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DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 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.

TRANS-TASMAN MUTUAL RECOGNITION (AMENDMENT) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.31): Mr Speaker, I present the Trans-Tasman Mutual Recognition (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: Mr Speaker, I move:

> That this Bill be agreed to in principle.

The purpose of the Bill is to amend the Trans-Tasman Mutual Recognition Act 1997 that was passed by the Assembly last July. The Trans-Tasman Mutual Recognition Arrangement was signed by the Commonwealth, the States and the Territories on 14 June 1996 and by New Zealand on 9 July 1996. The purpose of the arrangement is to give effect to a scheme implementing mutual recognition principles amongst the parties relating to the sale of goods and the registration of occupations, consistent with the protection of public health and safety, and the environment. The principal Act passed by the Legislative Assembly last year requested the Commonwealth to enact legislation for the purpose of implementing the Trans-Tasman Mutual Recognition Arrangement. The ACT's Act included the Commonwealth's template legislation in a schedule to the legislation. However, since the passage of the ACT legislation last year, the Commonwealth Bill has been amended. The Bill I have presented today reflects the amendments that were made to the Commonwealth Bill and passed by the Commonwealth Parliament.

The amendments ensure that the intent of the arrangement is preserved in the following ways: Schedule 1 to the Commonwealth Bill annexed to the principal Act sets out a list of laws which are excluded from the Act. The amendments allow participating jurisdictions, including the Commonwealth, to remove, or reduce the extent of, their own legislation from the list without the need to seek agreement from other participants. Schedule 3 of the Commonwealth Bill annexed to the principal Act is a list of special exemptions from the Act. The amendments allow participants to change a specially exempt law to a permanent exemption or to add to the list of special exemptions with the agreement of two-thirds of other participants, rather than unanimous consent, as currently

required in the principal Act. The amendments also add to Schedule 3 a number of consumer protection laws in each jurisdiction which were omitted from the principal Act and clarify the powers of the Governor-General to amend Schedule 3 in certain circumstances.

Mr Speaker, the Trans-Tasman Mutual Recognition Arrangement commenced operation on 1 May this year. The amendments outlined in this Bill have been incorporated into both the Commonwealth and the New South Wales Acts. This amending Bill will remove any doubt about the status of the ACT as a participating jurisdiction within the meaning of the Commonwealth Act and will ensure that there is national uniform legislation as contemplated by the 1996 Trans-Tasman Mutual Recognition Arrangement.

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

DISTINGUISHED VISITOR

MR SPEAKER: I recognise the presence in the gallery of Mr Ian McNeill, Clerk of the Northern Territory Legislative Assembly. Welcome.

SUBSIDIES (LIQUOR AND DIESEL) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.36): I present the Subsidies (Liquor and Diesel) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Subsidies (Liquor and Diesel) Bill 1998 provides a legislative framework for the payment of subsidies. This will ensure that consumers of low-alcohol products and pensioners and primary producers using diesel fuel continue to pay lower taxes on these products. Prior to August 1997 the ACT, under its business franchise legislation, imposed licence fees on the wholesaling of liquor, tobacco, and petrol and diesel products in the Territory. To encourage the shift in consumption to low-alcohol products - that is, beer and wine with an alcohol content of less than 3.5 per cent - the ACT imposed no licence fees on these products. This compares with a 13 per cent fee on the value of full-strength products. In relation to diesel, Mr Speaker, the ACT provided an exemption from licence fees payable on diesel sold to pensioners for the purpose of home heating, and to primary producers in respect of diesel fuel used in their primary production activities. This was achieved by means of a diesel exemption certificate scheme, saving these persons 7.55c per litre on diesel fuel they purchased.

These arrangements changed following the decision of the High Court in August last year. The court held that ad valorem licence fees imposed on liquor, tobacco and petroleum products by States and Territories were invalid under the Constitution. In response to the High Court decision, and at the request of States and Territories, the Commonwealth increased the excise on tobacco and petroleum products and the wholesale sales tax on liquor products. The Commonwealth did so at a level approximately equal to the existing licence fees. This additional revenue was then returned to the States and Territories under a formula set by the Commonwealth Grants Commission.

Mr Speaker, the ACT Government wished to ensure that the increased Commonwealth sales tax and excise was not passed on to the consumers of low-alcohol products or to consumers of exempt diesel. The ACT and other jurisdictions urgently set in place certain administrative arrangements with liquor and petroleum producers and wholesalers. In the case of liquor, this involved an arrangement whereby a subsidy was paid to the producers of low-alcohol products, particularly the breweries. This was to ensure that they did not pass on the whole of the increased excise to their customers and ultimately to the consumers of low-alcohol products. In the case of diesel, a similar arrangement was entered into with major petroleum companies and their distributors. No subsidy arrangement was required for tobacco products because no concessions were provided in relation to these products under the old business franchise fees scheme.

Mr Speaker, the Financial Management Act 1996 was amended in 1997 to validate the payment of such subsidies out of Consolidated Revenue. The administrative arrangements under which such payments are made are not currently supported by legislation, and rely on the integrity and goodwill of the various participants. To date, this has been working reasonably well. However, it does not provide adequate compliance and investigation powers for the Government adequately to police the schemes and to ensure that its revenue is protected.

The rate of subsidies is not uniform throughout the States. This could lead to opportunistic producers taking unfair advantage of differing subsidy rates. Producers could maximise their subsidy claims by applying for a subsidy in a jurisdiction with the most generous subsidy rate and selling these products in another jurisdiction. This applies particularly to the ACT, which is one of the few jurisdictions to impose no fees on low-alcohol products. It would also be possible, without adequate audit, for producers to seek subsidies from more than one jurisdiction in respect of a single sale of the same product. These issues are specifically addressed in the legislation, which closely follows that of other jurisdictions.

Mr Speaker, the provisions of subsidies in respect of low-alcohol and diesel products are set out separately in the Bill, but there are a number of identical features. The Bill requires persons seeking a subsidy to be registered with the Commissioner for ACT Revenue and for the commissioner to be able to seek relevant information about the applicant prior to processing such registration. Once registered, a producer or supplier can make regular applications for the payment of subsidies based on relevant sales in the ACT.

In relation to diesel supplies, the Bill also provides for the registration of pensioners and primary producers who receive an exemption certificate. Such persons are placed on a register which is available to petroleum producers so that the additional petroleum excise is not passed on to them. Registered producers and suppliers are required to maintain detailed records to substantiate their subsidy claims and these are subject to audit by officers authorised under the Bill. Diesel certificate holders other than pensioners using diesel for home heating must also maintain records. In addition, this Bill will remove the unnecessary requirement to renew an exemption certificate each year.

The Bill contains specific penalties for persons receiving subsidies by providing false and misleading information or for incorrectly claiming subsidy amounts, and for the imposition of interest in respect of such overpayments. As under the Taxation (Administration) Act 1987, the commissioner has the power to remit in whole or in part such penalties and interest. The Bill also provides circumstances under which the commissioner may suspend a supplier's registration. Where the power to make such decisions is delegated to the commissioner, the Bill provides that they are subject to an internal review process. All important decisions by the commissioner are ultimately subject to appeal to the Administrative Appeals Tribunal. This Bill is tabled concurrently with the amendment of the Business Franchise (Tobacco and Petroleum Products) Act 1984.

In summary, Mr Speaker, this subsidies Bill provides the legislative framework, with necessary safeguards, for: Continued payment of subsidies; encouraging the shift in consumption to low-alcohol beverages; and providing tax benefits to pensioners using diesel for home heating and to primary producers using diesel on the land. Mr Speaker, I commend the Bill to the Assembly.

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

TOBACCO LICENSING (AMENDMENT) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.44): Mr Speaker, I present the Tobacco Licensing (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill is tabled concurrently with the last Bill, the Subsidies (Liquor and Diesel) Bill 1998. As I have already said, last year the High Court declared that business franchise ad valorem fees are constitutionally invalid. This Bill will remove all provisions in relation to the imposition of ad valorem fees under the existing Business Franchise (Tobacco and Petroleum Products) Act 1984.

Mr Speaker, the removal of these existing provisions will impact on arrangements which this Government wishes to preserve. Firstly, the current diesel exemption certificate scheme operates for the benefit of ACT pensioners using diesel for home heating, and for primary production use in the ACT. These provisions are now more appropriately provided under the Subsidies (Liquor and Diesel) Bill 1998. Secondly, in respect of the licensing of tobacco retailers, the Bill will amend the provisions so that the licensing of tobacco retailers will continue. Tobacco licensing will continue under a fixed fee scheme, based on the type of premises from which tobacco is sold. Mr Speaker, the remaining provisions in the Business Franchise (Tobacco and Petroleum Products) Act 1984 will relate only to tobacco licensing. This Bill will therefore amend the Act so that it will be known as the Tobacco Licensing Act 1984. I commend the Bill to the Assembly.

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

RATES AND LAND TAX (AMENDMENT) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.46): Mr Speaker, I present the Rates and Land Tax (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present this legislation, which determines the rating regime for 1998-99. Members will recall that a new rating system was introduced last year to provide more certainty to ratepayers and to reduce the fluctuations in liabilities from year to year. This system also achieves better equity by redistributing rates liabilities more evenly. It reflects both the capacity to pay of property owners and the level of services provided.

The system is based on the findings of an external consultant commissioned by the Government in 1995 and views from various groups in the community, and includes requirements set by the Legislative Assembly. Features of the system include: A fixed charge to apply to all land except rural properties; an ad valorem charge based on a rolling three-year average of unimproved land values; a threshold to apply to all average land values; separate revenue targets to apply to the residential and non-residential sectors, respectively; and differential rating factors for residential, non-residential and rural properties.

Mr Speaker, this Bill adjusts the rating factor to take account of the inclusion of 1998 property values in the rolling three-year average of 1996, 1997 and 1998 values. The 1998 valuation of rateable properties shows an average reduction of 0.6 per cent for residential land valuations and 6.7 per cent for non-residential land valuations from 1997 levels.

Mr Speaker, it has been Government policy to limit the increase in total rates revenue each year to the forecast CPI increase. The policy has been applied in setting rates for 1998-99, with total rates revenue budgeted for at $101.1m, compared to $97.8m in 1997-98 - an increase of 2.5 per cent. By definition, the reduction in land values means that the rating factor increases from that of 1997-98 in order to achieve the budgeted revenue target for 1998-99. The Bill also includes an adjustment to the fixed charge applying to properties within the city area - from $220 in 1997-98 to $240 in 1998-99.

The combination of the fixed charge component and the use of a three-year average valuation acts to reduce the large fluctuations that occurred when rates were based entirely on the application of a "rate in the dollar" to the annual valuation. Mr Speaker, without these elements there would have been considerably larger fluctuations in rates between suburbs in 1998-99. The other features of the rating system are unchanged from 1998-99, including the rates-free threshold of $19,000, the revenue targets of 85 : 15 for the residential and non-residential sectors respectively, and the existing concessional arrangements applying to rural properties. Mr Speaker, this Bill continues the work that commenced last year to improve the rating system that applies to about 115,000 rateable properties in the ACT. I commend the Bill to the Assembly.

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

INTERACTIVE GAMBLING BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.51): I present the Interactive Gambling Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present the Interactive Gambling Bill 1998 to the Assembly, in recognition of our responsibility to ACT consumers in respect of interactive gambling. This responsibility has been met through the introduction of legislation to provide a regulatory regime for interactive gambling that ensures the highest standards of probity, integrity and player protection.

Internet gambling is already available in an unregulated manner throughout the world and, with more homes linking up to the Internet every day, the potential risks associated with playing unregulated games increase. The legislative framework currently in place is incapable of addressing the challenges of interactive gambling products. The ACT Government, along with other jurisdictions, is acknowledging that the Internet and the potential for interactive gambling will not disappear and require addressing in a responsible manner. Doing nothing and complete prohibition of interactive gambling are not realistic options.

Mr Speaker, in summary, the Bill will: Provide a regulatory framework for the conduct of interactive gambling; provide a licensing regime to approve providers of interactive gambling activities, thus creating an appropriate environment in which Australian providers can offer their services; allow for ACT recognition of licensed providers from other jurisdictions and vice versa; provide a regime for the protection of people who participate in interactive gambling and the community generally; and allow for taxes to be levied on licensed providers.

State, national and international boundaries do not apply to interactive programs. Therefore, it is important that ACT residents be aware of the status of games offered by providers in other jurisdictions. To this end, a national regulatory framework is being developed which will identify to players those jurisdictions that offer similar levels of player protection to those found in ACT-approved games. The ACT's Interactive Gambling Bill has been based to a large extent on Queensland legislation as it provides sound protection for players. A number of modifications have been made to the Queensland model to ensure that it meets our requirements and conforms with our legislative standards. In particular, this Bill contains more stringent obligations for service providers to ensure that minors cannot be registered to participate in interactive games.

Despite the development of new technologies which have facilitated these forms of gambling, it should be remembered that gambling in the home is not a new concept. ACT residents have had access to phone betting through ACTTAB for many years, and it is the preferred form of wagering of many punters. This Bill will not attempt to regulate activities already in existence, such as phone betting through ACTTAB, which are already effectively regulated. It is also important to note that the Bill is not intended to expand the range of gambling products available through commercial venues, such as the Canberra Casino, clubs, hotels and taverns.

Mr Speaker, the Bill includes a number of player protection provisions to ensure that those who participate in interactive gambling can do so confidently. Specifically, the legislation includes provisions which will prohibit access by minors, by ensuring that adequate proof of age has been supplied to a licensed operator prior to allowing a player to register.

Mr Speaker, some of the potential revenue from interactive gambling has been earmarked for a community education program, to warn players that they must safeguard their player access codes to ensure that any children in the house cannot access them. This step has been taken in recognition of the increasing level of computer literacy in today's youth, to highlight the need to ensure that curious children are not given an opportunity to illegally play interactive games using their parents' or carers' codes. Service providers will be required to display similar warnings on their websites.

The Bill will enable a player to set limits on the amount of individual and cumulative bets. Such limits may apply to a bet on a particular game or state a maximum amount that can be wagered by a player over a period of time. In line with all other gambling legislation in the ACT, credit betting will be prohibited. Licensed providers will be required to ensure that players have sufficient funds in their accounts prior to playing an interactive game.

While doing nothing and total prohibition are not realistic options, the Government recognises the serious impact that gambling can have on problem gamblers, their families and the wider Australian community. This Government has decided that a husband, wife or other significant person may apply to have an order placed upon a problem gambler, banning them from participating in interactive gambling until the order is revoked or reviewed. This move is unprecedented in the ACT, and is an indication of the Government's commitment to protecting not only the problem gamblers but also their families and loved ones.

I wish to stress, Mr Speaker, that it is not possible to regulate interactive gambling effectively without the cooperative efforts of all governments to address and resolve a number of complex technical and regulatory issues associated with this emerging new technology. It is important, therefore, to recognise at this stage that this legislation is an honest and serious attempt by the Government to regulate interactive games. If the ACT is to keep pace with this constantly evolving technological environment, the Government recognises that the legislation will require further amendments. This will ensure that the ACT regulatory framework continues to provide an appropriately controlled environment within which consumers may confidently participate in approved gambling activities. In conclusion, Mr Speaker, the measures contained in this Bill again demonstrate the Government's commitment to providing a gambling environment in the ACT which protects the interests of the community from unscrupulous operators.

