr Whitecross.

MR WOOD (4.32): Mr Speaker, I have no anxiety about the standards of behaviour of this Opposition. When compared with the Opposition that occupied these benches in the last Assembly, the current Opposition is an outstanding model of behaviour.

Mr Osborne: Ha, ha!

Mr Moore: From an unbiased perspective?

MR WOOD: From a personal perspective. Mr Osborne, you were not here. Yes, there are interjections; of course, there are. There are responses, and there is agitation. This is a parliament, after all. I believe that they are well within bounds. Let me tell seven members in this Assembly who were not here in the last Assembly how it was. When I was over there, I sat where Mr Stefaniak is now sitting, with four colleagues there, answering questions every question time. There was from this side of the house - from the Liberals - orchestrated disruption. It was planned, deliberate disruption, and it was a matter of Liberal strategy that it should be.

Mr De Domenico was allocated the task of leading. We know what a good, loud voice he had. At every question time, Mr De Domenico never stopped. That is correct. He had Mrs Carnell right at his shoulder, and she went on and on, hardly a step behind Mr De Domenico. You, Mr Speaker, were a little less noisy than those two colleagues; but you, by any standard today, made more noise than Mr Berry did today. I well remember that, because I, with my colleagues, had to answer questions in the face of a continuous, deliberate, planned barrage of interjections. That was the strategy of the Liberals in opposition.

When they got into government, it changed. They wanted more decorum. They wanted silence from the Opposition. It was instantly recognisable. It became very evident early that there were two standards for the Liberals - the standard when they were in government and the standard when Labor was in government. I was not there and I have had no leaks; but it is absolutely obvious that, after the election, when they became the Government, the Liberals again discussed this matter of strategy. It was to keep interjections and noise to a minimum.

Mr Humphries: We did not succeed, obviously, did we?

MR WOOD: I think it only stirred things on, Mr Humphries. The pressure is there to see. I sit directly opposite the Chief Minister. I can see it. The Speaker can see it. He can see the glares. Let me tell you: The Chief Minister can glare pretty effectively. There is no question about that. I can see the nods. I can see the body language.

It is all quite fierce. And you, Mr Speaker, respond. That is clearly the case. I am particularly angry. Mr Speaker, you may know that I interject and I get cranky when I see this happening, because I know the two standards and I remember with resentment the tough task we had as Ministers standing up with De Domenico and Carnell in full cry from this side of the house.

Mr Humphries mentioned a short time ago that we should get a tape of today's proceedings and play it. I agree with that. I want to go back three years and play a tape from one of those days. I will do that with confidence, knowing where the greater noise will be emanating from. It will be from the Liberals. So, there is not a fair situation here. There is not impartiality. You, Mr Speaker, are under pressure from your colleagues to clamp down on the Opposition, and that should not be the case. You should be fair and impartial. If we were confident of that impartiality and that fairness across this chamber, there would be less noise. If we were confident about processes here, there would be less noise. It is not that I think the level of noise is beyond limitations anyway. That is where we should be going. Until you, Mr Speaker, can stand up to your Chief Minister and your colleagues, we do not have confidence.

MRS LITTLEWOOD (4.37): Mr Speaker, I am one of those new people who have had limited experience in this place. My experience with you has not necessarily been related to this chamber. My experience with you has been mostly outside the chamber. However, I can attest to your impartiality. If people care to cast their minds back just a little way, they will recall that I wanted to hang a banner on the building here to support a local charity. However, after a few comments, I was told quite strongly that I and the Chief Minister - I repeat "and the Chief Minister" - would be censured if we proceeded to do that. Mr Speaker, I do not believe that that action by you at the time showed that you were not being impartial at all. You were being very fair about things. At the time, I must admit, I did not have you as flavour of the month; but that is another story. But you did your job. We came to an agreement and, as a member of the Government and a member of the Liberal Party, I backed off. I think that it is the measure of you, as Speaker, that you are prepared to mete out whatever needs to be meted out to either side or the crossbenchers. I will not be supporting Mr Whitecross's push.

MR CORBELL (4.39): Mr Speaker, this is not a light or easy motion that the Opposition moves this afternoon. It is born of frustration and born of our belief in your inconsistency in chairing this place and your failure to uphold the standing orders fairly. It is not a light step that an opposition takes to seek an expression of a lack of confidence in a Speaker, but it is a point that we have been forced to today by your decision to name Mr Berry for interjecting in question time. Mr Speaker, if you are going to enforce the rule about members being heard in silence, do it consistently. Do it when members of the Government interject and do it when members of the crossbenches interject. I have been in this place for close to a year, and in that time I have not heard you once warn members of the crossbenches or members of your own party.

Mr Osborne: I raise a point of order, Mr Speaker. I would just like to remind Mr Corbell that both Mr Moore and I have been ejected from this Assembly.

MR CORBELL: Not in the past year that I have been in this place. I would challenge the crossbenchers to indicate to me some time when they have been.

Mr Osborne: I raise a point of order, Mr Speaker. It is quite obvious that we on the crossbenches are at least smart enough to learn the first time.

MR SPEAKER: There is no point of order.

MR CORBELL: If we do that at question time, you warn us for flagrantly abusing the forms of this house. I would ask you, Mr Speaker, to reflect on that as you listen to this debate. Mr Osborne, if we did that in question time, we would be warned by this Speaker for flagrantly abusing the forms of this house. We would have Mr Humphries on his feet saying that we were consistently and flagrantly abusing the forms of this house to make our political point. But when you do it, Mr Osborne, it is all right. When the Government does it, it is all right. When the Greens do it, it is all right.

But when this side of the house stands up and decides it is going to challenge an assertion of this Government, which is a legitimate role of the Opposition, we see nothing from the Speaker except a biased approach towards the enforcement of the standing orders. I see Ms Tucker shaking her head. Ms Tucker, I think you should treat this motion with a little more of the seriousness that it deserves. This side of the house is treating it with the utmost seriousness. Mr Moore and Mr Osborne should do exactly the same thing. It is not an easy thing to move a motion expressing a lack of confidence in a Speaker, and it is not something that this Opposition does lightly.

I appeal to the crossbenchers. Ultimately, it is the crossbenchers that will decide whether or not this motion is successful. The crossbenchers say a lot about cooperation in this place, the crossbenchers say a lot about the removal of adversarial politics, and the crossbenchers say a lot about the primacy of this chamber and the importance of this chamber in the decision-making process. You cannot have an effective operating process in this chamber if one side of the house is consistently and wilfully obstructed in doing its job as the Opposition by the one person who is meant to safeguard it. The one person who is meant to safeguard it is this man in the chair here, and he does not do it. He editorialises. He makes snide comments about the questions from the Opposition. I do not hear him make any snide comments about answers from the Government, although this side would like to think that that was due from time to time. I do not see the Speaker consistently enforcing the rule about members being heard in silence - far from it.

Mr Speaker, if you want to participate in the partisan political processes of this chamber, then I invite you to leave the chair and come down onto the floor of the chamber and do it, as you are quite entitled to do, as a member of this place. But you do not do it from your position as Chair. In your position as Chair you are obliged to be impartial. It seems to me that you are not willing to admit the role of the Opposition. The role of the Opposition is to scrutinise the activities of the Government. The role of the Opposition is to point out when the Government is failing in its duty to act appropriately in this place or as a government. Question time is the key time when that is meant to happen. The way we can do that effectively is if we can ask the questions that we believe are appropriate to be asked and are within the standing orders. The only other way that we can do it effectively is if we have the opportunity for Ministers to answer questions in a relevant manner.

If there is one thing - I direct this to the crossbenchers, because they have faced this problem also - that nullifies the significance of question time in this place, it is the refusal of this Speaker to enforce the rule of relevance; it is the refusal of this Speaker to require Ministers to answer the question. We see time and time again members on this side of the house rising in their places and saying, "Mr Speaker, I rise on a point of order of relevance to ask you to direct the Minister to answer the question". When the Speaker knows that the Opposition has a point, he says, "I think the Minister is concluding the answer". He never says, "Minister, you are not relevant". He never says, "There is a point of order. You are not being relevant". I have never heard the Speaker do that in the time I have been in this place. We have been observing with growing frustration over the past six months the clear political bias of Mr Cornwell as Speaker. Mr Cornwell should be held to account for that in this place.

When the Speaker refuses to direct the Government to answer a question in a relevant manner, there is only one option left to this side of the house, and that is to interject and say to the Minister directly, because the Chair has refused to enforce it, "Answer the question". It is your failure, Mr Speaker, to enforce the rule of relevance that results in interjection from this side of the house directly to the Minister. You are meant to be the channel through which we ask questions and through which the standing orders are enforced. But when you fail to enforce standing orders we have to short-circuit you out of the process. The only way that we can get some answers is to force some answers from this Government. We will continue to do that for as long as you refuse to enforce the rule of relevance, for as long as you refuse to enforce the standing orders in this place consistently. Mr Speaker, a want-of-confidence motion is a very serious resolution. It does not happen very often; but I can assure you, Mr Speaker, that from this side of the house you have lost our confidence. This house should support the motion.

MRS CARNELL (Chief Minister) (4.48): Mr Speaker, it is quite clear from what Mr Corbell has said that those opposite have no intention of paying any attention to standing orders. It is that simple. What was done today was done as a result of a vote of this Assembly. That is the reason Mr Berry is not here. It is not totally because you named him, Mr Speaker. You named him because under standing order 202 you can name a member who has persistently and wilfully obstructed the business of the Assembly or has been guilty of disorderly conduct or has persistently and wilfully disregarded the authority of the Chair - and the list goes on. Anybody who suggests that Mr Berry has not wilfully and persistently obstructed the business of the Assembly or anybody who thinks that Mr Berry is not acting contrary to standing order 39, which states that no member shall make any noise or disturbance to interrupt the member who is speaking, has not listened to the Assembly for more than two minutes.

Mr Speaker, there is no doubt that being Speaker is difficult. I am sure that Ms McRae will remember that on a few occasions when she was Speaker we had a deal of difficulty. What did we do? Ms McRae, we went and spoke to you about it.

Ms McRae: Oh, rubbish!

MRS CARNELL: We did.

Ms McRae: I had to go and speak to you. Do not give me that rubbish.

MRS CARNELL: What I say is absolutely true. Mr Speaker, if those opposite have had problems for the last three years with the approach that you have taken, as Mr Whitecross indicated in his speech, then you wonder why they left it to the second last week of the Assembly to make any comments about it. That is really the bottom line here.

If it is about Mr Berry being suspended from the Assembly, then the entity that is responsible for that is this Assembly. It was done on a vote of this Assembly. If it is, as Mr Whitecross suggested, an ongoing problem that they have with the approach that you have taken as Speaker, then I do not believe that they were doing their job if they did not bring that up long before now. I do not believe that that was the problem. Mr Speaker, we have not seen any indication until now that those opposite have had a problem with your approach. In every Assembly, there is some questioning of particular rulings. That always happens. It happened with Ms McRae. What we are seeing here is another effort to keep us sitting till midnight again. If that is what we have to do, we will do it. There is no doubt about that. What we are seeing is a little bit of preciousness and timewasting.

MS TUCKER (4.51): Mr Corbell seemed to be under the impression that I did not take this seriously. I do. I was shaking my head because I was disagreeing with something he said. It was not that I do not take it seriously. I do. I find it quite difficult that we are spending this much time on this issue. I am not convinced that what Labor is doing is a result of a long-term concern. If it is, then I am sorry I have not heard about it before. I would have been interested in discussing it. I have not actually been contacted by the Opposition to hear them express concerns about how the Speaker has been managing question time.

I was just talking to Ms Horodny and reflecting on how we feel about interjections against us, and we agreed that in our experience interjections and harassment in this place come from the Labor side more than any other side. We are told that it is robust debate. I am not convinced by that, although I seem to be outnumbered. Most people here seem to think interjections are robust debate. I think they are often harassment. I think they are designed to put people off. We live with that, and we just keep doing our work. If that is the protocol that is accepted here, so be it.

In certain situations interjections are not seen as appropriate and if there are too many the Speaker will call for order. Mr Corbell sees it as very unfair that Labor is called to order much more often, but I would suggest that it is because they behave in a way that requires them to be called to order more often. It is logical that that would be the case. Ms Horodny has been warned on one occasion. This morning Mr Kaine objected to some slight interjections I was making, and I was prepared to take that on board. If he did not want me to do that, I was not going to do it. I do not like interjection a lot. I do not think it often helps the debate. I often hear Ms McRae say, "That is rubbish. Get away with you". How does that enhance debate? If that is what people want to do, then it has to be kept in order, and that is the role of the Speaker. You feel a bit like children. If you draw the line in the sand, then you have to know that that line has been drawn.

My understanding of how it works here is that there is some inconsistency across the board. Some people in this place are more tetchy at some times than others are. Sometimes people seem happy with a certain environment and at other times they do not. That is part of human nature, and I guess it would often happen that way. But, when a warning has been issued, then I believe it is clear that order has been called for. When the warning has been given, it is clear. I do not see what the problem is. Once that warning has been given, then it has been communicated to a particular member that their behaviour has to change. I think that is reasonable.

The thing that I am most concerned to get across here is that I want to see the business of this place carried out as professionally as possible. I have heard many of the Labor people use language like "degrade", "degrade the office", "degrade the office of Speaker" and "degrade this place". If we behave with dignity and have intelligent debates, this place will be held in high esteem.

There are ways of dealing with issues if people are concerned. As I said, if Labor has had an ongoing concern about how question time is managed, I would have been very open to listening to them and talking about it. I do not know whether there is a problem with the standing order that says that a Minister can answer a question as he sees fit. I have not had time to look at it.

Mr Whitecross: It does not say that. It says that they have to be relevant.

MS TUCKER: Relevant; yes, I thought that point of order was taken quite often and the Speaker made a ruling on it. If Labor has been so unhappy with those rulings, then, as I said, I am not aware of that. There would have been an opportunity to talk about it and look at it much earlier than this, in the second last week of the Assembly.

Mr Wood says that the Liberals were just as disruptive in the last Assembly. I do not see the relevance of that if that was allowed to occur. Ms McRae was the Speaker then. That is something that should have been dealt with in the last Assembly. We are talking about now. I want to see the business of this house carried out in a professional manner and I want us to get on with it. That is why I think it is very important to respect the position of the Speaker. I hear him when he warns people. It is pretty clear. It is not a complicated process. You have to understand that, once a warning has been given, interjections have to cease.

MR OSBORNE (4.55): As Mr Wood indicated, I was not here during the last Assembly, so I cannot really comment on what happened then. I will say, Mr Speaker, that there have been times in the Assembly when I have not been happy with things that you have said or things that you have done, but overall I have always felt that you have been balanced and I have always felt that there has been some distinction between you and the Executive. Let us think back to funding for staff. I would have thought that if you were in the pocket of the Executive that issue would have been handled a little bit differently.

Mr Speaker, there have been times in this Assembly when you have had to pull members of the crossbenches into line. There was one time when I was warned and eventually ejected. I did not particularly like it, Mr Speaker, but in hindsight I suppose I deserved it. I am sure that Mr Moore would agree that when he was ejected he deserved it. However, we have learnt and we know when not to push the boundaries. Having sat here for nearly three years and having witnessed the Labor Party, I have felt at times, especially during question time, that you have not been as harsh as you probably should have been. There have been times when there have been constant interjections from certain members over there. If I had been in your shoes, I would have perhaps acted a little more harshly.

The thing that I always find funny about the Labor Party is their hypocrisy. I think they actually believe what they are saying. I am sure they actually believe that they are being given a hard time. The only time the Labor Party talk about bias is when someone does not agree with them. The history of Labor Speakers around the country, quite frankly, is not very good. They have a reputation for being anything but independent. They have had some real shining lights in the role of Speaker, Mr Speaker! Let us name some of them. Leo McLeay - what a pillar!

I find this stance by the Labor Party rather amusing. If they have had a problem with question time, which I think this is all about, as Ms Tucker said, they should have raised it 12 months ago, 18 months ago, two years ago or 2½ years ago; but they have chosen to raise it in the last two sitting weeks of the Assembly. I will not be supporting this motion. The Labor Party are obviously a little bit disappointed that their leader will not be here for a couple of days. Nevertheless, Mr Speaker, I think you acted quite fairly. Quite obviously, the lesson here for Mr Berry is to listen and learn. I will not be supporting the Labor Party. I find it quite amusing that we are debating this motion.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: It being 5 o'clock, I propose the question:

That the Assembly do now adjourn.

Mr Humphries: Mr Speaker, I require - or, on reflection, I suggest - that the question be put forthwith without debate.

Question resolved in the negative.

MR SPEAKER
Motion of Want of Confidence

Debate resumed.

MR MOORE (5.01): In many ways this is an unfortunate day. This is the first time in the ACT Legislative Assembly that there has been a motion of lack of confidence in the Speaker. Through it, we have seen Labor, in particular, dragging the Speaker and the Assembly down. They do have a right to do it. There is no question about that. It seems to me that, as much as anything, this is part of a strategy. I hear people talking about strategies. This is part of a Labor election strategy in the context of their view of opposition. What they are here to do is simply to oppose whatever they can. The sad part is the frustration that comes out of the position that they have chosen to take. The rest of us want to get on with the work of the Assembly. You only have to look at the daily program to see the amount of work still to be done. I recognise that that includes a couple of committee reports from Mr Whitecross. We ought to be getting on with that work.

The Labor Party's frustration with the Speaker had built up because they constantly blame others rather than looking at the way they themselves behave. They have developed a conspiracy theory - we have heard it all from Mr Whitecross - that the Speaker is told what to do by the Government; that he dances to the Government's tune; that he is a puppet. Mrs Littlewood gave an example of the way the Speaker very clearly laid down the law to her and to the Chief Minister. He said, "There will be no banner". He said that the Chief Minister and Mrs Littlewood would be censured by this Assembly if they proceeded to do so against his ruling on that issue.

Being Speaker is not an easy job. There is no doubt about that. No Speaker is going to be perfect. I have been in this Assembly under three Speakers and a series of Deputy Speakers, who have all had a difficult job to do. When we hear the Labor Party talking about the way the Liberals used to act at this time of year, in some ways that says as much about the previous Speaker as it does about the Liberals. Let me hasten to add that I am not being critical of the previous Speaker, who I think did a satisfactory job. She did it in a very different manner from Mr Cornwell and Mr Prowse. She did the job in her way, in her manner, which I found very satisfactory.

At this time of the year and for the three months leading up to the last election, the Liberals were in my ear all the time saying, "Can you not see the bias in the Speaker? Can you not see how biased she is?". I defended her on many occasions, saying, "That does not seem to me to be the case. I understand your frustration and I understand what you are trying to say, but it is not the case". I am saying to you now, "I understand your frustration because you are the alternative government looking to be in the position of government. I understand that and I understand the frustration you must feel in these circumstances". To an outsider looking in, other than for this battle, it is not a "Get Wayne Berry" campaign. Mr Whitecross or Mr Corbell said that this is just a "Get Wayne Berry" campaign. It is not. Wayne Berry has done this to himself. He was warned today. Once somebody is warned, the message is very clear. It is then time for a different measure of behaviour for that person for that day.

