



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 May 1998

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

PETITION

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

By **Mr Hird**, from 13 residents, requesting that the Assembly retain the 1992 legislation which bans circuses using exotic animals from performing in the ACT.

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

Circus Animals Legislation

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that we are totally opposed to the use of wild animals in circuses. We wish to see an end to this unnecessary suffering and therefore will not visit any circus which includes wild animal acts in its programmes.

Your petitioners therefore request the Assembly to: retain the 1992 legislation which bans circuses using exotic animals from performing within the ACT.

Petition received.

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DEATH OF MR ALEX FYFE

MR SPEAKER: Members, it is with deep regret that I inform the Assembly of the death of Mr Alex Fyfe, who recently retired as the Assembly's Principal Attendant. I would like to acknowledge the presence in the gallery of his wife, Erlie, his son, Alexander, and other members of the family.

MR WOOD: Mr Speaker, with sadness, I move:

That the Assembly expresses its deep regret at the death of the Assembly's former Principal Attendant, Alex Fyfe, and tenders its profound sympathy to his wife, Erlie, and children in their bereavement.

I move this motion also on behalf of all who work in this building, who knew, who liked and who respected Alex Fyfe. In this motion, we express our sadness at his death and our condolence to his family. Our thoughts are now on the written record of the Assembly as we say them directly to the family.

Before coming to this Assembly, Alex had long and honourable service with the Victoria Police, the Royal Papua and New Guinea Constabulary, the Commonwealth Police and the Australian Federal Police. His record was outstanding. In Victoria, he was awarded the chief commissioner's certificate for bravery and eight commendations for efficiency in police duties. He was awarded the Royal Papua and New Guinea Constabulary Valour Medal, which was presented to him by the then Governor-General - a most significant award.

Happily, for all of us in this building, he did not at any time have to display quite such conspicuous bravery in his duties here. He did effectively take control at the time of the most severe attack on the outside of this building. But what members do not perhaps know - and I did not until I was informed by officers in the building - is that there was also constant communication with law enforcement agencies about likely threats to the Assembly or those in this chamber. That was a most important aspect of Alex's work which he did generally unknown to us.

In this Assembly, members knew Alex to be a highly competent officer who performed all his duties well, probably better than we realised. All the duties in this building - including in this chamber - have been carried out with calm, easy efficiency. We have taken that for granted, but it does not just happen. There is good organisation behind it. That good organisation was Alex Fyfe. His attention to detail and his meticulous ways were qualities important in this job. Members knew Alex to be a real gentleman, conducting all matters with dignity, confidence and assurance, but with pleasantness. He worked in this place for seven years - seven years of dedicated service to the Assembly and, therefore, also to the people of Canberra. Members knew Alex to be serious about his work, as I have described; but he was, with it, a good friend for his work associates to relax with.

It is now a sadness for his family that they have been denied the time to relax in his company in his retirement; they now rely on their wonderful memories of their time with him. His faith, his devotion to them over a long period - all those good memories will now sustain them in the time of mourning. It is our hope, too, that our support and our condolences, expressed here today, offer further comfort to them. We all liked and respected Alex. We will all miss him.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I am sure that it was with great sadness that everybody here learnt of the recent death of Alex Fyfe. I think that sadness is more profound as members recall the last sitting of this Assembly when we all bade farewell to Alex and wished him a long and happy retirement. Sadly, Alex died suddenly only two weeks after leaving the service of the Assembly.

I rise here today to pay tribute to a man whose life was truly remarkable. He had a varied career from which he brought a rich tapestry of skills and life experience to seven exemplary years of service in the ACT Assembly. He was born in Glasgow. Alex was one of four children. He entered the work force at a young age. As a teenager, he took his first job as a steward on P&O liners. It was in this job that Alex came to Australia and decided to settle here. Alex must have been an enthusiastic advocate for Australia because, by 1952, his whole family had migrated to Melbourne.

We have heard from Mr Wood about Alex's wonderful service to the Victoria Police and, of course, to the Papua and New Guinea Constabulary as well. Alex also, I understand, owned a fairly large hotel in Monto in Queensland at one stage. In 1976 he returned to the police force when he joined the Australian Federal Police and moved to Canberra. He made an important contribution to our community, and I understand he was instrumental in establishing Neighbourhood Watch in the ACT.

Alex joined the Legislative Assembly in February 1991 and had been the Principal Attendant until his retirement at the last sitting. I am sure that everyone would agree, as Mr Wood has already said, that Alex did his job diligently and with great professionalism. He worked hard and achieved the smooth running and security in this place that happened without our even noticing it. That is, I think, the note of a true professional. He certainly managed to make this place a much better and more enjoyable place to work in.

He is survived by his wife, his children and his grandchildren. It is wonderful to see them here today, Mr Speaker. I am sure that all members will join with me in expressing our deep sympathy to Alex's family and friends and in acknowledging his remarkable life and his sterling service to the Legislative Assembly.

MR STEFANIAK (Minister for Education): Mr Speaker, I knew Alex Fyfe for many years. I first met him in 1982. I was honoured when his wife, Erlic, asked me to say a few words at the funeral yesterday. I first met Alex Fyfe in another capacity, when he was a member of the Australian Federal Police. In July 1982 he was posted to the AFP Legal Division as a senior sergeant. I worked with him on a regular, almost daily at times, basis when I was a prosecutor until he left that branch in March 1984 and moved on, as the Chief Minister has said, amongst other things, to form Neighbourhood Watch

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and to be instrumental in many community policing programs in the ACT. During the time I knew Alex in the police force he always struck me as a thoroughly decent, totally honest, totally dependable, most competent and very unflappable man. I valued his counsel and his advice at the times that I sought it. I found that I not only liked but also very much respected this most competent officer.

I was, therefore, delighted when Alex joined the Assembly as the Principal Attendant in February 1991. Most members spoke, when he left here two weeks ago hoping to enjoy a retirement that was sadly cut so terribly short, about how much he helped everyone in the Assembly and how much we all appreciated the work he did here. He brought the same qualities I have mentioned in his job as a police officer to his job as an attendant in this Assembly. Alex Fyfe was a man who cared about people and a man who did his job to the best of his ability.

Members so far have not mentioned some other aspects of Alex's life, and I think they are very important aspects. Alex also was a very brave and courageous man. Mr Speaker, you do not get a Police Valour Medal for nothing. Members have made reference to that, but I think it is worthy to put on the record the wording of the citation because it is a true testimonial of the courage of Alex Fyfe. The citation reads:

On Monday the 18th day of December 1967, whilst officer in charge of the Kerema Police Station in the Gulf District of Papua, Sub Inspector Fyfe was called to Sirivi Village No. 1 and informed that cries for help had been heard coming from the waters of Kerema Bay.

A storm was raging at the time. Heavy rain, driven by a strong wind, reduced visibility to no more than fifteen feet. The water in the bay was extremely rough with waves up to ten feet.

Sub Inspector Fyfe in company with Sub Inspector Sutton unhesitatingly commandeered a seventeen foot, flat-bottom punt, with a small outboard motor, and ventured into the bay, despite the fact that the local people were afraid to put to sea.

After approximately forty minutes of fruitless search in the open water to the south of the bay, Sub Inspectors Fyfe and Sutton were forced to return to the shore to bail the large amount of water taken on by the punt as a result of the heavy seas. Having tipped the water out they this time directed their search towards the west. At about 10.15 pm, by which time the wind had dropped appreciably, they came upon seven native women clinging to a capsized canoe. With the aid of a small torch the attention of a large native canoe was attracted and together the two vessels brought the women safely to shore.

Sub Inspectors Fyfe and Sutton displayed conspicuous bravery, initiative and devotion to duty in effecting this successful rescue at great personal risk.

In his earlier service with the Victoria Police, Alex Fyfe also received a citation for courage and initiative displayed in assisting in the apprehension of three notorious criminals who were armed and in possession of explosives. On that occasion they were criminals from a Sydney gang who were caught in St Kilda. They were armed with some incredibly dangerous weapons, ranging from gelignite through to a couple of rifles and a submachine gun. Not only was Alex conspicuous by his bravery in arresting those criminals, but also in the course of the trial he showed his very fine intelligence when it came to matters involving criminal law, and a further person was charged as an accomplice, tried and convicted.

Mr Speaker, those of us who have been here for a long time and who got to know Alex very well and those of us who have been here for only a short time have been touched by Alex's friendship and the way he unflappably went about his job. I think our society is all the richer for having had Alex as one of its members, and he will be most sadly missed.

MR BERRY: It is with deep regret that I rise today to say a few words about Alex Fyfe. It was only a couple of weeks ago that we were all here singing Alex's praises for the contribution that he had made to this Assembly and in other areas of his work. At yesterday's service at the church it was also said that there were many other areas in which Alex had served with great dignity and skill. In some ways, Alex had a very good life in terms of his achievements. It seems to have been peppered with achievements that very few of us in this society would ever have the opportunity to be involved in. His family, of course, will remember those achievements warmly as they grieve over the untimely departure of Alex.

The suddenness of this tragic event reminds us of our vulnerability. Our immediate thought when we learnt of Alex's illness was how there could be a better outcome for him. But once all hope had passed our thoughts, of course, went to the family and how best they can be offered some comfort. I think Alex's family can take a great deal of comfort from the fact that Alex has made a contribution to society - a contribution which means that society is a better place for his being part of it. It seems to me that one of the great measures of one's period of life is how society is assisted by one's participation in it. Alex's family can rest assured that, from the record, Alex's contribution has been a good one and one that they can be relaxed about in terms of their pride and their feelings towards a dearly loved Alex who was taken from them in such an untimely manner.

Given the circumstances of Alex's departure, I am certainly reminded of my own vulnerability. I am sure everybody else here is, too. His family will be comforted by the fact that Alex made a long and committed contribution to the societies in which he participated from the time he began work until the time of his untimely departure. I hope that Alex is warmly remembered by everybody. He deserves it.

MR SMYTH (Minister for Urban Services): Mr Speaker, yesterday Bill Stefaniak and this morning Bill Wood summarised well the achievements of Alex Wallace Fyfe. The only comment that I would like to add to their remarks is that, quite clearly, yesterday Fathers Mick McAndrew and John Wood acknowledged the other work that none of us saw - the friendliness of Alex and his family in making Mick welcome to the new parish and the support that they gave him. It was nice to hear that acknowledged.

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On the last day of sitting, Mr Osborne lamented the fact that Alex would never call him by his first name and acknowledged that, in his presence, Dave Rugendyke had been called by his Christian name. I think Paul asked, "What do you have to do to get called by your first name?". The simple answer is: You had to come to mass at Holy Family some Sunday mornings. Alex was quite correct in his approach here to all Assembly members. He always called me Mr Smyth. Occasionally, if I met Alex wandering into mass on a Sunday morning or a Sunday night I always got a very pleasant, "Hello, Brendan; how are you?". Perhaps attendance at Holy Family instead of your own parish might have remedied that matter for you.

To Erlic, to Alex junior, to all the family: My best wishes at this time. Thank you for sharing Alex with us. I am sure you will never forget all his achievements.

MR HIRD: Mr Speaker, I join with colleagues in mourning the sad loss of Alex Fyfe. I first met Alex Fyfe when I was one of the managers of the Belconnen shopping centre. Alex was then in the public relations section of the Federal Police. Alex and I, in consultation with other senior police officers, came up with the concept of a police station within the shopping centre, which was a first. Mr Speaker, very shortly after that, as you would recall and as Mr Kaine would also, there was a rowdy demonstration in the House of Assembly, which was the predecessor to this place, and Sergeant Fyfe was there to assist us on that occasion. One of his dear projects was, as has been mentioned, Neighbourhood Watch. He was an extremely generous person, one who gave of his time. He was a professional, one who knew the rights from the wrongs; and I dare say he did not suffer fools lightly. He was a committed family man, but he was also committed to his community, as Mr Berry and Mr Wood have indicated.

I would like to join with members, our staffs and, in particular, our constituents who have lost a great champion, a man who, when I spoke to him on his retirement on that Friday two weeks ago, was looking forward to his trip around Australia with Erlic, his wife, and his family on his retirement. It is a sad loss, and I extend to you, Alex, and the family my deepest sympathy. As Mr Berry said, it makes us all aware of our vulnerability in this world. Do not take things for granted. Please accept our deepest sympathy.

MS TUCKER: I also rise to pay tribute to Alex Fyfe. I did not know him very well, but in my dealings with him here I found him to be not only professional and helpful but also a very warm person. Particularly as a new member, I noticed this; and I was grateful for his very considerate manner. It must be a very difficult time for Alex's family. I extend deep sympathy to them and wish them courage through this difficult time.

MR MOORE (Minister for Health and Community Care): I rise to support this condolence motion and to express my sincere sympathies to Alex's family. For me, one of the most interesting things about Alex Fyfe was that he was so unflappable. I have heard people in this chamber say that today. It was only two weeks ago that he sat in a chair beside the Speaker while we went through the process of farewelling him, we thought, to a fruitful and fantastic retirement. But even then we were not able to get him to react to the sorts of taunts that we were deliberately throwing. Ever since he arrived in this Assembly I have been playing this game with Alex to see whether I could get him rattled; and I was totally unsuccessful.

One of the things that we miss today is Alex's sense of humour. He had such a dry sense of humour and a fantastic ability to go to the heart of the matter with the minimum of words. One of the things that I always found interesting when I was trying to have a shot at him, trying to see whether I could get him to react, was that he would just pick out a few words and you would know that he had gone to the heart of the matter and taken the mickey out of you. He was very good at it. He did it in such a way that you knew that he still maintained the respect for members which was so important to him. But at the same time you knew his very extensive sense of humour was there in this very dry manner.

He was a man whom you can be very proud of and who was held in high regard by all members of this Assembly, across the political spectrum. I think that is reasonably unusual. It is often the case that people from different political philosophies have more difficulty handling one person than another person, but Alex went beyond that and did it by doing his work to the very best of his ability. The work that he did was fantastic. I would like to join with other members in extending my sympathy to the family in this very difficult time.

MR RUGENDYKE: I, too, rise to offer condolences to the family of a great friend, Alex Fyfe. Although I am fairly new to this place, I knew Alex quite well in his previous career, as a police officer. He was definitely one of life's gentlemen. As an old copper, along with Paul, it is with those thoughts in mind that I do offer condolences and deepest sympathy.

MR STANHOPE (Leader of the Opposition): I am, as everybody knows, relatively new here. I did not know Alex Fyfe very well, and I rise actually to speak on behalf of myself, Mr Quinlan and Mr Hargreaves to acknowledge that our association with Mr Fyfe was very short; nevertheless, in terms of our introduction to this place, he was, as everybody has indicated, extremely professional, extremely generous and gracious, and we acknowledge that. We also acknowledge the heart-rending sadness which the family and friends of Mr Fyfe must be experiencing now in terms of the suddenness of his death. We extend our sympathies to Mr Fyfe's family and to all his friends.

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

MR SPEAKER: Members, I have received a communication from Alex Fyfe's widow, Erlic, who, on her behalf and on behalf of her son, Alexander, and the family, wishes to thank all of you for your kind words.

STATEMENTS BY MEMBERS

MR KAINE: Mr Speaker, I seek leave to make a short statement in connection with my status in the house.

Leave granted.

MR KAINE: Thank you, members. I guess that all members of this Assembly now know that last Wednesday I resigned from the Liberal Party. If anybody did not know, I am informing them now. But I wish to advise the Assembly that I now sit in this place on the crossbench as a Canberra Liberal unless and until the Electoral Commissioner denies my application to do so. My purpose is simply to distinguish myself as clearly as possible from Kate Carnell's Liberals, using a name that I believe clearly informs the community on what I stand for.

MR OSBORNE: Mr Speaker, I seek leave to make a short statement in relation to this matter.

Leave granted.

MR OSBORNE: Mr Speaker, I think it very important that I do make this short statement on behalf of both Mr Rugendyke and myself. In the last few days since Mr Kaine jumped ship from the Liberal Party, journalists and others have been beating a path to both our doors to find out whether or not this changes my attitude towards keeping the Government where they are. The short answer is no. Let me say that again for those who seem a little dense or who are a little hard of hearing - no. Changing a government is a serious matter, and I do not believe it is open to me to do it on a whim; nor is it open to me to do it on someone else's whim because they decide they wish to leave a party. This is a parliament, not a playground, although sometimes I must confess it is hard to tell the difference. Just because allegiances change within the Assembly is not in itself enough reason to start shifting the Executive deckchairs.

Mr Speaker, I am not necessarily committed to this Government, but I am committed to stability in the Territory. That will not be achieved by flicking the switch on government every time someone in this place gets their nose out of joint, with all due respect. I also feel that I would be betraying the people of Canberra if I changed the Government just because I did not get my way, no matter how tempting that may be. If I were a vindictive man, then I would have perhaps stood in the way of Mr Moore when he made his bid for power by joining the Executive - and I use that term very loosely, Mr Moore. It was tempting, and I must admit I toyed with the idea for some time. I do not think it is any great secret that Mr Moore and I do not share similar world views; but in the end I decided it was not my role to dictate to the Chief Minister who can or cannot be in her Cabinet. It is up to her to make those choices and live with the consequences. As it turns out, one of the consequences was that, as Mr Moore was whistled on board, Mr Kaine abandoned ship.

Mr Speaker, for a short period of time the Government's numbers went up to eight; they have now settled back to seven. I was on my way to Sydney when I heard it on the ABC last week. It was an impressive dive, I have to admit. I would give it 9.5 for execution but no points for degree of difficulty. What Mr Kaine does is Mr Kaine's business. But his personal choices do not constitute sufficient reason to change the Government, and I think Mr Kaine would agree with that sentiment.

Let me put on record now, once and for all, the grounds on which I believe there is sufficient reason to change a government, Mr Speaker, because with the number of inquiries running at the moment, in particular on the hospital implosion, changing government seems to be a regular topic of conversation about this place. For Mr Rugendyke and me to support a change of government there would have to be a clear and compelling case of gross misconduct, corruption or negligence on the part of the Executive. Let me say the first part again - clear and compelling. I would have to be convinced that it was clear and compelling. It would not be sufficient for the Opposition to claim that there was such a case. To paraphrase Sir Thomas More, in such a case what would matter would be that I believe it to be true.