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.59): Mr Speaker, I present the Births, Deaths and Marriages Registration (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

The Births, Deaths and Marriages Registration (Amendment) Bill 1998 contains minor technical amendments which ensure that current charges for registration or changes of name will continue. It will also, for consistency, allow the Registrar-General to charge a fee for noting a change of sex on a person's birth record. The Births, Deaths and Marriages Registration Act 1997 was drafted in accordance with a model adopted by the Standing Committee of Attorneys-General. Although other States which have adopted the model are charging fees for registration of changes of name and for noting changes of name and sex, there was some doubt whether this was strictly possible in the ACT context. These amendments clarify the law and ensure that the current policy of fees remains unchanged.

While maintaining a register of births, deaths and marriages is a basic and important community service, there are some aspects of the registration process which provide benefits to specific individuals. It is consistent with Government policy that the costs of such services should be paid by those who use them, rather than being passed on to the general community. Recording of a change of name is one of these services. A person can change his or her name without applying to the Registrar-General. By registering a change of name a person gains an official record of the change which can be used to conveniently meet that person's obligations to satisfy others in the community that the owner of both names is the same person. Recording a change of name on a person's birth record gives that person the advantage of having a birth certificate which shows the name currently being used by that person. Both registration and recording of name changes are services provided to a particular person rather than to the community. People who use those services should be required to pay a fee to cover at least the administrative costs of providing the service. Recording a change of sex on a person's birth record is, similarly, a service to the person concerned.

These amendments do not involve any change to current policy on charges for Registrar-General services. They are necessary so that no doubt arises about the continuation of that policy. It is also important for consistency with other States and the Northern Territory that charges for these services are maintained. I commend the Bill to the Assembly.

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

CRIMES (AMENDMENT) BILL (NO. 4) 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.02): Mr Speaker, I present the Crimes (Amendment) Bill (No. 4) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

The Crimes (Amendment) Bill (No. 4) 1998 addresses the widespread public concern which followed an ACT Magistrates Court decision last year to acquit a defendant of assault on the ground that the defendant was too intoxicated to form an intent to commit the offence. It must be stressed, Mr Speaker, that in introducing this legislation the Government makes no comment upon the application of the law by the Magistrates Court in that case. To do so would be quite inappropriate. However, it is entirely appropriate for the Government, and this Assembly, to consider whether as a matter of policy the law in the ACT on the issue of intoxication is in keeping with community standards and expectations. There can be little doubt, having regard to the understandable public outcry over the law on this matter, that a change to the law is required.

I have a page missing from my presentation speech, Mr Speaker.

MR SPEAKER: We are all in the same position, it seems.

MR HUMPHRIES: Mr Speaker, I seek leave to withdraw this Bill and to present it again later today. I need to have the full speech. It is a fairly important matter.

Leave granted.

Bill, by leave, withdrawn.

COMMUNITY REFERENDUM BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.04): Mr Speaker, I present the Community Referendum Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

I have risen to bring before this Assembly the Community Referendum Bill, to keep faith with the people of Canberra and to show this Government's commitment to a wide and inclusive dialogue with them. This is the fourth time that this Bill in some form has been brought before the Assembly. In reintroducing the Bill, the Government is challenging the new members of this Assembly to look objectively and dispassionately at the principles underpinning this Bill.

Mr Speaker, it will come as no surprise that I believe that there is merit in this Bill receiving closer scrutiny than it received in previous Assemblies. To that end, I intend to reintroduce this Bill today and ask members to give more serious consideration to granting Canberrans a new voice through the introduction of community-initiated referenda in the ACT. In the previous Assembly, the Bill was the victim of prejudice and fear - prejudice that the people, the citizens of the ACT, cannot be trusted to make their own laws, and fear that MLAs might lose their monopoly over law-making. There is a strange irony in empowering electors to choose this august body but refusing them the right to enact legislation.

This pioneering legislation reflects the Government's commitment to the principle that sovereignty rests with the people, not with governments. If enacted, it would empower ordinary electors to have a genuine say in the laws that govern them by giving average people - working people, I might even say - the right to initiate and enact their own laws. While this is pioneering legislation, we have taken a very careful approach, to ensure that proposals will be well thought out and will result in good law. It will complement the role of the Assembly.

The process has been carefully thought out and addresses the frequent objections to community referenda. No matter will be brought forward in haste: At least six months must elapse from the initiation of an idea to its becoming a referendum. Referenda will generally be held in conjunction with elections to the Legislative Assembly, so costs will be kept to a minimum. We will not be asked to vote on any harebrained scheme that an individual elector might think up. First of all, there needs to be a committee to propose the initiative. That committee must gain initial support for their proposal from 1,000 electors before it can be registered. Then it must receive the support of 5 per cent, or about 10,000 electors, to become a formal initiative. This is a significant hurdle, as anyone who has ever sought to garner signatures on a petition will know.

Mr Speaker, other safeguards include that, before a proposal can be registered, the Electoral Commissioner must ensure that it is within the power of the Legislative Assembly and cannot interfere with the budget by proposing or prohibiting expenditure of specific amounts of public money for particular purposes. Also, this Bill demands a high level of support for a proposed law. In most other jurisdictions, a referendum is passed if it is supported by the majority of those who decide to vote at a voluntary poll. By contrast, this Bill requires support of the majority under compulsory voting.

In addition, the Chief Minister must undertake an estimate of what it is likely to cost or save. The Auditor-General then provides an independent assessment of that estimate. The reason for this requirement is that, if a proposal is to be enshrined in law, it is necessary for the community to have reliable information on how much the proposal would cost to implement or the savings which might be made. This is similar to the rigour imposed on the Executive when it decides on legislative proposals in this place. It is appropriate for the estimate of the costs or savings to be done at the time the proposed law has been prepared, because it is the legislation, not the proposal, that governs what is and what is not done.

In addition, a proposal may never come to referendum, because the Assembly may pass the proposed law. However, if the Assembly does nothing, the proposed law goes to a referendum automatically. Provided that four months has elapsed, a referendum is held in conjunction with the next general election of the Assembly. If a proposal is so popular that more than 10 per cent, or around 20,000 electors, support it, and the proposed law is tabled prior to 30 June in the first two years of the three-year life of an Assembly, the Bill provides for holding a referendum on that proposed law on the third Saturday in October in that year, provided that the Assembly does not first enact the law.

If a majority of electors support the proposed law, it is presented to the Assembly to be passed into law. As the Australian Capital Territory (Self-Government) Act now stands, only the Assembly can make laws. The Assembly cannot be bound to enact a proposed law passed at referendum; but it is my personal view that it would be a courageous Assembly that thus defied the will of the electors. To enable the results of community-initiated referenda to be binding on the Assembly, if this Bill is passed, the Government will approach the Commonwealth Government seeking amendments to the self-government Act.

This Bill is not intended to radically alter the way in which we are governed. It is not aimed at usurping the powers and responsibilities of elected representatives. It is aimed at providing direct power to the people to cover those times when elected representatives do not fulfil their role of representing the wishes of the majority. We all know that there are big issues routinely avoided by elected politicians because they are too hard.

Mr Speaker, I take a great deal of pleasure in introducing this Bill today. It is testimony to the Canberra Liberals' commitment to the principle of community participation in law-making. As you know, Mr Speaker, we first introduced this Bill when we were in opposition. It is often said that this is an initiative supported by oppositions and spurned by governments. In this, as in other things, the Canberra Liberal Government has broken the mould. We believe that this election commitment is one of the most significant we have made to the people of Canberra. This Bill is one upon which all sides of politics will be judged simply by their commitment to giving Canberrans a real say in the way in which they are governed.

Mr Speaker, the form of representative government Australia inherited from the nineteenth century has to move with the times, and this is never more the case than in the ACT. It is time to give ordinary voters the power to take the initiative and make decisions. We should be proud to make the ACT the home of community referendums. I commend the Bill to the Assembly.

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

DOMESTIC VIOLENCE (AMENDMENT) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.11): Mr Speaker, I present the Domestic Violence (Amendment) Bill 1998, together with the explanatory memorandum for this Bill, the Magistrates Court (Amendment) Bill (No. 2) 1998 and the Bail (Amendment) Bill 1998.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

This Bill and the three that follow are a package aimed at extending the protective nature of the Domestic Violence Act 1986, particularly in situations where there is an ongoing risk to victims. The Domestic Violence (Amendment) Bill and the Magistrates Court (Amendment) Bill are similar to the respective Bills introduced last year. Consultation with magistrates subsequent to the introduction of the Bills in the Legislative Assembly last year has resulted in making additional improvements to the legislation.

The Domestic Violence (Amendment) Bill amends the principal legislation, which was amended last year by a Bill introduced by Ms Tucker. These amendments further refine the legislation by replacing all the grounds for obtaining a protection order in section 4 of the Act with one simple ground; that is, that the respondent engaged in conduct, in respect of the aggrieved person, which constituted domestic violence under the Act. The amendment will not only serve to enhance the protective nature of the Act but also provide greater consistency with the provisions relating to restraining orders.

A definition of "domestic violence" has been inserted in the legislation to ensure that the range of conduct covered by the legislation is clear. This enables an applicant to rely on a broader range of conduct that may not constitute a specific offence, such as threatening conduct, not otherwise included in the definition of "domestic violence offence". This particular amendment serves to enhance the integrity of the Act by extending the protection of the Act more broadly to cover conduct which is not overt or physical. This modification to the definition of "domestic violence offence" has also been replicated in the Bail Act 1992.

The Domestic Violence (Amendment) Bill also amends existing legislation to broaden the scope of the restrictions and prohibitions that can be made by the court. The amendment enables the court to make such orders as it thinks fit, rather than being restricted to the finite list of prohibitions currently set out in section 9 of the Act. The integrity of the Act has also been enhanced by making the protection afforded by the Act more accessible for people who are unlikely to obtain protection without special assistance. Provision has been made in this Act and the Magistrates Court Act to enable the Community Advocate to apply for protective orders on behalf of those who are unable to represent themselves, because of either legal incapacity or mental incapacity. There are safeguards in the legislation to ensure that the Community Advocate is an appropriate person to make an application on the person's behalf in the circumstances.

In addition, provision has been made to enable persons other than those listed in the Act, that would otherwise have a right to make a civil application on behalf of an aggrieved person or child, to apply for a protection order. Such persons may include a guardian appointed under the Guardianship and Management of Property Act 1991 or any person who, in the court's opinion, is an appropriate person to make an application in the circumstances, such as a person who holds a power of attorney in relation to an aggrieved person.

A provision has also been inserted into both Acts to provide that, where the applicant is the Community Advocate, the person for whom protection is sought shall be a party to the proceedings. The benefit of having this provision is that it will enable the protected person to make an application to vary or revoke existing orders on behalf of the person where circumstances have changed.

A provision has also been inserted to enable persons who are not parties in the original proceedings, but who would have been entitled to make an application, to apply to a court for a variation or revocation of both an interim and a final protection order. This overcomes a restriction in the existing legislation that precludes persons who are not parties in the original proceedings from applying to subsequently vary or revoke a protection order.

This Bill is also aimed at improving the efficiency of court procedure and practice in relation to the timeframes required for the listing of an application for hearing and for the service of interim protection orders and protection orders on a respondent. The legislation, as it currently stands, requires that an application for a protection order be listed within two days of the date on which the application is filed. The legislation has been amended to allow for a more flexible timeframe, of up to 21 days, in situations where an applicant is not seeking a ex parte order and may know that the two-day period will not be sufficient for the respondent to be served with an application. This avoids the necessity for an applicant to come back to the court and apply for an extension.

A similar problem has been identified in relation to the duration allowed for interim protection orders. Under the existing legislation, an initial protection order remains in force for a period not exceeding 10 days. This Bill enables a court to grant an interim protection order for more than 10 days where the court is satisfied that it is likely that the 10-day period would not be sufficient for the respondent to be served with the initial interim order or the application for the protection order.

This Bill also seeks to improve the efficiency of court procedure and practice relating to consent orders and variations or revocation orders made by a magistrate. The Bill enables the court to make an interim protection order or vary such an order, in particular circumstances, where a respondent has not been served with an application. The Bill being mindful of the need to ensure an appropriate balance in the process for both applicants and respondents, the respondent is also able to make an application to vary the interim variation order.

A provision has been inserted in the Act to enable the court to order a party to compensate another party, if satisfied that the conduct of the party has been frivolous, vexatious or not in good faith. I believe, Mr Speaker, that the inclusion of this provision may go some way towards reassuring those who see protection order legislation as enabling an abuse of process. A new reform initiative has been inserted in the Bill to enable the court, at its discretion, to provide position directions to parties. The amendment has been introduced with a view to enabling the court to recommend that a party participate in any counselling program or training, rehabilitation or assessment specified by the court.

For the purposes of enhancing the clarity and the application of the law in domestic violence matters, this Bill reviews a number of the existing provisions of the Act. The Bill revises the scope of restrictions on publication or printing of proceedings and inserts a new provision in the Act to clarify the application of existing evidentiary procedure in domestic violence proceedings.

In addition, the Bill amends the Act to insert references to relevant procedural provisions in the Magistrates Court (Civil Jurisdiction) Act which apply to proceedings under the domestic violence legislation. The aim of these amendments is to enhance the clarity of the law by having a single legislative source of reference. The legislation has also been amended with a view to improving the overall language used in the Act and improving the layout of the Act.

Mr Speaker, this Bill encompasses the first comprehensive review of civil issues relating to domestic violence in the Territory since the Australian Law Reform Commission's report in 1986. I believe that these amendments, together with the others previously introduced - and, in particular, I refer to the effect of protective orders on firearms - will not only make improvements to the practice and procedures to protect victims of domestic violence in the ACT but also ensure that the Territory remains in the vanguard with respect to domestic violence legislation. Mr Speaker, I would like to congratulate the Community Law Reform Committee on both of its reports. This Bill is, in part, the product of those reports. I commend that work and, in particular, this Bill to the Assembly.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.20): Mr Speaker, I present the Magistrates Court (Amendment) Bill (No. 2) 1998.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

This Bill makes a number of amendments to the Magistrates Court Act 1930, consistent with the amendments made to the Domestic Violence Act 1986, implementing recommendations of Report No. 11 of the ACT Community Law Reform Committee. I will briefly mention the amendments effected by the Bill.

The Bill inserts a new provision in the Act which provides that a restraining order made under the Magistrates Court Act is to be valid where instead a protection order should and could have been made under the Domestic Violence Act, and vice versa. The rationale for this is that the court always has jurisdiction to make a protective order under either the Domestic Violence Act or the Magistrates Court Act, regardless of the nature of the relationship which exists between the parties.

The Bill amends section 198 of the Act to enable the Community Advocate to apply for a restraining order on behalf of an aggrieved person who is either a child or a person who is under a disability. In addition, section 200 of the Act is amended to provide that, where the applicant is the Community Advocate, the person for whom protection is sought should be a party to the proceedings. Section 206P of the Act is revised to replicate the provisions dealing with the publication of reports and proceedings now included in the domestic violence legislation. I commend the Bill to the Assembly.