A couple of other issues are worth raising. It was said that the Speaker editorialises. Yes, he does. Mr Humphries summed it up properly. It is in good humour. It is part of his wit. It is part of a tone added into this place. Occasionally, in doing that, the Speaker may have slightly overstepped the mark, but who here has not overstepped the mark - apart from Ms Tucker? Certainly, I have on many occasions overstepped the mark. I know it. The Speaker gives an indication that enough is enough, in which case it is time to back off. The difference is that Mr Berry does not pick it up when the Speaker gives him the indication that enough is enough. He just turns his back, rolls the chair around, looks down this way and continues with the same process that he has been using.

Let me emphasise that the Speaker's role is a very difficult one. No Speaker is going to get to the end of the three years without someone drawing attention to conflicting rulings. On odd occasions the Speaker may make the wrong decision or be a bit quick off the mark; but he is in the hot seat, as Ms McRae was. We have to accept that there are going to be times when it goes in our favour and times when it goes against us. Overall, I think that this Speaker has been particularly fair in the way he deals with the house. From many conversations that I have had with this Speaker, either in the Administration and Procedure Committee or in his office, about issues to do with the house, I know that he has been very concerned to ensure that he deals evenly with people when he can. He has tested that. Although probably not in the last six months, if my recollection serves me correctly, he has often said to me about something that has happened, "How did you see that?", and I have given him a frank opinion.

It seems to me that what we see today is a frustration with having lost your leader. You are particularly frustrated because you will be hampered by the fact that it is the second time he has been suspended, which means that he is suspended for two sitting days. You might rightly feel frustrated, but for the next three or four sitting days - that is all it is - you have to look at yourselves, particularly once you are warned. That is the key to it.

I hope the Speaker does occasionally - and it is only very occasionally that he does it - continue to editorialise, particularly late at night, because it adds a certain informal element which sometimes is appropriate in the Assembly. Sometimes it is not appropriate. Sometimes we need to run a much more formal process, as in this debate. There are plenty of times when it is appropriate in a light-hearted way. If he gets it slightly wrong one time - who is perfect? I think this was an entirely inappropriate motion to move. I understand why it was moved, but I think it is sad because of the vehemence with which you have put your views. It has been in a much too personal way.

MR STEFANIAK (Minister for Education and Training) (5.10): Mr Speaker, I want to speak to a few points the Opposition raised. I think there is a lot in what Mr Moore says. I have seen all Speakers in operation here and, in fairness to them all, I think they all had considerable strengths. Maybe a few things could have been done differently. I say that as someone who was a Deputy Speaker in the First Assembly.

Mr Speaker, I must take umbrage at Mr Whitecross's point that you are weak and biased. I think in this Assembly you have shown considerable fairness. There is much in what Mr Moore has said. I was having a brief conversation with my colleague Mr Kaine about how many people have been thrown out. Apart from Mr Berry, Mr Moore was

suspended and Mr Osborne was. I think in Mr Moore's case it was a matter of principle. He accepted it readily and he went. I cannot think of anyone else. I think that says a lot. The Speaker is under considerable pressure every day. I think on the whole you have discharged your office very effectively indeed.

Of all the Speakers and Deputy Speakers I have seen in this place, myself included, I have appreciated your wit the most. It has livened up debate. I do not think you have ever said anything with malice. I have found it quite amusing, even when it has been directed against me or members of the Government. Quick, sharp comments which are very witty and humorous liven up a sometimes dreary debate. I do not think anything can be read into them. I think the Opposition are quite wrong to raise that point.

Mr Whitecross indicated that no Government members who interject are brought to order. I can recall in the course of this Assembly many occasions - - -

Ms McRae: Once. Yes, we remember once.

MR STEFANIAK: Not once. I can recall you bringing me to order probably half-a-dozen times, Mr Speaker. I remember you frequently bringing Government Ministers to order when answering questions, telling them to get on with it and showing considerable fairness. Mr Speaker, one only needs to go back through *Hansard* to look at your track record in this Assembly over the last two years and eight months, or however long it is we have been sitting now, to see that your record speaks for itself. You have shown fairness to both sides. Where necessary, you have stopped people from interjecting. On occasions you may have even let it go on for too long. That is something that all Speakers occasionally do. Some might try to overly restrict debate. It is very difficult.

One only has to go through the *Hansard* to show that you have acted fairly. It is sour grapes from the Opposition today. When one looks back over this Assembly, there are a lot of members here who probably could have been thrown out and maybe would have been thrown out in other parliaments. That is something Mr Moore raised which I think we could take on board.

Ms McRae: You are kidding. You have obviously never visited another parliament.

MR STEFANIAK: I have, Ms McRae. They vary. I suggest again that you go back through the *Hansard* and look at the track record. Only three people have been thrown out in the course of this parliament. Look at the record in other parliaments. Look at the number of people in the Federal Parliament who under the Federal Labor Party got their marching orders. Some of them, like Wilson Tuckey, made an artform of it. I can recall a number being given their marching orders in a fairly brief period. I do not profess to have a great knowledge of the State parliaments, but I am well aware of the rotating door that operated for a while in the Federal Parliament.

This motion is brought about by sour grapes. As Ms Tucker said, no-one has raised any problems with your chairing before, Mr Speaker. Mr Moore mentioned your fairness outside this house. Along with the other members of the Government, I will not be supporting this sour grapes motion.

MS McRAE (5.14): Mr Speaker, I would like to express no confidence in you today because you have lost control - not because of some of the other arguments about bias, personal attributes or your capacity to editorialise, but because you have lost control. Before I begin, I will quickly comment on the points raised by Ms Tucker. The business of feeling good or bad about things is not the business of being in a parliament. Ms Tucker, Ms Horodny, Mr Moore and Mr Osborne have the opportunity at any time to raise points of order. It is through points of order that we express opinions about how things are progressing in the house and whether things are within or without the limits.

We have never heard a point of order from Ms Tucker, which she could have taken at any time, to say, "Mr Speaker, I am finding the level of noise in this house offensive". We do hear that from time to time from the Government, and that is how they exert control. We often have points of order very carefully taken by Mr Moore to strategically control debate. That is what we are here for. They are the tools that we have at our disposal. When members of parliament do not hear points of order about their behaviour, they take a cue from that that their behaviour is acceptable. That is how parliaments work. That is what points of order are for. They are not there for members to feel good or feel bad or to react emotionally or not emotionally. They are very clear-cut ways to deal with setting standards. It is a bit rich now to be told that the standards we have are unpleasant for some members of the Assembly, when they have before them the tools to deal with that at any time.

The argument put was, "We never knew you had a problem with question time". Give me a break! How many points of order have we taken on the relevance of the answer to the question or the length of the answer? Even Mr Moore has been heard many a time pointing to the standing order that requires conciseness. It is our collective responsibility to uphold the standing orders of this parliament and to give the Speaker some level of guidance as to what is acceptable.

People have made comment about my previous tolerance of noise. May I put on record that I tolerated a high level of noise because that is what the parliament accepted. It was clearly acceptable to the majority of the members. A Speaker is the servant of the parliament, not the tyrant that dominates. Therefore, I put it to everybody that this debate today is useful to point out that it is up to us collectively, the 17 of us or however many of us are back next time, to set the standards and to give the Speaker clear guidance on what is and what is not acceptable. The Speaker is the servant of the house, may I repeat, not the tyrant.

I join in supporting this very serious motion, the implications of which I understand, because I believe the Speaker has lost control. That was the basis of my interjection about the Speaker warning interjectors. I know that Mr Osborne and Mr Moore get a different picture, but from this side of the house justice is not seen to be done. It is as important to have justice seen to be done as it is to have justice actually executed. When it is glaringly obvious day after day that the glare goes up from the Chief Minister and the Speaker actually notices it, this side of the house gets agitated. In previous parliaments, previous Chief Ministers also glared at Speakers, but some Speakers did not see the glare. That is the big difference. That is why there is major concern and why you

hear from me, often rudely, "Why do you not take the chair, Mrs Carnell?". It is not appropriate for the Government to direct the Speaker or to give any indication to the Speaker of what the Speaker should be doing, and it is even less appropriate for the Speaker to be seen to be paying any attention to that sort of message. That is why I believe the Speaker has lost control.

The next reason why I believe the Speaker has lost control is that he does not pay attention. People do not always - I am emphasising the "always" - take points of order merely to be a nuisance. The points of order are strategic and are important. It is a very foolish Speaker who does not hear. The points of order that have been repeatedly taken for three years have been in relation to questions asked. Previous Speakers had similar points of orders raised with them. What did the previous Speaker do? She spoke to her people and said, "It is about time you answered questions properly. I will not entertain the points of order if that is the nature of your answers". That is what a wise Speaker does - takes heed of the messages that are coming from the house and deals with them to defuse anger. Those points of order have gone over this Speaker's head and over the heads of some of the Independents, but the message has been clear for three years. We ask very specific questions, and the agitation begins when the obfuscation and the refusal to answer begin, as they begin in every parliament. It is nothing unusual.

My third loss of confidence point is that the nature of interjections that are generally permitted in parliaments is reasonably well discussed in the green book and that has set patterns in all parliaments. The accepted wisdom of most of what I have read is that interjections are fine until they build up to a wall which makes it impossible to tolerate them. In the House of Commons a person who can deal with interjections is a person who is held in much higher esteem by their colleagues. A strong performer in the house would never thank a Speaker for cutting out the interjections. The interjections show the strength of the person's capacity to deal with their portfolio.

That is my point of difference with Ms Tucker. I understand that it sounds like harassment. I understand that it often may go over the top. But the point of it is to test the mettle of the person on their feet. A good orator in Hyde Park or anywhere else thrives on interjection. It is what makes the difference between a person who is merely able to read a piece of paper or mount an argument and a true orator, a true debater and a true parliamentarian. Interjections, when wisely used, are very useful. This is where I believe the Speaker has lost control.

There is absolutely no provision within the standing orders that describes what a warning is. This is an arbitrary invention of this Speaker. There is nothing that calls for a warning. The Speaker is asked to keep the house in order. This Speaker has never spelt out what warnings mean. The previous Speaker of the House of Representatives, Stephen Martin, created a new rule that the parliament agreed with. A warning was given. Three shots and you were out, and he had a sin-bin process. Being an ex-rugby man, that suited him just fine. We have never negotiated that here. It is not an accepted standing order of this Assembly.

The tools that are available to the Speaker are quite clearly spelt out. In my opinion, he can call for order and call for order again. If then a member wilfully disobeys, it is then that the member should be thrown out. Mr Berry was not called to order. I do not care about the warning. That is an arbitrary fiction in the Speaker's head. The standing orders require the Speaker to call the house to order. The standing orders require that before a member is named the member must have wilfully disobeyed that order. In neither case did the Speaker orchestrate the conflict to show that clearly the member was defying him. Mr Berry, at the point when he was named today, was not defying a specific order. He was defying a general piece of advice, which does not stay within the standing orders, but Mr Speaker did not say, "I demand absolute silence". The interjection was not picked up by most people.

Mr Speaker can intervene when he chooses. That is up to him. I am suggesting that he has lost control. In my opinion, there are several levels of calling to order to test whether a person is going to defy you or not, to the point of standing up. I remember testing this out with Mr Moore, and when Mr Moore wanted to defy me he chose to defy me. It is at that point that a Speaker should act, not arbitrarily and wilfully out of bad temper and, most of all, not arbitrarily and wilfully because the Chief Minister happens not to like something. That is what we see. That is what happens. By not applying the rules the Speaker makes it clear that he has lost control. Therefore, he has lost my confidence.

MR WHITECROSS (5.24), in reply: Mr Speaker, I thank members for their contributions to this debate. I want to make reference to a number of issues that have been raised in the course of the debate. Mr Moore said that it was a sad day for the Assembly when a motion of this kind is moved, and of course it is; but that does not take away from the seriousness and the earnestness with which the motion was moved. Mr Moore said that it is an unfortunate waste of time, and of course it is an unfortunate waste of time; but it is a necessary waste of time brought about by the biased approach that we have seen from the Chair. That is why it is important.

Every time the Opposition seeks to call to account a member of the Government, a member of the Liberal Party, we hear the complaint from the crossbenchers that this is an awful waste of time and that there are other important things they would like to discuss, and every time they are right. The Opposition would rather not be in the position of having to move censure motions, or on this occasion a motion of lack of confidence in the Speaker; but it becomes necessary to move these motions in order to express the dissatisfaction of members on this side with the conduct of this house. If that takes up time, then that is an unfortunate fact; but it is a necessary thing.

Ms Tucker talked about the importance of drawing lines in the sand and being consistent and, having drawn a line in the sand, the importance of ensuring that people understand that you mean it when you do it. Yes, of course, Ms Tucker; but in this place the line is drawn at a different place in the sand every day. The fact is that today the Speaker came in with a determination to draw the line very tightly in front of Mr Berry's shoes so that the moment he took a step forward he would be over the line and he would be warned and he would be named. That is the reality. If we have a consistent approach, we should have a line that is in the sand in the same place all the time, not a line that moves around according to the whim of the Liberal Party party room and the Chief Minister. We should have a consistent approach which we all understand and all can abide by.

Ms Tucker said that the Opposition interjects more than the Government. Of course the Opposition interjects more than the Government, because the forms of the house are designed to give precedence to Government business. Question time is about the Government answering questions. It is a period in proceedings which is dominated by the Government. In every parliament in Australia question time is a period which is dominated by the Government. If the Government are the ones on their feet all the time, it is the Opposition that is going to be interjecting, not the Government. It is a nonsense to make a big thing of the fact that oppositions interject more than governments. It is a natural part of the parliamentary process.

There are other standing orders which apply more to the Government than they do to the Opposition. There are some standing orders which it is the Government's responsibility to uphold. They deal with things like conciseness, relevance, a respect for the forms of parliament, and answering the question that has been asked. These are matters for the Government.

While it might be the case that oppositions have interjected more, it is certainly the case that governments have skirted round questions, not answered the questions that were asked of them, not produced the information they were asked to produce and declined to provide information when they were asked to provide it. Those things have all been done by the Government. This Speaker has not sought to enforce the standing orders in relation to the Government while he has been seeking to enforce standing orders in relation to the Opposition. Yes, they are different standing orders; but they are all standing orders, they are all important to the good operation of this place and they have to be applied consistently.

A number of furphies were raised in the course of the debate. Mr Moore and Mr Osborne both made much of the fact that they have been ejected from this place. Yes, they have; but every single member in this place knows that they got ejected on purpose. They came in here with the express purpose of getting themselves ejected so that they could go out and hold a press conference about how important the issue was to them that they were willing to get ejected over it. Do not come in here and talk about a time that you deliberately got yourself ejected and compare that to what has happened to Mr Berry today. They are not the same thing at all.

Government members made much of the fact that Mrs Littlewood was refused her silly stunt of hanging things off the building. Yes, she was refused, and full marks to the Speaker for refusing her; but so what? It does not go to the question of the conduct of the Speaker in this place. Much was also made of the fact that the Chief Minister cut the Speaker's staff allocation and that this proves that the Chief Minister holds no sway over the Speaker. I think it proves exactly the opposite. The Chief Minister cut the Speaker's staff allocation precisely to demonstrate to the Speaker who was in charge, precisely to demonstrate her power over him, precisely to get him on a leash so that he would know who was in charge. Members over there might be short-sighted; but members on this side of the house see the Chief Minister making eyes to the Speaker, saying, "I have had enough. It is time for you to name someone. It is time for you to throw somebody out". That happens all the time. If you cannot see it from over there, perhaps you should come over here, because you will see it from over here.

Another furphy that was raised in the course of the debate was that the Opposition has never raised concerns about the performance of the Speaker. The crossbenchers, in making these claims, appear to want us to believe they have been asleep. Clearly, that is not the case, and this is just a disingenuous fiction that they have created to justify not supporting the Opposition today. In point of order after point of order, the Opposition have raised in this place their concerns in relation to the whole range of issues that I raised in my opening remarks, from inconsistent application of standing orders to editorialising from the chair, to the application of the standing order in relation to relevance. All these matters have been consistently raised. For the crossbenchers now to say that they have never heard of any concerns we have had with the Speaker is just to beggar belief, because those things have been raised.

I am interested that Government members are willing to be so lenient about the Speaker editorialising from the chair. Needless to say, the Speaker editorialises in ways in which they would find amusing. But I am surprised to hear the Greens being so happy about his editorialising from the chair, because more often than not he is editorialising about you. I would have thought that you, more than anyone else, might have a view about the appropriateness of that. I am not talking about a humorous remark made late at night in the course of a slow debate. I am talking about editorialising in the course of question time, which is a theatre of accountability of the Government. It is not an occasion for the Speaker to wear his political slip low enough for it to be seen by those in the gallery.

Mr Speaker, it comes back to this: Proper control over this place involves a consistent application of standing orders not just by the Speaker but by all members in this place. If the Speaker and the crossbenchers will not insist on relevance by Government Ministers, if Speakers in this place will not insist on Ministers answering questions and providing the information they have been asked to provide, then the only option open to the Opposition is to interject to press home the point that Ministers are not answering questions. That is what those interjections are about. They are about pressing home the point that they are not doing their job and they are not answering questions.

When the Government has refused to provide information, we have time and again been forced to resort to motions in this place to force the Government to provide information which they should have willingly provided in response to a question. This is a matter which it is the responsibility of the crossbenchers to uphold. Time and again we have been told by the crossbenchers, "We do not want you to waste the time of the house trying to hold the Government accountable for their failure to answer questions in parliament, because we have other business we want to get on with. Do not waste our time. If you move the motion we will vote against it". While the crossbenchers refuse to uphold the forms of the place they share culpability with the Speaker for the failure to uphold the forms of the place.

This is about much more than any sense of outrage which we rightly feel about the way Mr Berry was treated today. It is about a general issue which we have raised again and again in this place. The occasion for moving this motion today was that we could not let the suspension of Mr Berry from the house pass without formally moving on this matter

because of the seriousness with which we regard the issues. I would urge members on the crossbenches to take these issues as seriously as we do. I am disappointed that from their contributions it would appear that they are not willing to do so.

MR SPEAKER: The member's time has expired.

MS TUCKER (5.34): I seek leave to speak again, Mr Speaker.

Leave granted.

MS TUCKER: I want to respond to some of the statements of Mr Whitecross and Ms McRae in their indignant outrage about the statements we made regarding the fact that no-one from Labor has talked to us about their unhappiness with how question time was being managed. I think Mr Whitecross put his finger on it when he used the word "theatre". The impression I have is that this place is often about theatre.

I cannot believe that Labor is seriously saying that they consistently raised the same points of order every question time because they actually wanted them addressed. If they really wanted to see a change in how things were working, it would have become pretty damn obvious that what they were doing was not working. It has not worked since I have been here. If they really did want to see changes in how standing orders were interpreted in this place, their tactics obviously were not working.