So, Mr Speaker, there is a lot of inertia in the Government's favour. Once it is in, it is not easily shifted; and, once in, it should be allowed enough freedom to exercise authority and chart its own course. As long as it proceeds with wisdom and care and is not reckless, then it should stay put until it is changed by the people.

INDIAN NUCLEAR TESTS

MS CARNELL (Chief Minister and Treasurer) (11.02): Mr Speaker, I ask for leave to move a motion concerning the recent nuclear testing conducted by the Indian Government.

Leave granted.

MS CARNELL: I move:

That this Assembly:

- (1) strongly condemns the actions of the Indian Government in conducting nuclear tests;
- (2) calls on the Indian Government to heed international opinion and announce the end of nuclear testing;
- (3) views the actions of the Indian Government as divisive as they may impact on the maintenance of harmonious relations between the Indian and Pakistan communities in Canberra; and

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- (4) urges India's neighbours not to be drawn into a dangerous arms race and encourages them to renew their commitment to world peace.

Further, the Assembly urges the Chief Minister to write to the Prime Minister requesting that he inform, in the strongest terms, India's High Commissioner in Australia of this resolution.

Mr Speaker, members of the Legislative Assembly: I rise on behalf of the ACT Government and the people of Canberra to express in the strongest terms our condemnation of the Indian Government for staging these nuclear tests. The tests, conducted 330 miles to the south-west of New Delhi, represent a serious setback for the prospects of peace on the Indian subcontinent and run completely counter to the direction in which the rest of the world is heading. The Indian Government's action is at odds with the international community which over the past 18 months has been actively working to build an environment free of weapons of mass destruction. India has now reversed the direction of the nuclear arms race and acted in complete disregard of the 140 countries that have signed the comprehensive test ban treaty. Quite understandably, the Indian action has triggered a strong and critical reaction from the Australian Government, India's near neighbours and the world community.

The ACT Government fully supports the Australian Government's action in unreservedly condemning the Indian Government for these tests and recalling the Australian High Commissioner to New Delhi for consultations. Three years ago there was public outrage in Canberra and around Australia over the French Government's decision to resume nuclear testing in the Pacific. In the case of those nuclear tests, this Assembly passed a motion deploring the action; and I believe similar action is warranted over the Indian nuclear testing program.

Mr Speaker, as Assembly members, our duty is clear in these circumstances. On behalf of our community, we need to send three very clear and unmistakable messages to the Indian Government. Firstly, the Canberra community strongly opposes these unwarranted tests. They are the first undertaken by a non-nuclear-declared power in almost 25 years, and they set a dangerous and destabilising precedent. Secondly, the Indian Government should cease further testing. More explosions will lead to an escalation of tensions in the region. The subcontinent has already seen enough volatility over the last 50 years; it does not need the further blow of nuclear weapons testing.

Lastly, we want to inform other countries, which might be thinking about the dangerous step of moving the nuclear threshold, that the people of Canberra, along with other Australians, strongly deplore any move, anywhere, to escalate the nuclear arms race. We regret this Indian action, especially as it comes at a time when Australian-Indian bilateral relationships have been steadily strengthening. In an era where globalisation increases opportunities for communities to work together, these tests make the development of closer ties with India so much harder.

The ACT Government has developed a purposeful response to the Indian action. We will consult with the Commonwealth Government and monitor the Indian situation closely. I will be contacting the Prime Minister to inform him of the strength of feeling of the people of Canberra about the tests and to offer support as the Commonwealth decides on appropriate responses. I will be asking him to write to the Indian High Commissioner, expressing our strong opposition to these tests and encouraging India to abandon plans for further testing.

Mr Speaker, this unilateral Indian action has unnecessarily turned back the clock at a time when the international community has been making, I think, very good progress to ban things such as landmines and develop a comprehensive test ban treaty. The thrust of all this international action is clear - we want fewer weapons, not more of them. I therefore have moved the motion circulated in my name.

MR SPEAKER: Ms Tucker, you have an amendment. It might be easier if you spoke now and moved your amendment, and then we could have a cognate debate.

MS TUCKER (11.07): Mr Speaker, I rise now to support this motion, and I have an amendment to move. I move:

Omit all words after paragraph (3), substitute the following:

“(4) urges India’s neighbours not to be drawn into a dangerous arms race and encourages all countries, including Australia, to renew their commitment to world peace by supporting Abolition 2000 - the global campaign for a convention, by the year 2000, banning the development, production, testing, deployment, use or threat of use of all nuclear weapons.

Further, the Assembly urges the Chief Minister to write to the Prime Minister (a) requesting that he inform, in the strongest terms, India’s High Commissioner in Australia of this resolution and (b) requesting him to support Abolition 2000.”.

As a politician elected to work towards creating a more sustainable, peaceful and socially just society, I believe the elimination of nuclear weapons is absolutely critical to achieving such a society. As members are aware, the ACT has demonstrated its commitment to supporting a world free of nuclear weapons by signing Abolition 2000 - a worldwide campaign which has been established to achieve a signed treaty, banning the development, production, testing, deployment, use or threat of use of all nuclear weapons.

As the preamble to Abolition 2000 states, nuclear weapons continue to pose the most dangerous threat to the existence of the human species and the planet. Towns and cities have been targets of nuclear weapons throughout the nuclear age and remain vulnerable to the massive destructive effects of nuclear weapons. In an historic ruling, the International Court of Justice in 1996 ruled:

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There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Over 60 former generals, admirals and air chiefs worldwide, including representatives from all five declared nuclear weapons states, in 1996 called for urgent efforts to secure a nuclear-free world, noting:

The dangers of proliferation, terrorism and a new nuclear arms race render it necessary.

Yet, despite growing international condemnation of nuclear arsenals, and the end of the Cold War, the five major nuclear powers - the United States, Russia, France, the United Kingdom and China - still possess 36,000 nuclear weapons, 22,000 of which are active and operational.

I thoroughly condemn India's resumption of nuclear testing and welcome this motion. In recent times, India has flouted the international test ban negotiations. In 1996, at the negotiations for the comprehensive test ban treaty, India said they would not forgo the nuclear option unless there was a commitment by all the nuclear weapons states to a timetable for the elimination of all nuclear weapons.

I believe this debate does need to be broadened. If this Assembly is concerned enough about Indian testing to debate this motion, we cannot focus solely on India; we need to keep our eye firmly on the bigger picture. While international condemnation of India is a necessary response to this testing, the only solution is if the nuclear states move immediately to establish a timetable to eliminate their existing nuclear arsenals. I quote from Malcolm Booker's article in today's *Canberra Times*:

The only way to prevent further proliferation is for all five of the nuclear-weapons powers to proceed with the total elimination of their own weapons. While they keep them it is inevitable that others will claim the same right.

Mr Speaker, it is not enough just to support other countries in condemning India's actions, when many of these countries are themselves involved in testing. Of the 2,040 nuclear tests which have been conducted worldwide since 1945, the United States has conducted 1,030; the Soviet Union has conducted 715; and India has conducted six.

As far as I am concerned, one nuclear test is too many; so India's tests are deplorable and must be condemned. India's nuclear tests are particularly deplorable at a time when the economic, environmental and medical effects of nuclear weapons production are being increasingly recognised. However, it is not only India's nuclear tests which are wrong; all nuclear tests must be deplored. This includes subcritical tests, which, despite not being explosive tests, are still tests for nuclear development. They still use high-explosive and nuclear materials, including plutonium. The United States is currently carrying out these sorts of tests, and Russia and France have also announced an intention to carry out this sort of virtual nuclear testing.

That is why I am seeking to amend this motion to call on the Australian Government to support Abolition 2000. It is not enough to condemn India; we need to take a more active role in promoting the elimination of nuclear weapons. The Abolition 2000 resolution is in three parts. Firstly, it calls upon the governments of all nuclear weapons states to begin negotiations immediately on a nuclear weapons convention to prohibit and eliminate all nuclear weapons early in the next century and to complete these negotiations by the year 2000. Secondly, it calls for all nuclear weapons to be immediately taken off alert status, for all nuclear warheads to be separated from their delivery vehicles and for the nuclear weapons states to agree to unconditional no first-use of these weapons. Thirdly, it calls for a declaration of support for the further development of legally binding national and international nuclear weapon free zones throughout the world.

I also believe we cannot separate the mining of uranium from the nuclear weapons and testing debate, and India is a case in point. In 1960 India was first supplied with a uranium-heavy water reactor by Canada and heavy water and nuclear fuel by Canada and the United States for peaceful purposes. Neither facility was under full international safeguards. Plutonium extracted from the reactor supplied by Canada was used in a nuclear device tested in 1974. United States and French companies helped to build a pilot-scale reprocessing plant which began operation in 1966. As members are aware, the Federal Government has allowed the Jabiluka mine to go ahead. While the Labor Party's three mines policy is not acceptable, the Coalition's policy is much worse. Aside from Jabiluka, there are also other new mines or expansions of uranium mining in the pipeline. It is, in my opinion, the height of hypocrisy for the Federal Government to condemn India in the light of its own actions as far as uranium is concerned.

I am glad to support this motion, and I hope members support the amendment I have moved. I believe that they will, because it gives an opportunity to state once again, as a local community, the strength of feeling that we in this place have about the dangers of nuclear weapons development and to make it a courageous stand that we ask our Federal Government to take globally on this issue.

MR STEFANIAK (Minister for Education) (11.15): Mr Speaker - - -

Mr Moore: Has the amendment been agreed to?

MR STEFANIAK: No. I will speak to both, Mr Speaker. I think you wanted a cognate debate, did you not?

Mr Moore: It is not amended yet, is it?

MR STEFANIAK: It is not amended yet. Ms Tucker has moved the amendment, though. Just on the amendment: Before I personally consider that further, I would like to know more about Abolition 2000.

Ms Tucker: You signed it. We all signed it, Mr Stefaniak. Everyone in the Assembly did. We have debated it.

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MR STEFANIAK: Did we really? When was that, Ms Tucker?

Ms Tucker: Last year. You had better ask Mrs Carnell. You all supported it.

MR STEFANIAK: I will go back and look at that. In relation to the substantive motion, Mr Speaker: Quite clearly, the major nuclear powers have made significant moves now towards non-testing, towards a world where nuclear arms are no longer a threat. I think substantive action has been taken in recent years. Whilst there are still some grave dangers in relation to this, I think all the major nuclear powers have adopted a much more responsible attitude in recent times - including, I might say, the French Government. I was talking recently to a member of the French Embassy in relation to the fact that they no longer test. It is interesting that they have taken some actions to ensure that any weapons they have are, in fact, safely stored; but they have ceased testing. I was, therefore, very surprised, indeed horrified, to learn that the Indian Government had suddenly resumed testing, testing they have not conducted since 1974.

Mr Speaker, I also heard on the radio, I think on one of the ABC talk shows in the afternoon, the current Indian High Commissioner say that Australia's attitude, as expressed by the Federal Parliament, was somewhat hypocritical. I do not think that is the case at all. The high commissioner was asking how Australia could criticise India for nuclear testing when Australia was effectively a member of a nuclear alliance - ANZUS - with our major strategic partner, the United States, possessing many warheads. I think the Indian High Commissioner, with the greatest respect to him, missed the point entirely. Australia has renounced us, as a country, being a nuclear power. We are part of an alliance with a major power, a major power who has had nuclear weapons and who has used them effectively for the last 50 years to keep the peace. One could well argue that as a result of American military strength in the 1980s the Soviet Union changed course and is now no longer the overtly aggressive superpower that it was during those dark days of communism after World War II and until the fall of the Soviet empire in 1991. But Australia has never taken any steps towards becoming a nuclear power. So, I think the high commissioner misses the point.

The high commissioner might also miss the point in terms of powers which are nuclear powers helping powers which are not. I seem to recall reading - in fact, I was only about 10 - and actually seeing on TV a report in 1962 that India was in some danger from an aggressive China which moved its border some distance to the south in the Himalayas, to India's detriment, in a border campaign against India; a border campaign which the Chinese quite clearly won. I do not think China was a nuclear power then. Of course, India was not. But there was a real threat to India's security. I am not too sure whether or not India at that time was non-aligned, but India was a member of the Commonwealth. This report indicated that India received assistance from a nuclear power at the time, Great Britain, which sent a number of V-bombers - the "V" stands for Victor, Vulcan or Valiant; I am not sure which, but they were the British deterrent strike force in the 1950s and 1960s - to India as a deterrent to China. I thought what the Indian High Commissioner said in relation to Australia being hypocritical was rather amusing. India, in fact, benefited, back in that time, from having a strong friend who, in fact, was a nuclear power.

Why does India need nuclear arms? India has, as the Chief Minister said, over the years fought a number of wars with Pakistan; but can anyone seriously say that India's existence has ever been threatened by that state? To the contrary. My recollection of history is that India has emerged victorious in most of those wars; or, at best, they have ended in stalemates on the border. What India is doing is a case of total overreaction, even when you look at it in a military sense. India will probably say they are threatened by China, but has China done anything in recent times to indicate that it is a real or potential threat to India? The world has shrunk considerably in the last few years and, as technology advances apace, will continue to do so. We all have to learn to live together. We have to be very mindful as technology does advance apace - be it nuclear weapons or some other horrendous invention that might be a weapon of mass destruction - that if it does get into the wrong hands it is goodbye planet earth.

There are some very real issues here, and I do not think the unilateral action taken by the Indian Government in recent days assists a more peaceful world. I do not see the need for it. When I look at the recent history of India, the subcontinent and that part of Asia generally, I cannot see any real justification, which would stand up anywhere, of legitimate national defence which would condone what India has done over the last couple of days. Accordingly, I am very supportive of the Chief Minister's motion.

MR MOORE (Minister for Health and Community Care) (11.20): Mr Speaker, I rise to support this motion. It seems to me that it is a very sad thing that we have to rise in this Assembly yet again to condemn the actions of governments in conducting nuclear tests. It seems to me that there is always great opportunity for certain governments to decide that the way to proceed to get people onside is to make themselves appear tough. I suppose there is no tougher way to act, there is no stronger way to act, than to show that you have the biggest and most destructive weapons. Unfortunately, it is often the most highly educated nations in the world, those who ought to know better, that are responsible for the conducting of such nuclear tests.

It was interesting when we had debate on the French nuclear tests not so long ago - and I was representing the local branch of the Commonwealth Parliamentary Association at our meeting in Sri Lanka - to see the reluctance of some members of the United Kingdom delegation to support a motion condemning the French nuclear tests at that time and also the reluctance of some Indian members to support that motion. It is becoming very clear now why, of course. I will clarify that. Certainly, the Labour delegation from the United Kingdom was very keen and very enthusiastic to support the motion condemning the French. The Tories at the time were very reluctant, to say the least. It is only when we get united condemnation of this sort of action that we have a reasonable chance of ensuring that the globe goes into the next millennium with a sense of security; that our children and our grandchildren can grow up feeling that they do not have to live under the shadow of the possibility of nuclear war.

The reason why I supported the Abolition 2000 campaign the last time and the reason why I am prepared to support it again is that I am committed to see what I can do, in whatever small way, to ensure that people who are involved in nuclear testing, who are involved in nuclear arms, understand that there is a growing number of people around the world who find this sort of conduct appalling. To get a united view by this parliament

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condemning nuclear testing is the critical factor. The particular form that the motion takes, provided that condemnation is clear, does not worry me at all. I believe that what we should do now is look very carefully at the amendment, see whether we can all wear it, and get to a unanimous position. It seems to me, Mr Speaker, that there is no doubt that the world reaction that brought pressure on the French - this is about 2½ years ago, or three years ago - was effective. We have to continue that and make sure that pressure is brought to bear on India, although in some ways it is a different issue in the sense that the nuclear tests were conducted within their own boundaries, as opposed to being conducted elsewhere in the world. Even so, it is a matter of such serious concern that we ought to ensure a unanimous condemnation comes from this Assembly.

Amendment agreed to.

MR STANHOPE (Leader of the Opposition) (11.25): Mr Speaker, the Opposition supports this motion but actually believes that it could be enhanced. The Labor Party strongly condemns the tests by India, as the Labor Party has consistently condemned nuclear tests. The Labor Party has taken a leading role in moves to achieve nuclear disarmament, a test ban and the abolition of nuclear tests throughout the world. I actually agree with all the sentiments that have been expressed about the need for us, as a nation, to take a very definite and very clear stand against nuclear testing. I do not know whether those arguments need to be reiterated.

However, in relation to this issue facing us in relation to the tests in India, there are some comments that can usefully be made. They relate to the fact that the Indian Government, actually at the time of its election, made quite clear its intentions to continue with its nuclear development program and its nuclear testing program. I think there are issues of concern for us, as a nation, in relation to the lack of response by the Australian Government and by other governments to the specifically declared intention of the Indian Government to recommence its testing. It is something that we have known about for a number of months and is an issue that the Australian Government did not feel inclined to take up with the Indian Government at any stage.

One of the reasons why I will be moving two amendments is to make it very clear that we, as a nation, specifically and very determinedly oppose the actions of the Indian Government. Their actions have been provocative in the extreme and very unnecessary and send an extremely poor message, I think, to that region and to its traditionally hostile neighbour, Pakistan, with whom it shares a border. They are basically seeking to stare Pakistan down; they are encouraging Pakistan to retaliate and to up the ante in terms of its nuclear capability; they are basically almost daring them to seek to match the Indian action and the Indian defence capability. I think Australia's response has not been strong enough. I do not believe that the current Government has expressed sincerely enough or with any real commitment its opposition to the actions of the Indian Government. It was tardy in its response. Its response did not, I believe, send a particularly clear message that we condemn nuclear testing absolutely and that it was something that we, as a nation, actually viewed with abhorrence.