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

BAIL (AMENDMENT) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.22): Mr Speaker, I present the Bail (Amendment) Bill 1998.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill is required as a consequence of the amendment made to the definition of "domestic violence offence" in the Domestic Violence Act 1986, as modified by the Domestic Violence (Amendment) Bill within this package. Clause 4 of the Bill amends the definition of "domestic violence offence" in the Bail Act 1992 so that the terms are used consistently in both the Domestic Violence Act and this Act. I commend the Bill to the Assembly.

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

PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (AMENDMENT) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.23): Mr Speaker, I present the Protection Orders (Reciprocal Arrangements) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill is in the same terms as the Bill I introduced in the Assembly last year. The Bill amends the Protection Orders (Reciprocal Arrangements) Act 1992 to allow for the registration and enforcement of protection orders made in New Zealand. It does not derive from the recommendations of the ACT Community Law Reform Committee, as do the other amendments to the Domestic Violence Act and the Magistrates Court Act introduced today. The Government has decided to take the opportunity to include it as part of this package, nonetheless. In keeping with the other reform initiatives in this legislation package, this Bill extends the scope of protection afforded to victims of domestic violence in the Territory.

On 14 March last year, a formal decision was made by the Standing Committee of Attorneys-General - excluding South Australia, which already recognised New Zealand orders - to amend legislation relating to the portability of restraining orders to allow for recognition and enforcement of New Zealand orders. This Bill fulfils the undertaking given at the SCAG meeting by this Territory.

This Bill uses the terms "recognised court" and "recognised order", which are defined as including an order made under New Zealand law. The Bill enables victims who have obtained a protective order in New Zealand to be protected in the Australian Capital Territory. A New Zealand order can be registered in the Territory by filing a certified copy of the order in the ACT Magistrates Court. The effect of the registration is that it allows New Zealand orders, and any other foreign protection order that may be recognised by the Territory, to be enforced, varied, cancelled and extended as if they were protection orders made under our legislation on the date of registration.

New Zealand domestic violence legislation already makes provision for the enforcement, in New Zealand, of final orders made in Australia or any State or Territory of Australia. It is, therefore, important that Australian jurisdictions reciprocate this and enable the registration of New Zealand orders in Australia, particularly given the extent of movement of individuals across the Tasman. I commend the Bill to the Assembly.

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

GAS PIPELINES ACCESS BILL 1998

MR SMYTH (Minister for Urban Services) (11.26): Mr Speaker, I present the Gas Pipelines Access Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

> That this Bill be agreed to in principle.

Mr Speaker, the package of gas reform legislation, comprising the Gas Pipelines Access Bill 1998 and the Gas Supply Bill 1998, marks the high point in reforms of the gas industry in the ACT. In 1980, the gas industry commenced operating as a franchise business in the ACT, with no regulatory cover, under an agreement with the former Commonwealth administration. At this stage, I would like to point out that Australian Gas Light, or AGL, has been the sole operator and supplier of gas in the ACT and New South Wales and that AGL is a private business.

With the advent of self-government for the ACT, a review recommended that the gas industry be regulated in a manner similar to New South Wales, with both legislative cover and a gas industry-specific regulator. Initially, the Gas Levy Act 1991 was passed by the Assembly to enable the ACT Government to apply a franchise levy on the gas distributor.

The passage of the Gas Act 1992 subsequently enabled the Government to authorise AGL to operate as a gas distributor in the ACT on a non-exclusive basis. This meant that the Government maintained the ability to require AGL to provide access to other gas retailing businesses. Mr Speaker, whilst these arrangements did foresee future market reform, it is now necessary to build on these provisions and establish an access regime as well as opening gas pipelines to a competitive market. The combination of gas legislation and price nexus with the New South Wales gas tariff used to date has served the ACT well. However, the new arrangements proposed provide the additional benefits to the ACT community in competitive gas pricing and improved industry regulation.

Mr Speaker, this would be a good time to talk about national competition policy reforms and to revisit the commitments, made in 1992 by the then ACT Government, to market reform. These reforms, it must be stressed, are not about competition for the sake of competition. The reform process is about assisting economic growth and job creation, about better customer service in a competitive marketplace and about real choice for consumers. It is about the benefits to the public of preventing monopolies, and those benefits are social as well as economic. Mr Speaker, the Assembly has already dealt with a range of legislation fostering reform, such as transport, electricity, legal services and the environment. The legislation I am presenting today to open the gas market to competition takes us another step along the way to better consumer services through greater competition in the ACT.

Mr Speaker, in 1994, heads of government agreed to a set of principles to enable access on fair and reasonable terms for new market entrants and requiring jurisdictions and industry to recommend an agreed framework. The initial base of this framework was the development of an access code, setting out the terms under which access to gas pipelines would be given by pipeline operators or service providers. The code prescribes the detail to be included in an access agreement, which is an undertaking by a service provider to provide access, including the details of the pipelines, price terms and conditions. The code sets out reference tariff principles, including the detail of asset evaluation methods to be used by the independent regulators in their examination of an access arrangement. The code also provides for the separation of gas businesses by market sectors, so that network operations are separate legal entities from retail businesses. This separation or "ring fencing" prevents any incumbent monopolies from giving a price advantage to their related businesses. Dispute resolution, rights of appeal and code change mechanisms are also included. The code may be amended by agreement between the relevant Ministers and participants in the scheme.

To ensure that a national code for access to pipelines would be applied in a uniform manner by jurisdictions, national gas pipelines access law was developed in consultation with the Attorney-General's Department of each jurisdiction. In late 1996, the Prime Minister wrote to heads of government seeking their out-of-COAG-session agreement to the framework of gas reforms. This framework comprised an intergovernmental agreement, or IGA, to commit jurisdictions to enacting consistent access legislation that, in turn, would adopt a uniform national gas pipelines access code. The ACT Government agreed to this framework in early 1997.

Mr Speaker, as the code applies nationally through template legislation arrangements, the Legislative Assembly would not be able to make the code a disallowable instrument. This provides a sensible safeguard for a national gas market framework, where pipelines cross State and Territory borders, by ensuring that no jurisdiction will unilaterally amend the code. The intergovernmental agreement set the date for enactment of access legislation by 30 June 1998. The agreement also required participants to amend existing legislation which was no longer consistent with the national gas access framework. The agreement also sets out the bodies which administer the code in the principal market sectors of gas transmission and gas distribution pipelines. The agreement also commits participants to the timetable for implementing reforms and to agreeing the access Bills and derogations, or departures from the code, of other participants. The natural gas pipelines access agreement was endorsed by heads of government at the COAG meeting on 7 November 1997. South Australia, as lead legislature, passed the national gas pipelines access law on 10 December 1997.

Mr Speaker, this package of reforms provides a tangible example of how the ACT community benefits from competition policy reforms. These benefits are: In the ACT, we do not produce any gas of our own and, where there is only one supplier, Canberrans have no choice but to acquire gas from a sole supplier; there is the opportunity to purchase gas at competitive prices; and that will happen because gas suppliers will need to compete for the business. Mr Speaker, this is not just about prices; it is also about services and the context in which ACT consumers make decisions on their source of energy, and gas is one product in the energy market. Greater choice will lead to a number of benefits, and these benefits are just part of our higher level objective of continually improving the provision of all goods and services to Canberrans.

Mr Speaker, the pace of reform has some intensity, with the agreement committing participants to enact access law by 30 June 1998, as this is the date on which the National Competition Council, or NCC, will make its next assessment of States' progress against COAG agreed reforms. The pace of reform is also being driven by gas users wanting lower gas prices, the gas industry wanting certainty for investment purposes, and the need to gain NCC certification of the gas access regime in order to qualify each State and Territory for competition dividend payments from the Commonwealth.

To give effect to the access agreement, the Gas Pipelines Access Bill 1998 has been drafted. This Bill applies the national gas pipelines access law, which in turn adopts the national third party access code for natural gas pipeline systems. The Gas Pipelines Access Bill 1998 also provides the arrangements for conferring powers on code bodies who regulate sectors of the market, such as the transmission pipelines and the distribution pipelines. For transmission pipelines, such as the Moomba to Sydney pipeline system, the Australian Competition and Consumer Commission, or ACCC, is the independent regulator by virtue of the sale of the Moomba to Sydney pipeline system in 1994. For distribution pipelines, such as those owned and operated by AGL Gas Networks across Canberra and Queanbeyan, the independent regulator is the ACT Independent Pricing and Regulatory Commission, with the ACT Minister for Urban Services as the local Minister for this market sector.

The Gas Pipelines Access Bill 1998 provides for the ACT to confer powers on the Federal Court in relation to civil and criminal matters, plus applying the Commonwealth Administrative Decisions (Judicial Review) Act 1997 in relation to a review of an administrative decision of a code body. Dispute resolution can be undertaken by the independent regulator, or disputes can be referred to the Australian Competition Tribunal. The Gas Pipelines Access Bill 1998 allows for scheme participants to have mutually compatible arrangements for the regulation of cross-boundary pipelines. The Bill also provides for the exemption of stamp duty where gas businesses are required to transfer assets to create separate legal entities in compliance with the "ring fencing" provisions for the separation of gas-related businesses.

In summary, Mr Speaker, the ACT will benefit from establishing an access regime which encourages competitors to enter the gas retail market. Initially, competition will occur in the more contestable contract market sector of the large users, and subsequently competition will occur in the tariff market sector, which comprises small commercial-industrial and residential customers. I commend the Gas Pipelines Access Bill 1998 to the Assembly.

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

GAS SUPPLY BILL 1998

MR SMYTH (Minister for Urban Services) (11.36): Mr Speaker, I present the Gas Supply Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

> That this Bill be agreed to in principle.

This is the Bill that enables the access regime, comprising access law and access code, to be put into effect and to get the ball rolling in actually opening the market. Firstly, we were required, under the natural gas pipelines access agreement, to amend any existing gas legislation which conflicted with access law. In doing so, we found that the Gas Act 1992 required a major overhaul, resulting in the need for a new piece of legislation rather than an amendment Bill.

The passage of the Independent Pricing and Regulatory Commission Act 1997 meant that the pricing and access function of the Gas Authority had been replaced by the powers and functions of the ACT's own Independent Pricing and Regulatory Commission. Therefore, the main purpose of the Gas Act 1992 in creating a statutory Gas Authority was no longer valid. Furthermore, the gas manual under the Gas Act 1992 was outdated and no longer suitable as a form of regulation. The Government needs to ensure that it has an effective suite of technical and safety regulations, consistent with those in New South Wales, so as to ensure that there are no differences affecting gasfitter businesses in the cross-border region.

Mr Speaker, it is important that the objectives of existing gas legislation and functions of the Gas Authority in relation to the protection of consumer interests do not get overlooked in the translation to a new framework for a competitive gas industry. The Gas Supply Bill 1998 provides for a Gas Technical Regulator to amalgamate the roles of both the Gas Authority Secretariat and the Gas Technical Controller, thereby continuing the public and industry interface functions, while strengthening the system of control that is needed to ensure technical and safety compliance by the gas industry.

The Gas Supply Bill 1998 also provides for the authorisation of the gas transmission; gas distribution, through networks; and gas supply, retail, businesses - replacing the single authorisation given to AGL as a "bundled" networks and retail business. The operation of East Australian Pipeline Ltd in the ACT is currently not covered by an authorisation, as the Gas Act 1992 applies only to distribution pipelines. Conditions of authorisation will establish specific prudential and technical criteria for gas businesses and set out requirements for reporting, accounting and compliance with ACT laws, in addition to conditions in relation to infrastructure standards, so as to ensure a safe and continuous supply of natural gas to ACT consumers. The objective in cost-effective regulation of the gas industry is to identify the actual cost of regulation and to recover that cost from the authorised businesses in the market through the authorisation fee. This method has been adopted in New South Wales.

Mr Speaker, the Gas Supply Bill 1998 repeals the Gas Act 1992 and the Gas Levy Act 1991. This means that the gas levy and the energy research and development levy will no longer apply, consistent with the High Court ruling in 1997 that limits the ACT raising revenue based on a quantum of sales. These levies had previously been identified as being anti-competitive in nature and have since been removed in the New South Wales gas legislation. The removal of these levies is a matter which should be drawn to the attention of the ACT Independent Pricing and Regulatory Commission in its first review of charges, so that the benefits of competition can be passed on to consumers.

The introduction of competition in both the ACT and New South Wales would also mean that other gas retailers can compete in those markets - again, a benefit to consumers of these new arrangements. In New South Wales, the Independent Pricing and Regulatory Tribunal's determination of AGL's gas transport charges made a substantial impact on those charges, and these benefits are expected to flow on to the large number of users, including retail gas businesses, in the ACT over the next three years. Existing funds in the Energy R and D Trust will continue to be used in energy and gas industry-related development projects, such as the current evaluation of natural gas vehicles in the bus and light vehicle fleets.

Mr Speaker, I will conclude by saying that the Gas Supply Bill 1998 complements the Gas Pipelines Access Bill 1998. Both Bills are primarily aimed at price benefits for gas consumers in the ACT, as well as enabling the ACT to conform with the requirements of the gas pipelines access agreement to create a national gas market. By participating in the national gas market, the ACT Government will be able to ensure that long-term gas demands can be met from a range of competing producers, pipeliners and retailers.

Finally, these reforms will also enable the ACT to regulate the gas industry in a consistent and cost-effective manner, and so ensure consumer confidence in gas as an energy choice. I commend the Gas Supply Bill 1998 to the Assembly.

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

CRIMES (AMENDMENT) BILL (NO. 4) 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.42): Mr Speaker, I would like to try again to present the Crimes (Amendment) Bill (No. 4) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I am not sure whether, had I read the speech I was given, anyone would have noticed that I was missing two pages. But, just in case they did, I had better do it again properly.

Mr Speaker, the Crimes (Amendment) Bill (No. 4) 1998 addresses the widespread public concern which followed an ACT Magistrates Court decision last year to acquit a defendant of assault on the ground that the defendant was too intoxicated to form an intent to commit the offence. It must be stressed, Mr Speaker, that in introducing this legislation the Government makes no comment upon the application of the law by the Magistrates Court in that case. To do so would be quite inappropriate. However, it is entirely appropriate for the Government, and this Assembly, to consider whether as a matter of policy the law in the ACT on the issue of intoxication is in keeping with community standards and expectations. There can be little doubt, having regard to the understandable public outcry over the law on this matter, that a change to the law is required.

Briefly, the law in the ACT, as a result of the High Court 4 : 3 decision in the O'Connor case in 1980, means that a defendant can avoid criminal liability if a court is satisfied that because of gross intoxication, whether or not self-induced, the defendant's actions are not voluntary. The so-called "O'Connor defence" applies in the Territory as part of the common law. It also applies in Victoria and South Australia. In New South Wales - another common law jurisdiction - legislation was enacted in 1996 so that a defendant is not able to avoid criminal liability due to self-induced intoxication in cases involving a basic intent offence. In those Australian jurisdictions which have a criminal code -

Queensland, the Northern Territory, Western Australia and Tasmania - self-induced intoxication cannot be used to avoid liability for basic intent offences, but can be raised only in relation to offences of "specific intent". Put simply, a specific intent offence is one where, as well as committing a physical act, the defendant must have intended a particular result, such as intending death or grievous bodily harm in the case of murder.