I have noticed that Ms McRae says that we should be calling points of order all the time if we do not like the way things are going. I have made it quite clear that I think that interjections are not particularly useful and do not particularly enhance debate. But the point is that whenever this is raised I am told by most members of this place - in fact, I cannot think of one who has not agreed - that this is the way parliaments operate. So, we are in a parliament. I am not going to take offence because occasionally there is some harmless editorialising coming from the Chair when there is all this other nonsense going on all the time. It is all part of the theatre, apparently. I have accepted that. I have said several times already that I do not think it is particularly useful.

I heard Ms McRae say that it is the sign of a great orator. I wonder what parliament is for. It is theatre. If we had 17 great orators, would we have great outcomes for the community of the ACT? Is that what we want? If that is the case, we should have a kind of merit selection process for people who want to enter parliament to represent the community, and what you would be judged on is whether you are a great orator, not how well you are representing the concerns of the community.

This debate is getting quite absurd. If Labor had a real problem, then I cannot work out how they could possibly think they would achieve change by standing up and disturbing the proceedings consistently in this place. I could have chosen to do that. We decided not to do that. We decided it was a waste of time to be continually standing up and raising points of order, as there is then argument on this side and argument on that side - it goes on and on - and more time is wasted. We have made a decision not to do that. But I will not accept the line that this is absolutely the way it has to be because this is how parliaments work.

MR WHITECROSS (5.37): Mr Speaker, as Ms Tucker has made a statement, I seek leave to make a statement, too.

Mr Moore: Come on! You have had two goes already.

MR WHITECROSS: It is my motion; I am entitled to a right of reply.

MR SPEAKER: Is leave granted?

Mr Moore: If it is brief.

MR WHITECROSS: I will be brief, I promise.

Leave granted.

MR WHITECROSS: Mr Speaker, I will be brief. Ms Tucker felt moved to give a second speech, and I feel that it is only right that I have the opportunity to respond to those things, seeing as it is my motion. The gist of Ms Tucker's remarks is that she now acknowledges that we have repeatedly taken points of order raising concerns about the operation of question time. Her problem, apparently, is that she does not take the Labor Party seriously when we raise these points of order, because she works from the presumption that we never mean what we say. I am sorry if Ms Tucker has been under an illusion about that, but the fact is that members of the Labor Party have meant what they have said in their points of order. Now that Ms Tucker is clear on that matter, she should be able to find her way to support our motion, understanding now that the points of order we have taken consistently over the last three years have been taken in good faith, taken seriously, and taken with the intention of improving the process, because we, more than anybody else, want to see questions answered in question time, for example.

Mr Speaker, there is one other thing I should say in relation to reforming question time, since Ms Tucker seems to feel that the Labor Party have no interest in reforming question time. Mr Berry himself proposed, as a way through the apparent impasse in relation to question time, a change to the standing orders which would have limited the length of answers to questions. It was a proposal which would have avoided some of the problems which have been canvassed today in relation to the way question time operates, particularly if the Government took up the challenge of actually answering a question within the time allotted. The fact is that, in relation to that matter, we were not able to elicit the support of the crossbenchers to bring that on, including the support of the Greens. It is simply not the case that we have not raised these matters; we have. Mr Berry even has a motion on the notice paper which is designed to provide for a process of reform of question time. If Ms Tucker has made the mistake of not believing that we meant what we said, that is Ms Tucker's problem. Now that she has had it explained to her that we do mean what we say, she ought to vote for this motion.

MR MOORE (5.40): Mr Speaker, I seek leave to make a very brief statement - brief, not in the sense of Mr Whitecross, but brief in the sense of brief.

Leave granted.

MR MOORE: A great deal of the debate today has been around the fact that Mr Berry supposedly was named out of the blue and then off he went. I draw attention to page 52 of the uncorrected proof *Hansard* of yesterday when Mrs Carnell was answering a question that I asked. After the interjection of Mr Berry there on the answer Mrs Carnell was giving, Mr Speaker said:

> Would you be quiet, Mr Berry. I have already reminded you of the two days' suspension.

So, even yesterday Mr Berry was warned about the consequences of his actions. This is not an isolated instance.

Question put:

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

The Assembly voted -

AYES, 5	*NOES, 11*
Mr Corbell	Mrs Carnell
Ms McRae	Mr Cornwell
Ms Reilly	Mr Hird
Mr Whitecross	Ms Horodny
Mr Wood	Mr Humphries
	Mr Kaine
	Mrs Littlewood
	Mr Moore
	Mr Osborne
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

PERSONAL EXPLANATIONS

MRS LITTLEWOOD: Under standing order 46, I wish to make a statement. Mr Whitecross, in his comments, referred to - - -

Mr Corbell: You have to give her leave, Mr Speaker.

MR SPEAKER: Yes; I have granted leave under standing order 46.

MRS LITTLEWOOD: Listen, Mr Corbell, and you may learn something on occasions. Mr Whitecross, during one of his many chats this afternoon in his theatre of overacting, mentioned that I had undertaken a stunt. Mr Whitecross may mention anything he wants to about me. I do not care what you say about me, Mr Whitecross. But you have called a legitimate fundraising exercise for a local charity which deals with children with severe physical disabilities a stunt.

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

MRS LITTLEWOOD: It was not a stunt.

MR SPEAKER: Order!

MRS LITTLEWOOD: I suggest you say the same thing to people outside.

MR SPEAKER: Sit down, Mrs Littlewood. A point of order has been taken.

Mr Corbell: Standing order 46 does not allow Mrs Littlewood to debate the issue across the chamber, Mr Speaker. It is for making a personal explanation.

MR SPEAKER: That is true.

Mr Hird: Mr Speaker, on the point of order raised by my colleague Mr Corbell from the Opposition: I would just like to say that the pulling of stunts like that by the Leader of the Opposition does little for the credibility of the Labor Party in this chamber, because it is a worthwhile charity.

MR SPEAKER: Order! The house will come to order. I remind members that, having obtained leave from the Chair, which Mrs Littlewood has in this case, a member may explain matters of a personal nature. That is, in fact, what Mrs Littlewood is doing.

MRS LITTLEWOOD: Mr Speaker, the particular banner in question - I will not mention the charity, because I do not want it dragged into some political debate - was being sold to various people around Canberra at $1,000 a head, firstly, to raise funds for kids in wheelchairs and, secondly, to advertise a particular fundraising campaign that week. The charity is a local charity; it does not have access to a lot of funds elsewhere.

MR SPEAKER: That is the personal explanation.

MR WHITECROSS: Mr Speaker, I seek leave to make a personal explanation under standing order 46, too. Mrs Littlewood, in her personal explanation, suggested that I had demonstrated some disrespect for the charity in question. Needless to say, I have no disrespect for the charity in question or for the idea of fundraising for charity. My reference to a stunt was directed purely at Mrs Littlewood.

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS
Papers

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members, I present, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of contracts made with Nic Manikis, a long-term contract; Michael Ockwell, a new performance agreement; Warren Dickson, a schedule D extension; Martha Kinsman, a schedule D extension of contract; Gwen Robinson, a long-term contract and new performance agreement; and Elizabeth Harley, a long-term contract. Mr Speaker, I ask for leave to make a statement with regard to these contracts.

Leave granted.

MRS CARNELL: I ask all members, as usual, to treat these documents in confidence, as they do involve personal information.

PAPERS

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

> Canberra Tourism and Events Corporation - Quarterly Report for July to September 1997, pursuant to subsection 28(3) of the Canberra Tourism and Events Corporation Act 1997
>
> Department of Health and Community Care - Activity Report for September Quarter 1997.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 4 of 1997

MR WHITECROSS (5.48): Mr Speaker, I present Report No. 33 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 4, 1997 - ACT Public Hospitals - Same Day Admissions; Non-Government Organisation - Audit of Potential Conflict of Interest", together with a copy of the extracts of the minutes of proceedings, and I move:

> That the report be noted.

This audit report dealt with two matters - public hospital same day admissions, and a specific potential conflict of interest involving a non-government organisation. Same day admissions compare favourably with those in other States and Territories. Nevertheless, there is scope for a better system of reporting by hospitals which the audit proposed should be addressed - proposals which the committee endorses. The committee has specifically recommended that comparative data on same day admissions and total

admissions, as well as separate data on renal dialysis admissions, be provided in a readily accessible form. Indeed, Mr Speaker, this may be being done already to a certain extent. The purpose of the recommendation is to put on record the committee's belief that this practice should continue.

The potential conflict of interest audit was a response to an approach by the board chair of a non-government organisation for a review of the award of a tender to a company which had a direct relationship with a board member. The organisation is a regular recipient of grants from the Department of Health and Community Care. The audit found that the contract arrangements were soundly evaluated and, while a potential conflict of interest existed for one board member, it did not affect the decision. Following its examination of the matter, the committee is satisfied with the audit finding.

The committee sought the Chief Minister's views on general issues raised by the audit and was advised that the service purchasing group and other agencies would be asked to incorporate in documents and training programs material dealing with conflict of interest and purchasing principles. In addition, the Chief Minister advised that appropriate guidelines would be developed for community activity grants and that conflict of interest issues would be incorporated into the guide for the incorporation of an association.

The committee commends the board chair's concern which precipitated the measures, which are intended to ensure that conflict of interest issues are understood by both government purchasing agencies and those organisations which provide services to government. The committee has recommended the development of general principles in regard to conflict of interest and purchasing practices for bodies which are grant recipients. I commend the report to the Assembly.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 11 of 1997

MR WHITECROSS (5.51): I present Report No. 34 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 11, 1997 - Annual Management Report for the year ended 30 June 1997", together with a copy of the extracts of the minutes of proceedings, and I move:

> That the report be noted.

The resolution of appointment of the Public Accounts Committee requires, inter alia, that it examine all reports of the Auditor-General which have been laid before the Assembly. Auditor-General's Report No. 11 of 1997 is the Auditor-General's annual report for the 1996-97 year, and was formally presented to the Assembly on 4 November this year. The report was, in fact, made available to members of the Assembly by the Auditor-General prior to the Auditor-General's examination by the Select Committee on Estimates 1997-98 on 14 October 1997 in relation to the annual and financial reports of ACT government agencies. Nevertheless, the Public Accounts Committee is required to report formally to the Assembly on this Audit Office report.

As indicated, the Auditor-General appeared before the Estimates Committee on 14 October 1997 and responded to committee questions based upon the annual report and other questions germane to the accounts of the ACT. The Public Accounts Committee notes that the Estimates Committee, in its report presented to the Assembly on 2 December 1997, commented upon the findings of Auditor-General's Report No. 10 of 1997 - Public Interest Disclosures - Lease Variation Charges, and recommended that the Public Accounts Committee, pursuant to its statutory responsibilities in relation to the development of the annual budget for the Auditor-General, consider what provisions should be made in the budget to enable the Auditor-General to undertake audits in the area of lease administration. The Public Accounts Committee supports this recommendation.

The year 1996-97 was the first full year in which the committee exercised its statutory function in relation to the Auditor-General's budget and, in carrying out that function, the committee had the opportunity to discuss with the Auditor-General the agency performance audit program for the forthcoming year. The committee was satisfied with the indicative Auditor-General's audit program, which is outlined in the Auditor-General's annual report and which was developed through this consultative process. I commend the report to the Assembly.

Question resolved in the affirmative.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1997

Debate resumed.

MR MOORE (5.54): I rise to support this legislation. In doing so, I must say that there are a number of issues that I would like to take up with Mr Kaine. It was very interesting that Mr Kaine, in his arguments against proceeding with this legislation before a trial takes place or is completed, suggested that there is not enough evidence. He said, "After all, 60 per cent of all crashes are on arterial roads". That begs the question: What happened in the other 40 per cent of crashes? We could infer from that that 40 per cent of all crashes were on suburban roads. Maybe there would be a 3 or 4 per cent factor in there for country roads, minor roads or something to that effect; but he was talking about crashes in the city.

It seems to me, given the figure that Mr Kaine gave of $140m annually, that the $1.5m that he has nominated for implementation is very cheap. If there were to be a reduction of 10 per cent in that 40 per cent for suburban road trauma, if we were to have a 10 per cent reduction in the figure of $140m annually, we would be looking at the sum of $14m - almost 10 times the figure he is talking about. It seems to me that the figures he gave are, at the very best, figures that encourage us to proceed with this legislation.

Even in the very worst case scenario, I think they still encourage us to support this legislation. As to the $1.5m cost of implementing this program, I would say to Mr Kaine that Mr Humphries has been very effective in this Assembly in luring people to jobs appropriate for them. He managed to lure Mr Connolly to the position of Master of the Supreme Court and he lured Ms Follett to a job entirely appropriate to her skills.

Mr Whitecross: I take a point of order, Mr Temporary Deputy Speaker. If I may defend my colleague Mr Humphries, I think Mr Moore has just accused Mr Humphries of providing an inducement to a member to resign from the Assembly, which would be a very bad thing for Mr Moore to impute. I hope that that is not what he was imputing.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): I am sure he was not.

MR MOORE: It is appropriate for me to correct that. I do not mean to impute anything of the sort. I think that the particular people were entirely appropriate for the jobs which they were offered and which they now carry out. In fact, I hear from quite a range of sources that in both cases they do so very well. But it does draw my attention to Mr Kaine's estimate of $1.5m to do this job. I have to say that if Mr Kaine were prepared to put up $1.5m for the job I would love to be the contractor to do it, because I reckon I could put much more than $1m in my pocket and do the job with the rest.

It seems to me that what happens sometimes when people argue these sorts of things is that they go for the worst case scenario. They build up the costs for something and try to work out the most expensive way they could possibly do something and come up with these sorts of arbitrary costs. I simply do not believe it would cost $1.5m. I simply do not accept that having 50 kilometres an hour zones in the way it is put up in this legislation - the default speed for suburban roads - would cost that kind of money. I presume Mr Kaine had in mind that this would be part of an education program and, perhaps, an advertising program, which would be very important. I do accept that there would be significant costs associated with that; but I think $1.5m is quite extraordinary. As I say, I think any business person would love to be the one to whom this job was outsourced, because they would be able to make huge profits from the job.

No, there are no statistics available yet on a 50 kilometres an hour process in Canberra; but we do not make all decisions on a trial basis. If there is good enough evidence from elsewhere to say that we are likely to save lives, that we are likely to reduce trauma and that we are likely to achieve something, then we move down that process. The irony of Mr Kaine standing up here and saying that we have to run trials before we do so is that we do not hear that from the Liberals in most cases when they are talking law and order. When it comes to law and order, it is okay to go ahead with implementation and to measure the effect afterwards. There is an exception to that. Mr Humphries does talk of running a trial first in terms of surveillance cameras, but I must say that I would bet any money that if he had a chance to implement them he would go for it. I see him acknowledging that with a big grin on his face. It seems to me that this whole process of saying that we have to run trials first is just part of the whole series of furphies that Mr Kaine has put forward in this debate. It was about debating techniques, rather than about dealing sensibly with the issue.

Ms Tucker has put to this Assembly an important piece of legislation which, if it were passed by this Assembly today and gazetted appropriately, would result over the Christmas period or not too long after the Christmas period in a reduction of speed in our suburbs. I think that would be a positive contribution. It may well mean that not everybody would do exactly 50 kilometres an hour, because we know that drivers make judgments about the sort of speed they do, given the sorts of road conditions they have. Some drivers are better than other drivers and judgments are made about the sorts of road conditions in which we drive.

Indeed, since this legislation was put on the table, I have regularly checked the sort of speed that I tend to do while I am driving through suburban areas. In the vast majority of cases, I tend to do 40 kilometres an hour. In some spots on suburban roads, I tend to drive at around 60 kilometres an hour. I do so where the roads are broader, where there is good vision. But it still seems to me that the message that is clearly sent out by a piece of legislation like this is that this Assembly believes and this community believes, that it is appropriate for us to slow down when we are in suburban areas. It is a very positive message. It is a message about the safety of our children, in particular, and the elderly. It is about protecting people. As such, I think it is a very positive move.

The way this legislation is framed - that is, the default speed - would allow us to facilitate flow-through traffic on what I would refer to as minor arterial roads, that is, roads going through the centre of a suburb that carry large amounts of traffic. Limestone Avenue is an example. Currently, as I recall, the speed limit is 60 kilometres an hour. The signs could remain there at 60 kilometres an hour. The traffic on that road could well flow through at 60 kilometres an hour, whereas the speed limit on the roads that run off it, appropriately, would be mostly 50 kilometres an hour. Anzac Parade, which runs off it, is a very broad road with three lanes each way. Perhaps it could carry traffic at 70 or 80 kilometres an hour. I think there is room still to facilitate the flow through of traffic at an appropriate speed but, at the same time, to protect our citizens in this way. It is for those sorts of reasons that I will be supporting this very sensible piece of legislation.

MR WHITECROSS (6.03): The Labor Opposition regards this proposal as part of a debate which is currently going on in all States and Territories in Australia in relation to national road rules. It is a difficult issue; it is an issue which all jurisdictions are grappling with, despite the very significant tensions within it. I, for one, and the Labor Opposition in general, am disappointed that the Greens have chosen the approach of trying to push through a Bill in the ACT in advance of the process that is going on. It is, indeed, an important issue; but it is a much more complicated issue than one might gather from the kind of argument that Ms Tucker advanced in relation to this matter.

Ms Tucker states something which is a simple fact, that is, that if you drive at a slower speed you will have a shorter stopping distance and, therefore, if for any given distance in front of you there is a potential pedestrian, cyclist or vehicle, a slower speed will reduce your chances of colliding with that pedestrian, cyclist or vehicle. Of course, that is a simple fact; there is no question about that. But that is not the issue we are debating today. The issue we are debating today is whether Ms Tucker's Bill will result in an improvement in road safety in suburban streets.

As I think Mr Moore conceded in his remarks, on many suburban streets people already drive at considerably below 60 kilometres an hour. The vast majority of people already drive at considerably below 60 kilometres an hour because they drive according to the conditions of the road and the conditions of the road often do not allow a reasonable person to drive at 60 kilometres an hour. There is already a tendency for people to drive at slower speeds. Equally, there are many roads on which a 60 kilometres an hour speed limit currently applies and people drive at more than 60 kilometres an hour. Some of those roads might be covered by this legislation and some might not.

That really gets me to the heart of my concern about our being forced to vote on this matter today. Nobody in this place and nobody in the community generally really knows what it means. Nobody knows which streets are to be covered by the 50-kilometre limit and which streets are to be covered by the 60-kilometre limit. Nobody knows how the legislation is to be enforced. Ms Tucker, because she is not a member of the Government, is not in a position to provide any funds for education of the community in relation to this matter, and this is an essential thing.

We need to consider all road safety measures - whether it is about changing the culture of speed; whether it is about encouraging people not to drink and drive; whether it is about encouraging people to comply with other road rules; whether it is about encouraging people to take the issue of fatigue seriously or to pay proper attention when driving. A whole range of issues - not least, vehicle roadworthiness, which is a matter that we have had occasion to debate in the past - go to make up the question of road safety and accident rates, and this is one of those issues. Yes, it is an issue that we have to consider, but it is not an issue that I believe we are suitably informed about to make a decision upon today.