It is the case that neither India nor Pakistan has bothered to sign the comprehensive test ban treaty. It is also the case that neither India nor Pakistan has signed the nuclear non-proliferation treaty. I think one very significant step that we can take, as a nation, is to maintain pressure on the Indians to sign those treaties. It is also the case that we should specifically illustrate the level of our displeasure and the level of our condemnation by joining with the international community in any sanctions which the international community might seek to impose. There are perceptual difficulties, I think, in us - the wealthy and lucky country that we are - seeking to impose sanctions on a country such as India, with the appalling poverty that exists there. There is a perceptual difficulty in us seeming to punish, perhaps, those people in the world who have perhaps less than anybody else. I do not think that argument is sustainable on an issue such as this very reckless action by the Indian Government in the testing of nuclear weapons, which has heightened tensions in that part of the world. I think some of the arguments that would be thrown in in relation to that are not justified, because of the enormous resources which the Indian Government is wasting in the development of its nuclear capability. There is every good reason why we, as a nation, should take and support every possible action, and should do everything possible to express our absolute opposition to nuclear testing.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.30): I rise to support the motion which is before the Assembly at the moment. I also join in expressing sadness and regret that there is a nuclear nation which appears to be contemptuous of the feelings of the rest of the world and apparently desires to continue to extend and strengthen its nuclear capability. The testing of five nuclear devices in the Thar Desert of Rajasthan should be condemned in the strongest terms by all members of this Assembly. Obviously, the newly elected Indian Government has made the decision, apparently for internal political reasons as much as anything else, to build up its capacity in that regard. Its actions are viewed by its neighbours - China and Pakistan - with considerable concern. No doubt this step will lead to some reaction - if not by China, then certainly by Pakistan. Indeed, discussions have already taken place about when Pakistan will make some kind of matching gesture to India's tests.

Mr Speaker, that is a very vivid illustration of why nations around the world have supported and signed comprehensive test ban treaties and nuclear non-proliferation treaties, because the temptation by one country to acquire weapons inevitably leads to fears and pressures on neighbouring countries to similarly acquire such weapons. The threat of a domino falling and affecting many nations is increasingly real. We need to indicate that our world has changed, that today we live in an environment where, in theory, the threat of nuclear war ought to be receding, not increasing in likelihood. As a result, steps should be taken to strengthen the process begun many years ago to have all nations of the world sign both of those treaties - the nuclear non-proliferation treaty and the comprehensive test ban treaty. Australia is a signatory to both of those treaties, and I believe we need to encourage those in our region, indeed in the whole world, to similarly become part of that process. The ending of the Cold War was a period of much hope for many people that the threat of nuclear war would recede.

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I note the comments made by Ms Tucker about the 36,000 weapons still held by the five official nuclear powers. But it is a matter of great happiness on the part of many people that the number of active weapons in the possession of the two superpowers - the United States and Russia - has diminished in recent years. As the major flashpoint or potential trigger for all-out nuclear war, that reduction by the superpowers must be a matter of great relief to many people in the world. Today, conversely, the biggest threat to world peace, the biggest risk of nuclear devastation, lies in the spread of nuclear weapons to small, less stable nations. Obviously, there are strong signs of weapons of this kind being developed and prepared in the Middle East. The most recent area of attention has, of course, been the Indian subcontinent. We need to indicate, as people living in this region of the world, that we believe that the opportunities which the end of the Cold War has brought ought to be grasped and harnessed in the interests of our entire planet.

The public outrage expressed at the French Government's actions in 1995 is indicative of the feeling that people in this community have about this issue. Although I have not detected the same level or depth of feeling about the tests in India, I do believe that the community as a whole would support the taking of strong measures to indicate to India and its neighbours who may be tempted to follow suit that this is a foolish and counterproductive step to take. There are many steps that have been taken in recent years to attempt to strengthen the process of multilateral nuclear disarmament. They include the international statement on nuclear weapons by generals and admirals in December 1996; the independent commission established by the Australian Government in November 1995 and called the Canberra Commission on the Elimination of Nuclear Weapons; and, of course, progressive attempts to extend the two treaties - the non-proliferation treaty and the test ban treaty - that I have referred to before. The Geneva Convention on Disarmament has made clear that the post-Cold War period is an opportunity to establish new systems for international security, systems that are based on the principles of the United Nations Charter.

Mr Speaker, the amendments that have been circulated by the Labor Party are amendments which the Government has some sympathy for. They are going to be moved by Mr Stanhope. The Government will certainly support paragraph (5). I am told that there have been some amendments to the amendments as circulated. I indicate the Government's support for the amended version of those amendments. Certainly, Australia ought to play a role in encouraging India and Pakistan to become signatories to those two important treaties.

We also believe the Commonwealth Government should seriously consider the question of international sanctions. Whether it ultimately exercises that option is a matter of judgment for the Australian Government at the appropriate time. I will say to the Assembly that the step that we took in 1995 to sever the twin city relationship with the city of Versailles in France as a result of the French tests in the Pacific was probably a step too far. Without reflecting on a vote of the Assembly, those tests stopped soon afterwards; but the relationship with Versailles has not been repaired. I would, therefore, urge us to consider very carefully any particular steps we might take that might damage person-to-person relationships between nations. It is at times like this that we need to strengthen such relationships, not damage them, if we are to drive forward the process of making such treaties a universal reality.

Mr Speaker, I support the motion and urge members of the Assembly to help in the process of educating the community about what this means and ensuring that the process does go forward to strengthen international nuclear disarmament.

MR SMYTH (Minister for Urban Services) (11.38): Mr Speaker, in consultation with Mr Stanhope, we would now like to see paragraph (5) inserted as is; but the proposed paragraph (6) actually become a new paragraph (c) of Ms Tucker's amendment. That paragraph would read:

calls on the Commonwealth Government to consider supporting appropriate international sanctions.

MR SPEAKER: You can foreshadow it at this point, Mr Smyth, because they have not been moved yet.

MR SMYTH: I would like to foreshadow that amendment. Mr Stanhope is in agreement. It has actually been circulated in the house now.

MR STANHOPE (Leader of the Opposition) (11.39): I am sorry about that, Mr Speaker; I think I led to that confusion. I seek leave to move together the second set of two amendments which have now been circulated in my name.

Leave granted.

MR STANHOPE: I move:

(1) After proposed paragraph (4) insert the following paragraph:

“(5) calls on India and Pakistan to sign the Comprehensive Test Ban Treaty and the Nuclear Non-proliferation Treaty.”.

(2) After proposed paragraph (b) add the following paragraph:

“(c) calls on the Commonwealth Government to consider supporting appropriate international sanctions.”.

MS TUCKER (11.40): Mr Speaker, I would like to make just a couple of comments about these amendments. I will support them, but I think it is important to point out that the reason that India and Pakistan did not want to support the comprehensive test ban treaty was that, if the treaty required that there be a commitment by all nuclear weapons states to a timetable for the elimination of all nuclear weapons, then they would have to forgo the nuclear option themselves. There is, obviously, a huge problem here, because the reality is that what the comprehensive test ban treaty does is say, “We will not develop any new weapons; but, for those who already have them, it is okay as long as they do not develop any more”. Those nations which have shown restraint, in fact, and have not developed weapons are not allowed to develop them, but those which already have them are able to keep them.

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I notice that Mr Clinton, in his attempts to encourage the Senate to support the comprehensive test ban treaty, offered a sweetener to the nuclear weapons laboratories. It was called the stockpile stewardship and management program, whereby the laboratories would maintain and expand the United States arsenal at a cost of \$40 billion over 10 years. While we can encourage India and Pakistan to sign the comprehensive test ban treaty, it is absolutely essential that we actually have a commitment to Abolition 2000 from these nuclear states which already have such an incredible capacity to wreak havoc on the earth. I think you need to understand that, when you are calling on India to be very much a part of Abolition 2000, we should get a commitment from all those states.

On the question of sanctions: There is, obviously, always a concern that it will be just the poor and disadvantaged people who will suffer as a result of sanctions. I note Mr Stanhope has put in here “appropriate international sanctions”. That is a bit of a worry, because I would like to have seen more clearly described what was meant by that if this is a letter that is going to the Federal Government. I would want to get it on the record that my view of “appropriate” would be sanctions which would not in fact impact in a detrimental way on the poor and disadvantaged people in India, because that is not going to achieve anything in terms of justice out of this whole dilemma about nuclear weapons. But we will be supporting the motion with the amendments to the motion, with those reservations.

MR RUGENDYKE (11.43): I am somewhat bemused by this motion, as my understanding of the Constitution is that the States ceded power to chart Australia’s foreign affairs to the Federal Government at Federation. The Assembly’s role, as I understand the self-government Act, is to make laws for the peace and good governance of the Australian Capital Territory. So, why is it that during Executive business we are not doing just that? But I will leave that point aside for the moment, Mr Speaker.

At the outset, let me say that I consider nuclear weapons to be an obscenity. But, if there were a genuine comprehensive nuclear ban, then that would mean all states would be scrapping their weapons. We all know that is not the case. If there really were a comprehensive ban, that would also include the computer modelling of actual explosions by the five nuclear-declared states that now takes place. But what we have, in effect, is five declared nuclear powers saying that they will be keeping their nuclear weapons and no-one but them is responsible enough to have them.

Mr Speaker, I do not excuse India’s use of nuclear weapons and I condemn the Hindu-nationalist BJP Government for pushing ahead with it, but I will say that most of us cannot begin to imagine the region in which India has to live. Canberra is a comfortable place; New Delhi is not. On its border is a declared nuclear state, China, a state that has already been at war with India, in 1962. It is strongly suspected that China has been supplying Pakistan with nuclear technology for years. If Pakistan now proceeds with a nuclear test of its own, this will go part of the way to confirming that collaboration. If you were in government in India, you could honestly say that you would not be developing nuclear weapons. Those weapons have been there since at least 1975.

What we have not seen until recently is the tests. It is for their tests, rather than actually having the weapons, that the rest of the world now stands in judgment of India and threatens it with sanctions.

Where will those sanctions fall? Who, among the 900 million people who live in India, will feel the brunt of international retribution? India will receive a total of about \$US5 billion in foreign aid this year. As the amount actually disbursed in one year is always lower than the amount approved, it is expected that that will actually translate into about \$US3 billion. Mr Speaker, to put that in perspective, it is less than one per cent of India's gross domestic product. Cutting one per cent from India's GDP will not hurt the Government that ordered the tests. Sanctions will hurt the poor, as such sanctions always do. Sanctions will hurt the 10-year-old girl in rags who spends her day begging at the traffic lights outside the Hyatt Hotel, whereas the real international business will go on uninterrupted. These sanctions are as hollow as the comprehensive test ban treaty.

By the way, what is Australia's outstanding contribution to Indian aid? I am not sure of the figure now, but when the Coalition Government came to power in 1996 it stood at about \$20m. As soon as Mr Howard drew first breath in government, that figure was slashed. However, there was a mistake; someone had forgotten to tell the Prime Minister and his Foreign Minister that they were both due in India later that year for a countrywide promotion called "Australia-India: New Horizons". When they were made aware of this fact, most, but not all, of the funding was returned. The only thing you can take from this backflip is that they were clearly more concerned about a loss of face than they were about assisting India's poor.

But they need not have worried because, despite spending \$6m on the new horizons promotion and despite extensive arrangements being made for his arrival, the Prime Minister of Australia stood up the Indians. This was the second time in three years that an Australian Prime Minister had promised to visit India and had not shown up. Mr Howard broke the arrangements at the eleventh hour and, not surprisingly, the Indian Government and business people were not amused. But the Foreign Affairs Minister, Alexander Downer, did go to India and, by way of offering something to his hosts, he promised the Indian media that the Australian Prime Minister would visit in 1997. It should surprise no-one to learn that this turned out to be another lie. Mr Howard did not go to India, and now I guess he has a reason never to go.

Australia's involvement with India is longstanding. The first export to leave this country was a shipload of cedar bound for Calcutta. Indians have fought alongside Australian troops in most of the major conflicts of this century. More Indians than Australians or New Zealanders died at Gallipoli. But we are not much of a friend to India. When the opportunity was on offer, in 1996, for Australia to cement its relationship with this most ancient of countries, the Prime Minister had more important things to do. We simply did not care enough to make an effort to build our relationship with India. If we had made an effort to befriend India, we may now be in a better position to bargain with India. Losing a fair-weather friend generally does not bother anyone too much. But, when it comes to standing on the high moral ground and beating our breast, Australia is in the front line.

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I am afraid that I worry about our foreign policy, Mr Speaker, when I see that we always take the easy option. Imagine if China had held another test. Does anyone here seriously believe that the Australian Government would be so hairy-chested about sanctions? I suggest not, and I believe this motion might have been a little slower coming forward, given the ACT's growing trade links with China. I do not favour nuclear weapons any more than I favour sanctions against the poor. If we are to have sanctions, then let them fall on the head of every country that holds a nuclear arsenal. I trust this motion makes us feel morally superior, because that is the sum total of the effect that it will have.

Amendments agreed to.

Motion, as amended, agreed to.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE Scrutiny Report No. 1 and Statement

MR OSBORNE: I present Scrutiny Report No. 1 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 1 of 1998 contains the committee's comments on 16 Bills. I commend the report to the Assembly.

CRIMES (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 30 April 1998, on motion by **Mr Humphries:**

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.53): Mr Speaker, the amendments proposed to the Crimes Act actually are amendments which were moved only a few months ago at the end of the last Assembly. On that occasion these amendments were proposed and they were lost. We have a new Assembly now with slightly new personnel, and the Minister is having another go.

I think it is relevant that we look at some of the history of the provision that we are addressing today. The particular provision is section 429 of the Crimes Act. This is a provision which relates to sentencing. It deals with the factors that will be taken into account by a court in sentencing offenders in the ACT. The provision which we are now amending came into being in 1993. Amendments were moved by the then Government following its consideration of an Australian Law Reform Commission report on sentencing. It was a very detailed report, a very significant report, and it was some years in the making.

In the context of this debate I think it is worth our while to have regard to some of the personnel who were involved with the commission at the time that the report was prepared. During the period of the sentencing reference that was considered by the Australian Law Reform Commission, the following people were involved at one time or another in the development of the report: Justice Elizabeth Evatt; the Hon. Xavier Connor; Justice Kirby, now of the High Court; Justice Wilcox; Mr Greenwell; Mr Zdenkowski; Professor Chappell; Sir Maurice Byers; Professor Crawford; Mr J.Q. Ewens, QC; Professor Harding; Professor Hawkins; and a number of other very learned and experienced academics, judges and legal professionals.

The provision which we are dealing with and which is the nub of these particular amendments relates to whether or not the prevalence of an offence in an area should be taken into account when determining an appropriate sentence for an offender found guilty of that particular offence. My purpose in mentioning the range of people or commissioners who were involved in this report is to make the point, in relation to the recommendations by the commission as to whether or not the prevalence of a particular offence should be taken into account in sentencing, that only one of those people, only one commissioner, namely, Mr Greenwell, did lodge a dissent.

Of course, I think as everybody knows now - we have had this debate a number of times - the ALRC does not believe that the prevalence of an offence in a particular jurisdiction should be a factor taken into account by a court in determining an appropriate sentence. I think it is relevant for us to note that Mr Greenwell's dissent - I have no doubt that some play will be made of the fact that there was a dissent by the ALRC - was a very considered dissent. It was not a question of complete opposition. To some extent, he even supports the majority, but he does not support it in toto. It is not actually a dissent which says, "I do believe that prevalence should be taken into account".

The matter of principle here is whether it is appropriate that we, in our criminal justice system, when we as a community impose a sentence on an individual, take into account the actions of other individuals caught up in the criminal justice system. Should we take into account even a perception of the extent to which a particular crime is prevalent within the community? In punishing one individual, after taking into account the whole range of factors that one takes into account in relation to that person, things which quite justifiably should be taken into account and which the law and the courts now do take into account, should we add to that list a consideration of what other people do?

Our law has been founded on the basis that we should not do that. As a matter of principle it is not appropriate that a particular offender who has committed an offence should have added to the punishment which we as a community seek to impose on that person a measure of punishment which is a response to what other criminals do. I think that is a sound principle. I think it is a principle which we should not move away from. It is a principle which the Australian Law Reform Commission has felt and has recommended, I guess to all governments in Australia, that we should not move away from.

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The other significant factor which the Australian Law Reform Commission raises - I think it is a very moot point and a very strong point - is that courts in effect do not, as part of their operations, have a capacity for determining the prevalence of an offence in a community. There is no research capacity within our courts to determine whether or not a particular offence, at the time that the person before them committed the offence, actually was prevalent. They rely for their opinions on that, probably most commonly, on media reports. This was an issue which the Australian Law Reform Commission gave some moment to; that courts, in determining the prevalence of an offence at a particular time, are in fact dependent on perceptions which they gain from the media.

With great respect to the media and with great respect to opinion leaders such as legislators and politicians, I think it is not a sound criminal justice principle or sentencing principle to rely on the perceptions of local media, or of politicians, or of those within our community who do express concern about the prevalence of particular offences within the community. The so-called law and order push does exist. We must all admit that from time to time there are grave and justified community concerns about the level of crime. It is nevertheless the fact that from time to time we, as a community, experience a wave of public concern about a particular offence which might not necessarily be reflected in the facts.

Just recently the Minister for Justice launched a Government program to deal with the question of perceptions of crime being out of touch with reality. This happens. It is a feature of almost every community. There are concerns about the prevalence of crime, concerns about how safe our communities are, concerns about the extent to which we are being subjected to a barrage of armed hold-ups. There are concerns that we, as a community, are continually being subjected to knife attacks; that we are not safe on the streets because of the number of knives.

These are campaigns that run from time to time, and the police will tell you invariably, and our Government is telling us in terms of the programs which it is funding, that the perceptions that are created in relation to these issues are not matched by reality; that in fact our perceptions as a community about the level of crime are not matched by the statistics. Yet these are the same perceptions which courts and judges have. They do not have an independent capacity, when they have a certain person before them, to determine whether or not their perception of the extent or the prevalence of a particular crime is matched by the statistics. They simply do not have that capacity within their courts to make those judgments. They rely on a perception, however generated.

I think those are the two most significant objections to this proposal. There are some other concerns. I understand that the so-called scrutiny of Bills committee, the committee that no longer exists, has reported on this. This report has been tabled, has it?

MR SPEAKER: Yes, it has.

MR STANHOPE: I thought I might have been breaching privilege or something. The scrutiny of Bills committee felt it was important that a particular aspect of the Crimes (Amendment) Bill (No. 2) be drawn to the Assembly's attention, and I make that point now. I think it is really important that we have regard to this and that we consider it

in the context of this debate. The scrutiny of Bills committee's report was tabled this morning. It is a pity that it was tabled only in the last few minutes. We are now debating the matter and we really have not had time to ponder the significance of what the scrutiny of Bills committee said. The committee felt it needed to draw to the attention of the Assembly the potential impact of the proposed amendments on the range of choices which would be open to a sentencing judge or magistrate. The next bit concerns me to some extent because I am not 100 per cent sure what it means. The report says:

It is however impossible at this point to predict just what effect (if any) there might be in this respect.