Other common law jurisdictions, including the US and Canada, have legislated so that defendants cannot rely on self-induced intoxication to avoid responsibility for their criminal acts. In England, broadly speaking, the common law position is the same as in the Australian code jurisdictions; that is, the defendant cannot rely on self-induced intoxication to avoid criminal responsibility for his or her acts, other than in relation to offences of specific intent. This position was decided by the House of Lords in Majewski's case in 1977.

Attorneys-General considered the intoxication defence when presented with the final draft of the chapter of the Model Criminal Code dealing with the general issues of criminal responsibility. The code is being prepared for the Standing Committee of Attorneys-General. In 1994, Attorneys rejected the inclusion of the O'Connor position in the code. The code provisions dealing with intoxication now implement the Majewski position by not allowing a defendant to use voluntary intoxication to show a lack of intent to act or omit to do something, but to allow a defendant to use voluntary intoxication to show a lack of intent with respect to the consequences of the act or omission.

However, there has not been a rush by common law jurisdictions to legislate the chapter of the code dealing with general principles of criminal responsibility, because Attorneys have proposed to await the completion of the code, due later this year, so that comprehensive implementation of the code can be considered. There has not been a perception that the O'Connor decision called for immediate attention, as the fact circumstances required for it to be applied so rarely arise. It is rare indeed for a person to be so grossly intoxicated that he or she does acts while lacking the will to act, yet is still sufficiently conscious and able to commit such physical acts. This is why the so-called "defence" so rarely succeeds in achieving an acquittal. The recent ACT decision is a reminder that it, nonetheless, is part of our law and it can successfully be used.

Consistent with the position taken by Attorneys on the issue and the law in a majority of Australian jurisdictions and other common law jurisdictions, I am proposing that the Crimes Act be amended to prevent evidence of self-induced intoxication from being considered in determining whether a defendant intended to do an act which is an element of an offence or whether an act was voluntary. In doing so, the ACT will be closely following the relevant Model Criminal Code provisions. The ACT continues to support the development of such a code to assist jurisdictions to undertake criminal law reform in a way which will, hopefully, achieve a more consistent national approach to criminal liability. It is worth noting that, since the Nadruku decision, the Commonwealth has been prompted to bring forward the commencement of the code provisions relating to intoxication. This means that we will not now have to wait until the year 2000 for the Commonwealth to adopt the code provisions preventing the application of the "drunk's defence". I also understand that the South Australian Attorney-General has recently announced his intention to legislate. He has indicated that he favours a Bill along the lines of the ACT proposal and is seeking views on it.

Mr Speaker, it is my intention, given the differing views about which position to take on removing this defence - the so-called "drunk's defence" - that the matter be referred to the Justice and Community Safety Committee for consideration. I hope that that committee will have useful contributions to make to establishing a suitable position for the ACT to take on this particular matter. I commend the Bill to the Assembly.

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

SOCIAL POLICY - STANDING COMMITTEE (THIRD ASSEMBLY)
Report on Inquiry into Services for Children at Risk - Government Response and Ministerial Statement

Debate resumed from 28 April 1998, on motion by **Mr Stefaniak**:

That the Assembly takes note of the papers.

MR RUGENDYKE (11.49): Mr Speaker, I applaud the previous Standing Committee on Social Policy for their thorough, sensitive and compassionate benchmark report on children at risk. It is pleasing that the Government has given basic support and commitment to most of the recommendations of the report, albeit subject to budget considerations. It is also pleasing that there appears to be bipartisan support for what is recognised as a serious problem in our society.

Throughout my policing career and as a foster carer, I have become aware of many of the concerns and issues raised by the report. I have experienced many incidents involving the young, the disadvantaged and the mentally ill which are completely in agreement with the findings of this report. My experience, which is backed up by the report, is that there is a major lack of services for children with mental illness. This ranges from lack of services to adequately assist young people who smoke excessive marijuana, to one particular youth who, I have no doubt, will kill either a youth worker or a police officer because of our inability to cope with his condition. Incidentally, I understand that this boy has been assessed as having a mental condition, although I do not know the exact details of that condition. The point is this, Mr Speaker: The process that the system has had to go through to assist this boy is unwieldy, difficult to navigate and largely unworkable. It is problems such as this that the report attempts to address.

I know a 17-year-old boy who is unable to function, as if his brain has been turned to mush, simply because he has smoked too much dope. It strikes me as odd that we are living in a society where we are trying to make examples out of people who like to smoke legal tobacco products by banning them from public places; yet we are forever looking for ways to decriminalise the use of cannabis. I say, "Recriminalise; do not decriminalise". I have also seen the improvement in an 18-year-old male who, with guidance, has stopped smoking dope. He no longer breaks into cars or houses to support his habit. He now has a job and has reintegrated into a family who are proud of his achievements and the turnaround in his life.

I have been told by a psychiatric registrar that if a 17-year-old girl injects herself with heroin she cannot be treated as a mental illness patient because "she has chosen that style of life". Quite frankly, Mr Speaker, I do not believe that a 17-year-old should be allowed that choice. We should be channelling our youngsters away from developing a habit, not condoning a so-called choice. We should be doing our utmost to stop young people from plummeting into a lifestyle that, 10 years down the track, is almost impossible to escape from. Incidentally, I might add that the girl I referred to is now in her second year of law school; so, these remedies are available.

These experiences reinforce to me that we must do more in the area of juvenile mental illness. I have total agreement with the notion that children in substitute care should have access to counselling as a matter of course upon request. The children that we, as carers, see are often from homes with major problems ranging from drug and alcohol abuse, domestic violence, physical or sexual abuse to neglect and emotional abuse. It is imperative that children who come into care or who come to notice by whatever means are given every assistance to develop as children should. As a foster carer, I was proud that the Foster Care Association was invited to provide input into the report and that the experiences of carers were crucial to the integrity of the report.

This report by the Social Policy Committee highlights areas in service provision which are below standard, which do need remedies to prevent people from falling through the cracks and which must be addressed. The Government has indicated that budget constraints will prevent the implementation of all of the recommendations in the report. I feel that the issues raised need to be addressed and that the budget should not be used as a reason for none of the proposals being implemented. I closely identify with a large majority of the issues; and I, for one, will certainly be monitoring exactly how many of these proposals are acted upon this year.

In particular, I believe the mental health services recommendations should be a priority. The report states that the Child and Adolescent Mental Health Service is severely stretched and not able to satisfy demand. There is no suitable inpatient facility for young people with psychiatric illness and there is no specialist service for young people with dual disabilities such as mental illness and drug or alcohol addiction. These are urgent matters. If the Government can outlay half a million dollars for a consultant to perform the site location studies and associated tender processes for the design of the ACT prison, as set out in the draft capital works program, it should be a priority that resources are allocated to children at risk programs which can help our families, neighbours and friends in the suburbs every day. There are existing programs that have a proven track record, and there is evidence that the money is not only well spent but also an investment in our community.

I mentioned in my inaugural speech the Project Saul program. It costs a minimum of $90,000 to place a juvenile in Quamby for 12 months. Compare that with the resources of Project Saul, which has had 60 participants in the program in the last 12 months. Project Saul receives $16,000 per year in grants, plus a vehicle. Of the 60 participants, there has been a high level of success, including the following examples: A young male, 17 years old, who committed an armed robbery, not only was put through the program

but now assists with the program. Another male who came through at the same time has also been rehabilitated and is now assisting in the Scout movement. A young male was in the drug scene; he was asked to leave his school; he is now undergoing leadership and skills training and is currently attending another school. Another young male had a drug problem and had committed offences; he is now in the work force. These are just four examples of the program and an insight into the benefits of placing resources and energy into these areas. I commend the children at risk in the ACT report and urge the Government to back its verbal support of the recommendations with action.

MR STEFANIAK (Minister for Education) (11.58), in reply: Mr Speaker, just to close the debate: I thank members for their comments. It is very heartening to hear some of the success stories which Mr Rugendyke has spoken of. Project Saul, which he mentioned, is an excellent activity run by very dedicated, very talented police officers. I am delighted to hear of those success stories. In fact, I had heard a couple of them before, and a few earlier ones. That is always very heartening. I think I met the young lady who is now in second year at law school, which is absolutely great.

Mr Speaker, I am pleased that the provision of services to children at risk has been given, through the committee's report, debate in this Assembly and the public hearings, the recognition that it deserves. I once again must take the opportunity to thank members of the committee for the work they have put into this report. It will be most helpful to the Government as a tool to help us set our priorities in the area of services to children at risk, and I am sure that Ms Tucker will not easily let us forget that the report is a useful yardstick by which to measure our progress in terms of service provision.

I would like to take the opportunity to reiterate several points I made when tabling the response to this important report. As I announced in that speech, a major task for the department is the development, in consultation with the relevant stakeholders, of a policy on family support. The outcomes of this initiative will be more integrated and accessible services which, in turn, will benefit all children and families in the ACT. In line with the Social Policy Committee's recommendations, research on current best practice is being considered by the working group developing the policy. I seek to reassure Ms Tucker that the dissemination of information within the community will be included as a key strategy in the policy and implementation plan.

The Government continues to be aware of the concerns raised by the committee and will lead the way in providing and funding effective and responsive services to children at risk. One of the ways we are doing this is by focusing our efforts on improved coordination of our services, both government and community based. In line with our commitment to improving coordination of services, the Government is continuing to develop protocols between the key agencies involved in providing services to the children in the at-risk group. These protocols set out the agencies' roles and responsibilities as well as clarifying case management arrangements. Agencies currently involved include Family Services, the disability program, the police, supported accommodation services, schools, preschools and child-care agencies.

The ACT Government has continued to promote a local strategy for the prevention of child abuse and neglect. Part of this strategy has included the establishment of local networks of government and non-government child and family service agencies. These networks specifically consider ways of preventing child abuse and minimising its harmful effects on children and young people. Between July 1997 and April 1998 there have been 18 network meetings involving 65 agencies and 233 participants. These networks have proven to be very effective forums for information exchange about existing services and new family support initiatives.

Mr Speaker, a number of training and staff development initiatives have been undertaken within Family Services, and this is an area that the Social Policy Committee commented on in its report. To increase the number of graduates in social work and psychology, Family Services is actively encouraging staff enrolment in professional courses at relevant universities. In addition, new staff are being provided with a comprehensive welcome pack and a 26-day series of core training workshops. This training is offered twice a year. The training workshops have been made available to all agencies in the wider child and family service system. The first series of workshops is nearing completion and has been attended by 81 participants from 26 other agencies. The value of this training in reinforcing a more holistic approach to child protection has already become apparent. Participants from agencies represented have indicated that they now have a better understanding of the roles and responsibilities of all agencies which work with children at risk.

As the Government has said in its response to the report, we have, in our previous term of office, already made significant progress in providing services to children at risk. Major achievements of the last Government were founded on establishing key links and partnerships between the Government and the community sector for the provision of integrated support programs. Examples of those programs include the cooperation between Tuggeranong Community Service and Kambah High School for access to family support services and the arrangements between the Child Health and Development Service and the Marymead substitute care organisation for delivering home-based parenting skills development programs. We will continue to encourage and develop these links. But all those with a commitment to providing support services for children at risk must also acknowledge that this serious issue is not just for the Government to address; it is an issue which requires supporting cooperation from the whole community.

Another of the Government's achievements was the implementation of mandatory reporting of child abuse, and we are committed to its continued support. Over 2,500 people who work with children in a variety of occupations have been trained in the new processes, and this training is continuing. As part of our commitment to improving services, we are also reviewing current practice in a number of key areas. These include the ACT substitute care system and service provision under the supported accommodation assistance program. As Mr Hird remarked in his address in this debate, the results of these reviews will be available shortly.

Mr Speaker, the sad fact is that there will always be more need being identified in the community sector than our resources can meet. Mr Wood, in his remarks, was disappointed that the Government has acknowledged that it could not meet all needs that are identified. I believe that the Government's role is to take our limited resources and allocate them strategically to provide the greatest impact within the community. Invariably, that involves setting priorities; and that is where this report is most helpful. There is no denying that a lot more work needs to be done in providing appropriate services that truly meet the needs of children at risk. Mr Moore has already stated in this debate how seriously his portfolio will be taking the recommendations in this report, and I must reinforce this position on behalf of the Government as a whole.

While it is evident, Mr Speaker, that we have made significant progress in many of these areas, we remain committed to the ongoing improvement of services in this important area. In conclusion, I would like once again to take the opportunity to thank the members of the Social Policy Committee in the last Assembly for the work that they put into their report.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Inquiry into 1998-99 Draft Capital Works Program

MR HIRD (12.05): Pursuant to standing order 246A, I wish to inform the Assembly that on 22 May 1998 the Standing Committee on Urban Services resolved to inquire into and report on the 1998-99 draft capital works program. I ask for leave to move a motion to authorise the printing, circulation and publication of the report of that inquiry.

Leave granted.

MR HIRD: I move:

That:

(1) if the Assembly is not sitting when the Standing Committee on Urban Services has completed its inquiry into the Government's 1998-99 Draft Capital Works Program, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question resolved in the affirmative.

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on.

HEALTH PROMOTION (AMENDMENT) BILL 1998

Debate resumed from 21 May 1998, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (12.06): Mr Speaker, the ALP is quite happy to support this piece of legislation. We recognise that, for the sake of the health of the Health Promotion Fund and the Health Promotion Board, new arrangements do have to be made for the funding of the board following the High Court decision that affected the imposition of tobacco franchising fees. In supporting the Bill - and I acknowledge the very significant work which the Health Promotion Board does - I repeat that the Health Promotion Board was, of course, an initiative of the Labor Party which, I understand, was very strongly supported at the time by Mr Moore, the current Minister.

I think it is relevant that we acknowledge the work this organisation does. I have been associated at different times with a number of organisations that actually have been able to provide what I regard as tremendous support to their communities and to the Canberra community through the assistance which they receive. I do believe, in terms of affecting understandings of lifestyle and attitudes to a whole range of health issues, the board is doing a tremendous job and really does deserve our continuing support. It is probably not necessary for me to say more than that, Mr Speaker, other than that I do note that the board is to have its funding adjusted in accordance with the CPI. I think that is a very good move as well. We accept the sense of this and look forward to the continuing role and involvement of the board with the Canberra community.

MS TUCKER (12.08): The Greens will be happy to support this Bill as well. I would also like to make just a couple of comments about Healthpact and the importance of its work in the ACT. I am also particularly interested to see more recently how it is moving out into the community in a way that it did not do before. We are not talking about just television advertisements or whatever. I believe health promotion does have to be closely aligned to community development. If we take that approach, then we will have an opportunity to bring about cultural change, which is what we are heading for. I think it is really important to encourage the initiatives. There may be an element of risk-taking in it; but we support that risk-taking because, if we try new and interesting ways of involving the community in this discussion, we can only win and find new ways to be effective.

MR MOORE (Minister for Health and Community Care) (12.09), in reply: I thank members for their support. I think it is one of the areas which are highly unlikely to be reported in the media, the very reason being, of course, that it is an area in which we have general agreement in the Assembly. Healthpact has been delivering a fantastic service and, I am sure, will continue to do so under this regime. I would like to acknowledge what Ms Tucker was saying about the new approaches and the innovative approaches that have been taken by the board in this regard and emphasise for her that it is part of what I am hoping to see go right through health and the health community; that is, developing partnerships and an attitude to collaboration right across the sector. That will not be any surprise to Ms Tucker; we have discussed these sorts of things on many occasions. But it is something that the health promotion area, Healthpact, has been doing particularly well; and we ought to move on with it.