I have to say that I part company with Mr Kaine to a certain extent in relation to this matter. I think Mr Kaine tried perhaps a little too hard to make out a case against 50 kilometres an hour speed limits. While he is claiming to be concerned about awaiting the outcome of the trials, he certainly created the impression that he had made up his mind in relation to this matter. I think it is incumbent on Mr Kaine, given that it is part of the current debate about national road rules, to ensure that this Assembly is properly informed about how we would go about implementing a 50 kilometres an hour speed limit, because it may yet be imposed on us as a result of a national agreement on road rules. It may be something that, if it were not imposed on us, we would feel obliged to agree with because we see the funding as being advantageous to us. Of course, under a provision which Mr Moore supported only last night, the Government can accept those fundings from the Commonwealth without ever having to come to the Assembly.

It seems to me that it is incumbent on the Minister, given the national debate, to be keeping us properly informed about how we would go about implementing a 50 kilometres an hour speed limit and what its implications would be for the ACT. But the Minister has not done that. We have not seen the outcome of the trials which are currently going on in New South Wales. The debate at the national level is not concluded. Frankly, I believe that Ms Tucker's action in bringing forward this Bill today is premature.

The Labor Party would like to see this matter adjourned until we have seen some of the outcomes of the trials, until the Government has provided us with more information on what are the implications in detail for the ACT. We will be pressing for an adjournment, to ensure that when members of the Assembly come to a vote on this matter they are properly informed. Ms Tucker, no doubt, wants to bring it to a vote today because she wants to be able to say that the Greens are the one true voice for road safety and the Labor Party does not care about little kiddies getting run over in suburban streets. Of course, it is not as simple as that. It never is. The fact of the matter is that the Labor Party takes road safety very seriously, but we also take process seriously.

Mr Corbell: Informed decision-making.

MR WHITECROSS: Yes, informed decision-making, as Mr Corbell says. Whenever a matter comes before this Assembly on which the crossbenchers feel that more time is required, they are not shy about saying so. On this issue, we believe it is too important to be rushed to a decision when we do not have that information from Mr Kaine, when we do not have the information from the other national trials. We need a much better case, and much more information before us, to make a decision than the simple argument put by the Greens that cars which go at slower speeds stop sooner. While that is true, that is not a sufficient reason for changing the speed limit; it is not a sufficient argument. We want to see more.

The Labor Opposition believes that this matter should be adjourned. It should be brought back on when further information is provided, perhaps in the next Assembly. It is an issue that we will have to grapple with. I would prefer to see us grapple with it as part of the national road rules, rather than in isolation from that wider debate about road safety measures which is currently going on.

Motion (by **Mr Corbell**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 5	*NOES, 11*
Mr Corbell	Mrs Carnell
Ms McRae	Mr Cornwell
Ms Reilly	Mr Hird
Mr Whitecross	Ms Horodny
Mr Wood	Mr Humphries
	Mr Kaine
	Mrs Littlewood
	Mr Moore
	Mr Osborne
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

MS TUCKER (6.16), in reply: I thank members for their support in enabling me to wrap up this debate. I did not oppose the adjournment of the debate because I wanted to make some big statement. I think Mr Whitecross thought I was going to make a big statement about how we are the only ones that know about road safety, and that is not right. I wanted to have the opportunity to wrap up this debate because, obviously, it would not be revisited in this Assembly, and I think it is quite reasonable that I have that opportunity. I understand the positions of Labor and the Liberals on this issue. I think they are being very cautious.

I would like to address some of the points that have been raised in the debate. Mr Kaine was concerned that I had mentioned in my speech that the 60 kilometres an hour limit was arbitrarily decided. He thought it was a logical decision when the 35 miles per hour limit was changed to metric. The point I was trying to make there - if it was not clear, I would like to clarify it for Mr Kaine - was that it was rounded up without any discussion about safety issues and speed limits. I was trying to make the point that it was not a decision that was informed by a wider discussion.

Mr Kaine also said that other cities are different and claimed that the evidence from around the world where speed limits have been reduced may not be relevant. I think it is interesting to look at a pamphlet produced by Queensland road safety people about why speeding is dangerous. I think it is worth reading out. It seems obvious, but I think it might need to be repeated. The pamphlet reads:

> The faster you drive -
>
> the less time you have to react to the unexpected or an emergency;
>
> the less time you give other road users to notice you and react;
>
> the further you have to look ahead, which narrows your field of vision;
>
> the less stable your vehicle becomes when cornering, manoeuvring and braking; and
>
> the worse injuries will be in a crash.

Then it outlines six factors that make speeding unsafe:

1. The unexpected actions of other drivers, cyclists, pedestrians and animals.

2. Changes to road, weather and light conditions.

3. The different types and amount of traffic sharing the road with you.

4. Your own tiredness, concentration level and in-vehicle distractions.

5. Outside activities such as cars parking, roadworks, accident scenes and other distractions.

6. The age, type, condition and handling characteristics of your vehicle and the possibility of mechanical failure.

It is also interesting to see what it says about driving too fast around town. It says:

> Driving too fast in urban areas -
>
> is stressful and tiring on the driver because of its stop/start nature;
>
> wears heavily on the vehicle, especially its brakes, tyres, suspension and steering;
>
> uses more petrol and creates more air and noise pollution;
>
> makes a vehicle's distance and approach speed harder to judge for other people using the road, especially pedestrians and cyclists; and
>
> rarely saves time because of slowing down or stopping for other vehicles, traffic lights and road signs.

It is very interesting that Labor and Liberal are so nervous about this, because I really cannot see the downside of it. It is about 10 kilometres an hour less in residential areas. It is clear that it does not make a lot of difference to overall travel times. It is clear that there are a number of benefits.

It is particularly interesting because we are having a lot of traffic calming put in our suburbs at the moment and we have had a lot of discussion about rat-running through the suburbs. Obviously, there are advantages here in having a lower speed as well because the speeding and slowing down that are occurring with traffic calming have environmental consequences, as I have just outlined. It is also going to be likely to discourage slightly the commuters who are rat-running if there is a slower speed limit within the suburbs. Even though, apparently, it is not going to make that much difference to the overall travel time, there is a psychological issue here, in that they might feel it is not quite as attractive.

Mr Kaine also said that roads are part of the neighbourhood and should be shared. He acknowledged that the majority of the traffic is generated by the local community and it has a duty of care. I absolutely agree; the local community does have a duty of care. Obviously, given the statistics for the ACT, a significant number of people are not meeting that duty of care. According to the figures from Mr Kaine, 30 per cent of fatal accidents and 40 per cent of all crashes in the ACT are not on the arterial road system. We can see from the Australian College of Road Safety submission to the Staysafe inquiry that by reducing the speed limit by 10 kilometres an hour there is a 15 per cent drop in accidents, a 20 per cent drop in injuries and a 25 per cent drop in fatalities. What that shows for Canberra is that the reduction that we could see in the number of accidents and deaths that occur on our roads would be significant, and the cost savings would be far greater than the $1.5m Mr Kaine has talked about.

Mr Kaine also mentioned the ministerial council. I think Mr Whitecross mentioned it as well. The ministerial councils do not dictate the laws that we want to put in place here. I thought the point had been made very clearly in this Assembly that we believe that we do have the right to put in our own legislation. Mr Whitecross seems to be saying that the Greens have a single argument for reducing the speed limit which is based on the braking time. Yes, that is significant in the argument. If we look at the proceedings of the Staysafe committee in New South Wales and the submissions of the groups at that inquiry - the Federal Office of Road Safety, Vicroads, NRMA, RACV, Main Roads of WA, RTA of New South Wales, AUSTROADS, and AITPM - we will find that they are recommending a reduction in the speed limit.

This is not a whim of the Greens; this is a well-researched issue. This is an issue that has been researched in other countries as well as Australia. What we are seeing with the trials right now in New South Wales is political caution. It is the same as we are seeing here. The Staysafe committee recommended a reduced speed limit. The Government was nervous about it; so they said, "Okay, let us put some trials in place. We will suss out the community. We will see how they feel". Mr Whitecross is saying, "We do not have any evidence. We want to see the results of the trials and that will be the evidence". That is not the situation at all. We have the evidence. What the trials are doing is testing the will of the community and the political will to do something that may not be popular, even though there is clear evidence that it reduces the number of accidents and deaths on the road. That has been supported in overseas places where it has occurred as well.

The problem with Mr Whitecross saying that he will see how the trials work is that I will have to see then from Labor and Liberal a very clear analysis of the methodology of the trials, whether they were accompanied by education, how much education occurred, and how the policing was carried out. It would be quite a joke if I heard members of this place say in the next Assembly, "The trial did not work really well in Queanbeyan, so we are not going to do this", unless they also show that there was indeed accompanying education and policing. Obviously, like the drink-drive campaign, anything like this which is addressing the culture of drivers has to be accompanied by an education campaign. Mr Kaine did say that this morning. I am expecting that at least the Liberals would be very much aware of the importance of that in determining the success or otherwise of any trial.

In terms of who will benefit from reducing the speed limit, if we look at the evidence provided to the Staysafe committee and other research we will see that the single most vulnerable pedestrian age group is the under-15 group. Pedal cyclists and aged people are also vulnerable. Children are less traffic aware and older people are less mobile. Children can be less mobile as well. Seventy-three per cent of cycling casualties are of young people on suburban streets. Sixty-five per cent of young pedestrian casualties - that is, zero to 16 years - and 50 per cent of elderly pedestrian casualties are on our suburban streets.

There is a lot more happening in suburban streets and on main roads. There is a lot more activity and information to be managed. Obviously, it is important and useful to have a reduced speed limit, for those reasons. The other question that Mr Kaine asked was:

Why not make it 40 kilometres an hour or 30 kilometres an hour? Reducing from 60 kilometres an hour to 50 kilometres an hour does not make a large difference to travel times, but it does make a large difference to death and injury. That is why you will get all the committees, the large and important motoring organisations and anyone else who has looked at this issue recommending a 10 kilometres an hour drop in the speed limit.

We have also been told that most people drive at slower than 60 kilometres an hour in residential areas. Obviously, all of them do not. It is about changing driver behaviour. I also heard it said in the debate that there is a problem anyway because people, on average, drive at 10 kilometres an hour higher than the speed limit. Logically, it would seem useful, then, to reduce the speed limit. If that is a part of driver behaviour, then it would be useful to reduce those speeding drivers another 10 kilometres an hour as well.

In conclusion, I would just like to say that I accept that, obviously, Labor and Liberal are nervous about this issue. I do not think they need to be. I think we would be able very proudly to put in place legislation that would reduce the speed limit in our suburbs. I think it is not only a statement about our understanding of the difficulties and dangers that have resulted from how fast people drive around our city, but also an acknowledgment that we want our city to be livable, that we want people in the suburbs to feel that the road is not totally dominated very dangerously by speeding vehicles, and that children, pets, older people and the rest of the neighbourhood can exist more in harmony with the road.

If we want to develop local communities, it is very interesting to look at the research - and it has been done - which shows a social interaction between people relative to their proximity to a road and how major that road is and how fast or great traffic on that road is. There is a clear relationship between social mobility and social interaction and the level of use of the roads. There is a strong and well-documented argument there as well for community development to make our roads a little less hostile than they are.

Question resolved in the negative.

Sitting suspended from 6.29 to 7.30 pm

FREEDOM OF INFORMATION (AMENDMENT) BILL 1997

Debate resumed from 24 September 1997, on motion by **Mr Osborne**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General) (7.30): Mr Speaker, I will be fairly succinct in my comments on this Bill. This Government made it clear early in its term of office, in fact, before that term began, that it believed that extensive reform of the operation of the Freedom of Information Act needed to occur. We did so because we had been subject to some fairly disgraceful behaviour on the part of the former Government when it came to accessing information of a fairly basic kind which we felt it was necessary to use

as essential tools in our jobs as members of this Assembly. There had been occasions when access to information had been made very difficult or had been subject to extremely heavy charges of a kind which made it very hard for members of this place, we felt, to be able to do our jobs properly.

When we came to office we dramatically reformed the operation of the Freedom of Information Act. We provided that there should be, essentially, a regime of free access, or virtually free access, to the FOI system; that access to personal information should be completely free and that other reforms effected would, we expected and hoped, make it easier to access information in a timely way which would assist people in being able to discover the nature of the things that they sought through that information. In this debate no doubt there will be some criticism from time to time about how effectively the freedom of information system operates in the ACT. Indeed, I would share some of that criticism on occasions. I do not think by any stretch of the imagination that the ACT has a perfect system of FOI; but I will say that, compared with what it was like three years ago, it is dramatically better and dramatically more accessible to those people to whom it was supposed to be accessible.

Mr Osborne has placed before the house a Bill which further expands the horizons of the FOI legislation, breaks down a further set of barriers to obtaining information and, particularly, reforms the system whereby documents are protected from access through the FOI system. As a person who has found it necessary to sponsor reform of the FOI system in the past, I believe that further reform is possible and that much in this legislation is worthy of adoption. The legislation certainly covers a large range of issues. It addresses the nature of exempt documentation. I think the issue raised in the legislation is that the onus on an organisation or agency seeking to protect documents from access by the FOI process would be such that they need to show that documents ought to be protected, rather than be able to assume the reverse. That is an argument which I think is put well in this legislation and it is one that we will probably need to pick up.

I understand it is not Mr Osborne's intention to deal with this legislation to finality tonight but to have the Bill referred to a committee in the Fourth Assembly. Mr Speaker, I certainly support that course of action. I am happy to indicate on behalf of the Government that we will support this legislation in principle tonight. I also indicate that I think much of what is in this legislation needs to be adopted and to become the law of the ACT in due course.

There are things about the Bill that I consider to be a problem in a practical sense. Although the onus should fall on the agency to prove or to show that a particular document ought to be protected from the public gaze, I think that that power to do so ought not to be constrained in a way which will undermine the operation of government and cause organisations to begin to create artificial labyrinths in which information can be hidden from the processes of FOI. That would be a most unfortunate state of affairs. It was claimed when the original freedom of information regime was first established many years ago, I think by the Commonwealth originally, that this process would lead to that very thing happening; that public servants would start to put their thoughts down in their minds and not put them on paper; that there would be arcane attempts to avoid the operation of the legislation, and so on.

My experience in government has been that that has not been the case; that people, to some extent, have regard for the implications of what they do in terms of the FOI system. For the most part, the system operates around the assumption that these things will be placed on the table, that people will do their jobs in the usual way, and that, if documents are exposed to the public gaze at a later point in time, so be it; that is the nature of the process. We can tell that that is the case by the large number of documents which are revealed under FOI processes which you might argue could be viewed as damaging, in certain circumstances, to the people who created them, or to the government of the day, or to some agency in some circumstance. If public services were geared around essentially shielding information from this sort of access, I think we would see much less of that occurring; but it does occur, and it occurs quite often. That indicates, I think, that public services have adapted themselves to this regime. I am sure that they will adapt themselves to much of what is in this Bill as well, if it becomes law.

Mr Speaker, I think Mr Osborne's Bill is a significant piece of reform. It is a very comprehensive piece of legislation which does deserve some scrutiny by a parliamentary committee. I look forward to being involved in the process of analysing this in the next Assembly, the electors willing, and I am hopeful that much of what is in this Bill - perhaps all of it; who knows? - could one day become law in the ACT.

MR WOOD (7.39): Mr Speaker, it may well be that Mr Humphries is chair of the Legal Affairs Committee in the next Assembly and could well take this inquiry on board, or it might be Mr Osborne, as Minister, giving directions to a committee. Or was it Mr Moore? Perhaps that is not your portfolio.

Mr Moore: I have not decided yet.

MR WOOD: You have not thought about it yet.

Mr Moore: No; that is not what I said.

MR WOOD: The Assembly seems agreed on the principles at stake here; that Mr Osborne's Bill has good intentions, is well directed and needs further examination. That is certainly the Opposition's view. I think it is the case that, over quite a number of years now since FOI first became a feature of parliaments, the fairly rigid guidelines and the stern approaches on the part of bureaucrats are progressively breaking down. I hope that is the case. I hope that when I was Minister we had an open approach. On a very few occasions I had a note from a bureaucrat saying, "FOI information is being sought on a particular matter". My response always was, "Do not tell me. Give as much information as possible. Be free with the information you give out and do it quickly". I hope that happened.

I want to make a particular point about planning, which is where there are many FOI approaches. To overcome problems, which I concede are very likely there, anybody seeking FOI information on a planning matter, or probably any matter these days, makes a blanket claim, saying, "I want information relating to this, electronically held or in documents". They word their application in such a way as to get absolutely everything on file. For me, it seemed that perhaps what they really wanted was about one per cent

or 5 per cent of what they got. I have seen some of these files. There are a couple of well-known cases around the place that I have raised in this Assembly. The amount of material that was received and the amount of time that was given to it was disproportionate to what was actually wanted.

I used to think that in the planning area, although I was never in a position where I could advance it further, maybe we needed some statutory form. A running sheet was kept, as required by law, relating to all key data. Maybe it would not work. Maybe when you chair this committee next year, Mr Humphries, you could look at something like that, so that it obviates the need for a bureaucrat somewhere, or numbers of them, to turn out an enormous volume of simply unnecessary material. It is a costly job and I think governments do have a mind to that cost from time to time.

I think we do need to develop also a confidence on the part of applicants that they will get the core of what they want. The fact that applicants will apply for everything, every document that exists, indicates a lack of confidence in the system. They expect that if there is something there that a bureaucrat might want to hide they will not get it. So, along with any changes, I think the output from the bureaucracy needs to be such, over a period, as to convince people that they will get the material that they are really seeking.

I think in the long term we have to see whether we can avoid the system whereby so much unnecessary material is turned out. I find that a significant problem. I do not think it is as significant a problem as the ones that Mr Osborne has tried to address in his Bill. We are all committed to open government. We are all committed to providing information. I think there has been an excess of caution over the years as to what bureaucrats and perhaps politicians sometimes want to allow to be released. That era, I am confident, has passed.

There is a number of strands that we can investigate in the next Assembly. Let us go down that path and let us finish up with a system that is comprehensive, open and efficient and does not waste too much time on the part of those providing the materials. I think we can get to that end. Mr Osborne's Bill is a good further step in that direction.

MS TUCKER (7.44): Mr Speaker, the Greens wholeheartedly support Paul Osborne's Bill to improve freedom of information law. Public access to information held by government which affects them directly or which provides the explanation of why certain decisions are made is a cornerstone of our democratic system. Any action to expand FOI provisions can only be an improvement, in our view. Mr Osborne is to be commended for putting forward this Bill, but I must say that I do not think it goes far enough.

Much of the Bill is essentially a rewrite of some of the existing provisions in a more plain English style, which is a good move in itself; but there needs to be some fundamental review of other parts of the Act. For example, the Bill currently before the Assembly does not address the issue of commercial-in-confidence. It also does not address in detail whether the charging regime for access to documents provides a reasonable balance between covering the costs to government of supplying documents and the need to not discourage people who want to access documents but who may not be able to pay these charges.