The scrutiny of Bills committee goes on to state:

The Explanatory Memorandum states that these amendments would "reinstate the relevant common law" as it stood prior to the enactment of the Crimes (Amendment) Act (No. 2) 1993. There will be difficulties if this is taken as a guide to the operation of these amendments. The common law is not a static body of principle, and particularly so in respect of sentencing principles.

The scrutiny of Bills committee recommends:

It would be undesirable for a sentencing court to attempt to ascertain the state of the common law in 1993 as a guide.

I think there are some matters there that really do need further development. I think the concern which the scrutiny of Bills committee expressed about the legislation should be taken into account by the Assembly in determining whether or not to agree to these amendments.

I think I have explained the basis of our objection to the Bill, Mr Speaker. I am not sure that there is all that much more I can add. We should not, as a community, accept this amendment. It is quite unnecessary. There seems to have been some attempt by the Government, in its explanatory memorandum on this Bill, to indicate or to suggest that there are concerns within the courts, within the judiciary, about the factors which courts should take into account. The issue is whether or not rehabilitation of a prisoner is a more worthy goal or a higher ideal in terms of sentencing than punishment.

The Government relies on a decision of the Full Federal Court of last year to indicate that there is some uncertainty. The court in that case did find that there was not a difficulty in relation to the strata of matters which should be taken into account. I think the court felt quite comfortable. Chief Justice Miles, who dissented in that case, did express some concern. The Government is running the line that because it was not a unanimous decision the way is left open for an appeal to the High Court; that because of the possibility of an appeal to the High Court from a Full Federal Court decision there is uncertainty in the law, and there is some confusion within our judiciary about the matters that should be taken into account in sentencing.

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I think there is not a single judge or lawyer in town who does not believe that we have, at this stage, a Full Federal Court decision that basically accepts that the situation that we have is quite satisfactory; that it is not confusing. We do not need to beat up a supposed problem on the basis that a judge in the minority felt that there was an issue. To rely on the prospect of an appeal to the High Court from a Full Federal Court judgment seems to me to be an incredibly poor way to justify changing a fundamental principle of sentencing. I think the grounds are quite spurious. I think the amendments are completely unnecessary. I think the proposals attack, very directly, fundamental principles. People who confront the criminal law should be judged and punished on the basis of their actions. It is simply untenable that we should send people to prison on the basis of what somebody else did.

MR STEFANIAK (Minister for Education) (12.10): I disagree with a number of points which Mr Stanhope raised. Firstly, if he looks at proposed new section 429 he will see that there are five new principles of sentencing, as it were. A combination of two or more of the purposes referred to in paragraphs (a) to (e) inclusive must be apparent before a sentence can be imposed. So to say simply that prevalence of the offence is a thing a judge can rely on, and the only thing, is quite wrong.

Mr Stanhope: I never said that, Bill.

MR STEFANIAK: I am glad you did not, Jon. Good. You seemed to be saying that. I am very glad you appreciate that there have to be at least two purposes, and that is important.

A factor that I think is terribly important here, Mr Speaker, is that three of our judges have called for this particular requirement - Justice Gallop; the Chief Justice, Justice Miles, to whom Mr Stanhope referred in his comments; and our latest judge, Justice Crispin. Three of our judges actually called for this to be effectively reinstated. It was taken out of the legislation back in 1993. As Mr Stanhope said, this has been a principle of the common law, as the explanatory memorandum says, for many years. The prevalence of an offence is a very important principle for any court to take into account. How can you adhere to one of the principles of sentencing - deterrence - if you do not do so? When three of our Supreme Court judges call for its reintroduction, and call for it on a number of occasions, I think it is important for this Assembly to give due weight to what they say.

Mr Stanhope made a curious point, I felt, when he said he wonders how it is that judges who do not really have a research capacity can know about this particular matter. I think judges and magistrates are some of the best people at realising the prevalence of offences. They know how prevalent offences are simply from the fact that they sit in court on a daily basis. They see the passing parade on a daily basis. In terms of any people in our community, I would think that judges and lawyers who deal with the criminal law would be the most experienced people, with the exception of police who are there at the coalface, see offences on a daily basis and arrest these people to bring them before the court. I can think of few people with more of that relevant experience, Mr Speaker.

Also, were that not enough, judges and magistrates have access to crime figures which in the Territory, I understand, according to my colleague the Attorney-General, are published quarterly. So, again, there is material readily available for them there. I do not think we should attempt to go behind the experience of our judges and magistrates when they call for this type of legislation. I am sure they would not take that step were there not a real need, in their eyes, for legislation of this type. I think the Attorney is acting quite rightly and properly in bringing this amendment to the Crimes Act back to the Assembly.

Mr Speaker, courts have a duty to protect the community. The citizens of this community expect that. I think it is our role as legislators to ensure that we give the courts the tools they need to do their job of protecting the community. This commonsense principle has been with us for many, many years. It ceased to be part of our law through the legislation of 1993. This Government quite sensibly, at the request of three of our very learned judges in our Supreme Court, is now attempting to bring it back into legislation. This Bill is very worthy of support. I think the community would be very disappointed were the Assembly not to support this most commonsense piece of legislation.

MR MOORE (Minister for Health and Community Care) (12.14): Mr Speaker, I rise to oppose this Government Bill. I am on record as opposing this amendment before, and I do it again. It comes within the area of civil liberties which my Cabinet colleagues accept are matters of principle for me, and I state for the record that I have not taken part in any Cabinet discussion on this issue.

Mr Speaker, this is the third time that the Assembly has debated this issue. It debated it in 1994 and again in 1997, last November. This proposal has been rejected in favour of a more enlightened approach to sentencing. Mr Humphries, of course, now believes that he has the numbers to pass the Bill; so he has reintroduced it. I hope it is not passed, because it would indeed be a retrograde step. In the last Assembly Mr Wood and Mr Whitecross ensured that the Labor Party took a principled stand on this issue of civil liberties, and I am pleased to see that Mr Stanhope today has reiterated that stand. Considering Mr Stanhope's background as head of the Civil Liberties Council, I am delighted that that is the case.

The Bill moves away from the ancient principle that each accused should be judged on their own merits in their own circumstances. The prevalence of offence factor would be subject to perceptions of a crime wave, possibly generated by a careless media - although I know you believe that that would be very hard to find in the ACT, but it is possible - or unscrupulous political campaigning, which I know you would find just as difficult to find in the ACT. The courts ought not be influenced by such fickle impressions.

That brings me to the point that Mr Stefaniak raised. Mr Stefaniak argued that judges and magistrates are the best people to deal with the prevalence of crime because they see it every day. Wrong, Mr Stefaniak! They are the very worst people for the very same reason - they have a jaded perception of what is going on. They have to deal with crime day in and day out. Whose responsibility is it? Whose responsibility is it to deal with the prevalence of crime? It is your responsibility, Mr Stefaniak. It is Mr Berry's responsibility. It is my responsibility. It is Mr Rugendyke's responsibility. It is the responsibility of every member of this Assembly and we ought not pass that

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responsibility on to judges. It is our responsibility to be aware of the context of crime and the prevalence of crime, and where there is a problem with a specific crime it is our responsibility to change the law and to change the penalties associated with the law. This Bill is a product of regrettable politics, of law and order politics, and the old tub-thumping politics on law and order. That is why we should take great care when we see this sort of legislation come before the Assembly yet again.

Let me refer to the arguments in favour of this sort of legislation. The last time, on 11 November 1997, Mr Humphries put it this way:

The Government's argument is very simple. There are two bases for moving and supporting this amendment. One is the strongly expressed view of senior members of the legal profession on this subject, people who deal with this problem on a day-to-day basis.

That one I have already dealt with, so we can dismiss that. He continued:

The other is the in-principle argument that the community deserves and requires to be protected in the face of serious problems with particular types of crime.

Of course they do. Of course they deserve to be protected from it, but it is not the responsibility of the judiciary. It is a clear responsibility of this legislature. This sentencing measure will have no impact whatsoever on reducing crime. There is no realistic deterrent effect on potential offenders by using this. All it will mean, as I indicated in November, is that one person gets a certain penalty for a crime on one occasion, and a week later another person will get a far higher penalty for exactly the same crime. I think that that in itself is simply unjustified.

This Bill is a placebo for those citizens and politicians who want to believe that society is disintegrating and something must be done. It is knee-jerk and it is reactionary. Imprisonment is a regrettable response to offenders. It has to happen at times, and we should use it as a last resort. I know that Mr Humphries, Mr Stefaniak and others agree with that point. If this measure has any effect in increasing the number of people imprisoned or in lengthening prison terms, and it certainly has the capacity to do that, then it is harmful to the health of society. We must ensure that we consider these sorts of issues very carefully.

I will make one last point, Mr Speaker. Mr Humphries, in his introductory speech, drew this conclusion, and I quote from that speech:

The amendments to the sentencing principles proposed in this Bill are modelled on the approach taken in legislation in Victoria, Queensland and the Northern Territory.

What great models! What great models of law reform! Let me talk about some of the laws from these jurisdictions. Queensland is a jurisdiction where the police have the prerogative to detain somebody for possession of drugs, body cavity search them and say, "Oh, sorry; there was not a problem at all. You can go". In the Northern Territory jurisdiction a repeat offence is out of the hands of the judiciary; there is an automatic penalty. In one particular case that I am aware of somebody reached across a fence and took an apple and was sentenced to gaol because it is an automatic penalty. These are not jurisdictions upon which to model law reform. Victoria, granted, in some ways, has been more forthright in some of its law reform measures; but it has also been very reactionary in some of its others. This is simply reactionary legislation. It interferes with civil liberties and it ought to be rejected.

MS TUCKER (12.21): I am really sorry that this Bill has come up again and I am extremely concerned when I realise that it is probably going to get through. I think Mr Moore has spoken strongly on this subject, as has Mr Stanhope. I am also very concerned generally about the fact that I have this comment from the scrutiny of Bills committee. I understand that Mr Berry will be moving that this debate be adjourned when I have completed speaking. I hope that members will show enough respect for process in this place to support that adjournment motion. It is totally unacceptable that we are given a few comments like this, and I agree with Mr Stanhope that it is not clear what is meant. This is a hugely important issue. We have been told that scrutiny of Bills is still being given the emphasis and importance that it has always had in this place, so I am expecting to see the Government, as well, supporting an adjournment on those grounds.

On the actual issue of prevalence in sentencing, the Greens opposed it last time, and obviously we will be opposing it again. It is very concerning to see this very simplistic response to issues of crime in our society. It is not only not showing any understanding of the causes of crime, but it also is fundamentally challenging what we accept as basic concepts of law. I quote here from Moira Rayner's "Rooting Democracy. Growing the Society We Want". She says that one of the principles of the rule of law is:

The law does not permit the arbitrary exercise of power ... No-one can be punished except for a breach of a law, and the punishment should be tailored to the crime, its consequences and the individual offender's circumstances.

Also, Report No. 44 of 1988 of the Australian Law Reform Commission, the report on sentencing, outlined a number of key principles of sentencing which have guided its recommendations. Amongst those principles is this:

Goals such as the incapacitation of the offender or the pursuit of general deterrence should not be objectives of the imposition of punishment.

Consideration of prevalence in sentencing will result in inconsistency of punishment. Consideration of prevalence in sentencing punishes offenders for the crimes of other offenders and is therefore unjust. In a just society people are treated as individuals in a way that is proper for them.

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I am also concerned that basically, once again, the response we are getting from the Liberal Government and, unfortunately, I understand, from Mr Rugendyke and Mr Osborne on this matter is that somehow by doing this we are going to change what is happening in our society. If you want to look at how many of our young people are coming through the courts and why they are coming through the courts, you will see that most of them are there because they have a problem with drugs. Do you honestly believe that, if they hear a particular crime is going to bring a greater sentence because suddenly it has become a crime that is under the prevalence condition, they are not going to enter into that activity; that suddenly they will say, "Maybe I will not commit that crime at this point because the prevalence function has come into place. No; I will commit another crime."? It is patently ridiculous.

This just shows the very unsophisticated approach that has been taken. The problem with it is, of course, that this response does not cost very much in money. This response might make some people in the community who do not understand the causes of crime and the difficulties that we face as a society in addressing those causes of crime think this is actually useful. In fact most people, most thinking people, I believe, will be very disappointed by this response from the Government.

Most people who think about the issues want to see the Government taking responsibility for the causes of crime, coming in with prevention, coming in with intervention, coming in with support for those people in our society who end up coming into conflict with the law. People do not choose to do it because it is a way of earning a living. People come into contact with crime and behave in an antisocial way because they are put in a position of no choice. That is where we have to move. It is just so disappointing to see this again, and I cannot express strongly enough how unwise I believe it is.

I want to ask again that people support an adjournment, because I believe we need to look at what the scrutiny of Bills committee has said about this Bill as well. I am proposing, in fact, that it be adjourned until such time as all members who want to look at this feel comfortable with it. If it requires that we speak to the expert adviser to get clarification on these comments, we should have time to do that.

MR WOOD (12.27): Mr Speaker, it is a sound principle that people convicted of an offence should be sentenced on the basis of the crime they committed and not on the basis of crimes that other people committed, and I would have hoped that the Attorney-General, the senior law person in this city, would have been adopting that principle. Instead, we are going on some sort of law and order campaign.

Last night I saw on *Media Watch* an account of a Channel 7 program, I believe, on crime by young people in the New South Wales outback town of Bourke. That channel had run a program showing a disgraceful state of affairs, as it said, in Bourke. The whole impression we have of young people and behaviour in Bourke is that Bourke is in a very bad situation. But on this occasion *Media Watch*, after making a few very basic inquiries, was able to show that the program screened by Channel 7 was an outrageous beat-up;

that claims by young people about what they had done and claims by the reporters about what was happening were simply lies. We see lots of programs like that and we see lots of newspaper reports like that, and there develops in the community a perception about crime that is not always matched by the figures. Certainly, we are all concerned about crime. Certainly, it is on the increase in certain areas, and we have to attend to it; but let us not do it on the basis of perceptions.

Of course, we would argue that judges are highly objective people and they would not make any judgments based on mere perceptions. We might argue that, but we know in fact that judges are as human and as fallible as we are. They do not have any greater talents than other citizens. They have a greater knowledge of the law, sure. So let us not let sentences face the possibility - I use the word "possibility" - of being coloured by perceptions or prejudices about what we think might be happening. Mr Stanhope said that the judges do not have any special access to or special expertise on crime statistics. They are as available to them as they are to me or to the Minister. The judges need to make their decisions based on what they hear in that court, and that is a very important principle.

It has been said that Mr Osborne will support the Government's proposal. Mr Osborne, in presenting his first report as chair of the committee that looks at the scrutiny of Bills, has brought down a report that sounds a warning or raises an issue. It does not make a totally clear statement. Mr Stanhope said he was not quite sure about what it meant. The report has certainly flagged a basic principle that we need to attend to. It is Mr Osborne's report and he brought it in here. Ms Tucker has expressed her concerns about it and wants to explore it further, and I know of one other member who at least will be encouraged to write to Mr Osborne and seek further elaboration of what that committee report was about. On that basis, while I would prefer an outright rejection of these amendments, we should at least defer our consideration until we hear what Mr Osborne's report meant, and until we get some greater explanation of what it is about. When the motion for adjournment comes before this Assembly, I would hope that we support it. When eventually the vote is put, I would hope that we reject the amendments.

MR BERRY (12.32): Mr Speaker, I move:

That the debate be adjourned.

MR SPEAKER: To a later hour this day, Mr Berry?

MR BERRY: No, just that the debate be adjourned, Mr Speaker. I seek leave to make a short statement in order to explain my position. It might be helpful for members at least.

Leave granted.

MR BERRY: We heard Ms Tucker put an argument for deferral of debate on this matter in order to look at the scrutiny of Bills report. That has been mentioned and I do not need to go into the detail of that. It has also been mentioned that we may wish to raise with the expert adviser to the scrutiny of Bills committee some of the detail which

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is not included in the commentary which goes with the report. Mr Speaker, I am reluctant to move for an adjournment to a later hour this day because on that basis we would not then have time to consult with the adviser and get further advice as to the detail of the standing committee's report to the Assembly. Therefore, I merely move to adjourn the debate.

Question resolved in the affirmative.

Sitting suspended from 12.34 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Rural Residential Development

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. Can the Chief Minister detail the "specific exceptional circumstances" which led the Government to decide to enter into an exclusive preliminary agreement with Mr Derek Whitcombe for a joint venture for rural residential development on the area known as Kinlyside and Hillview near Hall?

MS CARNELL: Thank you very much for the question. The Government's policy on land development certainly does not preclude joint venture agreements, contrary to what those opposite have said on many occasions. Certainly, joint venture approaches are not our preferred method; but they are not precluded either, Mr Speaker. The reason why exclusive negotiations were entered into with a single developer regarding a rural residential development near Hall is that the developer brought to us a letter of authority to negotiate on behalf of the Bolton family, the lessees of the Hillview property. The Bolton family have occupied the Hillview property for, I think, nearly 150 years; so a right to negotiate on their behalf was a significant factor in decisions relating to the redevelopment of the area.

In effect, the developer believed that he was bringing to the proposed joint venture the three leases covering the Hillview property, which overlaps Kinlyside. It was envisaged that the Government would bring to the joint venture a proportion of Kinlyside. The reason why we went into the preliminary agreement - and remember that this was not a joint venture, but a preliminary agreement, subject to stringent conditions - rather than straight into a joint venture arrangement was to allow a full examination of issues, including financial viability, risk sharing, environmental matters and, of course, planning matters. As it turns out, Mr Speaker, that detailed examination has revealed a clearer picture of the status of the relevant leases than that put before Cabinet or, indeed, before senior officials when the approval of the preliminary agreement was granted.

Whereas the developer believed that he was bringing three leases to the table, it turned out that two of those leases had already been returned to government some six years ago. The full implications of this are now being examined by both the Government and the developer involved; but, clearly, it changes the equation in terms of the progress towards a joint venture agreement. In simple terms, if the developer is not bringing an exclusive right to negotiate over Hillview, then the rationale for the Government negotiating exclusively with that developer is removed. Mr Speaker, it highlights the wisdom of the additional stage, of a preliminary agreement, in order to thoroughly test the assumptions on which the proposed joint venture was based.

Mr Berry: They are getting worried.