I will just use this opportunity to address something that Mr Rugendyke had to say in his previous speech. It is true that, in the health promotion area, we can help to address the sorts of social issues and cultural issues that he raises. I think it is something that we all share, even though we may have differences of opinion on how the laws should operate with reference to cannabis, heroin or whatever it is. Health promotion itself, I believe, is something that we would all agree means getting out there and making sure that we have a culture, in a sense, where such activities are not condoned. None of us want to condone that kind of activity by people, and this is the way we bring about the sorts of changes that we need. Members, I would like to thank you for your support for this legislation. I look forward to health promotion in this Territory contributing in a significant way to improved health and health outcomes for the people of Canberra.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1998

Debate resumed from 21 May 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (12.11): Mr Speaker, we have no problem with this Bill. I have an informal assurance from the Chief Minister that we might look at indexing this interest rate at some future time, but at this stage there is no objection. We support the Bill.

MS CARNELL (Chief Minister and Treasurer) (12.12), in reply: I thank the Assembly for their support of this legislation, and I am certainly happy to work with Mr Quinlan on any future approaches he might like to take in this area. Thank you very much.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
References

MR OSBORNE (12.13): I ask for leave to move a motion which seeks to refer two Bills to the Standing Committee on Justice and Community Safety.

Leave granted.

MR OSBORNE: I move:

That:

(1) the Standing Committee on Justice and Community Safety inquire into and report on:

(a) the Freedom of Information (Amendment) Bill 1998; and

(b) the Children's Services (Amendment) Bill 1998;

(2) on the Committee presenting its report on:

(a) the Freedom of Information (Amendment) Bill 1998; or

(b) the Children's Services (Amendment) Bill 1998

to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle", for the Bill considered in the report, be set down as an order of the day for the next sitting; and

(3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Just briefly, Mr Speaker: The Bills are the Freedom of Information (Amendment) Bill, which I presented, and the Children's Services (Amendment) Bill, which relates to the appointment of a Children's Court magistrate. They are two issues on which the committee wishes to have public consultation and seek some information from the community. I thought the best way to do it was to refer them to my committee, have some hearings and have some input from some experts in the field. This is the way the committee wished to have this issue resolved.

Question resolved in the affirmative.

Sitting suspended from 12.14 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Rural Residential Development

MR STANHOPE: My question is to the Chief Minister. Mr Speaker, at the public hearing into the proposed rural residential development of land near Hall conducted by the Standing Committee on Urban Services on 8 May, Mr Mick Lilley, Under Treasurer in the Chief Minister's Department, gave evidence that the development which was the subject of the exclusive preliminary agreement or contract agreed to by the Government on 22 December last year involved - and I quote Mr Lilley - "150 rural acreages on the site ranging in size from one hectare to about four hectares". Mr Lilley described the site as "the Hillview land". Can the Chief Minister tell the Assembly on which leases the 150 blocks identified by Mr Lilley are located, and how many blocks are on each of those leases? Will the Chief Minister agree to table today any plans in the possession of the Government which show the location of those 150 blocks?

MS CARNELL: I will take the question on notice.

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

Mr Stanhope: On a point of order, Mr Speaker: I did ask whether or not the Chief Minister would table the plans. I asked: If there is a plan, will the Chief Minister table it?

Ms Carnell: I have taken it on notice. I have no idea what is available. If you wanted to ask a question like that you should have told me, even 20 minutes ago, and I could have found out for you.

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

MR STANHOPE: I do, yes. If the Chief Minister discovers that Mr Lilley was telling the truth and that there were 150 blocks, as he described, and if Mr Lilley knows where those blocks are located, does the Chief Minister agree that, if the great bulk or all of the 150 blocks are located on lease 630, her reason stated in the Assembly for the withdrawal

of Mr Whitcombe from the exclusive preliminary agreement or contract - the stated reason is that it was discovered that Mr Whitcombe had authority to negotiate over only lease 630, and not leases 495 and 629 as the Government had thought - is completely without substance?

MS CARNELL: Mr Speaker, I have answered bits of this question often, but I will do it again. Mr Whitcombe came to the Government with three leases in his possession. In fact, he actually had the three leases. On the basis of those three - - -

Mr Corbell: He did not have them in his possession. He is not the leaseholder.

Mr Stanhope: He had bits of paper.

MS CARNELL: Yes, he had the bits of paper, the lease documents, in his possession. The Government entered into a preliminary agreement with Mr Whitcombe to work through such things as planning, environment, and the financial basis of the proposed joint venture. On working through those issues, Mr Speaker, it became evident that two of those lease documents were no longer valid as the leases had been passed back to the Government in 1991. On the basis that Mr Whitcombe had come to the Government with three leases, or supposedly three leases, and he now had only one, which was on a month-to-month basis, Mr Whitcombe withdrew from the preliminary agreement and it was determined by the Government that we would go to a tender process, or a selective tender process, for rural residential development in the Hall area.

Safety Cameras - Installation on Public Transport Systems

MR HIRD: Mr Speaker, my question is to the Minister for Justice and Community Safety, Mr Humphries. Could the Minister tell the parliament which State government has recently announced that it will spend $55m on safety cameras to make its public transport system a safer system?

Ms Carnell: What government could that be?

MR HUMPHRIES: That is a very good question, Mr Hird and Chief Minister. I know that we have had this debate ad nauseam in the ACT so far and there are still people being dragged kicking and screaming into the latter part of the twentieth century. I was very pleased to note that one State government announced on Sunday that it will spend $55m on a comprehensive safety camera system throughout its CityRail network. Well may you ask which government it was, Mr Hird. Which of the many right-wing administrations around the nation took this draconian step to squash the civil liberties of its citizens? Was it Premier Kennett of Victoria? No, Mr Speaker, it was not. Was it Mr Court in Western Australia?

Opposition members interjected.

MR SPEAKER: Order! I cannot hear the Minister's answer, and if I cannot hear it he will have to repeat it.

MR HUMPHRIES: I can understand the embarrassment of those opposite, Mr Speaker. I would not be too hard on them if I were you.

Mr Speaker, was it Mr Court in Western Australia or Premier Borbidge in Queensland who took this jackbooted step in the direction of fascism? No, Mr Speaker. Was it the Northern Territory? No, Mr Speaker. In fact, the perpetrator of this vile deed was the only Labor administration in this country - New South Wales. The New South Wales Government apparently is not squeamish about the use of safety cameras to protect its citizens from crime. Indeed, I will quote from the press release issued from the office of the Minister for Transport, Carl Scully. It says:

> I want to give CityRail commuters and staff peace of mind wherever they travel.

Of course, this is the peace of mind that the local Labor Party in Canberra is intent on denying to their own constituents in Civic. Mr Scully went on to say:

> Rail commuters and CityRail staff have every right to feel safe on our public transport system.

But the local Labor Party seems intent on denying that feeling of safety to Canberrans when they are in Civic going about their lawful business. The launch of this announcement came at Cabramatta station. I am sure that this area of Sydney and the problems that have been associated with it in the media are well known to members. The station at Cabramatta had suffered from 29 security incidents a month - roughly the equivalent of one a day - in the period before safety cameras were installed. After the cameras were installed that number dropped to just three per month. It dropped from 29 per month to 3 per month, Mr Speaker. That is a fairly significant reduction in the number of incidents at that particular station. Indeed, Mr Scully, the Labor Minister concerned, attributes that to the improvement of lighting and the introduction of safety cameras at Cabramatta station.

I think this is a good move by the New South Wales Government. I am very happy to endorse things that the New South Wales Government does which it does well, and this is one of those things. Mr Speaker, I hope that the now mounting volume of evidence, indeed, the mountain of evidence, available in this country about the salient and salutary effect of security cameras, or safety cameras, can help persuade those opposite that it is an idea worth trialling in the ACT as soon as possible.

Mr Stanhope: We have already agreed to that.

MR HUMPHRIES: Not without kicking and screaming, Mr Stanhope. When the numbers were here in the Assembly you decided yes, that you were going to support the trial. It was very magnanimous of you, Mr Stanhope, but I am afraid it was not particularly convincing. You get about 2½ for execution on that one. Mr Speaker, we are prepared to see this issue advanced, and we hope that others in this place will also acknowledge that this is an idea to advance not just the actual safety of people in public places but also the perception of safety, the feeling of safety, that people obtain in public places where these sorts of devices are in use.

Rural Residential Development

MR QUINLAN: Mr Speaker, my question is to the Chief Minister. Under clause 3 of the exclusive preliminary agreement - don't you love that? - or contract between the Government and Derek Whitcombe, and pending the establishment of a joint venture company, the Government is required to meet Mr Whitcombe's expenses for such matters as commissioning assessments, seeking approvals, preparing detailed reports and so on, potentially leaving the Government liable to some five months of expenditure between the time the agreement or contract - whatever you like to call it today - was signed in January and Mr Whitcombe's withdrawal in May. Can the Chief Minister say whether the Government has made any payments to meet expenses incurred by Mr Whitcombe, as required under clause 3, or whether Mr Whitcombe has asked for any payments to be made? If so, what payments, and how much were they?

MS CARNELL: Mr Speaker, commitments to date are for services to enable the preparation of work for the preliminary agreements required to vary the Territory Plan. The consultations have included geotechnical work, social planning, landscaping, archaeology and heritage, traffic and site engineering, and economic and financial assessments. Those are the sorts of things that had to be done or were being done as a result of the preliminary agreement, Mr Speaker.

Mr Corbell: Contract.

MS CARNELL: Preliminary agreement. No contract; preliminary agreement. Notwithstanding the decision announced in the Assembly on Tuesday, 19 May, the consultants have been asked to complete the work. This will provide substantial preliminary assessment documentation for the Hall area that will be valuable in the assessment of rural residential development in this area and, as we have said, Mr Speaker, we have every intention of going ahead. The costs to date are assessed at $140,000. All of that information that will be gained and has been gained will be useful, as the Government has made it very clear that we plan to go ahead with rural residential development in the ACT. We believe that that information, which, by the way, will be available for the ACT Government to use, is exactly the information that we will require in our approaches in the future.

MR QUINLAN: I think we just heard that we are going to pay this.

Mr Stanhope: We are going to do it anyway.

Ms Carnell: And we are going to do it.

MR QUINLAN: You did say, in answer to the previous question, that Mr Whitcombe withdrew?

Ms Carnell: Yes.

MR QUINLAN: So, in fact, unless this material was of immense value, as you have tried to paint it - - -

Mr Humphries: Is there a preamble here, Mr Speaker?

MR SPEAKER: Yes. Come on!

MR QUINLAN: Are you going to take any steps to recover any of that money from Mr Whitcombe? Let us take, for example, the $9,800 which the Chief Minister told the Assembly yesterday was the cost for the preliminary initial agreement. Is that of immense value in the future?

MS CARNELL: Mr Speaker, it was obviously of immense value to have an agreement that had been put together by a very competent solicitor on the basis that it gave the ACT Government a way ahead with this whole approach. The information that we have - such things as geotechnical information, landscaping, all of those sorts of things - is, I believe, of real value to the ACT. That is the reason why we decided that the work should be finished, rather than stopping it when Mr Whitcombe pulled out. Mr Speaker, we have made it very - - -

Mr Corbell: No proposal, no development application.

Mr Quinlan: This is inconsistent.

MR SPEAKER: Order! The Chief Minister is answering Mr Quinlan's supplementary question.

MS CARNELL: Thank you, Mr Speaker. It would be nice if those opposite would keep their voices down just a little. The ACT Government does plan to go ahead with rural residential development. Therefore, all of this information - - -

Mr Corbell: At Hall?

MS CARNELL: At Hall, yes. We made it clear. We made it absolutely clear the whole time.

Mr Stanhope: So why are we having an inquiry?

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, we believe that rural residential development in that area will be immensely beneficial in the future. One day those people opposite will realise that the PALM inquiry is not into whether rural residential development should go ahead, but how it should go ahead - not whether, but how. The information that will be gained will be available for use by the ACT Government as we go out to a selective tender for rural residential development in that area. It is information that would have had to be gained anyway. We will be able to use it. On that basis I have to say that I think it is money extremely well spent.

Mr Speaker, the ACT Government put in money to ensure that the ACT's legal position was well looked after in the preliminary agreement that was reached between Mr Whitcombe and the ACT Government. That is exactly the sort of thing that those opposite should have done when they went into the Harcourt Hill arrangement. If those opposite had bothered to get a proper legal situation for the ACT Government maybe we would not have been $20m in the hole.

Mr Quinlan: Answer the question.

MR SPEAKER: Order! Settle down, everybody.

MS CARNELL: Mr Speaker, as people have seen in the draft capital works program, maybe we would not have to be putting $3m in there for capital works at Harcourt Hill that those opposite promised contractually to the people who were at Harcourt Hill. Mr Speaker, that shows what happens when governments - - -

Mr Quinlan: Answer the question.

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, I would be noisy if I were them, too, because it is embarrassing for them. They went into a commercial joint venture without proper legal advice, and look what happened. I think it is always appropriate to pay for good legal advice in any areas like this. We did, and it has obviously worked for the ACT.

Rural Residential Development

MS TUCKER: My question is also to the Chief Minister. It follows up on the answer that you just gave, Mrs Carnell. What I am really interested to know from you is this: Why are you spending taxpayers' money by asking PALM to support the development of a long-term strategic plan with the Hall community if you are telling us in this place that, whether they like it or not, they are getting rural residential development?

MS CARNELL: Mr Speaker, PALM does not set Government policy.

Mr Humphries: We went to an election on this. We promised this in an election.

Mr Corbell: Mr Hird did not tell them when he went to Hall.

MR SPEAKER: Order!

MS CARNELL: As I have said before in this place, PALM does not set Government policy. PALM is part of the Government; therefore, it implements Government policy. We have asked PALM to look at rural residential development to determine how it should be done most efficiently. Before this election we wrote to the people of Hall and told them categorically that we were committed to rural residential development in that area. And guess what. They voted for us. Guess who won the Hall booths. Who won the Hall booths significantly? We did.

Mr Corbell: You will not next time.

Mr Smyth: Yes, we will. There will be even more voters out there.

MR SPEAKER: Order! Both sides of the house will stop interjecting.

Mr Berry: You lied to them. That is why you won.

MS CARNELL: Mr Speaker, we told the people of - - -

Mr Humphries: Mr Speaker, I take a point of order. Mr Berry knows that is not parliamentary and he ought to withdraw it.

Mr Berry: Collectively, Mr Speaker.

MR SPEAKER: I am sorry; I did not hear it because everybody else was shouting. What did he say?

Mr Humphries: He said she lied to them.

Mr Berry: I did not.

MR SPEAKER: If you did, would you please withdraw.

Mr Berry: No, I did not, Mr Speaker. I said, "You lied to them", referring to the lot of them, because the Liberal Party did.

MR SPEAKER: Come on! We have had this one out before. Please withdraw.

Mr Berry: So if - - -

MR SPEAKER: We have had this out before, Mr Berry, on a number of occasions.

Mr Berry: The facts speak for themselves. I will withdraw.

MR SPEAKER: Thank you. Otherwise, you are going to have each member over there standing up and demanding a withdrawal.