Another issue that needs to be addressed in reviewing the FOI Act is ensuring that government departments keep good records. Unfortunately, the FOI Act can be a disincentive for keeping files and records in the bureaucracy so that any embarrassing information is not disclosed at some future time. Anyone who has worked in the public service would know that often documents are misplaced and do not end up on the right files, and that sometimes unofficial files are kept by individual officers to avoid putting sensitive information on the official file. The increasing use of computers for keeping information also makes it easy for sensitive information to be deleted at the press of a button.

The big issue in the FOI Act, however, is the question of which types of documents should be exempt from the freedom of information process. Mr Osborne's Bill does not really address this issue in a comprehensive way. The major concern to me is the use by the ACT Government of the commercial-in-confidence tag as a means of avoiding accountability on what deals are being done with private companies, and on how and where public money is spent - a problem that is likely to worsen with the increasing trend towards outsourcing. Taxpayers and voters are entitled to know what their government is doing, and the ACT Greens believe that if the private sector wants government business it has to realise that the rules will be different. We believe that the full details of any contracts undertaken by government agencies should be made public, unless there are exceptional circumstances, in which case they should be at least released to Assembly members on a confidential basis. All governments around Australia, Labor and Liberal, have been hiding for too long behind commercial-in-confidence to avoid scrutiny and accountability, which is seriously undermining the public interest and parliamentary democracy.

I have already been denied access to the hedging contract between ACTEW and Yallourn Energy. The public has also been denied access to information on contracts relating to the national electricity market in the electricity legislation recently passed. Other instances where commercial-in-confidence has arisen include during Estimates Committee hearings in relation to assistance to business, in relation to information technology outsourcing, and in debate about VMO contracts. The Greens have already challenged commercial-in-confidence provisions in the Assembly. When the Health and Community Service Board and the Tourism and Events Corporation were established we required the Government to table details of commercial ventures in the Assembly; but we do not want this to continue on an ad hoc basis, and basic principles need to be established for future cases.

In other countries legislation requires governments to release, on request, the whole of agreements they execute, and in Australia there is a growing momentum to tackle the issue. At present the Australasian Council of Auditors-General is conducting an inquiry into commercial confidentiality and the public interest. The Western Australian Report of the Commission on Government, which was established after the WA Inc. scandal, has made a strong recommendation on this issue. It recommended that, as a precondition for doing business with government, tenderers must be prepared for the details of any contract to be made public. Even the WA Chamber of Commerce said in the inquiry that business must expect that its relationships with government will often be more public,

and this was not unreasonable as long as the requirements were up front so that business could decide for itself whether to deal with government. An important distinction needs to be made between releasing information about tenders not yet awarded and contracts that have been signed. As a general rule, once contracts have been signed the sensitivity of the information is significantly reduced.

The Greens are happy to support this Bill in principle, but would like greater work to be done on the issue of exemptions, particularly those relating to commercial-in-confidence material. The Greens would like to work with other members to pursue the issue in the next Assembly, either through an Assembly inquiry on a system of guidelines or through legislation.

MR MOORE (7.50): I support this very important piece of legislation. Rather than go through what my colleagues have said, I will simply support what they have said; but I want to raise a couple of other issues. This demonstrates how difficult it is to have drafted the sort of legislation that we seek to have drafted in this house sometimes. Mr Osborne discussed with me quite early in this Assembly, I must say, the fact that he was going to pursue "government in the sunshine". Was it "sunshine"?

Mr Osborne: Yes.

MR MOORE: Yes, "government in the sunshine" legislation. I thought that was a terrific idea. I saw some of his early drafts and early drafting concepts. I encouraged him greatly. I thought it was an excellent idea for more and more open government. After all, we knew that everybody here had made loud noises about being committed to open and consultative government. What has come out in the end, after a great deal of pressure in terms of the drafting of this legislation, is a rewrite of sections of the Act into much shorter and clearer language. Credit is due for that. Additionally, there are proposals for two kinds of exemptions, which I think is an excellent idea - the permanent and the limited term. The new short-term exemption of approximately a year recognises that there may be public interest grounds for confidentiality for a limited time. One can understand that.

Generally, Mr Speaker, governments spend time ensuring that things are done confidentially. It may not be the elected government that is so keen on this, but there is no doubt that bureaucracies are always very keen on it. It is amazing the number of times that people have said to me, "We cannot make this available because it is commercial-in-confidence". When I have pursued the matter, Chief Ministers or Ministers on both sides of this house when in government have said, "Okay, we will let you, provided you agree not to reveal any information. You can look at it". Every single time I have looked at something I have thought, "Why is anybody hiding this?". I have yet to see a reason why somebody is not making public some information on the issues that I have pursued. That is not to take away from the fact that there is privacy, which is an important issue, but we have privacy legislation in place to identify that. The real issue we have to deal with is the one that Ms Tucker raised - commercial-in-confidence. I think Mr Osborne would agree that we have not yet wrestled with that well enough, and his legislation does not yet wrestle with it well enough.

It is quite clear that the intention with this legislation is to hold it over to the next Assembly, to refer it to Mr Humphries's committee, as Mr Wood put it, although I would like to correct him. I think it is highly likely that the Legal Affairs Committee will be chaired by Ms Tucker.

Mr Osborne: God help us! Give me social policy.

MR MOORE: It will broaden her experience, and Mr Osborne can have social policy to broaden his experience. It seems to me, Mr Speaker, that the whole confidentiality system does need to be shaken up and this is an appropriate next step. I am very enthusiastic about ensuring that this next step is taken. I will be in there next year trying to see that it can be taken as quickly as possible. When we have taken this step, let us take the one after that.

MR OSBORNE (7.53), in reply: I rise to thank all the members for their support. I must admit that I am a little bit suspicious about the two major parties giving their support to this Bill, knowing full well that it does not make any difference until the next Assembly. I certainly believe both Mr Wood and Mr Humphries when they say that they do see some merit in the Bill.

Mr Moore: When Mr Wood is Chief Minister it will be done.

MR OSBORNE: When Mr Wood is Chief Minister I hope he will drive this through the next Assembly. I take on board the criticism from both Mr Moore and Ms Tucker that this Bill does not go quite far enough in certain areas. Believe me, I was well aware of that when I tabled the Bill. The reality was that in our office we received very little assistance over the last couple of years in putting this Bill together. I will certainly be reintroducing this legislation in the new Assembly, should I return. If I do not, I hope that Chief Minister Wood or Mr Moore or Ms Tucker will take up the baton.

Mr Speaker, I would like to make a few observations in closing. When I first came into this place in 1995 I was not carrying an enormous amount of political baggage. My intention was to represent my constituents as well as possible and to learn. One thing I learnt very quickly, Mr Speaker, was that governments, all governments, love secrets. Governments and their bureaucracies appear to spend a great deal of time working out cunning ways of ensuring that people do not get the information they are seeking; or, if ordinary people do manage to get their hands on it, ensuring that it is presented in such a way as to be completely meaningless. Each time a government seems to be giving ground and opening up on a particular issue, it invents new and better ways of hiding it.

Freedom of Information Acts around the country are characterised by long lists of exempt items and, as time goes by, the list grows. Maybe a better name for most of our FOI laws would be the "Don't Bother Asking Act" or the "You Must Be Kidding Law". There is a host of examples of exemptions, but the most topical display of Australian governments' eternal quest to perfect the craft of secrecy is the cunning cover-all known as commercial-in-confidence. It seems that nowadays almost any meeting between a government and business can be deemed secret simply by saying, "I am sorry, but that agreement, or that meeting or that payment is commercial-in-confidence".

We have seen examples in this place where members have been told something was commercial-in-confidence, only to see the information appear in the department's annual report. How can a deal which sees a government hand over public money or public land or forgo the collection of revenue be a secret? The money or the asset does not belong to the government; it belongs to the people. I can see a reason to protect the integrity of a tender process, but I can see no reason at all not to detail the process once the tender has been won. I can see a reason to protect trade secrets. I cannot see a reason to hide the amount of public money a government has spent to entice an interstate business to set up in the Territory.

I believe that the document I tabled in question time today is a classic example of an abuse of the tag "commercial-in-confidence". A cynic might say that the results of a survey like this could be of value to a government that is soon to seek re-election, but at the very least it raises the question of how a government survey of constituents' aspirations can be confidential. This is precisely the reason why I believe this whole area needs to have the cleaners put through it. The use of public money should be public. It is as simple as that, and no amount of government rhetoric will convince me it is so complex.

Early in 1995 I decided that one way I could make a useful contribution to this place was to look at the Freedom of Information Act and see how it might be improved. As you heard Mr Moore say, Mr Speaker, I think I used the term "government in the sunshine". I wanted to see how it might be broadened to include many of the areas which are currently hidden from public view. This Bill goes to the heart of some of the things I have been saying about the need to reform the way in which this Assembly does its business. For the record, Mr Speaker, unlike some aspirants for the next election, I have never said that the system here did not work. I have said it could be improved. I had hoped that this Bill would be one plank in that improvement, and I am confident that some of the other reforms I intend to propose will do that.

When my office first began to look at this Bill we modelled it on some of the Freedom of Information Acts at work in other parts of the world. Most notably, we looked at the United States "government in the sunshine" Bill and the New Zealand Freedom of Information Act. Mr Speaker, believe it or not, there are some parts of the world that have a much more open attitude to public access to information than we have in Australia. And guess what, Mr Speaker? Governments still seem to function there. The world has not come to an end and people have not stopped doing business in either New Zealand or the US just because the public has better access to government information.

My sentiment was that the Bill would be ruled by a principle of availability; that is, unless there was an absolutely compelling reason, government information should be exposed to the sunlight of public scrutiny. The principle as outlined in this Bill, I believe, falls short of what I was intending and, as I said, that is one of a number of reasons why I will not be attempting to force this Bill through this Assembly. I am prepared to wait and get this Bill right. However, I am pleased - it is a small victory - to have it agreed to in principle.

Mr Speaker, I am disappointed, however, with the end result. I first discussed this Bill with Parliamentary Counsel in February 1996. They seemed unimpressed, and the Attorney-General's Department was even more dismissive, quite appallingly. My staff met with Parliamentary Counsel a few times before Easter 1996 and shortly afterwards

sent them a cut and paste copy of what we wanted the final Bill to look like. Then the drafter we had been talking to went on leave for four months. Then he was not available for another two months. On his return my office was told that the cut and paste copy was not good enough, even though it was what had been originally requested.

The Parliamentary Counsel now want a detailed list of line-by-line changes. So, Mr Speaker, we hired somebody in the office especially for that and provided them with a list in September 1996. Then, would you not know it, Christmas was upon us and the Parliamentary Counsel staff went on holidays. When the holidays ended we were told that because of a lack of drafters Parliamentary Counsel would not be doing any work on any Bills we put up in 1997. How disappointed they were to be. After much agitation, going cap in hand, or I should say bat in hand, to Mr Humphries, a drafter was allocated. To cut a long story short, Parliamentary Counsel finally started putting pen to paper on this Bill four days before it was tabled, last month or the month before.

Mr Speaker, there is no point in crying over spilt milk. However, my examination of reforms to the ACT system of government has now been extended to include looking at the possibility of outsourcing the work of Parliamentary Counsel. I understand that this is a very complex Bill and I believe the drafter who had the final charge of it did a great job in the short time he had to work on it. Even he admitted that if he had had more time he would have provided us with a much better Bill. I do not blame individuals for what happened, Mr Speaker, but I believe the system of allocating private members Bills needs to be addressed by the next Assembly. If I am lucky enough to return, I will certainly be having my say on that issue.

Mr Moore: Maybe everybody will be a private member.

MR OSBORNE: Maybe everyone will be a private member. Maybe members of the Labor Party and the Liberal Party will see the light, Mr Moore. Mr Speaker, I will not continue to bore members with my sorry tale, but it should surprise no-one to learn that I am less than happy with the Bill as it now stands and fear that it may, in fact, do more harm than good. As I said, I am prepared to wait. I am pleased, as I said, with the small victory of having the Bill supported in principle. I would hope that if I am not here next year someone from the crossbenches will pick it up and run with it, because I doubt that someone from the major parties would do so. If I am here I will re-present the Bill and have an Assembly committee look at it thoroughly, and hopefully come back with a much better piece of legislation. Finally, Mr Speaker, I think good things are worth waiting for, and I believe that this Bill will, one day, be a very good thing. Once again, I thank all members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

CRIMES (AMENDMENT) BILL (NO. 3) 1997

Debate resumed from 3 September 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR OSBORNE (8.04): I will be very brief because I believe I spoke for 20 minutes on the last piece of legislation. I support this legislation. When Mr Moore introduced it a couple of months ago I looked favourably upon it. I believe it is a rehash of a Bill that Mr Moore presented back in 1993 and I think the concept is similar to the simple cannabis offences notices which he introduced, I think, in the last Assembly. I believe that Mr Humphries has a number of amendments that he intends to move next week and I will speak in detail on them. A number of issues have been raised by the AFP and I think that Mr Humphries's amendments go a long way to addressing them. In saying that, I think there is some merit in what Mr Moore is proposing and I would hope that, following consultation with other members, we can sort out what Mr Humphries has. I think Mr Moore also may have some amendments. Hopefully, we will come back with a piece of legislation that enables the police to do their job more effectively. I will be speaking during the detail stage on the amendments that Mr Humphries has.

MR HUMPHRIES (Attorney-General) (8.06): I also will try to be brief because I think we should have more substantive debate next week. Mr Moore's Bill, like the previous Bill we dealt with tonight, has had a long gestation and it represents a considered view about the way in which we ought to be managing the problem of dealing with street crime in our city. Mr Moore originally put forward this concept in legislation that he brought forward in the last Assembly. It was considered by the Legal Affairs Committee, which I then chaired, which recommended that we needed to await certain developments in the management of information by the police and, to some extent, the computerisation of their records in order to be able to manage this process properly. I understand that that has now occurred. We now have the capacity to decide whether this sort of system should be put in place.

Mr Speaker, as members will be aware, the Bill relates to seven different offences, ranging from misbehaving at public meetings - an offence I have often seen, Mr Speaker, but one that I never realised I could get someone thrown in the clink for - through to fighting, and to drinking in a public place. It gives the police the power to issue an on-the-spot fine in respect of those offences, rather than lay a charge against the person concerned. The advantage of such an arrangement is fairly obvious. Instead of having one or two police officers tied up taking an accused person to the police station, arranging for charge sheets to be filled out, arranging perhaps for bail to be organised in certain circumstances and so on, all of which takes them off their beat and into the police station where not much crime is taking place, the officer has the option of being able to issue an on-the-spot fine. The penalty is expiated by the payment of the amount specified on the fine, $100. The miscreant suffers the penalty of paying that money but does not have to appear in court, and, most importantly, does not have a criminal conviction recorded against his or her name. The police officer or officers are back on the streets of Canberra more quickly, or back in their squad cars or whatever, dealing with problems around the city.

For a government which has worked very hard in the last three years to put the resources of policing out of police stations and settings like that and into cars, on motorcycles, on pushbikes and on foot, that kind of potential holds great promise and is one which I believe we need to support. This issue has been discussed very widely since Mr Moore brought his Bill forward in September. I personally have arranged to have consultation with a range of bodies, including the Australian Federal Police Association, the Law Society, the Bar Association, the Legal Aid Office, the courts, the Council of Civil Liberties and so on, and some concerns have come to light which I think we need to address.

Most importantly, I suppose, the Community Law Reform Committee has recommended that a number of the offences referred to in the Bill ought not be subject to the legislation because they contain an element of discretion; that is, that a person who commits these offences ought to be subject to a charge, not to an expiation notice. I am inclined to accept that advice, at least until we see how the legislation would operate on the other offences, particularly noise-related offences and drinking in a public place, and if it works in respect of that class of offences to then expand it into other offences where that kind of benefit might be obtained.

Essentially, I would say that Mr Moore's Bill does address an important need within the ACT policing system, within the criminal justice system, if you like; but there are a number of things we need to address. I think we need to stop the scheme from operating on under-18s, at least at this stage. We ought to allow some notice to be had by courts of the offences which have been expiated, so that, for example, a person with a string of expiation notices for a particular offence would not appear before a court as a person with no criminal record at all. That might strictly be true, but that would not mean that they had not been guilty of some fairly serious matters under the legislation.

We need to delete those offences that I referred to before as not being recommended by the CLRC to proceed under this legislation. Perhaps we should change the basis on which warrants issue for those who do not expiate their notice, so that a further process of police obligation is imposed to go and serve notices on people who have not paid their fines, thus removing the benefit of being able to cut police time in issuing the fine in the first place. We should also deal with the question of establishing the offender's identity. Of course, this will work only if the police officer concerned is reasonably certain that the person who says he is Bill Wood actually is Bill Wood, before the notice is issued to him. Mr Speaker, we need to make sure that those sorts of things are addressed. They are being addressed at the moment within my office by amendments. I look forward to coming back next week and dealing with those amendments in order to make this Bill law.

MR WOOD (8.13): Mr Speaker, the Opposition supports the aim of this legislation, and that is to keep police on the beat. That is an important principle and one we would like to see carried out. We do not have a dispute with that. It might be said, as I have heard, that this is bringing about greater efficiency. Well, that is a good thing, although, given the current Federal Government, when I hear the words "greater efficiency" I do have some alarm. They can also mean a number of other things.

Mr Humphries indicated that an arrest is a fairly complex matter. A single arrest can take one or two police off the beat for an hour or more, which is quite a time, and we would certainly prefer to see those police out there on the streets where they were sent. If it is a street offence, that arrest is made at a time when those police are needed on the streets. So there is some superficial attraction to an on-the-spot fine. It seems a simple solution. We have seen it operating with some measure of success in respect of PINs and TINs, cannabis and other things, so it is certainly worthy of consideration.

The concept of on-the-spot fines, and the range of fines, has grown over recent years. Now we have the ones I have mentioned, plus dog control, litter and wildlife, so it is growing. It indicates that at least some members of this Assembly have given support to that principle over time. But there are some concerns about it. This type of administrative fine is exactly the sort of fine that was originally prohibited by that very famous Bill of Rights. That being the case, you can see that there are quite serious issues at stake.

At the more mundane level of its effect on citizens of this town, there could be the perception, as there sometimes is with traffic and parking fines, that it is simply a revenue raising measure. When it comes to the more serious offences, the street offences and that type of problem, that is something we would absolutely have to avoid. There is also a perception, or a fact that we would have to avoid, that it could be overused by police. Police may expect that the recipients of those on-the-spot fines would automatically pay. These could be given out and police could fill out their performance sheets, or whatever they are called, with quite a range of things. It could be made to look quite impressive and it could become abused.

I think the basic question remains: Do the police need these powers? That is something I want to give more thought to before this Bill gets into the detail stage. Of course, a very significant fact about any charge by police against a citizen is that that citizen can contest it. Certainly, they can do that with the on-the-spot fines. It is a very good principle to hold to and one we should not bypass very easily. When a person is taken in charge and all the processes have been gone through, that affords certainty of process, and I would be reluctant to get too far away from that.