MR SPEAKER: Order!

MS CARNELL: Excuse me; no. The Government remains committed to the concept of establishing rural residential land developments within the borders of the ACT. We believe that the land comprising the Hillview property and the part of Kinlyside that we are talking about is a very attractive location for such a development. Mr Speaker, the Government is totally committed to looking at rural residential. We believe very strongly - and I am surprised those opposite do not - that allowing people to move over the border and use our facilities, such as our schools, our roads, our libraries and our hospitals, but not pay rates and not pay taxes is a very inappropriate approach for government. Mr Speaker, we think that anybody who believes that we should almost force people over the border if they want a bigger block of land is downright stupid.

So, the Government's commitment to rural residential development continues, and we believe that the land around the Hillview property and part of Kinlyside is a very appropriate location. Mr Speaker, on the basis of the information that I have presented today, I understand that Mr Derek Whitcombe is withdrawing from the preliminary agreement. Obviously, this is with great regret. Mr Whitcombe believed that he brought to this agreement all three leases; he did actually have the three leases in his hand, Mr Speaker. Unfortunately, this has proven not to be the case. On that basis, Mr Whitcombe has, I believe, done the exemplary thing and has pulled out of the agreement.

MR STANHOPE: My supplementary question is this: Having regard to the Chief Minister's admission that the Cabinet proceeded to sign an agreement on the basis of information that was false - - -

Ms Carnell: What agreement?

MR STANHOPE: The preliminary agreement.

Ms Carnell: There is no joint venture.

MR STANHOPE: The Chief Minister has just indicated that the Cabinet made a decision on the basis of information that was false. Can the Chief Minister explain why, when this first became apparent to the Government, they did not cancel the agreement with Mr Whitcombe rather than waiting for him to simply withdraw?

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MS CARNELL: Mr Speaker, the whole point of going into a preliminary agreement was to assess all of these issues, such as what was the basis of the leases, whether it stacked up financially, whether what Mr Whitcombe was bringing to the proposed joint venture was sufficient to make it stack up - - -

Mr Stanhope: What? You entered into an agreement on the basis of dodgy information, and nobody told you that it was dodgy!

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, as I have said very regularly - and I understand that those opposite are now quickly trying to write some more questions for question time; and they have a very large problem here - the whole basis of having a preliminary agreement was exactly this: To work through all of the outstanding issues before going to a joint venture. That shows, I think, a very appropriate approach from the Government. Mr Speaker, if the Government had entered into a joint venture, then Mr Stanhope would be right; but the fact is that we did not. We entered into an agreement that required a large number of things to be looked at or checked - whether they were planning, environmental or financial issues. Those things have been done, Mr Speaker. It came to the Government's notice, I have to say, that these leases were not in the hands of the Boltons - even though they are physically in their hands; they still actually have the leases. They were handed back in, I think, 1991. That information came to the knowledge of the Government last Friday, Mr Speaker.

Dairy Industry

MR RUGENDYKE: My question is to the Chief Minister. Chief Minister, I draw your attention to a press release issued by the New South Wales Premier's office this afternoon. The release is entitled, "New South Wales Government Secures Dairy Industry and Rural Communities". For the information of the chamber, I will read a few paragraphs:

The NSW Government will secure the future of about 1800 dairy farmers and 12,000 direct jobs across the State, maintaining current regulations on milk quotas and farm gate prices, the Premier of NSW, Mr Bob Carr, said today.

The NSW Government is committed to regional development and protecting regional jobs ...

If the State Government had not taken this decision, up to 550 dairy farmers - almost a third - would have been forced to leave the industry, costing the State economy \$80 million.

Mr Carr said:

I will not stand by and watch regional communities and jobs be destroyed by ideologically driven policies.

The NSW Government believes this is the best decision for the State.

I seek leave to table this document, Mr Speaker.

Leave granted.

MR RUGENDYKE: Chief Minister, Premier Carr's decision to continue to regulate the New South Wales milk industry until 2003 was taken because apparently he sees a clear public benefit in the regulation of milk. Will the Chief Minister direct the inquiry into the ACT milk industry to take the New South Wales position into account when deciding the fate of our milk industry?

MS CARNELL: Obviously, that is the case. New South Wales was due to deregulate on 1 July, so I assume that New South Wales is going to have to get some legislation into its parliament very quickly now. Bob Carr, under a huge amount of pressure, has decided to go down this path. The issue of what happens in New South Wales is absolutely essential and central to what happens in the ACT. We are required to do a review under national competition policy, as is New South Wales. One of the things that the Premier has made quite clear is that he will go down this path as long as it does not affect his competition policy payments. I think he has actually made that point.

We all have to take those things into account. As part of the review that we must enter into for our legislation surrounding milk in the ACT, the New South Wales decision will be taken into account. What we have tended to do with regard to New South Wales in the past is align our policy directions, wherever possible, simply because we are an island in the middle of New South Wales. But, at the end of the day, the inquiry will look at this and at New South Wales and will, hopefully, make an appropriate recommendation.

MR RUGENDYKE: Thank you, Chief Minister. Can you assure this place that, like Premier Carr, you will do everything in your power to protect jobs in the local milk industry and consumers from price hikes?

MS CARNELL: Obviously, we will be protecting jobs in the ACT in this area. It is important to remember that Premier Carr did actually put two conditions on his statement today. Those two conditions were that the Government reserves the right to review the matter if market forces have a negative impact on the industry and that the Government reserves the right to review the matter when the NCC reviews the second tranche payments to New South Wales, estimated at \$100m, in July 1999. There are a few little caveats on this, Mr Speaker; but, for all of that, the ACT will protect jobs and it will certainly take into account what is happening in New South Wales.

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Rural Residential Development

MR QUINLAN: My question is to the Chief Minister. Chief Minister, to some extent your previous answer does cover what I was going to ask. We on this side of the house are also concerned about due process. I am very interested in the financial advice that you receive from the administration on the development of rural residential estates in the Territory. Was a cost-benefit analysis carried out?

MS CARNELL: That is exactly what PALM is doing at the moment. I would have assumed those opposite would have been very well aware of that and also the reason why the ACT did not enter into a joint venture arrangement. One of the things required in the preliminary agreement was to do the financial assessments of both the proposed rural residential development and the joint venture part of that.

As I think we would all know, PALM is currently in the process of doing a full review of rural residential development in the ACT - that is, not just the Kinlyside development but more generally. They are due to report by the end of June this year, so they are well into this study. The cost-benefit analysis that they will do involves issues such as larger blocks, whether they affect the ongoing viability of the release of the land and what benefits they bring to the ACT generally. As part of that study, Mr Speaker, they will be consulting with all of the key stakeholders, including the Rural Lessees Association, the National Capital Authority, neighbouring New South Wales councils, the Conservation Council of the South-East Region and Canberra and the Village of Hall and District Progress Association. What we are seeing, again, is a sensible, rational, step-by-step approach, looking at what the benefits are to the ACT before the ACT is in any way tied to the agreement.

MR QUINLAN: I have a supplementary question, Mr Speaker. Now that the Government has been dragged kicking and screaming, I would say, into due process and we are working towards getting the horse back in front of the cart, will the Chief Minister assure this house that the Government will not be entering into further joint agreements without having done the work that is now being done and will not be finished until June?

MS CARNELL: We have not entered into a joint venture agreement now, Mr Speaker; so we certainly will not be doing any further ones. Mr Quinlan is but again wrong.

Police Force - Expenditure

MR HIRD: Mr Quinlan is going on like the antics of the Follett Government - \$28m out at Harcourt Hill.

MR SPEAKER: Order! Ask your question, Mr Hird.

MR HIRD: My question is to the Minister for Justice and Community Safety. Minister, I refer to reports in the media about police expenditure, which is of some concern to the community in the ACT. It is running, as I understand it, above budget. If this is true, can you inform the parliament as to what the Government is doing about it?

MR HUMPHRIES: Yes, I can. I thank Mr Hird for the question. It is true that the police budget is particularly stretched this year. It comes about because of high levels of expenditure required on a relatively small number of major operations. The police are looking at a shortfall in the order of \$800,000 this year. The resources committed to a number of major investigations were far above and beyond the normal requirements for a financial year, primarily because those operations entailed significant expenditure in gaining evidence to place before the courts. Members may recall, for example, a high profile murder investigation undertaken during the last year costing very significantly. Also, a recent extensive operation targeting a motorcycle gang's members involved in dealing in illicit drugs and firearms has been very costly.

Mr Speaker, the Government is weighing the facts carefully and we conclude that the only alternative to not proceeding with these investigations at the necessary cost is a significant compromise to public safety and law enforcement. Accordingly, during February my department made available \$200,000 to assist the police and the Commonwealth Government exempted the ACT Region of the Australian Federal Police from planned expenditure reductions. Together, that provided some \$393,000 worth of extra funding. Since being returned to government I have been working with the AFP's regional management team to identify areas of expenditure that could be reduced without compromising essential community services. As part of that process the AFP has been required to examine a number of cost reduction strategies for consideration by the Government.

Mr Speaker, this Government is committed to ensuring that Canberra's policing services are well maintained and that the community's safety is not compromised. Accordingly, I can announce today that the Government has approved further supplementation of about \$472,000 from the Treasurer's Advance which will assist the Australian Federal Police to meet their obligations for the protection of the community throughout the remainder of this financial year. In a small jurisdiction it is sometimes necessary to provide access to further funding to ensure that major operations are undertaken across the board properly. The Government does not shrink from its responsibilities to manage the Territory's finances capably. That means keeping down those costs as much as possible. But sometimes it is more important to make sure that resources are supplemented to ensure that essential community obligations are fulfilled, and that is the case in this particular instance.

Rural Residential Development

MR WOOD: Mr Speaker, my question is to Mr Hird in his capacity as chair of the Urban Services Committee. Mr Hird, on ABC radio on 8 May - not long ago - you said that you had given no commitments in relation to development at Kinlyside. I read from the transcript of that interview:

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Interviewer: On the issue of Hall though did you give a commitment to the local residents to support what a majority of them wanted.

Harold Hird: No I haven't given that commitment.

Mr Hird, do you stand by that statement?

MR HIRD: Speaking as the chair of the committee, I am not sure whether the question is relevant to the committee. I understand that the question goes to my personal assessment as a local member, not as chair of the committee; so I would ask you to indicate one way or the other. However, I was intrigued that the person from the ABC seemed to think that the public meeting, which, as chair, I had called at the request of my committee at 10.00 am, was at 10.00 pm. I had to remind the interviewer on several occasions, unfortunately, that it was not late at night, it was 10 o'clock in the morning.

As to the requirements of the citizens of Hall, Mr Charlie Chuckles over there - Berry Wonderland - would be well aware that, by the committee's own agreement, I allowed it to listen to the Hall Progress Association's submission. I am pleased to say that the submission was heard by my committee and it took questions on notice which we forwarded appropriately to the Chief Minister. The Chief Minister, I understand, will be responding to those at the appropriate time, when she can.

The sad thing about this is that the cat has been let out and there is no canary. There is no canary at all. They go on some witch-hunt, as they did some years ago with an auction under my name. I am yet to receive an apology from Charlie Chuckles up the back there - the dismal VITAB failed opposition leader. When he comes to grips with the fact that he is now a backbencher he might start to listen to Mr Wood his colleague.

Mr Berry: Mr Speaker, I did not ask the question. I am just laughing; that is all.

MR WOOD: Yes, it was my question. Mr Hird did not deny making that statement, which I read here in black and white quite clearly; so I will move on to my supplementary question. Mr Hird, I ask whether it is not true also that a letter prepared in your office before the election and that you proposed for circulation in Hall, referring to the proposed development, stated:

Before that could happen Harold will ensure that every member of our community -

that is, the Hall community -

will be given an opportunity to have a strong say on the proposal.

The views of the local families have already been made known to Harold -

I wonder who worked this letter out -

who has worked extremely hard for the advancement of the Village. Harold has said that he will continue to represent the majority view of the residents of our village, particularly on this issue.

I understand there has been no commitment from the Government for this proposal to proceed.

How does Mr Hird reconcile those contrary views to those in the radio interview I quoted a little while ago?

MR HIRD: Once again, Mr Speaker, I submit that the supplementary question is referred to me as the local member, not as chairman of the committee. However, it is interesting to note that at the recent election the majority of voters in Hall identified that the Liberal Party had the best policies, because the majority of them voted for us. There are no hidden secrets as Mr Charlie Chuckles over there might think. He is always on about this hidden agenda and hidden secrets. There was no hidden secret that we would allow the majority of people in Hall to have a say and I certainly would have done that.

The question is: Did the letter that Mr Wood referred to have my signature on it? I doubt it because I do not recall signing such a document. But I would have been prepared to on the grounds that we on this side like to have public consultation, contrary to what those opposite did when they were in office. At least we listen and take action appropriately after we have weighed all sides of the arguments. We do it for the good of the community. They have gone silent on the other side of the chamber. I would ask this question, if I may, on the supplementary - - -

MR SPEAKER: No, you may not. You are answering a question, not asking one.

MR HIRD: Answering the question, why is it that the Territory Plan that was prepared under the Follett Government has a residential suburb known as Kinlyside encroaching on the village of Hall to its detriment? I ask you that. Were you listening? No, you were not.

Competition Policy

MR OSBORNE: Mr Speaker, that was as good an answer as I have ever heard in this place. Mr Wood wanted a "Yes" or a "No" and Mr Hird gave us 10 minutes of that. I take my hat off to you, Harold. That is as good as I have heard.

My question is to the Chief Minister and it relates to competition policy, once again. As you are aware, the national competition policy was introduced by the former Keating Labor Government and subsequently ratified by the former Chief Minister, Rosemary Follett, in 1994. The general purpose of the policy is that by 1 July this year all government-regulated and private sector monopolies will be open to a fair level of competition unless a measurable public benefit can be demonstrated. Recently, your Government gave up the Belconnen pool - I can see Mr Stefaniak cringing there -

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because the ACT's Competitive Neutrality Complaints Unit believed that a public sector swimming pool would breach key principles of the competition policy, a link which I believe many people feel is a bit tenuous. Chief Minister, given the Government's willingness to comply with the terms of competition policy, what effect do you anticipate the competition guidelines will have on some of our more highly regulated services such as ACTION buses, taxis, Totalcare and the gaming industry? Will your Government be initiating a review of these and other services, and when will those reviews take place?

MS CARNELL: All legislation has to be reviewed under national competition policy and all services that are a monopoly have to be reviewed also. So the answer to the question - will we be reviewing all of our services that are monopolies? - is yes. We will be reviewing them under the legislation that was brought down by the Federal Labor Government and signed by Rosemary Follett.

The basis of the Belconnen pool decision is very important because where we go to from here is to get an independent consultant to actually assess the project now under national competition policy requirements, and that means looking at the issues of public benefit. That is the process that is under way, Mr Speaker. That is what was recommended by the complaints mechanism and we will be taking that approach. In fact, I think in the capital works program that was referred to the Urban Services Committee this morning there is money in the budget for that process.

MR OSBORNE: I have a supplementary question. I thank the Chief Minister. My question was not really about the pool. Chief Minister, what I was really looking for from you was this: Do you fear for the future of ACTION buses, do you fear for the future of Aerial Taxis, do you fear for the future of Totalcare, given what has happened, especially in the last few months, in regard to the milk industry and all those other issues?

MS CARNELL: What it means is that those particular services will continue as a monopoly only if they can show demonstrated community benefit. That is very appropriate because if there is not demonstrated

Rural Residential Development

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Chief Minister, you confirmed in question time earlier today that the Government's position on land development is that joint ventures are not the preferred model for land development. Can you also confirm, Chief Minister, that it is the Government's preferred position that if joint ventures are to be progressed it should be by public tender?

MS CARNELL: That is not necessarily the case at all. The Government's view is that, after the absolute disaster of the joint ventures that were entered into by the previous Labor Government and the huge exposure of the ACT taxpayer to extraordinarily unnecessary expense, joint ventures were not and are not the preferred approach. There needs to be a good reason for going down the path of a joint venture. The position of the previous Government was to go down the path of joint ventures and the path of public tender. So what you are talking about is your policy. Our policy is that joint ventures should not happen unless there is a very good reason for them to do so.

After Harcourt Hill and a number of other extraordinarily, I think, difficult joint ventures from an ACT government and ACT taxpayer perspective, I am amazed that those opposite ever ask questions on joint ventures because, quite simply, they stuff them up. We do not plan to do that. We have not done that, Mr Speaker. I think those opposite should hide their heads in shame.

MR CORBELL: Mr Speaker, I will ask my question in a different form, as the Chief Minister failed to answer it in my substantive question. In relation to public tender, Chief Minister, if joint ventures are progressed by your Government, do you have a preferred model that indicates that they should be by public tender?

MS CARNELL: We will look at every project and every proposal on its merits. That is what those opposite should have done. They should have entered into preliminary agreements before they entered into joint ventures on things like Harcourt Hill. They did not. What have they done, Mr Speaker? They have cost the ACT taxpayer millions. The answer to the question, quite seriously, is that we will look at every proposal put to this Government on its merits.

Mr Corbell: I raise a point of order, Mr Speaker. My question was: Will the Government - - -

Ms Carnell: It is not a point of order, Mr Speaker.

Mr Corbell: On a point of relevance, Mr Speaker: I asked the Chief Minister - - -

Mr Humphries: Mr Speaker, on a point of order - - -

Mr Corbell: If I can be allowed to finish my point of order, Mr Speaker - - -

Mr Humphries: The Chief Minister has finished her answer, so there is no question of relevance anymore.

Mr Corbell: I have a point of order on relevance and I would ask you to hear me out, Mr Speaker.

MR SPEAKER: I will hear you out.

Mr Corbell: Mr Speaker, on the point of relevance: I asked the Chief Minister about public tender. In her answer she made no reference whatsoever to public tender. I want to know what the Government's preferred position is.

Ms Carnell: It is not a point of order.

MR SPEAKER: The question has been answered.

Mr Berry: I raise a point of order, Mr Speaker. The question has not been answered.

MR SPEAKER: The Chief Minister has finished the answer. She has answered the question.

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Mr Berry: Mr Speaker, I ask - - -

MR SPEAKER: Just a moment, Mr Berry. There is nothing in standing orders which states that a question has to be answered in the way the questioner wishes it to be answered. We have been through this time and again in this place.