Mr Berry: They could not do it without blushing, Mr Speaker.

MS CARNELL: Mr Speaker, Mr Berry has withdrawn, I take it.

MR SPEAKER: He has withdrawn.

MS CARNELL: He has withdrawn. Thank you very much.

Mr Speaker, with regard to Hall rural residential development, as I previously said, the process will continue. We are committed to rural residential development, as we told the people of Hall before the election, and as we have said on radio and television and in letters to everybody. We believe rural residential development is appropriate, but we do need to make sure that we do it properly in that area. That is the reason why we have continued with the consultancies that were part of the previous question. I understand that clause 8 of the preliminary agreement - that one that those opposite do not think we should have paid for - does give the ACT joint ownership in the studies and they can be used only by a party who is able to develop the site. So, Mr Speaker, it cannot be sold. It has to be used by a party developing the site. That is the reason why it pays to get good legal advice, and it pays, unlike in the case of those opposite, to make sure you get legal advice from those who understand commercial dealings.

MS TUCKER: I have a supplementary question, Mr Speaker. As I understand it, you are saying that Government policy is for rural residential development and that PALM is just undertaking your policy instructions. While working with the Hall Progress Association, has PALM explained to them that the development of this strategic plan will have to take into account the fact that, whether they like it or not, there is rural residential development?

MS CARNELL: Government policy, yes. How often do I have to say, Mr Speaker - and I have said it many times - that it is Government policy to support rural residential development? PALM is looking at how that should happen.

Ms Tucker: I take a point of order.

MS CARNELL: It is actually quite clear.

MR SPEAKER: There is a point of order, Chief Minister.

Ms Tucker: That was not my question, Mr Speaker. My question was: Is it the case that this Government policy was explained to PALM - - -

MR SPEAKER: That is not a point of order.

Ms Tucker: I know, but I am using a point of order because I am tired of her not answering the question.

MR SPEAKER: Order!

Mr Berry: Mr Speaker, I could not quite hear the point of order. Would you mind letting Ms Tucker - - -

MR SPEAKER: There was no point of order.

Mr Berry: I would not mind having the chance to defend it, but I could not hear it.

MR SPEAKER: Do not be provocative, Mr Berry.

Rural Residential Development

MR CORBELL: Perhaps the Chief Minister can answer this one for a change. Chief Minister, clause 7 of the exclusive preliminary agreement or contract that the Government signed with Mr Derek Whitcombe for the proposed rural residential development near Hall sets out the grounds on which the agreement can be terminated. Can the Chief Minister confirm that the reason stated by the Chief Minister for the termination of the agreement or contract - that is, that Mr Whitcombe had authority to negotiate over one lease rather than the three he originally brought to the table - is not a ground which is covered by clause 7 of that agreement?

MS CARNELL: Mr Speaker, I understand that Mr Whitcombe can pull out of the preliminary agreement any time he likes, and he did.

MR CORBELL: I have a supplementary question, Mr Speaker. First, I invite the Chief Minister to reflect on that comment. Will the Chief Minister take advice on whether Mr Whitcombe has breached the contract and whether Mr Whitcombe is legally liable for the costs the ACT has incurred? Subject to that advice, will she support legal action for the recovery of all those costs?

MR SPEAKER: You cannot give a legal opinion, or vouchsafe one.

MS CARNELL: I know. I am not going to give any legal advice.

Mr Corbell: Mr Speaker, I take a point of order. I did not ask for a legal opinion. I asked whether she would find out whether the Territory was legally liable.

MS CARNELL: Mr Speaker, liable for what?

Mr Corbell: I am very happy to repeat the question, Mr Speaker. Mr Speaker, my supplementary question was: Will the Chief Minister take advice on whether Mr Whitcombe has breached the contract and whether Mr Whitcombe is legally liable for the costs the ACT has incurred? Subject to that advice, will the Chief Minister support legal action for the recovery of all costs?

MS CARNELL: Mr Speaker, Mr Whitcombe pulled out of the agreement and we agreed. The two parties to the agreement have agreed to the termination of the agreement.

Mr Corbell: Will you take advice?

MS CARNELL: It does not arise if two parties agree.

Visiting Medical Officers Dispute

MR OSBORNE: My question is to the Minister for Health, Mr Moore. I approached him earlier about this question. Mr Moore, recently my office was approached by a man who has recently been diagnosed as having bowel cancer and has been told by his doctors that he needs an operation soon to see how far the cancer has spread. The normal wait for this procedure is apparently three months, but he has been advised that he should have it within the next couple of weeks. As you would understand, this man is extremely concerned about his condition, particularly as he has been told that the sooner he has the operation the better. It now appears, Minister, that he has been caught up in the dispute over VMO contracts and he has been told by his doctors today that he will probably not be admitted until the contracts are finalised. Minister, can you tell us whether this is an isolated incident, or are other urgent medical cases being put off because of this dispute?

MR MOORE: Thank you, Mr Osborne. One of the unfortunate parts of disputes such as this is that patients get caught in the middle. I am aware of a number of cases, although the number is still very small, where people are concerned about this sort of issue. The particular case was dealt with in my office, and I thank members who spoke to me about this. A number of members spoke to me about this particular person. We have advised him to go back to his own GP, to the referring doctor in this case. There are a number of doctors involved in this particular case. Where the referring doctors are their own GPs, people could also do the same and check for the clinical need. Is it really as urgent as they think? Of course, when somebody has cancer, they are going to be very concerned about how quickly an operation like this takes place. It would normally fit into our category one elective surgery.

The advice given to him is to go back to his referring doctor and see whether it is urgent. If it is urgent, the referring doctor may then refer him to a medical practitioner in Sydney or in another area. If there is any difficulty about that, Professor McClelland from the Clinical School will advise the referring doctor of where he can find somebody else who will do the job. So, if there is urgency, we have a method of dealing with it. It is not ideal by any stretch of the imagination.

I must say that it certainly seems to me to be reasonably heartless for a VMO in this case to say, "I am not going to book you in unless I have my contract". On the other hand, you can understand that if somebody does not have a contract they are not going to work in the hospital. So, in this period, for the next two or three days, there are going to be those sorts of difficulties. In this particular case there is another option, and that option has been explained; but I must say that the option is less than satisfactory. The ideal is that we have the doctors working in the hospital. I am trying to move the negotiations on as quickly as we can, in order to ensure that the hospital does not close down. Although we have contingency plans - they were reported in the paper this morning - we are still working very hard to make sure that it does not get to that stage.

This morning the Chief Minister and I had a discussion and some work has been done on whether or not we can take up the AMA's suggestion of separating indemnity insurance from the issue of contracts. Indeed, I have agreed that we will do that. Any doctor who has signed a contract can expect that we will use a separate negotiation on indemnity insurance. That is one of the major sticking points because some of the VMOs

are very concerned about the exponential rise of indemnity insurance. One of the reasons why we can do it is that we are redoing the whole-of-government insurance. That gives us room to move and flexibility. We have tried to be particularly flexible in all our negotiations with the VMOs, and we will continue to be as flexible as possible. We have allowed an extension of time. We have now tried to meet this sticking point. We are doing everything we possibly can to avoid having the hospital close down and everything we possibly can to try to come to a sensible negotiation with the VMOs.

As of the last time I checked, earlier this morning, we had 20 VMOs who have signed contracts. A fifth of the VMOs have signed contracts. That indicates that we are not offering impossible contracts. They are sensible contracts that are being offered. They will be at the highest pay rates in Australia, other than what was being paid in the ACT. We will continue to try to resolve these problems and to avoid this sort of situation happening, if we can.

MR OSBORNE: I have a supplementary question. Thank you for that very detailed answer, Mr Moore. How confident are you that your contingency plans will be able to keep the hospital going if this dispute goes on for a number of weeks? I did not read it in the paper this morning, but it seems to me that it could be a problem if it drags on.

MR MOORE: Of course it will be a problem if it drags on. One of the things that happened and that we were criticised for was advertising for other specialists around Australia. In fact, we have had positive responses in a number of areas. In some of the critical areas which would present difficulties for the hospital, we have been able to talk to specialists who are interested in coming to Canberra, perhaps as staff specialists or perhaps as VMOs prepared to sign this sort of contract. After all, they will still be amongst the highest paid doctors in Australia. Why would they not be interested in coming? In a couple of the specialty areas, I believe that some of the doctors feel very cocky that there are not going to be any alternatives. In fact, there are some alternatives for us. But it would be inappropriate for us to come to an agreement with those doctors who are interested in coming here, prior to giving the current VMOs an opportunity to sign the contracts that have been offered to them. There may be a time delay between some VMOs refusing the contracts, as of next Sunday, and when we can get doctors here; but we will be happy to offer them an air ticket and say, "It is waiting for you at the airport, so jump on the plane and be here to get to work". The critical thing is that we are doing everything we possibly can to ensure that the hospital continues.

Car Registration Plates

MR KAINE: Mr Speaker, I have a question to the Minister for Urban Services. The Minister has had a chance to think about vehicle numberplates over the last few days because I have not asked him a question about them. I would like to clarify the Minister's position on this issue, Mr Speaker. On 29 April the Minister said this:

> As clients come into the Motor Registry they should be offered that option.

That is, they should have the choice as to which numberplates they want. However, by 19 May, he had had discussions with his department and with the Motor Registry and he said:

> ... but we have decided that the process is fine as it is.

We know that since then there has been a great deal of dissatisfaction because, not only are people not being given the option, they are in fact being told bluntly, "There is no option and you will take what you are given". That happened in the Minister's office, according to one report in the *Canberra Times*. Minister, how do you reconcile your responsibility to the community that elected you here when you started by saying that you agreed that they should have the option, but you flatly refused to take any positive action to ensure that people buying numberplates from the Government have the option offered to them? In fact, not only is it not offered; they are told bluntly that they have no option. Given your starting point that you agreed that they should have the option, how do you reconcile this, and how do you reconcile your attitude to the interests of the public?

MR SMYTH: Mr Speaker, I thank the member for his question. I stand by all that I have said. My understanding is that all the options are on display on the wall as people go in there. There is a "Feel the Power" plate. There is a blank plate. The process is fine. I am very happy with the process, and people have the option of either plate.

MR KAINE: I have a supplementary question, Mr Speaker. It is very interesting that the Minister now says that when they go into the shopfronts or into the registry they have this option and it is all on display. On 19 May the Minister also said:

> ... It is curious because the majority of new plates are actually issued through the motor dealers.

He even went so far as to suggest that I should go and talk to the motor dealers about it, although he is the Minister. If the fact is that the majority of them are issued through the motor dealers, Minister, what information have you provided to the dealers to make it clear that they must give their customers the option? Is this information also displayed in all dealers' premises? If not, why not? In answering that question, can you produce the statistics that support your contention that the majority of plates are actually issued through the motor dealers? I would like to see the statistics if they are available.

MR SMYTH: Mr Speaker, again, my understanding is that the majority of plates going out through dealers are the blank plates, or the plates that have just "ACT" on them. If I can get some statistics from the department, I would be pleased to give them to Mr Kaine.

Voluntary School Fees

MR RUGENDYKE: Mr Speaker, my question is to the Minister for Education, Mr Stefaniak. Minister, the issue of voluntary school fees in the ACT has been raised in the media this week. The principal of Monash Primary School, Mr Owen Savage, wrote in the school newsletter:

> Your poor response to the provision of voluntary student resource payments has meant that a number of classes do not have funds to purchase needed resources.

What is the Government's position on voluntary fees, and do you condone pressure being applied to the parents by Mr Savage?

MR STEFANIAK: I thank the member for the question. I think if you read on there that issue has been taken up, clarified and finalised, Mr Rugendyke. Basically, the Government, as a result of a fairly extensive investigation into this a couple of years ago, has a position that the fees are voluntary. That is meant to be made known in terms of any documentation that goes out. But, of course, parents are encouraged to pay. They form a very important part of schooling, Mr Rugendyke. Indeed, we have found in the past that schools which list exactly what the money is spent on tend to get a pretty good response from parents, and that is very important in terms of getting fees in.

There have been, from time to time, some problems in terms of some parents thinking that some documentation that has gone out is more coercive than just explanatory in terms of what the fees are for. When those issues have been brought to my attention I have taken steps to ensure that the situations have been rectified. The department has about three or four different pro forma letters to assist schools in terms of various types of fees that are collected under the voluntary contribution program, and they are readily available to schools. When issues such as this crop up the departmental officials will go out and help sort it out in the school community. To date I think they have done a particularly good job in doing that when people feel they are being coerced, which does happen from time to time.

MR RUGENDYKE: I have a supplementary question, Mr Speaker. Given that answer, do you plan either to write to or to have the department contact Mr Savage about the savage manner in which he has addressed parents at the school in relation to voluntary fees?

MR STEFANIAK: My understanding is that some steps have already been taken, Mr Rugendyke. I will check and see. If any further steps need to be taken I will do so. I do stress, however, that I think it is important that people realise that these fees do play an important part in any school. Some schools tend to rely more on things like raffles and fundraisers like that, but for certain things a lot of schools do rely very heavily on voluntary contributions, and they have been in our system for many years.

They were there when I was at school. I remember quite clearly my parents having to pay. I think it was about Year 9 or Year 10 at Narrabundah. It was 1967. I think it was either $12 or $16 then. That was for the provision of things like textbooks which you would hand back and other things. So they have been around for a long time and they do form a very important part of our government school system at the school face. I think it is important that parents, when they can, do make that contribution.

Whilst we have had the occasional complaint about people being a bit coerced, I do not think I can recall one complaint where someone who could not pay a fee, after making that known, discreetly in many instances, to the relevant people in the school, was coerced. I think that is something that has shone right through. But there are a number of instances, as I said earlier, which still do crop up from time to time, even though there is significantly more assistance available from the central office as a result of recent concerns at two schools. There are still occasions which crop up where someone does not like the tone of a letter, and when there is any substance to that we take it up with the school.

Competition Policy Forum - Belconnen Aquatic Centre

MR WOOD: Mr Speaker, my question is to the Chief Minister. It is clear from a statement in today's *Canberra Times* that the Competition Policy Forum was not offered a briefing on the Belconnen pool issue as you had previously claimed. Will you now apologise for misrepresenting the forum and misleading the community and the Assembly?

Mr Humphries: I rise on a point of order, Mr Speaker. Mr Wood has been in this place long enough to know that if he is going to accuse a member of misleading the Assembly he moves a motion. He gets up and says, "I move that the member be censured for having misled the Assembly". If he wants to throw those little barbs around, he ought either to have the guts to back it up with a motion or not make the comment at all.

MR SPEAKER: I have to uphold the point of order.

MR WOOD: How sensitive!

MR SPEAKER: It needs a substantive motion.

Mr Humphries: It is in the standing orders, Mr Wood.

MR WOOD: How sensitive! Chief Minister, you misrepresented the forum. Did you mislead the Assembly?

MS CARNELL: Mr Speaker, no, I did not mislead the Assembly.

MR WOOD: I have a supplementary question, Mr Speaker. How, then, does the Chief Minister reconcile the statements by the chairman of that forum with the statement that she has not misled the Assembly? The statement is quite clear; that it was not offered a briefing. The Chief Minister has been quite clear. She said they were offered a briefing. Where are you wrong, or is he misleading the community?