It is also the case that on-the-spot fines are not always an option. Take the riot at Parliament House. I do not imagine that any police there would have been in a situation, with the public disorder, to give out an on-the-spot fine. It simply could not be done. I think, in a related demonstration or some other demonstration, they tried to give on-the-spot traffic fines for car drivers who were blowing horns very persistently, and they found that that could not be done. So we have to realise that on-the-spot fines cannot always be delivered.

If an aim of on-the-spot fines is to be more efficient and to keep the police on the beat, that is good; but what about later in the process? When Mr Humphries comes back next week with his amendments I would like to see him come back with some statistics and tell this Assembly how many traffic on-the-spot fines, parking on-the-spot fines,

and, particularly, cannabis on-the-spot fines and others have not been paid. I cannot back it up with data, but I suspect it is a very large number. When the recipient of an on-the-spot fine does not pay, you have to generate at least as much work as, probably more work than, you avoided in the first instance by putting out the fine.

We have seen fairly draconian ads on television in the last few weeks from the New South Wales Government telling people what will happen if they do not pay those fines. You lose your TV, your car and all sorts of things. Is that the sort of thing we are going to have to do here? Well, we do. I had a constituent ring in today with a large number of unpaid parking fines and she is facing the penalty for that. There is a follow-up action required, and that takes time. In the end, is there a net saving in time in the passing out of these on-the-spot fines? So these are the problems, and I do not know at this stage whether they are greater than the benefits that are claimed.

The Opposition will not be supporting this Bill at the in-principle stage. The simple fact is that it is not in a clear enough form. We are not sure what is going to come and that, with our basic reservations about on-the-spot fines, will cause us to vote against it. This is a recycled Bill, as was mentioned a little while ago. The first draft of it, and this is not too different, was not well received by Mr Humphries's Legal Affairs Committee some years ago.

Mr Osborne has indicated that he has a number of proposed amendments. I do not think he is going to proceed with those. It would appear that Mr Humphries is going to prepare amendments and bring them in next week. Mr Moore has indicated that, instead of the seven offences that he was going to cover, it will come back to two. This Bill seems not to be very close to the Bill that we might pass next week. I think it is just too distant from what we know to be able to vote yes at the in-principle stage. Mr Humphries has people working now on amendments. I would say to him that I want to see those amendments. The Opposition, and I am sure all members, would want to see those amendments this week. I do not know whether Mr Moore is still proceeding with amendments or whether the Government has taken up the whole issue and will proceed with it. Mr Moore, in his reply, might answer some of these questions for us. At this stage the whole Bill is altogether too vague. The outcome is too indeterminate for us to vote in favour of it.

There is another more significant factor, and that is that the Community Law Reform Committee of the ACT has reported on street offences, including on-the-spot fines.

Mr Moore: Are you going to misrepresent them too?

MR WOOD: You have a chance to reply, Mr Moore. They have made a number of recommendations. They have suggested changes to a number of laws, not by way of on-the-spot fines, although they have suggested that that is possible in two circumstances. They have suggested changes in a number of laws that need to be updated. As I read that report, it says to me that we need to go back and have a look at a number of these offences, rework them all, and come up with a response to that report. It may be that part of that response will be on-the-spot fines in the circumstances that they agree with.

It seems to me that, with the Community Law Reform Committee report, we are moving too early to give agreement to this Bill in principle. Nevertheless, I repeat my plea to Mr Humphries: If he has amendments and Mr Moore and Mr Osborne have amendments, let us see those amendments as early as possible, and not too far into next week. As it stands at the moment, the Opposition cannot support this Bill in principle.

MS TUCKER (8.23): Considering we are debating this Bill only up to the in-principle stage, I am prepared to support Mr Moore's legislation, but with reservations. The principle behind the legislation is worthy, even if the execution is perhaps questionable. The aim of the Bill is to introduce an alternative procedure for police to use in dealing with street offences by imposing a $100 fine for offenders for a range of offences. I do not think it was Mr Moore's intention to provide an easy avenue for people to legally escape responsibility for their potentially serious criminal acts, nor to provide an inappropriate tool for the police to use to deal with issues such as drug and alcohol problems. In principle, we support measures that will stop clogging up the courts, but I think there are a number of issues that need much more discussion and consideration.

The most critical issue in this legislation is the list of summary offences to which this will apply. I note that in the 1993 Assembly committee report on this issue there was a recommendation that the ACT Attorney-General's Department promptly conduct a review of all legislation with a view to recommending summary offences to which the infringement notice system could appropriately apply. I am not sure whether this happened or not, and perhaps the current Attorney-General could enlighten me on that.

The Community Law Reform Committee did inquire into street offences and released a comprehensive report earlier this year. The report concluded that ACT law dealing with private behaviour in public places is fragmented and should be simplified and consolidated. They also recommended that on-the-spot fines should not be introduced for revenue raising purposes and that section 546A, which relates to fighting, should not be subject to an on-the-spot fine because there is a prospect that assault is involved. If it is the result of a minor altercation, police intervention will generally suffice to restore public order, and further police action, other than a caution, would be inappropriate. They also said that subsection 482(1), which relates to misbehaviour at public meetings, should not be subject to an on-the-spot fine because of the discretion needed to be brought to bear in committing an offence. The Community Law Reform Committee also believed that possession of offensive weapons and public mischief should not be the subject of an on-the-spot fine either. The Community Law Reform Committee report did highlight two of the offences that were not contentious - noise abatement offences and drinking in public places.

I am particularly sympathetic to the argument about the inappropriateness of including possession of offensive weapons in a Bill such as this. This is a serious offence. Possession of offensive weapons can cause serious injuries. In speaking with someone about this Bill yesterday, he pointed out that a client of his recently was imprisoned for six months for such an offence.

The AFP, in addition to a number of other concerns, also highlighted a number of issues. I will not go through them all now, but they did raise some concerns about the choice of offences. I think it is important in a proposal like this that an offender has an opportunity to defend themselves in court, otherwise there is some danger that it could be used as a control mechanism or as a tool to deal with people hanging around Civic. The AFP acknowledge this and then say that an effective on-the-spot fine system will save police time and money only when offenders pay the fine without argument. I believe many people probably would, because there are certainly some benefits to offenders from paying the fine without obtaining a criminal record.

The AFP assert that the Bail Act also needs amendment in concordance with any proposals to introduce on-the-spot fines for criminal offences and their being given the ability to impose bail conditions on summary offenders. I am not convinced about this, but I would like to consider the issue further. The AFP seemed very displeased with this approach and that does raise questions about its implementation. They have indicated that, as it would not be popular among police - - -

Mr Moore: The AFP Association.

MS TUCKER: Okay. Mr Moore corrects me - the AFP Association. I am prepared to acknowledge that. They have indicated that it would not be popular among police, and it will rarely be used unless members are forced to do so by AFP guidelines or court rulings. In conclusion, while I believe that this proposal does have some merit, there are considerable dangers in the way it is currently drafted.

MR MOORE (8.27), in reply: I thank members for taking the trouble to go through the Bill so carefully and also to look at the various committee reports as well as responses to the legislation from people such as Jason Byrnes of the AFP Association. Clearly, they have also gone to a great deal of trouble to look at the Bill. I think the reason why so many people are looking at the legislation and are critical of it at the same time is that it does offer some hope of a slightly alternative method to improve the way we do our policing. On the other hand, clearly, there are problems.

It is not reasonable, I believe, to say we need to review it more or we need to look at it more. We have had an Assembly committee report that said, "In concept, this has some positive ideas, but we have some doubts in certain areas and it should be looked at by the Community Law Reform Committee". The Community Law Reform Committee has looked at it and said that conceptually this is a good idea but it should be used, certainly in the initial instance, in only two particular areas, as there are other problems.

Mr Speaker, it seems to me that the best method of dealing with this - I have been negotiating with other members of the Assembly - is to pass this Bill in principle and then look at the amendments that Mr Humphries and I have been negotiating. Thanks to Mr Humphries, I am able to circulate now amendments which have been drafted to make the Bill more acceptable to the Government. I hope they meet, and I am sure they will meet, quite a number of the concerns that Mr Wood raised, as well as concerns that have been raised by the AFPA and many others. I am very comfortable with the Bill.

It is a sensible response to the Community Law Reform Committee report. As members would be aware, that report came down after I had tabled this Bill and I said that I would be prepared to modify it to make it consistent with that report. I went into negotiations, particularly with Mr Humphries, and these amendments were drafted for us. These amendments are still at a very early stage, but I think it is appropriate, and Mr Humphries is in agreement, that they be circulated to members so that they can look at them and see whether they have any problems with them. I have gone through them. They seem appropriate to me, but I am open-minded if other members wish to come back to us to discuss them.

There are a couple of issues that will still need to be considered. The first one raised by Mr Wood is what happens when on-the-spot fines are not paid. He may remember that under the Labor Government legislation was introduced concerning traffic fines and so forth to encourage them to be paid. There is the loss of the driving licence. He will recall that I wrestled with that for quite some time before I finally conceded that I would agree to that method. Indeed, it certainly improved the collection of traffic fines. We know from studies in South Australia, where they have been giving out cannabis expiation notice fines, that a very wide range of people are not paying their fines.

Mr Wood raised the issue of what happens when police officers wind up doing much more work to follow up an on-the-spot fine. One of the amendments deals with allowing automatic issue of warrants of arrest in the event of an unpaid fine, so that you do not have a long process of the police following up. It goes back and the person then automatically comes to court. The choice for the police officer is either to charge them or to give an on-the-spot fine. There is an enticement for people. They can make their own choice. They can say, "Yes, I want to go to court", or they can say, "No, I am going to pay the fine rather than go through this process". I think that might well meet some of the needs that Mr Wood raised and that Jason Byrnes of the AFPA also raised.

The other issue that I think is really important - I think Ms Tucker mentioned it - is the notion of contestability. It is incredibly important in our system that an individual has the right to contest a decision of a police officer, so that we do not have an arbitrary decision. That is the concern that I have always had with move-on powers. In this case, if an on-the-spot fine is given, the person has the right to contest that decision by taking it to court. The contestability stays, and that is what attracted me to this approach, rather than going down the line of move-on powers.

Mr Speaker, what this legislation is really about is being able to keep police on the beat. Interestingly enough, of the two areas that the Community Law Reform Committee agreed to, the one that motivated the legislation most was the issue of public drunkenness, particularly drunkenness outside nightclubs, and how that could be handled when there are large groups of people. That was the motivating factor, and that is the one that is still in here.

If we can get this legislation through the in-principle stage tonight we can look at and negotiate these amendments over the next week. Even if Mr Wood is not in a position to support the legislation now, provided it goes through in principle I am happy to include him in any negotiations on the detail stage of the Bill. We will, at least, then have a method of trialling this new way of keeping police on the beat. It may not work.

We do not know, but it is certainly worth the trial. That is really what the reports are saying - "Yes, it is worth a trial, but do not go over the top". I think that is what this legislation before us now, combined with the amendments that Mr Humphries and I have negotiated, should provide. As I say, I am open-minded about any further negotiation on those amendments.

I would like to thank members for the effort they have gone to to ensure that we have the best possible legislation for the people of Canberra. I think this will be an innovative piece of legislation that will be of benefit to the community when we go through the appropriate processes.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1997

Debate resumed from 18 June 1997, on motion by **Ms Horodny**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (8.36): Mr Speaker, the Government, I indicate at this stage, will be supporting part of this Bill and will also be seeking to amend the Bill, but will be opposing much of the rest of the Bill on the basis that much of this debate has already been had on previous occasions. I believe that returning to the issues at this stage is not helpful and in any case, I think, runs counter to the direction in which the legislation clearly headed in amendments moved in the Assembly in 1996.

The 1996 amendment to the Administrative Decisions (Judicial Review) Act - which was a Government amendment, of course - merely places decisions under the Land Act on the same footing as decisions under other Territory Acts. A person has to be an aggrieved person. There is no reason why planning and land management decisions should be exposed to review under the AD(JR) Act differently from decisions under other Acts. That is the view of the Government. The Administrative Decisions (Judicial Review) Act was amended in 1991 to provide that a person need not be an aggrieved person in order to seek a review of a decision under the Land Act, the Buildings (Design and Siting) Act or the Heritage Objects Act. The intention at that stage in moving that amendment was that wider access should be provided to merits review of decisions made under those Acts.

Mr Speaker, I think the view of many observers of that process was that the widened access did not lead to a successful improvement of people's rights to, in effect, become parties to proceedings which they ought to have been a party to. There has been a considerable amount of time devoted to the processing of applications under the AD(JR) Act for statements of reasons. Much of this is related to applications by people who have, I think it is fair to say, no particular interest in the subject of the request. I think there is also evidence that, on occasions, the processes have been abused.

The proposal for amendment of the AD(JR) Act which we made in 1996 first appeared in the November 1996 draft Land Bill for circulation and discussion, and members were briefed on that draft. The explanatory memorandum to those amendments in 1996 refers to the amendment to the AD(JR) Act, but emphasises only the effect of the change on requests for statements of reasons. The change to standing is understood as being the vehicle for achieving the result. Ms Horodny's proposal accurately reproduces an opinion offered a few months ago in a letter to me by David Mossop, then of the Environmental Defender's Office. I have to indicate that I disagree with him, and my advice indicates that there is some inaccuracy in some of what is in that letter by Mr Mossop.

Section 276 of the Land Act is amended to provide for appeals by any person who objected, or would have but was unable to - and that is a drafting anomaly, of course, which we are coming back to amend in this Bill and which we support - and whose rights are substantially and adversely affected by the decision. The intention is to eliminate applications review by individuals who merely disagree with the decision or whose objection is not taken up by an organisation. They would have standing under the AAT Act, which provides that an organisation has standing if the decision relates to a matter included in its objects. That is a different set of criteria. Formal discussions with the AAT, I think, indicate that applicants would probably not face a much higher standing test; but the president indicated that this requires consideration. I might just say that the Stein report recommended that only adjoining lessees and occupiers or accredited local residents associations who have lodged objections should have third-party appeal rights. The amended Land Act allows broader access to review, providing that there is an interest which is substantially and adversely affected.

I have indicated that there are three amendments to the legislation which have been circulated in my name. I will explain those when we come to the detail stage. Mr Speaker, I will deal in more detail with the specific provisions that Ms Horodny's legislation gives rise to. I will indicate that certainly the provisions in clause 4 of her Bill will be supported by the Government.

MS McRAE (8.41): Mr Speaker, I want to move: That the debate be adjourned. But first I seek leave to make a brief explanation.

Leave granted.

MS McRAE: The matter before us was the subject of a round table discussion quite some months ago. My advice at that point was exactly as Mr Humphries has outlined. I have no reason to question what Mr Humphries has put before us today, except that I have had no opportunity to go back to the round table and understand both the

ramifications of what Mr Humphries has brought before us and the ramifications of the amendments that are coming. I seek to adjourn the debate - not because I want to put the debate off forever, but because I would like to have the opportunity to go back to that round table forum and understand the implications of what I am getting into. I think I understand; but I need further explanation. So, with that explanation having been made, I seek to have the debate adjourned and the debate brought on at a later date, in agreement with the parties concerned.

Mr Humphries: Do you mean next week?

MS McRAE: Or tomorrow. At a later date - either tomorrow or next week - in agreement with Mr Humphries and Ms Horodny, since it is Ms Horodny's Bill. In no way do I want to cut out Ms Horodny's Bill or not get into the debate; I simply want an opportunity to have this round table again. So, I move:

> That the debate be adjourned.

MR MOORE (8.42): I seek leave to make a statement on the same matter.

Leave granted.

MR MOORE: Mr Speaker, I do not resist what Ms McRae has proposed. Normally, I would be very comfortable about that notion. In fact, we have demonstrated very clearly on many occasions that we have been prepared to do that. The difficulty is that I look at the items of private members business that I hope to get up next week - - -

Ms McRae: I did say "tomorrow".

MR MOORE: I am getting to that. I look at the items of legislation that were tabled today. Six or seven of them, which are not particularly complex, members may wish to deal with in private members business next week. So, I doubt that there will be time to handle this then, whereas we do have time tonight. That is the first point.

The second point I would like to make is that, if the Government is prepared to bring this back on in Executive business time - and believes that there is some way of doing it - and if Ms Horodny is in agreement, then I would be in agreement. Otherwise, I would have to say that I would be prepared to support debating it tonight. Personally, I am ready to debate it. I support it. I am happy for it to go through. I have looked at the amendments that Mr Humphries has drawn up. I am comfortable with those. That is my view; but, if Ms Horodny is comfortable about having it adjourned, I do not mind.

Question resolved in the affirmative.

GAMING MACHINE (AMENDMENT) BILL 1997

[COGNATE BILL AND MOTIONS:

GAMING MACHINE (AMENDMENT) BILL 1996
GAMBLING INDUSTRY - BOARD OF INQUIRY
GAMBLING INDUSTRY - SOCIAL AND ECONOMIC IMPACT STUDY]

Debate resumed from 19 February 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Gaming Machine (Amendment) Bill 1996 and the motions relating to the proposed board of inquiry into the gambling industry and the proposed social and economic impact study of the gambling industry? There being no objection, that course will be followed. I remind members that in debating order of the day No. 5 they may also address their remarks to orders of the day Nos 6, 7 and 8.

MRS CARNELL (Chief Minister and Treasurer) (8.45): Mr Speaker, it is always a challenge to debate four items cognately; but, to attempt to make sure that on this debate we do not go on for quite as long as we did last night, I will try to summarise the views of the Liberal Party on all four issues. The first issue is Mr Moore's Bill, which basically takes the classes of poker machines out of the Act and which, in reality, allows some level of poker machines in hotels and taverns. The Liberal Party will not be supporting this legislation, as we have made quite clear in the whole term of this Government. At the beginning of this term, we made a commitment not to move club-style poker machines into hotels and taverns during this term of the Assembly. Mr Speaker, we stand by that commitment.

I do not believe that at any stage has this Government ever given the hotel or tavern licensees any expectation that we would move. In fact, I think we have indicated time and time again that a commitment is a commitment is a promise, Mr Speaker.

Mr Moore: Contrast that with the core promises of your colleagues.

MRS CARNELL: But we do not have core promises. We just have promises. I accept that some other colleagues are a bit interesting.

Mr Speaker, we do, however, recognise that these restrictions on poker machines need to be looked at. The reason they need to be looked at is that the national competition policy agreement requires all ACT legislation to be reviewed over the next 18 months or so. Some have already been done, Mr Speaker. The quite large number of pieces of legislation with regard to gambling will be reviewed, probably early next year, or at least in the first half of next year. This means that the review will consider current restrictions to determine whether they can be justified on the ground of public interest.