Mr Berry: Mr Speaker, I ask you to clear the decks by directing the Chief Minister to be concise and confine her answer to the subject matter of the question in accordance with the standing orders.

Mr Humphries: Mr Speaker, on that same point of order - - -

Mr Berry: I ask you to direct her, Mr Speaker. I have raised a point of order.

Mr Humphries: I have a submission to make on the same point of order. The Chief Minister has completed the answer. It is not possible for a member to require the answer to be given again in some different fashion because he does not like the answer.

MR SPEAKER: The only thing that I can do is to examine the *Hansard*. I am in no position to make a judgment on these things at this point.

Mr Berry: Mr Speaker, with the deepest respect, you are in a position - - -

MR SPEAKER: I will have to examine the *Hansard*, Mr Berry.

Mr Berry: You are in a position to order that people comply with the standing orders.

MR SPEAKER: I will examine the *Hansard*.

Electricity Supply - Green Power Option

MS TUCKER: My question is directed to the Minister for Urban Services, Mr Smyth, as a shareholder of ACTEW. As the Minister is no doubt aware, ACTEW established a Greenchoice scheme in October 1997. Rather than joining a scheme that was established by the New South Wales Sustainable Energy Development Authority, ACTEW chose to establish its own scheme - Greenchoice. Greenchoice has been shown to be flawed for a number of reasons: There is no independent accreditation, the scheme is available only to domestic customers and, most critically, the money is not going directly into the purchase of green power, but rather is going into an R and D fund with no detail of how the money will be spent. In fact, at one stage my office was informed the money would be used for the construction of the gas-fired power station which is not a renewable energy source. It is not surprising that only very few customers have joined this scheme. At the same time as ACTEW's scheme is floundering, the Sustainable Energy Development Authority's green power scheme has recently

gone national. Around 13 million Australians will have the choice of supporting environmentally friendly renewable energy, with electricity retailers in Queensland, New South Wales, Victoria and South Australia now committing to the green power scheme administered by the Sustainable Energy Development Authority. Professor Fred Hilmer, the chairman of the electricity generator Pacific Power and the architect of competition policy in Australia, announced the expanded scheme in Sydney today in time to complement - - -

MR SPEAKER: Order! Ms Tucker, can we get to the question? This is becoming like a ministerial statement.

MS TUCKER: Yes, I am almost there. It is important because Mr Smyth may not know the background, but I am nearly finished. It was done, basically, in time to complement the forthcoming competitive national grid. Minister, are you aware of SEDA going national and the amount of participation in this scheme? What action will you take as a shareholder of ACTEW to ensure ACTEW participates in the SEDA scheme - a scheme which has been proven in the market? I can see by the exchange that Mrs Carnell could equally answer this. In case you are going to say, "It has nothing to do with me", let me say I do believe that, as a shareholder, you have a place - - -

Ms Carnell: He is not a shareholder; it is just a body - - -

MR SPEAKER: Order!

MS TUCKER: Who are the shareholders, then?

Ms Carnell: Gary and I.

MS TUCKER: I beg your pardon. Can one of the shareholders - - -

Ms Carnell: That is why we were looking at each other.

MS TUCKER: Mrs Carnell or Mr Humphries - that is fine. But I would like an answer.

MS CARNELL: I was not aware of the announcements in New South Wales today on this issue, but I am more than happy to have a look at them. With regard to ACTEW's approach on green power, as we know, it has changed from the way it was initially put forward. In fact, as I understand it, the prices have come down significantly. We also know that ACTEW has entered into - or at least is very close to it if it has not already done so - a new agreement for methane-based power at the tips. ACTEW is doing a lot of things. I am really happy to look at what Ms Tucker spoke about, because I was not aware of them.

MS TUCKER: I have a supplementary question. Mrs Carnell, will you also commit to working with ACTEW to encourage them to join SEDA, not just look at it?

MS CARNELL: I am very happy to work with ACTEW. I have to say, as a shareholder, I do not work with ACTEW. As shareholders, we assess, we look at board decisions and we put forward positions or directions that we would like the board to look at. I am very happy to act appropriately as a shareholder in this situation.

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Rural Residential Development

MR HARGREAVES: I address my question to the Chief Minister. I am very grateful, I must say, for the lecture in history that these terrible people on this side of the house have made some dreadful mistakes with regard to some dreadful things and we have in fact, as Mr Hird is wont to say, abrogated our responsibility for community consultation. I must express my gratitude for that.

MR SPEAKER: Mr Hargreaves, ask your question.

MR HARGREAVES: Yes, Mr Speaker. My question concerns discomfort. We have some discomfort about this process at Kinlyside. Our discomfort stems from such things as the joint venture at section 555 in Gordon. Wonderful community consultation! Mr Hird boasted about the Minister and his land planning people admitting to such mistakes. My question is: Can the Chief Minister tell the Assembly exactly when it became evident that Mr Whitcombe held only one lease and not three? I will underscore the words in case there is a point of order later on, Mr Speaker, and a misinterpretation. The words are “exactly when”.

Ms Carnell: I have already answered it.

MR HARGREAVES: Then I will ask you to reiterate it.

Ms Carnell: You cannot. It is contrary to standing orders.

MR HARGREAVES: Mr Speaker, with due respect, I will take your ruling and not that of the Chief Minister.

MR SPEAKER: A question fully answered cannot be renewed.

MR HARGREAVES: Further, can the Chief Minister say when it became evident that Cabinet had been misled?

Mr Humphries: Mr Speaker, on a point of order: The Chief Minister did answer the question to the day in her earlier answer, so that question has been fully answered. Standing orders do not allow a question already answered to be asked again.

Mr Berry: Mr Speaker, part of the question asked when they became aware that the Cabinet had been misled. The Chief Minister has not answered that question.

MR SPEAKER: While we are all jumping up and down on this I am about to uphold the point that Mr Humphries made, namely, that a question fully answered cannot be renewed. That is standing order 117(h). However, that part of the question, if such exists, of Mr Hargreaves's that has not been answered can be addressed.

Mr Humphries: On the point of order, Mr Speaker: The answer is the same for both questions, so it has been answered.

MR SPEAKER: In that case the question cannot be answered because it has already been answered.

MR HARGREAVES: Mr Speaker, with your indulgence I will proceed to a supplementary question, given that those opposite have joyfully sidestepped the issue. When did Mr Whitcombe withdraw from the preliminary agreement, and will the Chief Minister table the correspondence relevant to that withdrawal?

MS CARNELL: I understand that it is very hard writing new questions when you have one only. But, Mr Speaker, I have answered that the day the Government found out about the situation was Friday and the day that Mr Whitcombe pulled out was today. I am not sure what correspondence there is, as the meeting with Mr Whitcombe happened only today.

Mr Hargreaves: I raise a point of order, Mr Speaker. The second half of the question was: Will the Chief Minister table the correspondence? Is the answer a yes or a no, Mr Speaker?

MR SPEAKER: Order!

MS CARNELL: I answered that too.

Car Registration Plates

MR KAINE: I address a question to the Minister for Urban Services. Minister, at the last meeting of the Assembly three weeks ago, on two consecutive days I asked you questions about the number of numberplates that have been issued with the new slogan on them. It seems to be a moving target. The first day you said it was about 70 per cent. The second day you said that 75 per cent had actually opted for the new plates. I want you to remember those words. The *Canberra Times* motoring editor, however, seems to have better information, because on 16 May he said that only 48 per cent of people have specifically requested not to have the new "power" plates. There is a big difference between approximately 50 per cent and 75 per cent. Are you now able to actually tell us how many sets of plates - and this is the question I asked you originally - have been issued since the new plates became available, how many sets actually contain the new slogan and how many do not contain the new slogan?

MR SMYTH: It is curious that what is not acknowledged in the question is that those figures do change over time and on each occasion I believe that I gave a date as to the number. As of today, 1,960 sets have been issued and 1,010 sets, or 52 per cent, carry the slogan. Doing some quick maths, 950 do not have the slogan.

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MR KAINE: I ask a supplementary question, Mr Speaker. When I asked you that question before - and you seem to be right; the numbers do change from time to time, depending on when I ask the question - I also asked you a couple of other questions. One was would you ensure that people going to the shopfronts to get these numberplates were given the option. You said they should be offered that option. I also asked whether you would have some signs put up so that those people walking into a shopfront would know immediately they walked in that they had the option available to them. You said you would take that suggestion on board. According to the *Canberra Times*, again on 16 May:

In the method under which new plates are issued, motorists are automatically issued with the "power" plates unless they nominate otherwise.

That is the very opposite of what you have suggested to me is the case. I ask you again: When do you intend to make sure that, in the shopfront, people are told up front that they have an option? Secondly, since you indicated a willingness to take on my suggestion about signage, when do you intend putting the signage up, because there is none there yet?

Mr Stanhope: Good question!

MR SMYTH: Mr Speaker, it is a good question because I think what the *Hansard* will actually show is that I said I would consider Mr Kaine's suggestion. In consultation with the department and with the Motor Registry, we have decided that the process is fine as it is. It is curious that we have the quoting of different figures at different times and in each case - - -

Mr Stanhope: Give up on it now.

MR SMYTH: No, Jon; you have to listen because when I said that the figures were at a certain point in April they were at a certain point in April. When I said that they were at another point in April they were at another point in April. Now I quote you figures as of 19 May, and those are the figures as of 19 May. But the issue is that you - - -

Mr Kaine: Would you address my supplementary question, Minister?

MR SMYTH: I am attempting to do so. I have considered your request and I am quite happy with the process as it goes on at the moment. I think people in Canberra are well aware of the choice of plates because we have offered them the choice of plates.

Mr Kaine: On a point of order, Mr Speaker - - -

MR SMYTH: No; let me finish.

Mr Kaine: What the people of Canberra are well aware of, or not well aware of, does not address the undertaking that the Minister made to me three weeks ago, and on neither count has he honoured his undertaking.

MR SMYTH: Mr Speaker, what can I say? It is curious, though, because the majority of new plates are actually issued through the motor dealers. Mr Kaine might like to take it up with the motor dealers as to the way that they offer choice.

Mr Kaine: I am taking it up with you as the Minister.

MR SMYTH: We only fill the orders as the motor dealers bring them in. You know that very well because you are a former Minister. It is curious because further into the *Canberra Times* article the motoring editor makes a couple of interesting observations, one of which is that there seems to be a market for the new plates and a market for the plain plates. Older Canberrans seem to like them plain; younger Canberrans seem to like them with the slogan. In fact, he relates a story where a young lady who actually purchased a car had to ask for the new plates because they were the plates of her choice. I have taken into consideration what you have said and have decided that the system is fine as it is.

Mr Kaine: Would you now like to answer my supplementary questions, Minister, because you did not address them.

MR SMYTH: I answered them.

Rural Residential Development

MR BERRY: My question is to the Chief Minister and it is in relation to the Kinlyside development.

Ms Carnell: The secret deal!

Mr Hird: Yes, that you expected.

MR SPEAKER: Order!

MR BERRY: Give me a bit of space, Mr Speaker, so that the Chief Minister can hear my question and make an attempt at answering it. When did Mr Whitcombe first approach the Chief Minister in relation to his proposal for the Kinlyside development? That is a fairly straightforward question.

MS CARNELL: Mr Speaker, I think it is actually a very interesting question on when Mr Whitcombe approached a lot of members in this house with regard to that. I can understand why, Mr Berry. Mr Speaker, as you have rightly said, when you answer a question in this place it is important to put all of the information on the table. Mr Whitcombe approached me, I have to say, over 12 months ago. And guess when he approached the previous Leader of the Opposition. I think it was in May 1997 - more than a year ago, Mr Speaker. Yes, he approached me before May of last year. I think it was in about February. Then he went off and decided to talk to almost everybody who was in the house at the time.

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Mr Berry has been running around talking about secret deals, talking about this being a shocking secret deal. Mr Speaker, will Mr Berry tell the house where he did the interviews on "Working Capital"? Where was he sitting? Where was Mr Berry on 19 November? Mr Speaker, Mr Berry and those opposite, including, I have to say, Mr Corbell, have run around about secret deals. Mr Berry was informed not once, but twice, on this deal, Mr Speaker. As far back as 26 September last year Mr Whitcombe fully briefed Mr Berry. But that was not enough, Mr Speaker. Mr Whitcombe actually took Mr Berry out to the property to show him the development. So, he was briefed twice on a secret deal. But Mr Whitcombe did not stop there.

Mr Berry: We are talking about the Cabinet decision, Kate. What about the Cabinet decision, the secret Cabinet decision?

MR SPEAKER: Order!

MS CARNELL: I understand why they will not let me continue, Mr Speaker. Federal members Bob McMullan, Steve Dargavel and Kate Lundy were also put in the picture in September 1997. Mr Speaker, Ms McRae and Mr Berry, I understand, went out and actually had a look at the whole situation. In fact, Mr Berry did his interviews on "Working Capital" sitting in the back of Mr Whitcombe's four-wheel-drive while looking at this secret deal. Quite seriously, it is about time that Mr Berry started to put all of the information on the table. He has been running around on secret deals. How secret was the deal if he was actually out at the property, sitting in the back of Mr Whitcombe's four-wheel-drive, doing his interviews on the election?

Mr Stanhope: Why could they not get their facts straight? Why were you misled? Is OFM that incompetent?

MR SPEAKER: Order!

MS CARNELL: I understand why they are trying to change the subject, Mr Speaker. That was before the Cabinet decision. Mr Whitcombe interviewed people, took out people who were interested, gave people - Liberal, Labor and crossbenchers - information on all of this before the Cabinet decision to go into a preliminary agreement. So much for a secret deal.

MR BERRY: Mr Speaker, my supplementary question is again directed to the Chief Minister. Chief Minister, is it not true that in fact you approached Mr Whitcombe and encouraged him to pursue this development?

MS CARNELL: Mr Speaker, I have actually spoken to lots of developers over the last couple of years with regard to rural residential development. In fact, I have gone public on the issue.

Mr Berry: I take a point of order.

MR SPEAKER: Just a moment; there is no point of order. As far as I am aware, the Chief Minister is answering the question.

Mr Berry: You have not heard the point of order.

MR SPEAKER: It will have to be a lulu, because it seems to me that she is answering the question.

Mr Berry: Your commentary is very interesting and amusing, Mr Speaker, but the fact of the matter is that the question I asked was: Is it not a fact that the Chief Minister approached Mr Whitcombe and encouraged him to pursue the development? I wish she would stick to the subject matter.

MR SPEAKER: The Chief Minister is answering the question.

Mr Humphries: Mr Speaker, Mr Berry continues to abuse standing orders by asking his question a second time - in fact, they all do it - under the guise of arguing relevance. The Chief Minister has barely risen to her feet. She can hardly be expected to have even reached the nub of the question when she has not finished the first sentence.

MR SPEAKER: I will watch that very point in future.

MS CARNELL: Mr Speaker, the answer to the question is quite clear. I have regularly, in many forums, expressed my view on rural residential development over a number of years. If the question is, did I go to Mr Whitcombe and suggest that he might like to put rural residential on the Kinlyside property, the answer is no.

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

AUTHORITY TO BROADCAST PROCEEDINGS Paper

MR SPEAKER: Pursuant to subsection 4(3) and subsection 8(3) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation for the broadcasting of proceedings to specified government offices and an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly today, 19 May 1998, during question time.

LEGISLATIVE ASSEMBLY - QUARTERLY PERFORMANCE REPORT Paper

MR SPEAKER: I present, for the information of members, the Legislative Assembly's performance report for the March quarter 1997-98.

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STATUTORY REFERENCES TO COMMITTEES

Paper

MR SPEAKER: I present an instrument prepared pursuant to subsection 14(1B) of the Interpretation Act 1967 relating to statutory references to particular committees of the Legislative Assembly.

ACTEW CHARGES FOR 1998-99

Independent Pricing and Regulatory Commission Report

MS CARNELL (Chief Minister and Treasurer) (3.24): Mr Speaker, for the information of members, I present the Independent Pricing and Regulatory Commission's report entitled "Investigation into ACTEW's electricity, water and sewerage charges for 1998-99 - Price direction". Mr Speaker, I move:

That the Assembly takes note of the paper.

Mr Speaker, today I am tabling the second report of the Independent Pricing and Regulatory Commission. The Independent Pricing and Regulatory Commission is an independent body which determines the pricing directions of regulated industries, in this case ACTEW. It is governed by legislation, the Independent Pricing and Regulatory Commission Act 1997.

The commission is conducting a two-stage investigation into charges for electricity, water and sewerage services supplied by ACTEW. This report, released on 15 May, deals with the short-term price path and covers the first stage of this investigation, which extends from 1 July 1998 to 30 June 1999. The second stage of the investigation, the medium-term price path, covers a two-year period from 1 July 1999 to 30 June 2001 and is due to be completed by October 1998.

I will not go into great detail; but, in summary, the report makes the following determinations: Electricity network revenue will be frozen at the 1997-98 level after adjustment for customer and sales growth. The allowed revenue for the regulated electricity retail margin will be frozen at the 1997-98 level, after adjustment for customer sales and sales growth and subject to allowance for loss of contestable customers. Within the overall revenue cap there is the flexibility to increase domestic electricity prices by up to 3 per cent. An increase in domestic prices relative to business prices will partially address existing cross-subsidies.

The charge for water consumed in excess of one kilolitre and up to 300 kilolitres will be 37c per kilolitre. The charge for water consumed in excess of this quantity will be 76c per kilolitre. The current charges are 35c a kilolitre for the first 350 kilolitres of water consumed in excess of one kilolitre and 76c per kilolitre for water consumed in addition to that quantity. The fixed charge will decrease from \$135 to \$125. Sewerage charges will be frozen at current levels.

The commissioner estimates that the impact of the determination, which covers electricity, water and sewerage charges, is an annual increase of \$19 per year for the average household. This is well under inflation expectations, representing a real decrease for electricity, water and sewerage charges of 1.1 per cent.

Members should note that in the report the commissioner has raised a number of issues to be addressed in the future which accord with the reforms being pursued as part of both the COAG-related reforms and national competition policy reforms. These are: Further ringfencing of ACTEW's related businesses from their non-related businesses; further reductions of cross-subsidies in electricity and water charges; and movement to a national standard for determining the value of assets used in the provision of regulated services, to enable a more cost-reflective and fairer approach to the process of price determination.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present, pursuant to section 6 of the Subordinate Laws Act 1989, subordinate legislation in accordance with the schedule of gazettal notices circulated and a notice of commencement for the Environment Protection Regulations.