MS CARNELL: The complaint, and the subsequent taking up of that complaint by the complaints unit, happened in January 1998, Mr Speaker, as members would know. The complaints unit was formalised in January 1998 to deal specifically with the pool complaint. Information was prepared for forum members for the January meeting which did not take place, Mr Speaker. No meeting has been convened between that time and the proposed meeting yesterday. The reality is that my department did prepare information, a briefing for the forum on the complaints unit, Mr Speaker, which was set up, formalised, to handle the Belconnen complaint, in January; but unfortunately the members of the forum could not get their act together to have a meeting so that it could be presented.

Visiting Medical Officers Dispute

MR BERRY: My question is to the Health Minister, Mr Moore. Minister, you were reported in the *Canberra Times* today as saying that contingency plans were in place which may necessitate the transfer by air to New South Wales hospitals of some patients in emergency situations. What emergency roster arrangements for striking doctors will be in place? Will striking doctors be allowed to treat their private patients when they have boycotted the treatment of public patients? Will any staff be stood down because of the visiting medical officers strike?

MR MOORE: I thank Mr Berry for giving me just a few minutes' notice of that question. I had a meeting last night with representatives of the Canberra Hospital, Calvary Hospital, the ACT Ambulance Service, the Department of Health and Community Care and people from my office. One of the things we had to be particularly careful with was to make sure that we avoided any areas that could have been perceived as possible areas of collusion. The meeting was purely to ensure that we had in place contingency plans for the situation in case the contracts were not signed. I have to say that I am still hopeful that we will get those contracts signed. There are still a couple of days to go. We have had 20 contracts signed. At Calvary, as of this morning, 29 doctors have agreed to the extension of one month. So there will be 29 doctors still working at Calvary, as well as four VMOs who have signed new contracts and 11 consultants, and that is the information as of this morning.

We identified that anaesthetics was an area of need should the emergency service situation arise. That is an absolutely critical area for us. You cannot run hospitals without anaesthetics. The prime direction for anaesthetics would be for women giving birth, because that is the area in which emergency situations arise very quickly and have to be handled very quickly. I was able to glean that emergency departments would remain open in both Canberra Hospital and Calvary. We will be capable of taking emergency trauma cases, and to stabilise and assess them on a case-by-case basis.

In the case of Calvary, we would then transfer such cases to the Canberra Hospital. In the case of the Canberra Hospital, where necessary we would transfer such cases by fixed-wing aircraft to other hospitals. Really, that is a summary of the meeting. I should say that we also identified the need to establish a group responsible for coordination, and that has been done. That group will be meeting tomorrow morning to make sure all details are in place.

I want to emphasise again, Mr Berry, that I am still hoping that this will not be necessary. There were no emergency roster arrangements. Perhaps it is important at this stage to remind you that the negotiations this time are very different from when you were doing it, because these are individual contracts that we are negotiating. As you know, last time you did not have the 20 doctors signed. Remember also, Mr Berry, that we have staff specialists and the Clinical School is established. So, on top of the 20 VMOs, we have staff specialists. That is why we think we are not going to be in the situation that you were in the last time that these negotiations were dealt with, and when Mrs Carnell was dealing with similar negotiations.

Mr Berry asked me about striking doctors and whether they will be able to deal with private patients when they are not dealing with public patients. They either have a contract - - -

Mr Berry: I used the word "boycotting".

MR MOORE: Boycotting. I apologise. The boycotting doctors. They either have a contract or they do not have a contract, and if they do not have a contract with the hospital they will not be able to practice in the hospital. There is one minor exception to that, and that is for cases where a patient is still in the doctor's care in the hospital. Of course, we will allow them to finish treating that particular patient. I am sure no member would disagree with that, and I would hope that no doctor would disagree with that approach.

Your final question, Mr Berry, was, "Will staff be stood down?". At this stage I am told there is no indication that there will be any need to stand down staff. I hope, even if the dispute does last some weeks, that there will be no need to stand down any staff. I believe there will be no need to stand down any staff; but, I must say, I cannot totally preclude it.

MR BERRY: I have a supplementary question, Mr Speaker. Will the Minister put in place arrangements under the interstate patient transfer assistance scheme, or whatever it is called these days, to ensure that carers are provided with the maximum support to attend any patients who have to go interstate for care, bearing in mind the need to put people at ease in these circumstances?

MR MOORE: That was a question that I asked last night and that will be part of the discussion. I should also point out that discussions went on between the chief executive of the Department of Health and his equivalents in New South Wales and Victoria, to make sure that the coordination is done properly. The question I asked last night was similar to yours: What happens to somebody's family if they are flown elsewhere by fixed-wing aircraft? The matter is being investigated in order to facilitate the carers being

able to get to the person. The Director of the ACT Ambulance Service, Mr Paulsen, suggested that it would be unusual for someone to go in the fixed-wing aircraft and we would therefore need to get them to those hospitals by commercial means, usually commercial flights. We are looking at that with the intention of facilitating that, should this situation arise. I emphasise to members that we are doing everything we can, and making appropriate compromises, to ensure that we do not get to this stage; but we will not compromise on fee for service. We will not have a fee-for-service system operating in the Canberra Hospital. That is not in the best interests of the patients, it is not in the best interests of the hospital, and it is not the way we are going to work at the Canberra Hospital.

Release of Prisoner

MR HARGREAVES: My question is to the Minister for Justice. In the Minister's answer yesterday to Mr Osborne's question about the release of an ACT prisoner from Cooma Gaol, he said the prisoner had been released on 20 January without a parole order. The Minister also said that the prisoner's non-parole period had expired on 19 January. Can the Minister say why a parole order was not available at the gaol at the time?

MR HUMPHRIES: Mr Speaker, because a parole order does not automatically flow at the end of the non-parole period, a person has to apply for parole. As I understand the procedure, the application is considered by the ACT Parole Board, which is chaired by Professor Hambly, and a person is then granted parole on the basis that they have made out the grounds for doing so. I do not know whether this particular person had applied for a parole order and it had not been considered by the Parole Board, whether it had been considered and refused, or whether it had been considered and had been accepted but had not yet reached the gaol. I do not know which of those circumstances was the case. I can say that the gaol did not have a parole order by the ACT Parole Board at the time that they released him, and I would have thought that was a fairly fundamental requirement for releasing anyone from a goal unless their term, in full, has expired.

MR HARGREAVES: Thank you very much for that answer, Minister. I am seeking clarification of this because I honestly do not know what the go is. Can the Minister advise whether the Parole Board has a statutory obligation to consider a prisoner's case before the expiry of a non-parole period? It seems to me to be a bit silly that a non-parole period can expire and then there is a period, which means that you can extend the non-parole period. I would like to know how such a thing could happen. That is my supplementary question.

MR HUMPHRIES: Mr Speaker, I am not entirely sure of the situation. I am happy to take the matter on notice, at least in part, and get better advice. I am told that the parole orders automatically come up for short-term offenders. They are thrown up automatically for consideration. I assume that means that they come before the Parole Board automatically for consideration. In this case that did not happen. Perhaps there was a breakdown in the mechanism which allowed the Parole Board to consider the matter or to make a decision on the matter and submit it to the authorities in New South Wales. I am not sure - - -

Mr Stanhope: So the breakdown might have been at this end, Mr Humphries, and not at the other end as you suggested yesterday.

MR HUMPHRIES: No. Mr Speaker, I want to put something very clearly on the record. I do not believe there is any automatic entitlement to have the Parole Board consider an application for parole at any particular time. I will check that, but I do not believe that that is the case. Let us assume for one moment, as Mr Stanhope's interjection seems to suggest, that this prisoner was entitled to have his parole considered by the Parole Board and some decision forwarded to the gaol for consideration by the gaol. The fact is that there was no consideration of that matter which had reached the gaol at the time he was released. So, even if he was entitled to have his parole considered, first of all he had no right to parole - no-one has a right to parole - and therefore, in the absence of a decision by the Parole Board, the gaol had no entitlement to release him. Even assuming that there was some problem with the preparation of the parole and it had not reached the gaol - supposing it had been granted by the Parole Board but the paperwork had got lost and had not reached the gaol - there still is no basis for the gaol to have released him at the time.

Mr Speaker, I emphasise that this is a very serious matter. Members ought to be very clear that when our prisoners are in New South Wales gaols - - -

Mr Stanhope: We would like to know whether the Parole Board is doing its job.

MR HUMPHRIES: Mr Stanhope's interjection was that he would like to know that the Parole Board is doing its job. Mr Speaker, I do not know, but Mr Stanhope may have information about this matter suggesting that the Parole Board has got things wrong or has made a mistake at some point in time. I cannot answer as to whether it has or has not made some mistake in dealing with this matter. I would say that Mr Stanhope ought to be very clear and very careful that he knows that they have made a mistake before he makes an allegation of that kind on the floor of the chamber.

Mr Stanhope: I am not making an allegation. I am asking a question.

MR SPEAKER: Order! You are not doing anything of the sort. You have already asked your question.

MR HUMPHRIES: No; you made a statement, Mr Stanhope. Go back and look at what you said. In any case, even if we assume for one moment that what Mr Stanhope has just asserted in this place is true - that the Parole Board did make some sort of mistake - the fact is that the gaol, nonetheless, should not have released a prisoner for whom they had no parole order. I recall from my answer yesterday that there was no parole order. No parole order had been made. In those circumstances it is quite reprehensible for the gaol to have released the prisoner.

I have to say I am very surprised by the priorities of this Labor Opposition; that it would spring to the defence of the Labor Government in New South Wales, which obviously has mishandled this matter very seriously, and not insist, as the alternative government of this Territory, that the contract we have with them be upheld and that our prisoners be dealt

with appropriately by the New South Wales prison system. If you want to debate on the side of the New South Wales gaol system, well, good luck to you. You are pretty much on a losing streak.

Ms Carnell: They are on their own.

MR HUMPHRIES: They are on their own on this matter, Mr Speaker. The fact is that the New South Wales gaol system made a serious error in this matter and they tried to pass off the error by claiming that they had a phone call from the ACT and we had said, "Let the guy go". That obviously did not happen. The smallest amount of commonsense would tell you that that could not have taken place. It is just so stupid. Are these people over here so gullible that they are going to buy that cock-and-bull story, Mr Speaker? Obviously they are.

Mr Stanhope: We are seeking information.

MR SPEAKER: Order!

MR HUMPHRIES: No, you are not seeking information.

Mr Stanhope: Do you know what is going on in your department, Minister?

MR SPEAKER: Order! The person who asked the question is not even in his seat. The rest of it has been interjections, which are out of order. I would ask the Minister to finish.

MR HUMPHRIES: Mr Speaker, I think what happened was quite reprehensible. I am quite certain that the ACT did not contribute in any way to the release of that prisoner and that it was quite reprehensible on the part of the New South Wales gaol system. I hope members in this place will join me in expressing concern to the New South Wales gaol system and sending a clear message to the New South Wales system that we do not accept it as acceptable behaviour on its part.

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

Marketing and Promotion Campaign Contract

MS CARNELL: Mr Speaker, I have some further information in reply to a question asked by Mr Kaine with regard to J. Walter Thompson. It is quite long, but I will read it into *Hansard*. CanTrade initially met with a representative of J. Walter Thompson in August 1996 with a view to advising the Government on developing a brand image for Canberra. As I have mentioned on many previous occasions, J. Walter Thompson were chosen initially because of their experience in branding cities like Atlanta for the 1996 Olympics. CanTrade had further discussions with J. Walter Thompson, including broad industry presentations in October 1996, prior to any contract being awarded.

Based on advice from CanTrade, the Government then entered into a contract to engage J. Walter Thompson's services. As Mr Kaine is aware, the contract with J. Walter Thompson in 1996-97 was initially for the development of the brand image and was for $50,000. A subsequent contract was negotiated for a similar amount in 1997-98 for the implementation of the campaign. That contract is still current.

Mr Kaine also asked about licence fees payable as part of the branding campaign. Licence fees relate to the fact that ownership of the intellectual property relating to the campaign will revert to the Government in 1999. Until then a licence fee is payable to J. Walter Thompson both by private companies and by government agencies who want to be part of the branding campaign. I am advised that to date the Government has paid $10,000 in licence fees.

As I also said, Mr Speaker, the $500,000 allocated for the implementation of the branding campaign this year did go to public tender. Local companies, MA&D Communication and City Graphics, won that tender. In addition, payments have been made through J. Walter Thompson to a local company, Bearcage, for the development of the Feel the Power of Canberra video promotion shown locally and interstate. The cost of the video was $45,000. Some other incidental payments of small amounts were made to J. Walter Thompson to cover expenses to launch the campaign and for market research that I think was tabled in this place, Mr Speaker. The total of this payment is approximately $10,000.

Visiting Medical Officers Dispute

MR OSBORNE: Mr Speaker, I seek leave to speak further about the question that I directed to Mr Moore.

Leave granted.

MR OSBORNE: For your information, Mr Moore, the person in question did follow your office's advice and visited his GP again this morning. I received this information since I asked the question, Mr Speaker. The GP restated the need for an operation - it is not an exploratory one; it is an operation to remove the cancer - within the next two to three weeks and suggested that this person phone his specialist, the VMO, for another appointment. He rang the specialist and the VMO's receptionist said he could have an appointment and all the specialist would do would be to explain his contract situation. In other words, he would have to pay for an appointment to hear the doctor's problems. Perhaps you could take that up, Mr Moore, or keep it in your memory bank.

MR MOORE: Mr Speaker, I seek leave to give a quick response to that, because I think it is of public interest.

Leave granted.

MR MOORE: That is a huge disappointment for anybody who is in such an awful circumstance. I would strongly suggest that he go back to his GP and say, "Give me a referral to a different specialist". If the GP does not know a different specialist, Professor McClelland has said that he will guide any GP as to where the specialist is. If the GP will not do that, go to a different GP and go through that process. The specialist may not be a specialist in Canberra. He may have to refer him to a specialist in Sydney, but it can be done.

I think this is an awful situation, but there is a process which people can use. They just have to be a bit more demanding about their own health care, particularly in these trying circumstances; but there are options available. Each of the professors at the Clinical School has said that they will provide guidance to GPs in this way if that is at all helpful. He should be aware of that. If anybody else has somebody in the same sort of position as Mr Osborne has, please do not hesitate to contact my office, and we will help guide them down that kind of path.

Erindale Police Station

MR HUMPHRIES: Mr Speaker, on 21 May Mr Smyth took on notice a question from Mr Wood on the future of the Erindale police station. I am providing some further information as the management of this property is currently in my portfolio.

The Erindale police station was officially vacated on 19 February. My department has contacted other agencies of the ACT Government informing them of the property surplus and requesting options for consideration by the Government for its reuse. I am surprised that no options have yet been put before the Government as part of this process for the use of the facility, and I have asked my department to ensure that options are put before us quickly for consideration. This is a valuable asset and its future also forms an integral part of the future of the Erindale group centre. I hope to be in a position to make a statement to the Assembly during the next sitting week on the use of the facility.