Mr Speaker, as members would be aware, the national competition policy agreement, which was signed by Rosemary Follett when she was Chief Minister, does require deregulation of all monopolies unless a demonstrated community benefit can be shown. All of these pieces of legislation will obviously need to stack up with that national competition policy approach. So, Mr Speaker, I believe and the Liberal Party believes that we should allow that review next year to determine where we go in the future. The fact is that we actually do not have a choice, because we are required to go down this path. So, that is what will happen from a Government perspective. I have to say that this is one of the few issues on which it probably will not make much difference which party is in power, because it is a legislative requirement.

Mr Speaker, we will be supporting Ms Tucker's Bill. Her Bill, I think, is sensible, in that it requires the introduction of notices to be placed on gaming machines and at the entrance to gaming areas, warning of the effects of gambling and providing contact numbers for support agencies. I think we would all accept that for some people there are social problems associated with gambling. I have to say that, for the vast percentage of people, gambling is just something that is good fun occasionally. But, obviously, there are people that do have problems in this area.

Ms Tucker's other measures will provide that licensees may not allow the provision of cash from automatic teller machines, EFTPOS facilities or other facilities for gaining cash or credit within the gaming area, or be allowed to offer or extend money or credit to a person for the purpose of playing gaming machines. Again, Mr Speaker, we think this is a sensible approach. When it comes to gambling, we must make sure that safeguards are in place for the people who do have a problem with gambling as well as for people who treat gambling sensibly.

With regard to the two reviews, I think everyone would have to agree that there is not much point in passing either motion for review, taking into account that this Assembly has 1½ weeks of sitting time to run and the Government goes into caretaker mode on, I think, 16 January. So, there is no way that either of these inquiries could actually happen. Mr Speaker, I am suggesting that, as we already do have to have a review under national competition policy next year - which has to look at such things as deregulation, numbers of poker machines and community benefit - at that stage it would be possible and sensible to expand that inquiry to potentially look at such things as social impact. Maybe the appropriate way to go is to suggest that our public servants in this area spend the next couple of months, before a new Assembly comes in, getting together all of the information that has been already gleaned in other States.

Mr Speaker, you would find that there is an absolute plethora of recent studies that have been conducted in Australian States which the ACT could draw on to make informed decisions on future ACT gaming policy. There have been gambling social impact studies, economic effect studies, studies on the assistance that people need for gambling problems, studies on how gambling affects donations to charities, community attitude surveys and surveys of the impact on small business. That is just the start, Mr Speaker. The list goes on. I think that one of the things the ACT has to learn to do is to not reinvent the wheel. If work has been done in this area, it would seem to me to be a good idea to use it.

Mr Speaker, there has also been a Northern Territory parliamentary select committee inquiry into the effects of poker machines on the community. The Victorian Government is about to release its report on a program of gambling research that involves the effects on retail outlets; the incidence of problem gambling, including the socioeconomic distribution of problem gamblers and community gambling patterns; a survey of participation levels in various forms of gambling; and also gambler profiles. Again, the list goes on. So, there is a lot of information out there. I suggest that the best way to go from here would be to ask our public servants to pull all of this information together, to also pull together the ACT demographics, the information that we have, and allow a new Assembly to determine the way forward from there, taking into account that the ACT does have a requirement to go down the path of a national competition policy review of gambling legislation.

Mr Speaker, in a nutshell, we will not support Mr Moore's Bill; we will support Ms Tucker's Bill; and we will not support either of the inquiries at this stage. But I hope that I have spelt out an approach that will make sure that all of the information is at the disposal of a new Assembly and also an inquiry that is set up to look at this whole, very difficult issue. I do not think there is any doubt that the clubs in the ACT do perform a vital function in many areas. I believe very strongly that our hotels and taverns do a good job as well. Mr Speaker, I do not think this is about who does the best job here. It is about community benefit, community impact and what is best for the whole Canberra society, not just for one group or one interest group versus another. This will be a challenge for a new Assembly. It is a decision that really has to be made; but it must be made based upon fact, based upon national competition policy and based upon what is best for Canberrans.

MR WHITECROSS (8.54): Mr Speaker, I rise to speak in this debate on behalf of my colleague Mr Berry, who is unfortunately unable to be with us tonight to represent the Labor Party in relation to this matter. Mr Speaker, we are conducting a cognate debate here in relation to four matters of private members business in relation to gaming. These matters have been on the notice paper for some time. Perhaps the number of items on the notice paper has just multiplied in the course of time as the debate in relation to gaming machines has developed.

Mr Speaker, back in April, when the last round of activity in relation to gaming occurred, the Labor Party indicated the position that we were going to adopt in respect of this matter. That position was that we believed that, before legislation currently before the Assembly to extend the availability of poker machines to hotels and taverns was passed, there should be a social and economic impact study commissioned and reviewed before consideration of further extensions. I put a motion on the notice paper to that effect. We also indicated that we believed that, in an attempt to lower the incidence of gambling-associated problems, licensed clubs in the ACT should adopt a self-regulating code of conduct and that any delay in doing so should result in enforcement through legislation. We also said that there ought to be a greater funding commitment by the ACT Government and licensed clubs to gambling support services to address clear service shortfalls.

Mr Speaker, the first of those matters are the matters we are discussing tonight, and I will come back to them in a minute. The licensed clubs, of course, have since introduced a code of conduct in relation to their activities, which is designed to minimise the adverse effects of gambling and also to deal with notifying people of the availability of counselling services. I believe that they have also looked at the provision of assistance for gambling services. I am not sure whether the ACT Government has done so yet. So, I think some progress has been made in relation to the strategy which we announced back in April; but there is a significant distance to go in relation to this matter.

Most significantly, Mr Speaker, we still have made no progress in relation to a social and economic impact study of gaming in the ACT, which I think is a necessary backdrop against which we ought to be making any further decisions in relation to expanding the availability of gaming machines beyond the current distribution through licensed clubs. As I said, that proposal was put back in April. No progress has been made on it. I am interested to hear the Chief Minister now indicating that she accepts the need to do this, that she is going to get her bureaucrats to start some work on it, and that it ought to be a matter for the next Assembly.

It is perhaps disappointing to people on all sides of this argument that more work could not have been done in the intervening eight months since we first proposed this, which could have advanced this matter a bit further before today. Perhaps we would be in a better position to make judgments now than we are. But, Mr Speaker, I am heartened to hear that the Chief Minister is at least accepting the need to move in that direction in the life of the next Assembly and is willing to provide some resources within her department to collect some of the initial information in relation to that matter.

In relation to the two motions relating to studies, Mr Speaker, the Labor Party has always had a concern about the proposal to use a board of inquiry under the Inquiries Act as the mechanism for conducting this study, as proposed by the Greens. There are certain aspects of what the Greens have proposed which we think have merit. We have proposed an emphasis on the social and economic impact, which the Greens have been happy to adopt and incorporate into their motion. But there are other elements of their proposal which go beyond what we think needs to be done.

Most importantly, our concern with using an inquiry under the Inquiries Act is that it seems to us that an inquiry under the Inquiries Act ought to be reserved for occasions on which there is the power of compulsion to give evidence and the necessity for taking evidence under oath or in a privileged situation. In the kind of investigation that we have proposed, we believe that an inquiry under the Inquiries Act is way over the top and a very expensive way of gathering the information which we believe the community needs in order to make more informed decisions. So, Mr Speaker, the Labor Party, instead, proposed an independent study - someone commissioned by the Government to conduct the study, at arm's length from the Government - which would be available to members in this house and the community in relation to these matters.

Mr Speaker, you have only to look at the growing discussion from other parts of Australia about the impact of the reckless expansion of gambling opportunities to know that this is an issue which we ought to consider with care. In Victoria, where you can play the poker machines at a shopfront at your local shopping centre, there are very strong complaints about the social and economic impacts of gaming, the impacts on other businesses and the very pervasive social problems associated with the rapid expansion of gaming in Victoria. While, clearly, there are people who have problems with gambling in the ACT, through both gaming machines and other forms of gambling, we certainly have not experienced in the ACT the kinds of problems that have been reported from Victoria.

If we are to continue to have a record in the ACT of not having significant social and economic problems associated with gambling, we need to make sure that we move with caution and in an informed manner. That is why we proposed the course we did. For that reason, Mr Speaker, we will be opposing Mr Moore's Bill. We believe that Mr Moore's Bill, which effectively means that every tavern in town can have two poker machines, is the wrong way to go, and in particular it is the wrong way to go in advance of this kind of study to consider the implications of that decision. So, the Labor Party will be opposing Mr Moore's Bill.

The Labor Party will not be opposing Ms Tucker's legislation. I have to say, Mr Speaker, that in many respects Ms Tucker's legislation is redundant. Most of the things contained in Ms Tucker's legislation have since been taken up in the voluntary code of conduct which the licensed clubs have adopted. Therefore, it adds little to what has already been done. For that reason, we will not be opposing it; but rather I question the need for it. It is ironic that the Government is happy to legislate to add extra laws to the statute book in relation to this matter, when only the other day the Chief Minister was claiming some glory as being the scourge of red tape and for reducing red tape.

Here we are, introducing statutory provisions to regulate activities which, on the face of it, seem to be being handled quite well without regulation, Mr Speaker. But, having said that, we certainly will not be opposing them. However, I am not taking anything away from Ms Tucker in introducing this legislation in the first place. Certainly, when Ms Tucker introduced the legislation, the voluntary code was not in place, and some people were certainly growing a bit impatient about the pace at which the voluntary code was being developed. Perhaps Ms Tucker's introducing this Bill contributed in some small way to encouraging the finalisation of a voluntary code. That objective having been achieved, perhaps it did not need to be brought forward today. But, as I said, if it does little good, it certainly also does little harm.

Mr Speaker, as I have indicated, the Labor Party does not support a board of inquiry as a process for reviewing gaming and, in particular, reviewing the social and economic impacts of gaming. We think it is an excessive way of doing things. However, we do believe that a study is required. That is why we proposed the motion which is on the notice paper and on the daily program in my name. Mr Speaker, the Labor Party thinks that these issues are important. It is important that, before the end of this Assembly, we try to bring to finality some of the matters which have been on the notice paper for the last six or 12 months. But we believe that there is a lot more work to be done, and perhaps we would be much more advanced in that work if some of the issues that were raised back in April had been addressed in the intervening eight months.

MS TUCKER (9.05): Let me say "thank you" to those members who are prepared to support our legislation. It is a bit of a surprise, actually. To Mr Whitecross I would just like to say that, of course, I acknowledge that a voluntary code has been put in place. I was interested to hear him say that it has already been done. I was concerned about the voluntary code because no evaluative mechanisms have actually been written into the voluntary code or communicated to me by the Government. I do not know whether Mr Whitecross has done his own evaluation and that is how he knows that these measures have been taken up by all the clubs or venues with machines. Maybe he would like to let me know about that. My concern was that, as there were no evaluative mechanisms in place, it was going to be hard to determine whether or not a voluntary code was adequate.

I will not go into a great deal of detail about all the concerns that we have expressed several times in this place. Obviously, the main reason why we put forward the legislation and the motion is that we are concerned about the increasing reliance of governments of all persuasions on the gambling dollar revenue; the out-of-control growth of the industry; the growth of problem gambling, which, in the ACT, is primarily associated with poker machines; the lack of funding for education and prevention programs; and the inadequate funding for counselling and community support services.

Mr Speaker, gambling is a major and rapidly growing industry. Governments all over Australia are increasingly depending on it for revenue. It is much easier than raising taxes. Governments believe that it is acceptable to the community to increase revenue in this way, and so they continue to support the gambling industry. But there is now a growing concern in the community that the gambling industry is out of control; that governments are not acting responsibly; that politicians are more interested in the money and power of the gambling industry than in the downside; and that society is paying an increasingly high price for this particular activity. The responses to this issue of both Labor and Liberal in the ACT could lead to some cynicism of this nature.

Canberrans spend approximately $800 a person a year on gambling, which is the highest rate in Australia, and poker machines are responsible for the vast majority of gambling expenditure. In 1996-97, the Licensed Clubs Association annual report was showing that poker machines have increased in number from 1,891 in 1986-87 to 3,914 in 1996-97, with a turnover of over $1 billion. The return to clubs was $119m.

I was very interested to hear Mr Whitecross talk about the reckless expansion of gambling. He was actually referring to the proposal to increase access by giving taverns the ability to upgrade their technology. I assume that he was talking about the casino as well. If Mr Whitecross is really concerned about the reckless expansion, I think we need to look at it in the context of the figures. I have just explained that there are over 3,900 poker machines in the ACT. We are talking about 130 that are being proposed. So, the reckless expansion has occurred within the clubs from 1986-87 to 1996-97.

What I am proposing, and I can do this if you will support it - I was just suggesting it to Mr Moore, and he is interested in it - is that we actually put a moratorium on increasing the number of poker machines in the ACT until we have this inquiry which everyone seems to be vaguely interested in. I am happy to draft that for the next sitting week, if Labor would like to support it. So, you can think about that.

There has been a degree of expansion, as shown by those figures, between 1986-87 and 1996-97. We do indeed depend on gambling for about 11 per cent of our revenue. That is a lot of money. It is about $50m, for which we are depending on gambling. More than half of that comes from poker machines. We fund specific gambling support services to the tune of only about $100,000. That does give an indication of the scale of the industry. Nationally, poker machines account for well over half of the gambling revenue of $60 billion a year.

Mr Speaker, all of the help-providing agencies in Canberra are reporting large increases in the numbers of people seeking help with gambling-related problems. Lifeline told us that over 80 per cent of the clients of its gambling counselling service were having problems related to poker machines in particular and that the larger proportion were low-income earners. The Salvation Army reported a big increase in the need for emergency assistance related to problem gambling, and the impression from case histories is that there is now an increase in single mothers under financial stress experiencing problems related to gambling.

Once again, I will outline for the record that our legislation says that cash facilities should not be available in gaming rooms; that there should be labels which are clearly visible and which will give people contact numbers for assistance if they feel that their gambling is getting out of control; and also that there should not be credit extended to players by the licensee or the licensee's employees. So, I do again thank members for their support for that.

On the question of the inquiry, I understand that Mrs Carnell and Mr Whitecross are not happy with an inquiry under the Inquiries Act. I am quite open to discussion on whether that is appropriate. Obviously, it has to be an inquiry that has nothing to do with the Assembly, because it is a rather political issue; but I am quite open to looking at how else an inquiry that was independent could be carried out in the next Assembly. I would want to see a full inquiry, similar to the one that we have outlined in our motion.

The ALP's social and economic impact assessment is really not adequate. We want to go further than that. We want to look at the creation of an authority to regulate future growth and conduct in the industry; provision for ongoing funding for research, expanded education and prevention, counselling and community support services; limits on the number of gaming machine licences - although we might do that next week, with Labor's support, because they are so worried about the reckless expansion of gambling - and the number of gaming machines; and consideration of the extension of gaming machine licences to hotels and the casino. The inquiry we are proposing would cover all the issues Mr Whitecross purports to be concerned about, but would carry a lot more power and weight than the impact assessment that he has proposed.

I am pleased that there is a growing interest in the issue in the Assembly and that we seem to be coming to something vaguely like consensus in some of the areas of concern at least. So, I hope that in the next Assembly we will be able to progress this work and that next week we will be able to put in a moratorium.

MR MOORE (9.13), in reply: Mr Speaker, I will begin by addressing my own Bill. I thank members for their comments and for taking the trouble to look through the Bill. I am very disappointed with their failure to justify their actions, I must say, because my Bill represents a very minor change to the law under which gaming machines are allowed in hotels and taverns. It merely removes technology discrimination. It merely changes the type of gaming machine that is allowed in those areas. It does not change the numbers, just the types.

The Bill moves towards a fair trading position, required by competition policy. It seems to me, Mr Speaker, that those who oppose this legislation are clearly opposing competition policy. So, one has to ask: Why would that be the case? Quite clearly, the Liberals are great advocates of competition policy. We hear them in here again and again talking about how important it is to ensure that we have appropriate competition. Labor members also have been advocates of competition policy. In fact, it was Rosemary Follett who signed our agreements on competition policy - as, indeed, did the current Chief Minister. So, I believe that both parties are committed to competition policy, and I see huge benefits in competition policy.

Mr Whitecross: What does the competition policy agreement say about this, Michael?

MR MOORE: There is no question that there is a public interest exemption in terms of competition policy. But it has not been demonstrated.

Mr Whitecross: It says that we have to have a review.

MR MOORE: Mr Whitecross interjects about a review, and I will get to that in due course.

Mr Whitecross: By 1999.

MR MOORE: Not by 1999. Before I deal with that, I would just like to talk about the conflicts of interest of members voting on this Bill. They are now clearly apparent. Mr Osborne revealed a personal interest in an income related to the regulatory arrangement which my Bill would alter, and he has therefore determined that he will not participate in the debate or vote on the Bill. Labor members also derive party funds, which aid their re-election - indeed, Mr Speaker, I have spoken on this issue in this chamber quite a number of times already - through a source which benefits from the current regulatory regime. It quite clearly does, Mr Speaker. As raised in question time, as revealed by the political funding disclosures under the Electoral Act, the Liberal Party members must also be asking questions about the influences which shape their policy of protecting the current unfair regulatory arrangements.

Mr Speaker, that brings me to the Licensed Clubs Association's donations to both the Labor Party and the Liberal Party, which I think are important when dealing with questions of principle. When a business, a person or a group donates to a party because it believes that that party in government will suit where it stands, I can understand that.

Whilst there are some questions in my mind about whether that is the best system that we can operate, I can understand that kind of donation and I can understand why people do that. They believe that their interests and the interests of the sector of the community they represent or they are interested in are best represented by that particular party. But when a group donates to two separate parties, both seeking government, then we have to ask ourselves: What are they trying to achieve? Clearly, what they are trying to achieve is some kind of political influence. If that is what they are trying to achieve, then there is carried within that the notion of a bribe. Mr Speaker, I am not suggesting that the party accepting it - - -

Ms McRae: Mr Speaker, on a point of order: I do not ask you to rule straightaway; but I do ask you to consider this very profoundly. My motives are being impugned at the moment, I believe. What I am asking you to rule on is: Are my motives being impugned or not? The donations to my party are made in an open way. They are clearly accountable under the Electoral Act. I derive no personal benefit from them. I do nothing in this house according to the wishes of any directors of clubs or associations that donate money. Having said that, let me say that in what Mr Moore is saying there is an imputation that there is a clear connection between what is given to my party, or to the Liberal Party, by the clubs and our policies, and therefore it is a bribe. As I say, I do not seek to stop Mr Moore right now; but I ask you to consider that question profoundly and come back with a ruling on it, because I do believe that it does carry very nasty overtones about my particular motives, which I seek to not have impugned in such a way.

MR SPEAKER: I would be happy to consider it - unless, of course, Mr Moore wishes to make it clear that he is not impugning anybody in this chamber.

MR MOORE: I do not wish to make that clear, Mr Speaker. It seems to me that there is a clear conflict of interest that people in here have in voting on this. Mr Osborne has recognised it. I think it is a clear conflict of interest - - -

MR SPEAKER: In which case, to answer your question, Ms McRae, I will consider it. Continue, Mr Moore.