The schedule read as follows:

Agents Act - Determination of fees - No. 76 of 1998 (S117, dated 7 May 1998).

Electricity Act - Electricity Regulations (Amendment) - No. 1 of 1998 (S40, dated 16 January 1998).

Environment Protection Act -

Applications received under the Act for environmental authorisation - No. 77 of 1998 (S123, dated 8 May 1998).

Environment Protection Regulations - Notice of commencement (1 June 1998) of remaining regulations (S124, dated 8 May 1998).

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Fair Trading Act - Fair Trading Regulations (Amendment) -

No. 12 of 1998 - Access Control Industry Code of Practice - (S119, dated 7 May 1998).

No. 13 of 1998 - Guard and Patrol Services Industry Code of Practice Amendment - (No. 1 of 1998) (S127, dated 11 May 1998).

Liquor Act - Liquor Regulations (Amendment) - No. 11 of 1998 (S111, dated 24 April 1998).

Magistrates Court (Civil Jurisdiction) Act - Magistrates Court (Civil Jurisdiction) Regulations (Amendment) - No. 10 of 1998 (S108, dated 21 April 1998).

Public Place Names Act - Revocation of Instrument No. 46 notified in Special *Gazette* No. S116 dated 20 June 1994 (S128, dated 13 May 1998).

PAPERS

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Pursuant to section 36 of the University of Canberra Act 1989, I present the University of Canberra's report for 1997 - the first, I think, to the ACT as opposed to the Commonwealth Government - including financial statements and the Auditor-General's report.

Pursuant to standing order 83A, I present two out-of-order petitions, lodged by Ms Tucker, from 20 and seven citizens, relating to the ban on circuses using animals and truck parking in suburban streets, respectively.

LAND (PLANNING AND ENVIRONMENT) ACT - LEASES Papers and Ministerial Statement

MR SMYTH (Minister for Urban Services): Mr Speaker, I present the schedule of lease variations and change of use charges for the periods 1 October 1997 to 31 December 1997 and 1 January 1998 to 31 March 1998 and the schedule of leases granted for the same periods, pursuant to the Land (Planning and Environment) Act 1991. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly each quarter outlining the details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedules I have tabled cover leases granted for two periods: 1 October 1997 to 31 December 1997 and 1 January 1998 to 31 March 1998. Mr Speaker, I have also tabled other schedules in relation to variations approved and change of use charges for the same periods. A record of all new leases and applications to vary crown leases is available for public inspection at my department's shopfront at Dame Pattie Menzies House, 16 Challis Street, Dickson.

FEDERAL BUDGET 1998-99 Ministerial Statement

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the impact of the 1998-99 Federal budget on the Australian Capital Territory.

Leave granted.

MS CARNELL: Mr Speaker, the 1998-99 Federal budget has been labelled by many commentators as a low-risk budget for high-risk times, which I agree with entirely. To its credit, the Federal Government has stuck to its promises to deliver the first genuine surplus since the 1990-91 budget, with the capacity for further real surpluses in the future. The damage to national finances caused by the Keating-Beazley rush to the elections has largely been repaired, with Australia finally getting its public sector housekeeping under control.

Importantly, Mr Speaker, the "steady as she goes" approach will now set the scene for the Federal Government to concentrate on the next leg of its reform agenda - national tax reform - by delivering a comprehensive set of proposals to the Australian public, with the opportunity for debate. From my perspective, I will be pursuing an agenda calling for more certainty and a broader revenue base for the States and Territories, with an open view as to whether this can be achieved by some States' preferred option of a fixed share of Federal tax revenue.

Mr Speaker, the budget impact on the ACT contains no funding surprises. Importantly, Federal grants are in line with Premiers Conference expectations and our own budget forecasts. Under Commonwealth-State financial arrangements, the Commonwealth will be providing financial assistance of \$548.5m to the ACT in 1998-99. This includes general revenue assistance of \$310.4m and specific purpose payments of \$248.4m. The total financial assistance for 1998-99 is \$21.9m more than in 1997-98 and represents a nominal increase of 4 per cent, or 2 per cent in real terms.

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While I applaud the Commonwealth's fiscal achievements, I have questioned and will continue to question why the Commonwealth saw fit to slug States and Territories with so-called black hole payments when there is no longer a black hole to fill. The Federal Government's budget indicates that the ACT will be required to meet its State fiscal contribution, amounting to \$10.2m in 1998-99. I contend that it is completely unreasonable and illogical for the Commonwealth to be taking this money from the ACT at a time when our budget is still in the red and our economy is still suffering from the continuing massive Commonwealth spending cuts. It is particularly galling when the Commonwealth Grants Commission has recommended in its 1998 update report an increase in funding for the Territory.

While \$10m is little more than a rounding-off amount in the Commonwealth's budget, it represents the equivalent of the cost of educating 2,000 of our children or the treatment of 3,000 patients in our hospitals. Mr Speaker, for us \$10m is a lot of money. It makes the already difficult task of preparing the ACT budget that much more difficult. I cannot accept this element of the budget, and I have written to the Prime Minister seeking a decision to have the State fiscal contribution liability written off once and for all.

On the positive side, the budget contained major capital works commitments that will provide an economic stimulus to Canberra, although somewhat less than last year due to the scaling down of the Russell redevelopment. These include:

The Russell Offices redevelopment: The budget provides \$65m in 1998-99; \$85m was provided in last year's budget.

The National Science and Technology Centre: \$3.1m for capital works and exhibitions.

The National Capital Authority restoration program: This program was announced last year and was worth \$5m per year for four years; the budget continues this program and extends it for a fifth year.

The National Film and Sound Archive: \$15m is to be spent on redevelopment; this was announced last year.

Old Parliament House: \$15.4m is to be spent over five years; this was announced last year and work commenced in 1997-98, although no figures have been available until now.

The National Museum of Australia: The budget provides \$9.9m for the establishment and operation of the museum; \$7m was provided in last year's budget.

Mr Speaker, from a jobs perspective, the net effect of these capital works will be to reduce direct employment associated with Commonwealth capital works by an estimated 150 jobs from last year's level, with a flow-on effect of another 90 jobs in other sectors.

As I said before, this reduction is due mainly to the scaling down of the Russell redevelopment and depends on the work schedule associated with the construction of the National Museum. However, this figure should be seen in the context of the Commonwealth's total capital works program in the Territory, which during 1996-97 provided employment for more than 3,800 construction workers and a further 2,200 workers in other sectors. In addition, a major recurrent initiative for the ACT included the provision of \$0.5m per annum for four years to fund the Commonwealth's national capital liaison activities via the ACT Liaison Unit in the Department of Transport and Regional Development.

Mr Speaker, the budget continues the policy of job cuts for the Australian Public Service. On public sector employment, the budget identifies total reductions in average departmental staffing levels of around 9,000 jobs. The outsourcing of Department of Employment, Education, Training and Youth Affairs functions accounts for around 3,000 of this reduction. Allowing for outsourced jobs picked up by the private sector, preliminary estimates of the effects of the remaining reductions suggest that the ACT will see a net fall of about 1,000 jobs in 1998-99. This will create a flow-on loss of around 800 jobs in other sectors.

The job cuts earmarked for the Australian Public Service in 1998-99 should not be looked at in isolation, but as an extension of already savage reductions. The ABS estimates that, between November 1995 and November 1997, Commonwealth employment fell by some 3,700 in the ACT. The latest round of cuts would mean a total loss of jobs in the ACT, direct and indirect, of about 9,000 over three years. These cuts will be taken into account by my department in the preparation of budget forecasts for economic and employment growth for the ACT in 1998-99.

Mr Speaker, there are a number of other measures which will have a very positive effect in Canberra and which have been widely reported, including: The broadening of eligibility for health care card benefits, which is likely to assist many self-funded retirees in Canberra; tourism promotion initiatives; public health initiatives; and regional assistance programs.

Finally, Mr Speaker, the budget does contain some very important measures relating to transport and roads which will boost the ACT's role as a transport hub for the region and build on a number of important new initiatives already announced, such as the Canberra Airport sale and the very fast train project. These measures include: \$17m to start work on the upgrade of the Sutton to Watson section of the Federal Highway into Canberra; \$300,000 to investigate route options for the Barton Highway between Yass and Canberra; and the release of details which were foreshadowed last year of the Commonwealth's infrastructure borrowing tax offsets scheme, which will provide tax breaks for project developers, paving the way for up to \$2 billion in private sector investment in public infrastructure projects such as the very fast train. Overall, the 1998-99 Federal budget is one delivered for the financial markets in a period of uncertainty. It has few surprises, and it was put together against the backdrop of the unveiling of the promised tax reform package.

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Mr Speaker, there is no doubt that the continued Federal Government reductions in the Australian Public Service are a huge problem for the ACT. Mr Speaker, it shows, I think, that the continued approach that this Government has taken to encourage small businesses to expand in the ACT and to encourage new businesses to come to Canberra and to set up here is essential. The only way that those jobs will be picked up in the ACT and the only way that we can ensure that those people stay in the ACT is by having a booming local economy. Mr Speaker, over the last 12 months or so - in fact, 18 months - we have seen a turnaround in the ACT economy, much quicker than many people gave credit for. That shows, Mr Speaker, that the policies that we have put in place over the last three years are and will be essential for the future; otherwise those jobs that would appear to be lost from the Australian Public Service will not be able to be picked up by the private sector. I present the following paper:

Impact of the 1998-99 Federal Budget on the ACT - ministerial statement,
19 May 1998.

I move:

That the Assembly takes note of the paper.

MR QUINLAN (3.41): Mr Speaker, I find some of what was said in that speech a little ominous, inasmuch as we must take into account the impact of this budget and it is overall a budget that has parked the Australian economy over in the parking lane off the freeway - or, if not that, at least in the slow lane. In relation to capital works - and this is the area in which the Commonwealth can make some contribution to stimulating the ACT economy - there is not a great deal of good news. While the National Museum of Australia funding and the very fast train project tax breaks are welcome, they are some way off and, effectively, on the drawing board in terms of the effect they might have. The capital works in the Parliamentary Triangle replace other projects which are already winding down or are completed. What we have seen is a regurgitation of previous capital works announcements - something that seems to be being elevated to an artform in this town.

The new road funding is very welcome, particularly the continued works along the Lake George black spots which have claimed so many lives; but here, Mr Speaker, we sorely need some focus on local firms. While spending in the region is good for Canberra, it could be much more beneficial if more works went to local firms. Unfortunately, most of these contracts are let out in very large lumps and the firms centred in Canberra are virtually incapable of tendering and are blown out of the water by the very large companies. I would like to think that either the Federal Government or the ACT Government would focus their attention on the issue and examine how local firms can profit from what is offered in the local budget. Given the penchant we have within the ACT for awarding contracts outside the Territory, it would take some form of change. I need not remind members of which State received the contract for the failed Feel the Power of Canberra campaign.

Mr Speaker, it was leaked to the media prior to the budget that the ACT would receive funding for an ACT diversification fund of some \$12m over four years. That, of course, did not eventuate. What we received was a paltry \$2m for an ACT liaison unit which will facilitate some exchanges on economic development in the ACT - not a huge task, by the look of it. Creation of this unit and its level of funding border on a gratuitous insult to the people of the ACT. We in the ACT have copped it very hard since the Howard Government came to power in 1996, and for the Federal budget to provide us with \$500,000 for each of four years for a gabfest to make sure that the ACT is fully aware of what has happened to it economically at the hands of the Federal Government is a final insult.

Mr Speaker, in the context of what has happened to Canberra and Canberrans over the years, I say that I was surprised and disappointed to see the Chief Minister's post-budget press release congratulating her Federal colleagues on their surplus. This surplus which was received with congratulations by the Chief Minister was achieved, in large part, as a direct result of pain and hardship suffered by the people of Australia, and in particular the people of the ACT. Canberra is not alone in feeling the full force of the Coalition's policies, but the disdain and contempt with which the Federal Coalition holds Canberra meant that we were always going to suffer the most severe results of their policies.

We have seen a reduction in funding, we have seen a general downturn in the ACT, we have seen people leave, we have seen businesses leave or fail, we have seen the dental health scheme go, we have seen child care become unaffordable, and we have seen a disastrous level of public sector job cuts which have ripped the heart out of Canberra. People in this house would know as well as any how much we have suffered at the hands of the Howard-Costello Government. Their work has become a matter of distaste and disappointment. The surplus born of reduced services to families is not an achievement worthy of congratulations. Perhaps the Federal Tories will adopt the slogan "Only for some of us" in the upcoming election. This divisive lot cannot possibly claim to wish to serve anything like all of us, and certainly not Canberrans.

Mr Speaker, I advise, for what it is worth, that I have written to the Prime Minister, the Federal Treasurer and the Minister for Territories requesting a review of the requirement for the ACT to make a \$10.2m State fiscal contribution to the Commonwealth as part of its deficit reduction program. Logic dictates that we should receive a dividend out of any surplus if we were required to contribute to past deficits. No doubt, I will receive a prompt and considered response from each of these concerned gentlemen. Special government assistance appears to be a lottery these days. Newcastle, attempted stevedoring redundancies, Cobar, Woodlawn, Canberra - take your pick; it is just a lottery.

I would wish to see the Federal Government show a strategic interest - in fact, any interest at all - in the ACT. There must be some recognition that this is the national capital and its economic viability is important to the whole of the nation, whether or not we are often the whipping boy of the Federal Liberals who chase votes and cheap shots by Canberra bashing. Mr Speaker, I wish to mention particularly the Minister for Territories. I mentioned him earlier, but I would like to have his name read into *Hansard*. It is Alex Somlyay. He is the invisible man of Federal politics who does not seem to feel at all compelled to take much of an interest in a large slice of his portfolio, namely, us.

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Mr Speaker, our future is inexorably tied to the actions and decisions taken on Capital Hill. Any economic centre depends on some basic resources or a strategic location which may favour development of an economic centre. Our central industry is still government. Much has been claimed about the growth of the public sector, and there has been a little. But shifting the same work from the public sector to the private sector does not add to economic activity. That work still depends on the spending levels of government. Many of the oft-heard self-congratulatory claims about the growth of the Territorial private sector are based on illusion and do not necessarily serve Canberra well.

We have heard much about the Canberra Airport upgrading and the VFT. Both projects have universal support, but in the case of the VFT, in particular, the fruits of this venture are a long way off. However, assiduous readers of the OFM's quarterly reports could be forgiven for believing that the VFT's construction would start very soon and that everything would be rosy in a matter of weeks. This is, unfortunately, not the case and we still have a situation where Canberra's train has not yet come in. As I said earlier, I would like to see a strategic approach being taken by the ACT and Federal governments on how best to get Canberra moving again. I guess this has not happened because the Federal Government simply is not interested. Would it not be wonderful if both governments could work together to achieve a better deal for Canberra? Maybe it will happen with the next Federal government, Mr Speaker.

My greatest fear from the Federal budget is that it will give incentive to the ACT Government to continue and to accelerate the sale of public assets within an all too familiar strategy for balancing our local budget. Some time after the budget, I heard the Chief Minister use the term "pare back". We heard her mention today the term "take into account". These are ominous words. We look forward with apprehension to the ACT budget in June. Mr Speaker, I condemn the Federal Coalition Government for totally ignoring the national capital in this budget and its previous budgets. I condemn them for sitting by as our economy recedes and our city falls into disrepair. I condemn this Federal budget for the pain and hardship suffered by the people of the ACT, and I am disappointed that our Chief Minister should congratulate them on this achievement. I certainly do not.

MR HIRD (3.51): Mr Speaker, I do not share what those opposite have said about this Federal budget. As a matter of fact, there are parts of the budget that remind me of my grandmother giving me castor oil: She would say to me at the time that it was good for me. The fact is that the castor oil that we had to suffer was due to the deficit of billions of dollars that was handed to the Howard Government when it came to office, compliments of Keating and Hawke, and the 13 years of financial mismanagement by those governments. Notwithstanding that, the facts speak for themselves, certainly at the recent election when the Carnell Government went to the polls and got a second term even though there had been downsizing by the current Federal Government in the employment area. That was carried on as well by both Keating and Hawke over a number of years.

I dare say that no-one in this house would share the view that anyone should lose his or her position or basic employment. The fact is that it happened, but the Carnell Government did not sit on its hands. It is creating opportunities by various means, bringing employment into the Territory, taking employment away from the concept set by Walter Burley Griffin whereby this Territory was to be the basis of employment and support for the Federal government of the day. The fact is that that has changed considerably as we move out of this century. The fact is that we are a thriving metropolis with something like 300,000 people outside our borders and 300,000 within our borders, giving a total of 600,000 people who depend on us for support in a number of areas.

Matters of significance have been touched on by the Prime Minister and the Treasurer, and by the Chief Minister today. Mr Quinlan said that the very fast train project has a long way to go, and that is a fact. But it has started and it will finish. It will depend on who wins the contract. As I understand it, the contractor will be announced later this year - towards the end of June or in July - and at that time work will start. As Mr Quinlan indicated, the project has a long way to go, but the work will start then. Indeed, a number of the tenderers have indicated that they intend to set up their headquarters in the ACT. That is jobs. Another aspect of the very fast train project which the Victorian Premier and his Transport Minister and, I understand, the current Federal Government have given a tick to is the fact that the link to Canberra will be only the first stage of the project and it will then go on to Victoria. That means more jobs and more prosperity, not just to Canberra but to the region.

Another matter that should be taken into consideration is the upgrading of Canberra Airport following the recent sale. By the way, sir, the handover will be on Friday week. It is intended by the successful tenderer for the new international airport to upgrade that facility by in the order of \$58m to \$59m in today's terms. The lifeblood of Canberra and the region is predicated on the very fast train and the upgrading of the airport; but we should not forget the network of highways that come into Canberra, and I compliment the Federal Government for undertaking a number of significant roadworks, including the expenditure of \$17m on upgrading from Sutton to Watson to complete that part of the Federal Highway.

We can all speak doom and gloom if we want to and talk down the economy, but the realities are that when the Howard Government went into office there were serious financial problems and we all had to tighten our belts. Let us hope that we will not have to go through this again after the next Federal election. Let us hope that the Howard Government is returned in that election.