MR MOORE: I must say, Mr Speaker, that the direction - - -

Ms McRae: Mr Speaker, on another point of order: Mr Moore has now notched it up a step further. He says that, unlike Mr Osborne, I do have a clear conflict of interest. Unlike Mr Osborne, I do not receive any personal income from the clubs. There is a clear difference - - -

MR MOORE: I recognise that.

Ms McRae: I have heard Mr Moore now interject that he recognises that. Could you ask him to simply withdraw the imputation that I am like Mr Osborne and receive money, and therefore have a conflict of interest? I leave the other, broader question in your hands.

MR MOORE: Mr Speaker, maybe I will just attempt to clarify it. There is clearly a difference between Mr Osborne on the one hand and Ms McRae or other individual members of the Labor Party on the other hand. There is no doubt in my mind that these members do not, personally, receive money from poker machines; nor do I intend to imply that they do. I hope that that clarifies what Ms McRae is concerned about.

However, I would like to go further - and this may cause some anguish for Ms McRae - and say that what does happen is that the money that goes to the party is used for the re-election of members and as such, as I see it, has an influence on the way members think. I believe that there is a public perception that it has an influence on the way members think on these issues. The party of which they are members receives not quite $1m, but in the order of $1m over the three-year period. As far as I am concerned, there is clearly a relationship between the way people think on this particular issue and this particular source of income.

I do not want to make an individual imputation. Mr Speaker, I withdraw any imputation against any individual member in terms of personally taking money or a bribe. I certainly did not mean it in that way. What I do mean to say, though, is that the intention of the Licensed Clubs Association in giving a donation to both the Labor Party and the Liberal Party has to be questioned. I, for the life of me, cannot see any other way to interpret it. I would say that the people of Canberra should look at it and ask: Why would an association of any kind donate to both major parties?

That is the thing that concerns me, as well as the question that members of the Labor Party generally - not just elected members - should be asking themselves: Does the money they are receiving from this source of poker machines, which is close enough to $1m over a three-year period, influence the way they vote? If, indeed, there is an attempt to change the regulations or to change the process by which the gaming is done, then the public perception would be that there would be a tendency for them to attempt to protect their nest egg.

Mr Speaker, it seems to me that the passage of my Bill would, indeed, provide some small comfort, and only small comfort, to some struggling small businesses - some taverns - in town. The major parties, especially the Liberal Party, profess to be supporters of small business and jobs in Canberra. Earlier this week, the Chief Minister stood in front of the television cameras and said, "I could not turn my back on 200 jobs". Chief Minister, how many jobs are there in taverns in this town, and how many of those jobs are at risk? Indeed, if the failure to pass my Bill this evening leads to the closure of even one business with the loss of half-a-dozen jobs, or to the ruin of just one family's financial wellbeing, then those who opposed this Bill really ought to question why they opposed this piece of legislation.

Mr Speaker, we heard arguments about an increase in the number of poker machines. I must say, to be fair to Mr Whitecross, that later, in an interjection, he talked about the increase in venues. But let us have a look at what has happened to poker machines since Labor came to government. In the year 1992-93 there were about 3,000 poker machines in clubs in Canberra. In 1993-94, that had increased to 3,250, roughly. By 1994-95 there were about 3,600; by 1995-96, about 3,860; and by 1996-97, over 4,000. In other words,

in the period from 1992-93 to 1996-97 there was an increase of some 1,000 poker machines. What does my Bill do to increase the number of poker machines? It does nothing. It does not increase the number of poker machines. It just changes their types.

It is reasonable, in one sense, to say that it will increase the number of poker machines with which people are prepared to gamble - in the normal sense in which we use the word "gamble". From that point of view, there would be an increase in poker machines by up to 120. That is much less than if we allow the current regime to continue; if we allow the licensed clubs to retain the monopoly, against competition policy, on these poker machines. So, why are we allowing them to maintain this monopoly? There has never been a decent argument put here. Is it because they make some contribution to the community? Nobody can deny that. There are some fantastic contributions that licensed clubs make to the community, not only in direct donations but also in providing healthier lifestyles for a number of people - which includes being able to go out, to enjoy cheaper meals, to be involved in sport, and a whole series of things. Nobody denies that. It is something that we should appropriately recognise.

The question in my mind is: But, if we were taxing them at a normal level beyond the 22.5 or 23.5 per cent on gaming machines, if we were taxing them in the way we tax normal businesses, would we have that much more money in the broad community coffers in order to be able to achieve many of the same goals and still have more money as well? I think they are important questions that need to be answered.

Mr Speaker, it is quite clear that I am not going to have support for this legislation. But next year, in a new Assembly, I hope that the Assembly will be able to handle a comprehensive review of the law on social policy surrounding gaming machine licensing. I heard the commitments that the current Chief Minister made to that. I will be prepared to support that kind of review in the next Assembly. But it should be combined with a series of other things as well. Mr Speaker, I think that it is time to reform the policy on gaming machines. We need reform, for a series of reasons. The current regime does not allow adequate control by the community over the number of gaming machines in operation. The current regime discriminates in favour of some operators against others, in contravention of national competition policy requirements. The discrimination against some kinds of businesses puts a large number of jobs at risk - jobs, Mr Speaker; jobs, Chief Minister; jobs.

The current regime is a product of, and perpetuates, an undesirable process of interest group lobbying and non-transparent agreements between lobby groups and political parties. The current regime does not oblige gaming machine operators to contribute to addressing the social costs and public expenses resulting from gambling. The current taxation regime for gaming machines is sacrificing available opportunities for public revenue and is missing opportunities for scaled taxation rates to give incentives for the revenue from gaming machines to be directed to charitable activities.

Mr Speaker, it is quite clear from an answer at question time today by the Chief Minister that, if we were to align our revenue raising on gaming machines with that of New South Wales, we would be in a position to be able to raise revenue of an extra $4m or so. *(Extension of time granted)* To prepare the way for reforms such as these, an inquiry -

I still believe, appropriately, under the Inquiries Act; but it could be otherwise - should prepare a comprehensive report on the state of gambling in the ACT. The two proposed inquiries - Mr Whitecross's inquiry and Ms Tucker's inquiry - should be combined. I think there are very positive features in the two of them. I think they can easily be combined. There is some overlap. That would ensure a very wide-ranging inquiry.

It seems to me, Mr Speaker, that all gaming machine licences ought to include a condition requiring one per cent of gambling turnover to be levied for a gambling redress fund, to apply to adverse social effects and expenses on the public purse arising out of the operation of gambling in the community. I think research into gambling counselling and crisis service related activities could also be funded in this way. Mr Speaker, I believe that an application of a regime like this to clubs ought not to be sudden, because it would clearly be an extra burden; but it could be levied gradually, to ensure that we do not put any business or any job at risk.

Mr Speaker, it seems to me that we should also look at fair trading. I am disappointed that the Minister for Fair Trading is not here at the moment; but I am sure that he is listening in his office. The Assembly should enact legislative change to remove discrimination amongst business organisations which may operate gaming machines. My legislation, of course, is designed to do that. It seems to me, Mr Speaker, that licensees should pay an administrative fee and other fees as well. We should also see transparency in the use of gaming profits. I think that, at the moment, clubs often subsidise other activities with gaming profits. Whilst on many occasions that is done in a socially responsible way - and I have described some of those - there are cases that I am aware of where that is not so.

Mr Speaker, finally, I would like to say that I am an advocate of ensuring that our taxation regime is at least equivalent to that of New South Wales. The extra revenue that we get there can be used in very sensible ways. I will add that to my list of revenue measures that I believe are entirely appropriate, along with the bed tax, of which I am an advocate. The two combined will give approximately $10m. Only today the Chief Minister was talking about a $150m operating loss. Ten million dollars off that operating loss is yet another step to improving our financial outcomes in this Territory.

I must say, Mr Speaker, that my preference would be to use the money for what I consider to be some worthwhile issues, such as education and health. These are complex issues. I believe that there are some issues that members, particularly members of parties, have to be very careful of, in the way they consider these particular issues. It raises a Pandora's box of questions about how we, as a community, fund election campaigns and how we fund political parties. Mr Speaker, I commend the legislation.

MR WHITECROSS (9.33): Mr Speaker, before I start, can you clarify whether Mr Moore has just closed the debate, given that this is his Bill.

MR SPEAKER: Yes. It is a cognate debate, but we will be dealing with each one in turn, Mr Whitecross.

MR WHITECROSS: Yes, I understood that; but he has, effectively, closed the debate for the moment. Mr Speaker, I seek leave to make a statement just to deal with the conflict of interest issues.

Leave granted.

MR WHITECROSS: Mr Speaker, I thank the house for its indulgence. I felt that it was appropriate for me to rise again just to deal with the conflict of interest issues which Mr Moore raised in his right of reply but which I did not address in my earlier remarks. To put the Labor Party's position in relation to this matter on the record, the Labor Party certainly supports the kind of approach that has been taken by Mr Osborne in relation to a direct personal benefit gained through poker machines and his decision that that direct personal benefit meant that he should be excluded from the debate. The Labor Party have no argument with that.

However, we do disagree with the argument that the kind of very indirect benefit that Labor members receive because of donations to the Labor Party should exclude members of the Labor Party in this place from voting in relation to this or other legislation affecting gaming machines, affecting licensed clubs, or affecting the interests of any of the other people who have made donations to the party. I have argued in this place before that, given the current electoral funding laws, this Assembly would be simply unworkable if we adopted the principle that members of this place could not vote on matters which related to the interests of anybody who donated to the respective political parties.

That is a problem, not just for members on this side, but also for other members of this place. It may not be a problem for Mr Moore, although I will return to that in a minute; but it is certainly a problem for most members of this place. I accept that Mr Moore has put some arguments today and in the past about this matter and about the size of donations; but Mr Moore, in his argument today, certainly made reference to donations of $12,000 made to the Labor Party and the Liberal Party by the Licensed Clubs Association. I think it would, as I say, render the political system fairly unworkable, given that donations to political parties are allowed, if we were to exclude ourselves from votes on any matter in respect of which we had received donations.

Mr Speaker, having said that, the public interest is protected to a significant extent by the fact that these interests are publicly declared. They are not under the table. Everybody knows about them, and in due course we will be judged by the electorate as to whether people feel that we have advanced the interests of the community and our voters or we have advanced other sectional interests at the expense of the interests of the community and our voters. I am confident that our voters will judge that we have acted in the interests of Labor voters and of the community as a whole.

I also say in relation to this matter that I find it ironic that the argument is continually put that, somehow or other, donations that have been received by the Labor Party have influenced our policy in relation to this matter, when in the past, and even now, our policy in relation to these issues has been different from that of the Licensed Clubs Association.

Mrs Carnell pointed out only yesterday that the president of the Canberra Labor Club has a different view from members of this place in relation to gaming machine policy. While the situation exists that the president of the Labor Club can have a different opinion from us and that the Licensed Clubs Association can have a different opinion from us, it seems to me to be stretching the argument to suggest that in some way we are beholden to these groups. We will continue to judge issues according to what we believe the public interest to be. In our conduct, from the beginning of the year when these issues first emerged on the agenda in their current form, we have certainly been trying to craft policies which we believe are in the public interest.

In closing, let me just say that Mr Moore, while he was talking about possible conflicts of interests, certainly did not remind members of this place, although he has said it in this place in the past, that the Australian Hotels Association drafted the legislation for him and paid for it for him. I am not suggesting that Mr Moore got a direct personal benefit from that, by any stretch of the imagination; but that must have been of some benefit to Mr Moore. Mr Speaker, it is perhaps disappointing that, in mentioning conflicts of interest - - -

Mrs Carnell: I take a point of order, Mr Speaker. I think that Mr Whitecross should withdraw any imputation against Mr Moore.

MR WHITECROSS: Mr Speaker, I do not see why I should have to withdraw it when I made it quite clear that I was not making any imputation.

Mr Moore: It is all right. You have just got it wrong; that is all.

MR WHITECROSS: I am just relying on the words here, which say:

> The legislation that I tabled only a few minutes ago, the Gaming Machine (Amendment) Bill, was privately drafted. The Australian Hotels Association, knowing that the legislation would benefit their members, offered to have that professionally drafted for me. I accepted that.

That is what Mr Moore said in February this year. Mr Speaker, as I said, I am not imputing motives to him in any way, shape or form; but I am saying that, according to Mr Moore, he did receive from the Australian Hotels Association assistance in the form of drafting of the Bill. He has certainly been someone who is identified as having common interests with the Australian Hotels Association, in that they share a lot of common policy objectives. I think that, while Mr Moore has made comments in relation to other members and their potential conflicts of interests, it is disappointing that in his remarks he did not remind us again of his involvement with the Australian Hotels Association in relation to the Gaming Machine (Amendment) Bill.

MR MOORE: Mr Speaker, under standing order 47, I seek to explain where I have been misunderstood.

MR SPEAKER: Permission is granted.

MR MOORE: Thank you, Mr Speaker. I do not seek to debate the matter that Mr Whitecross raises. Where a submission is made to a committee, there is no binding of the committee to the person who has made the submission. In the same way, the Licensed Clubs Association made a submission to me in the form of draft legislation on which they worked with Parliamentary Counsel. I had not made this clear in introducing the legislation, and I have to do that. In fact, in the end it was Parliamentary Counsel - - -

Mr Whitecross: The Licensed Clubs Association or the Hotels Association?

MR MOORE: I apologise; the Australian Hotels Association. They did have a role, as I said in that introductory speech, in preparing the legislation; but in the same way as a submission is put to any member. As far as that goes, I see no conflict of interest whatsoever.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 1	*NOES, 14*	
Mr Moore	Mrs Carnell	Mr Stefaniak
	Mr Corbell	Ms Tucker
	Mr Cornwell	Mr Whitecross
	Mr Hird	Mr Wood
	Ms Horodny	
	Mr Humphries	
	Mr Kaine	
	Mrs Littlewood	
	Ms McRae	
	Ms Reilly	

Question so resolved in the negative.

GAMING MACHINE (AMENDMENT) BILL 1996

Debate resumed from 11 December 1996, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

GAMBLING INDUSTRY - BOARD OF INQUIRY

Debate resumed from 9 April 1997, on motion by **Ms Tucker**:

That this Assembly -

(1) calls on the Government to appoint a Board of Inquiry pursuant to the *Inquiries Act 1991* to inquire into the gambling industry in the ACT and in particular to review the industry and produce a comprehensive industry plan, having regard for the social and economic impacts of the industry. The issues to be examined will include:

(a) the creation of an Authority to regulate future growth and conduct in the industry;

(b) provision for ongoing funding for research, expanded education and prevention, counselling and community support services;

(c) limits on the number of gaming machine licences and the number of gaming machines; and

(d) consideration of extension of gaming machine licences to hotels and the casino; and

(2) is of the opinion that the Board should consult widely, taking care to consult with gambling consumers, organisations who assist problem gamblers, industry, and academics and experts in the field of gambling and problem gambling and could also take account of the approaches and experience of other jurisdictions.

Question resolved in the negative.

GAMBLING INDUSTRY - SOCIAL AND ECONOMIC IMPACT STUDY

Debate resumed from 9 April 1997, on motion by **Mr Whitecross**:

> That this Assembly calls on the Government to commission and fund a social and economic impact study of gambling in the ACT by an independent researcher. The issues to be examined are to include:
>
> (1) the current state of the gambling industry ie. the number of venues, the facilities and activities at the venues, links between location and patterns of gambling and the contribution of the gaming industry to Government revenue;
>
> (2) the social and economic profile of gamblers, eg. gender, age, ethnicity, income;
>
> (3) the incidence of people with addictive or excessive gambling problems;
>
> (4) the effects of gambling on household income, family breakdown, homelessness, emotional and financial problems, socially dysfunctional behaviour, suicide rates, vulnerable groups such as youth, unemployed, retired, non-English speaking background, and bankruptcy;
>
> (5) the adequacy of support services available for problem gamblers and related social and welfare services eg. financial counselling, the effectiveness of community awareness and educational programs relating to gambling, and community attitudes towards gambling;
>
> (6) the impact of gambling on other social and economic activities such as sport and other forms of entertainment, business and retail activities, employment (employment directly and indirectly related to the gaming industry), tourism, and recreational and leisure expenditure figures including and excluding gaming expenditure; and
>
> (7) the economic and social costs and benefits of an extension of gaming machines.

MR WHITECROSS (9.47), in reply: Mr Speaker, I will add only one thing to what I said earlier about this motion. There seems to be a sentiment that there was not time to have this inquiry now; so we should vote against it, but consider it in the future. I just want to put on record that the Labor Party does not accept that argument.

This motion calls on the Government to commission and fund a social and economic impact study of gambling in the ACT by an independent researcher. Mr Speaker, there is any number of inquiries which the Government has funded and has under way, even as we speak, in relation to a whole range of matters which they have commissioned and which are due to report after the next election. From the Labor Party's point of view, there is no reason why this should not be one more inquiry. The Labor Party does believe that we should be voting for this motion, because we do not see any obstacle to the inquiry being established now, even if it cannot report till after the end of the life of this Assembly and becomes a matter for the next government.

Question resolved in the negative.

ADJOURNMENT

ROCKS Area

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (9.48): I move:

> That the Assembly do now adjourn.

Mr Speaker, I wish to add briefly to a question that I answered today about the ROCKS in Civic, at section 21. The proposal is beginning to advance. My department has entered into a memorandum of understanding with the proponent, NDH Management, to provide for a public consultation process on the proposal before it comes to government. It is likely that public meetings involving stakeholders will be held in the next week. In due course, a report will be prepared for my consideration. I will be considering in the coming days the establishment of a public forum to deal with this proposal.

Disability Program - Tuggeranong Regional Office

MRS LITTLEWOOD (9.49): Mr Speaker, I am fully aware of the time, and I will be very brief. I seek your indulgence for a couple of minutes. At lunchtime today I had the pleasure of attending the open day at the Tuggeranong regional office of the disability program. The regional team there has just moved from Callam Offices to Tuggeranong, which I am delighted to see, for a number of reasons. One is that the office itself is a quite delightful area in which to work, and I know the staff there are very pleased with the move. Another is that in the Tuggeranong area there are, I understand, something like 140 or 150 people who use this service and there are about 15 houses. For these people it will mean easier access to the services it provides.

I shall just list the services that are available: Accommodation support; aids/equipment advice; behaviour intervention; client assessment; counselling; occupational therapy; physiotherapy; psychology; recreation; referral to other services; respite care; speech pathology; and social work. What could be described as the mission statement of that office is:

> We promote the interests of people who have a disability as contributing members of the community and promote their integration into the community.

I congratulate the office for the opening and the Government for facilitating that move. I wish both the staff of the office and the clients of the office well for the future.

Electoral Regulations

MR HUMPHRIES (Attorney-General) (9.50), in reply: Mr Speaker, I seek leave to table something. Earlier today I referred to electoral regulations which I had made and which I thought I had tabled but had not.

Leave granted.

MR HUMPHRIES: Mr Speaker, these regulations were gazetted last Friday, and I table them now.

Question resolved in the affirmative.

Assembly adjourned at 9.50 pm