MS TUCKER (3.57): I want to make a few comments about the budget. I must say that, when I listened to Peter Costello croon about his wonderful budget and saw a number of commentators pat him on the back for his fantastic financial management, I wondered how long it would take the electorate to realise what a lot of nonsense it all was and throw the Howard Government out of office. How can we be proud of a budget, a key policy document, which does not acknowledge the tragedy of unemployment,

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which forces our young people into a work for the dole scheme which does not even include training as a responsibility of the employer and which, basically, blames the victims of the Government's economic policies, that is, the unemployed, for being unemployed, and all this in the name of so-called mutual obligation? I would argue that the Government has failed in its obligation to the people of Australia by not pursuing increased employment as a major focus of its agenda. Cuts to employment, education and training over the last two Federal budgets were \$1.6 billion.

This budget is a good example of how flawed our economic indicators are. It is a good reason to get serious about developing indicators which actually are related to the everyday experiences of Australians and to the state of our natural environment. How can we be proud of financial management which has found a surplus through cuts to our basic social support services? Our most vulnerable citizens have been left more vulnerable. These include social security recipients, indigenous people, students, many of the elderly, the sick, and rural and regional people. Sole parents are targeted again, with Aboriginal part-time students and sole parents both suffering reduction in income. Child care is already a problem for many parents as a result of previous cuts. It appears the Federal Government is expecting to spend \$100m less on child-care assistance and cash rebates. This is because so many parents have dropped out already. What does this mean for the quality of child care in our country? What does this mean for the people who can no longer afford to work at all because of child-care costs?

In health we also have grave concerns. The sum of \$3.6 billion has been cut from pharmaceuticals, hospitals, dental care and Medicare in the last two budgets. Less than \$2 billion has been put back. No wonder the State governments mostly walked out of the Australian health care agreements. The concerning thing about the Liberal Government's approach is that it causes division in our society. It blames the unemployed. It increases polarity in our society. The haves and have-nots are more and more obvious. And, of course, we have the huge unknown of the Liberals' tax package. It is about winning votes through tax cuts, and this will always benefit the haves, of course. Those who pay tax will reap the benefits. A GST is widely regarded as disproportionate in its effects on low-income earners. It is easy to see whom Mr Costello is rewarding, and it is not the disadvantaged. Welfare providers on the ground are seeing an increase in the need for their services.

Even in narrow economic terms this budget is questionable. Professor Quiggin questioned the fiscal strategy. The Government fails to recognise that Telstra is a major contributor to public savings. Telstra uses retained earnings to finance investment and produces over \$1 billion in retained earnings every year. This is a huge contribution to public sector savings and it does not show up in the budget papers. The environment does not do well out of this budget, either. The premium environment budget for managing Australia's World Heritage areas is being cut by \$20m over four years, excluding Natural Heritage Trust funding. There is no new funding for solar energy or other renewable energy research and development, but coal-fired power stations will get \$2.4m for research into greater efficiency in their area. The \$300m for the environment is pathetic when put in the context of the real debt that we are incurring - for example, \$1.5 billion in lost production due to land degradation.

I believe that it is time for the ACT to be quite clear on the impacts of this Federal policy on our society. I am already hearing from welfare providers in Canberra that they are seeing increased demand for their services and I feel that, as a parliament, we have to take responsibility for that. I have noticed Mrs Carnell expressing concern about the impact of the Federal budget on service delivery in our city and in our region, but I am afraid that it is not good enough just to express that concern. We will have to take responsibility here. We will have to acknowledge the impact of this budget on the people of the ACT and we will have to put that into the budget. If that means spending less in other areas, so be it, because I still believe that our fundamental responsibility as a parliament is to look after those amongst us who are vulnerable or disadvantaged. I am very concerned, because I do not believe that that has been happening adequately. I believe the need is actually going to get much greater.

MR STANHOPE (Leader of the Opposition) (4.03): I wish to make only a few comments in relation to the question of the impact of the Federal budget on the ACT. I rise really to support the remarks made by Mr Quinlan. In terms of considering the impact of the Federal budget, I think it is very important that we do not just adopt the simplistic approach of looking at those parts of the budget that have specific application to the ACT. We really do need to look more generally at those provisions in the budget that impact on each of us as Australians and as members of the Australian community. That is the point that Ms Tucker has made, and I agree with it absolutely.

It is far too simplistic just to look at the fact that the budget does make certain allowances for Federal capital works projects, it is far too simplistic just to look at the fact that there is some infrastructure development in terms of roadworks within the ACT and it is far too simplistic just to look at the continuing progression of the very fast train project. As exciting and as important as these developments are, the focus by the Chief Minister on those ACT specific initiatives and the fact that the Chief Minister has ignored the specifics of the major impact of Howard Government policies and programs on every Australian really do not give us a true picture of the impact of this budget and the previous budgets of the Howard Government.

In terms of the so-called \$10 billion deficit and the fact that we now, supposedly, have a surplus of \$2.6 billion or whatever it is, we have to consider the quality of life and the happiness of Australian citizens. If we did a poll in the streets or anywhere publicly in terms of the quality of life or the happiness of the citizens of Australia and asked whether anybody today is enjoying a better quality of life, whether anybody today is more happy in their personal lives, whether there is less discrimination in Australia and whether fewer people are being discriminated against, we would have a very different equation from the one we get from having a look at the maths supplied to us by the Treasurer and the Treasury.

I think it is more important that we look at the impact of the cuts in the budget - the fact that over the last three years we have suffered a net reduction of \$1.6 billion in health; that over the last three years we have suffered a \$500m cut in assistance to nursing homes; that over the last three years we have suffered an \$800m cut to child care; that over the last three years we have suffered a \$3 billion cut to universities, TAFEs,

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government schools, and student support; and that in that time job programs have been cut by \$1.8 billion. Those are the raw, savage figures. That is what the Federal Government has done to deliver this surplus, and the glee in the delivery of a surplus ignores the hardship, the heartache and the suffering that those sorts of cuts have delivered to disadvantaged Australians. I do not think we should ignore that. In terms of any discussion on the impact of the Federal budget on the ACT, it is just a little bit selfish and a bit too simplistic of us actually to applaud the fact that the capital works program for the Parliamentary Triangle has received a significant boost. It is just far too simple. An awful lot of people are battling and struggling as a result of the way the Federal Government has gone about its business.

But it is relevant for this Assembly to focus on the specific implications for the residents of Canberra. One of the things that we must focus on as much as anything else is the anticipated additional job cuts, the fact that the Federal Government has announced that another 9,000 jobs will be lost in the Australian Public Service. On past experience, at least 3,000 of these will occur in Canberra. It is interesting that over the last three years, responding to the cuts that we have actually suffered in the Public Service in that time, the private sector has grown by around 3,000. Despite the fact that that background of cuts caused the recession in Canberra, despite the fact that, as a result of those cuts we have suffered, thousands of families in Canberra have been put under enormous stress and have suffered enormous instability in their lives, despite the fact that the price of their houses has been badly affected, and despite the fact that we have had a record number of personal bankruptcies in the ACT and businesses are going broke, it is notable that we have managed to grow the private sector by 3,000, the exact number that is now to be cut out over the next couple of years. The hard work that has been done simply has been wiped out in this budget. We are back to where we started three years ago.

A more worrying aspect, I think, for us in the Assembly is the signals that are now being deliberately disseminated by the Government in terms of the coming ACT budget. We have only a month to go. Interesting little messages are appearing about how it is going to be a hard budget and how we will have to steel ourselves against further redundancies in the ACT public sector. This is despite a very clear promise in last year's budget speech by the Chief Minister that this Government would not compound the problems visited upon Canberra by the attitude of the Commonwealth to the public sector. But, of course, that was a pre-election budget. The election is out of the way now. We can discard the promises we made last time and we can get stuck back into the public sector in Canberra.

We also have the signal of the Belconnen pool decision - the breaking of a major promise, a significant promise, by this Government to the people of Canberra. That promise that has now been broken on the most ludicrous of grounds, quite spurious grounds, all in the name of getting this budget to look better.

Mr Humphries: You are straying slightly from the subject of the Federal budget, Mr Stanhope; so I point that out to you.

MR STANHOPE: It is all about the budget. Actually, Mr Humphries, it is all about trying to find any excuse, no matter how ludicrous the excuse, to justify the fact that a major spending promise is about to be broken. If we can visit some of that upon the Commonwealth, well and good. But that is what it is all about. It is all about justifying the breaking of promises and actually visiting upon the Commonwealth because they have been horrible to us, too.

I will conclude my remarks by referring again to the health budget. At least the Minister and the hospitals are engaged in negotiations with the VMOs. I am heartened to see the chief executive of the Department of Health indicating that the Government is actually making some attempt to claw back the moneys that will be paid to VMOs basically to the level or to the formula that Labor sought to introduce when it was last in government - a formula, an approach, which was simply overturned by this Government when it came to power. I wish the Government well in that, I must say. But the scepticism I have about it relates to the enormous cut in public education that all jurisdictions in Australia have suffered under this budget. I guess I am just expressing a fear I have, and I think the people of Canberra share, about this Government not being able to keep the health budget within the constraints that it set out to meet, and its incapacity to do so in the future as a result of the shellacking which we have taken at the hands of the Federal Government in terms of Medicare funding and public health funding.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.12): I want to make a few comments on the Federal budget. I would argue that comments made on this side of the house have a little more credibility when it comes to criticism of matters such as the Federal budget, in that we have demonstrated quite clearly over time - and the Chief Minister demonstrated again today - that we are prepared to be fair-minded and balanced in the comments we make about the performance of the Federal government, particularly of the Federal Coalition Government. You can go back in the public record and search all you wish and you will not find an occasion when those opposite have criticised the performance of a Federal Labor government. You simply will not; it does not exist. The problem with people who see it as their corporate goal to advance the cause of the Labor Party, whether it is the ACT Labor Party or the Federal Labor Party, ahead of any local interest is that it is almost inevitable that the comments they make will be somewhat jaundiced. That is the same with this budget, Mr Speaker. It is a budget which has good things and bad things in it for the ACT and we need to be prepared to be balanced about those comments if we are honestly to educate people about what this budget actually means.

An article in the *Canberra Times* just after the budget, headed "National capital has reason to be upbeat", laid out very well that there are some very positive elements of this budget that you cannot get away from. The very substantial investment by the Federal Government in a number of projects which, perhaps only incidentally but nonetheless very directly, benefit the people of Canberra, particularly job creation in Canberra, simply cannot be overlooked. The exercise on Russell Hill, for example, is a very substantial capital investment which has tremendous consequences for the viability of the building industry in the ACT and, therefore, the health of the
the ACT economy generally,

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given the importance of that industry within the overall scheme of things. Similarly, work on the Federal Highway, the additional \$21m for the National Museum of Australia, and the measures surrounding a number of projects in the Parliamentary Triangle all add up to a very substantial investment from which this community will benefit.

But there are downsides. The Chief Minister has been explicit about that and has not pulled punches about them. I think it is to her credit, as the leader of a government, a Liberal government, in this country, that she is prepared to make those comments, even when it is not in the collective interest of the Liberal Party. The downsides are, of course, that there are to be continuing job losses in the Federal Public Service. They promise to be of the order of 9,000 jobs over the life of the coming budget.

It is probably worth pointing out, Mr Speaker, that what is promised and what is actually delivered in the way of job losses sometimes can be two quite different things. Last year's budget papers for the Commonwealth budget indicated that the Australian Public Service would be cut back to the tune of more than 16,000 jobs, but only about 12,000 jobs ended up being lost in real terms. Anybody in government who has attempted to engineer radical downsizing knows how very difficult it is to hold down the number of employees that one actually targets to reduce. It was very true of the Federal Government's budget last year - 16,000 jobs were slated to go, but only 12,000 actually went. I do not wish to be understood, Mr Speaker, to be saying, "Oh, is that not good; only 12,000 jobs went". In Canberra's case the loss of 12,000 jobs was a quite severe economic burden to have to handle. But the reality is that the target of 9,000 jobs set by the Commonwealth in this budget does not equate to 9,000 jobs in Canberra, notwithstanding what those opposite might care to say, and does not necessarily even equate to 9,000 jobs across the board. So, although I am not exactly buoyant about those jobs going, I am not quite so panic struck as some others have been in these sorts of debates.

Mr Speaker, whatever the pros and cons of the most recent budget, we need to bear one thing in mind: It is the job of the ACT Government and of the ACT Legislative Assembly vigorously to press for the exploitation opportunities that affect our city. When it suits the interests of this city to give the Commonwealth Government a shellacking, we have indicated that we are prepared to do that where the territorial interest calls for it. When we need to exploit an opportunity for partnership with the Federal Government or otherwise to work closely with the Federal Government, we do that as well. We have demonstrated the capacity to achieve both of those goals, Mr Speaker. The budget that the Chief Minister will deliver next month will take on board both of those challenges and will, I believe, advance the position of the ACT in that respect; but that is a matter for the Chief Minister to elaborate on on 23 June.

Mr Speaker, I think that one thing we have learnt from the Federal budget which is worth commending the Federal Government for is its preparedness to tackle the level of debt. Very significant levels of debt - huge levels of debt - were left to the people of Australia by the former Federal Labor Government. Ms Tucker, who has been very critical of the cutback measures taken by the Federal Government, needs to bear in mind that an issue that she often talks about - intergenerational equity - is badly ignored if people are not prepared to accept the consequences of costly decisions that they make at a particular point in time. This Federal Government has said, "We are prepared to tackle that level of

outstanding debt and to bring it down; indeed, to produce a surplus". Whether the surplus is a real surplus in accrual terms is another matter. I do not think that it is quite as rosy as it might appear to be at first blush, but it is an attempt to put Australia's economy back in the black.

Mr Speaker, those who are concerned about jobs, who are concerned about the economic viability of our nation, who are concerned about the capacity to create opportunities to protect in the future the vulnerable ones that Ms Tucker referred to, should all be comforted by the attempts to put the Australian economy, and the Australian Federal budget in particular, back in the black. For that, I think we should be grateful for this budget.

MS CARNELL (Chief Minister and Treasurer) (4.19), in reply: Mr Speaker, one of the things I have been fascinated with in listening to this debate is the huge lack of capacity of a number of people in this house to come to grips with reality. I hope that is not going to be the case in the future. Like many people, I am hopeful that this Assembly will be different from those in the past and will be able to come to grips with some of the very hard issues.

We have heard around the Assembly today lots of comments about how, basically, the ACT should pick up the tab for Commonwealth Government downsizing, that the ACT should not address the operating loss or should address it in some way, but I do not know what. It seems that Mr Stanhope's view was that we should not take the incremental approach that we have taken to reduce our expenditure, that we should not go down that path anymore. I do not know what he is going to do about the operating loss if that is the case. Ms Tucker believes that we should just spend more money. Of course, as Mr Humphries said, if we do that, not only do we give our kids a debt and a problem but also we reduce our own capacity to move and to manage the Territory. What has the Federal Government's surplus at this stage achieved for Australia? It has achieved for Australia a capacity to weather the storm of the Asian financial crisis in a much better way than would have been the case if the Australian economy were still operating at a loss or still had the \$10 billion black hole that the Keating-Beazley approach gave to Australia.

I think that it is an important message for the ACT, Mr Speaker. I do not expect Mr Berry to understand this or, possibly, others even to listen; but, Mr Speaker, if the ACT does not get its own house in order, as all the States are getting their houses back in order, if we do not reduce our operating loss, the ACT's flexibility and capacity to cope with changing economic climates become significantly worse. The only way we can compete with the States, the only way we can make sure that the ACT is protected in the future, is by getting our own budget in order. The Federal Government has shown better than any speech I could ever give in this house that if your own house is in order you have a much greater capacity to weather any storms from without. We must get our budget back into a similar situation. Certainly, if we take the approach of those opposite and Ms Tucker it will never happen. I think that would be an absolute tragedy for the people of Canberra. Obviously, the people of Canberra believe that, too, because we were elected on the basis of better economic management.

Question resolved in the affirmative.

19 May 1998

RESIDENTIAL TENANCIES (CONSEQUENTIAL PROVISIONS) BILL 1998

[COGNATE BILL:

RESIDENTIAL TENANCIES (AMENDMENT) BILL 1998]

Debate resumed from 30 April 1998, on motion by **Mr Humphries**:

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 Residential Tenancies (Amendment) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR WOOD (4.23): Mr Speaker, the Residential Tenancies Act will come into force in, I think, a week's time. In this Assembly we will all look at it with interest to see how it works out in practice. No doubt the Government will monitor it closely to see whether some amendments are needed over time. We all have some trust in the new legislation working rather more effectively than the legislation it replaces. The Residential Tenancies (Consequential Provisions) Bill simply incorporates transitional arrangements as a consequence of the passage of that legislation. It is a Bill that needs to be supported, as is the Residential Tenancies (Amendment) Bill, which, as Mr Humphries said, makes some technical amendments to the Act. They are small in nature, and the Opposition supports them as well.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.24), in reply: Mr Speaker, I thank the house, particularly the Opposition, for the support and hope that when this legislation operates it will significantly change for the better the climate in which residential tenancies operate. In the last few years, it is true to say, commercial tenancies have absorbed much of the attention of the media and, indeed, of this place; but there have still been some significant tenancy problems in the residential tenancies area. With the coming into effect of the new legislation in a week's time or so, I think we have the chance to offer the citizens of the ACT a much sounder financial framework for resolving problems in that area.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

RESIDENTIAL TENANCIES (AMENDMENT) BILL 1998

Debate resumed from 30 April 1998, on motion by **Mr Humphries**:

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.

ADJOURNMENT

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

That the Assembly do now adjourn.

Christian Brothers, Lewisham

MR OSBORNE (4.26): I had the great pleasure of being invited to my old school - Christian Brothers, Lewisham - last week to open Ignatius Rice Day. The headmaster sent me down a copy of the history of Lewisham. I was browsing through the pages and I came across a paragraph that I thought I would share with you all. It says:

In 1984, Lewisham made it through to the finals -
of the Commonwealth Bank Cup -

ahead of 158 schools ... they were beaten in a close match by St Gregory's Campbelltown. The captain of the side was Paul Osborne who later on captained the Australian Schoolboys Touring Side to England, making him ... the best schoolboy Rugby League player in Australia.

Mr Speaker, I will sit down after that.

MR SPEAKER: Thank you, Mr Osborne, for your modest contribution to the adjournment debate.

Question resolved in the affirmative.

Assembly adjourned at 4.27 pm