LAND (PLANNING AND ENVIRONMENT) ACT - DRAFT VARIATIONS TO THE TERRITORY PLAN - ADVICE FROM GOVERNMENT SOLICITOR
Paper and Ministerial Statement

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present advice from the Government Solicitor relating to variations to the Territory Plan. As well as tabling that advice, I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: On Tuesday in a debate on the Standing Committee on Urban Services Report No. 1 on draft variation 97 to the Territory Plan, Mr Kaine raised the constitutional possibility that a variation approved by the Executive without support from the relevant standing committee of the Assembly may be invalid. I undertook in the debate to seek legal advice from the Chief Solicitor on that question. That advice concludes that there is no requirement for the relevant Assembly committee to support a draft variation before it is considered and, in this case, ultimately approved by the Executive.

In short, Mr Speaker, subsection 26(2) of the Land (Planning and Environment) Act 1991 requires the Executive to have regard to any recommendations of the committee. Mr Speaker, the Executive has had regard to the fact that the committee has reached an impasse on the variation. In having regard to that finding, we have approved the variation and now allow the Assembly to exercise its right to move for disallowance if that is its choice. For the information of Mr Kaine and other members, I have just tabled a copy of the legal advice.

FINANCIAL MANAGEMENT ACT
Consolidated Financial Management Report

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present, pursuant to section 26 of the Financial Management Act 1996, the consolidated financial management report for the period ending 30 April 1998.

TERRITORY OWNED CORPORATIONS ACT
CanDeliver Ltd

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, and pursuant to subsection 19(3) of the Territory Owned Corporations Act 1990, I present a statement of corporate intent for CanDeliver Ltd for the period December 1997 to June 1998 and a statement, pursuant to subsection 19(4) of the Act, relating to the deletion of commercially sensitive information.

CONSTRUCTION PRACTITIONERS REGISTRATION LEGISLATION
Exposure Draft

MR SMYTH (Minister for Urban Services) (3.35): For the information of members, I present the exposure draft of the construction practitioners registration legislation. I move:

That the Assembly takes note of the paper.

The Chief Minister announced in November 1997 that one of the first actions of her Government, if re-elected, would be to introduce legislation to provide for industry certification - that is, legislation to enable private certifiers to approve work performed by the ACT construction industry. The introduction of the exposure draft meets that commitment and provides the most significant piece of legislation in the industry certification package. Because of its significance, the Bill has been tabled as an exposure draft to give the public the opportunity to contribute to the development of some of its important elements, such as whether departmental officers, the courts or industry peers should be responsible for deciding on the efficacy of decisions made by private certifiers.

"Construction" in the context of the exposure draft refers to building, electrical and plumbing work. The present system of regulating building and plumbing work includes government plan approval before work begins and then government inspections while the work is being carried out. For electrical installations, only the inspection of completed work is required. Under the reforms, some government plan approval and inspection processes will give way to private certification and/or self-certification by industry practitioners. To protect the public, private certifiers will be required to register and self-certifiers will have to be registered private certifiers.

The exposure draft deals with the registration of private certifiers. It provides a framework for registration, establishes qualification requirements, which are to include suitable amounts of professional indemnity insurance, provides for performance audit of private certifiers and establishes a disciplinary procedure. The move to private certification of building regulation follows the national trend. Private certification of building is, or is about to be, in force in every part of Australia, except Western Australia, which is expected to introduce it in 1999. Similarly, the move to simplify the regulation of plumbing and electrical regulation follows similar moves in other States and Territories. Mr Speaker, the regulatory reform will also involve amendments to the three Acts controlling building, electrical and plumbing work in the ACT so that the detailed requirements concerning what has to be certified and who has to certify will be prescribed in regulations. The Government therefore intends, Mr Speaker, to table a final version of the exposure draft, followed by the tabling of the amendments to the three existing Acts and then the tabling of the proposed regulations.

Mr Speaker, the reforms being proposed follow extensive consultation with the community and the construction industry. In addition, the details to be included in the regulations will be decided in cooperation with the community and the construction industry. Accordingly, once the legislation is in place, I anticipate that industry certification will commence in the ACT in January 1999.

Question resolved in the affirmative.

NATIONAL MULTICULTURAL FESTIVAL 1998
Ministerial Statement and Paper

MS CARNELL (Chief Minister and Treasurer): I ask for leave of the Assembly to make a ministerial statement on the outcomes of the 1998 National Multicultural Festival.

Leave granted.

MS CARNELL: I would like to draw the Assembly's attention to a recent report on the outcomes of the 1998 national multicultural festival. Members will recall that Australia's first national multicultural festival was conducted in Canberra from 17 January to 15 February this year. They will also know that the festival was a great success and this year's celebrations have laid down a very solid base on which to grow and develop future festivals. I am sure that I speak for all sides of this chamber when I congratulate those involved on a very successful national initiative. In particular, I acknowledge the great enthusiasm, imagination and effort of the ACT Ethnic Communities Council. The ECC worked with over 70 of Canberra's ethnic communities to produce a first-class festival season featuring Canberra, interstate and international contributions. Within the ECC's leadership and direction, individual ethnic communities provided performances, national days and contributions to the festival's food and dance spectacular. Many communities also hosted visits by interstate and international groups.

The ECC's achievements really stand out when members recall that the festival began as a one-day event - the food and dance spectacular. The spectacular was established to showcase the traditional food, music and dance heritage of Canberra's ethnic communities. It developed over several years from a one-day activity into a weekend event and, in 1997, became a week-long celebration. In 1997, the ECC set its sights on producing a multicultural festival of national standing and to reinforce local cultural activities with international and interstate contributions. The ECC's efforts resulted in Australia's first ever national multicultural festival which, very appropriately, was held in Canberra. I also acknowledge the wholehearted support given to the festival by the Canberra community, businesses and suppliers, Civic traders and, of course, the corporate sponsors.

I should also point out to members the invaluable contributions made by Canberra's diplomatic missions which, under the leadership of the Dean of the Diplomatic Corps, His Excellency Mr George Busuttil, worked to give the festival an international dimension by encouraging 16 international performing groups to participate in the festival. This year's festival was a unique event consisting of approximately 300 local and overseas activities. Under the guidance of the festival's artistic director, Dominic Mico, these events were blended into a spontaneous and fresh program of arts, craft and performance. The festival even featured soccer, the multicultural game. A key event was this year's Chief Minister's Friendship Cup, which featured the Novell Canberra Cosmos playing an ACT representative team.

The festival was an exciting and intensive four-week program and, as soon as it finished, I directed that the Office of Multicultural and International Affairs work with the ECC and Canberra's ethnic communities to analyse this year's festival in detail, to see what went right and areas that we could improve for future festivals. This analysis

involved interviews with representatives from over 30 Canberra associations, departments and agencies that participated in the 1998 festival. These interviews were conducted immediately after the 1998 festival and went through until late April this year. I would like to thank all of those who gave their time and ideas to the production of this follow-up report.

These face-to-face interviews were matched with research on a range of national and international festivals, such as the Adelaide and Edinburgh festivals, to identify trends in similar events so that Canberra's national multicultural festival can develop against a background of world's best practice. The resulting report on the 1998 festival is a very comprehensive document that suggests improvements for next year's festival season, identifies possible new events and recommends a strategic direction for future festivals.

Mr Speaker, I am pleased to provide members with a copy of this report. I certainly ask members, if they have a bit of time, to have a look at it. I can assure members that, in the national multicultural festival, Canberra has an event to focus national and international attention on this city. To ensure that the festival continues to do this, the Government believes that the festival should develop in a strategic direction which involves a number of steps.

Firstly, Mr Speaker, the festival should have a very clear objective, and that should be to promote an appreciation and understanding of the culturally diverse experiences of all Australia's communities through display and performance. We should use the festival and its experiences to bring Australians together and to make us proud of where we are from and where we are heading as a community. The festival must grow into a premium event in Australia's cultural calendar and become increasingly national in scope. It should continue to be available to all sections of the community to attend and to participate in. It should remain primarily an arts-based festival exploring traditional and contemporary culture and engage the issue of multiculturalism at a variety of levels.

The Government believes that Canberra's ethnic communities will continue to provide the foundation for future festivals and their efforts will be reinforced by quality interstate and international cultural contributions. The festival will continue to work with Canberra's high commissions and embassies to bring an international dimension to future festivals. To establish itself as a sustainable long-term national event, the festival needs to develop a balance between government, sponsorship, community and commercial funding. The Government sees the festival growing so that it contributes to Canberra's economic and tourism development. The ACT Government is pleased to support the national multicultural festival. We encourage and congratulate the Ethnic Communities Council and Canberra's ethnic communities on the success of this year's event and we look forward to seeing the festival establish itself as a landmark event in Australia's cultural and tourist calendar.

Mr Speaker, I commend the review of the 1998 national multicultural festival to members' attention. I think it is important in this forum to particularly thank the multicultural and international affairs branch of my department, and particularly Mr Nic Manikis, whose own personal commitment to this festival really did make it the success that it was. I have mentioned Mr Dominic Mico, who did an amazing job and put

in a huge amount of his own time. By mentioning two people I am certainly leaving out many others that put so much of their own time and effort into making an event that I think Canberra can be proud of and one that will grow in the future. I present the following papers:

National Multicultural Festival 1998 -

National Multicultural Festival 98 - Canberra 17 January-15 February 1998.

Ministerial statement, 28 May 1998.

I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

ESTIMATES 1998-99 - SELECT COMMITTEE
Membership

MR SPEAKER: Pursuant to the resolution of the Assembly of Tuesday, 26 May 1998, I have been notified in writing of the nominations of Mr Berry, Mr Corbell, Mr Hird, Mr Osborne and Mr Rugendyke to be members of the Select Committee on Estimates 1998-99.

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

That the members so nominated be appointed as members of the Select Committee on Estimates 1998-99.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Membership

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.48), by leave: Mr Speaker, I move:

That standing order 16(2) be amended by omitting "four" and substituting "no more than five".

The motion affects standing order 16(2), which is a standing order dealing with the membership of the Administration and Procedure Standing Committee. Mr Speaker, following Mr Kaine's decision to move to the crossbenches, I understand it is Mr Kaine's wish that he take a seat on the Standing Committee on Administration and Procedure, since he is no longer represented by the Government Whip on that committee.

I understand it is the view of members generally that members who wish to be on the steering committee for Assembly business and who are not otherwise represented ought to have membership of that committee. That is the basis upon which I move the motion.

Question resolved in the affirmative.

STANDING COMMITTEES
Membership

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.50), by leave: I move:

That:

(1) Ms Tucker be discharged from attending the Standing Committee for the Chief Minister's Portfolio and, in her place, Mr Cornwell be appointed as a member of the Committee.

(2) Mr Kaine be discharged from attending the Standing Committee on Education and, in his place, Mr Hird be appointed as a member of the Committee.

(3) Mr Kaine be discharged from attending the Standing Committee on Justice and Community Safety and, in his place, Mr Hird be appointed a member of the Committee.

(4) Mr Kaine be appointed a member of the Standing Committee on Administration and Procedure.

Mr Speaker, this motion is intended to reorganise the membership of standing committees to overcome the present difficulty that three of the standing committees at the present time are without representation by the Government. These are the Chief Minister's Portfolio Committee, the Standing Committee on Education and the Standing Committee on Justice and Community Safety. Mr Speaker, the first part of the motion proposes that you should sit on that first committee as a Government member. In the case of the Standing Committee on Education, it is proposed that Mr Hird take Mr Kaine's place. In the case of the Standing Committee on Justice and Community Safety, it is proposed that Mr Hird, again, take Mr Kaine's place on that committee. Mr Speaker, it is also proposed in the last part of the motion that Mr Kaine take a seat on the Standing Committee on Administration and Procedure, given that we have just increased the size of the committee.

MR KAINE (3.52): I move:

> Omit paragraph (3), substitute the following paragraphs:
>
> "(3) That the resolution of the Assembly of 28 April 1998 which established the General Purpose Standing Committees be amended by omitting paragraph (4) and substituting the following paragraph:
>
> '(4) The Standing Committee on Justice and Community Safety shall consist of four members and each of the other General Purpose Standing Committees shall consist of three members.'.
>
> (4) Mr Hird be appointed a member of the Standing Committee on Justice and Community Safety.".

My amendment to Mr Humphries's motion, first of all, varies the resolution of 28 April which established the general purpose standing committees by increasing the membership of the Standing Committee on Justice and Community Safety to four members and, secondly, amends Mr Humphries's motion in connection with that committee by removing the requirement for me to stand aside from it and merely suggests that Mr Hird be added as a fourth member.

Mr Speaker, I know that there has been a general understanding that the committees would consist of three members. I agreed to that at the time that they were structured because I was happy to be a member of certain committees. Because circumstances have changed, I am being asked to stand down. I have no objection to standing down from the Education Committee. Ms Tucker has agreed to stand down from the Committee for the Chief Minister's Portfolio to allow me to stay on it.

The only committee about which I have any concern is the Justice and Community Safety Committee. That is a committee in which I have a considerable interest. I was pleased to be able to take a position on that committee. I would very much like to continue to be a part of that committee, because I think its work is important. I do not see that the concept of three members to a committee is necessarily sacrosanct. We have had various numbers of members on committees over the nine-year life of the Assembly. Although it will produce a circumstance different from that which applies to the other committees, I am seeking the indulgence of the Assembly to stay on the Justice and Community Safety Committee. I understand the Government's desire to have one of their own members on the committee, and I am happy to support the motion that Mr Hird should join it; but I am seeking the support of the Assembly for my continued membership of that committee.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.54): Mr Speaker, the Government does not oppose the amendment which Mr Kaine has moved in this place, with the proviso that it does not lead to further changes in other committees.

Ms Tucker: How can you do that?

MR HUMPHRIES: We can do that, Ms Tucker, by simply asking members whether they are prepared to isolate this exception to the rule that there be proportionality in committee membership.

Ms Tucker: There were four on the Planning and Environment Committee last time. You have to look at each one individually.

MR HUMPHRIES: That is true, but there was agreement about that. I am saying that, if there is not agreement about other extensions, then we should not do those. If Mr Berry or someone else in this debate will rise and indicate that they will not in turn wish to move an amendment to, for example, the Standing Committee on Urban Services, then we would be happy to support Mr Kaine's amendment; but in the event that there is a further amendment I cannot logically say to this Assembly that we would support Mr Kaine going onto the Justice Committee but not a second Labor member being appointed to the Urban Services Committee. That would be illogical. If we want to extend that concept - - -

Mr Corbell: What is illogical is your opposition, not how you vote on it.

MR HUMPHRIES: They are very fractious this afternoon, are they not, Mr Speaker? That is the position the Government takes.

MR BERRY (3.56): Mr Speaker, we support the amendment that has been moved by Mr Kaine. Mr Kaine's continuing service on that committee will ensure that it performs a much more efficient role for the Assembly. Mr Kaine's wide experience will be a major contribution which will be welcomed by all members on that committee. Mr Kaine has already indicated his agreement to be on the committee. A willing horse is worth much more than many unwilling ones. He has announced his wish to retain the position. I do not want to get mixed up in the divisions in the Liberal Party about this. I trust that the Liberals will continue to support Mr Kaine's appearance on that committee, whatever the Labor Party decides to do.

In a most curious turn of events and logic, Mr Humphries is saying, "We too think it is a good idea for Mr Kaine to be on that committee, but not if the Labor Party moves to expand the membership of the Standing Committee on Urban Services". He says, "It is all right for us to have a distorted view on committee membership, as long as the Labor Party does not share it". It seems to be the oddest approach to this issue. We will move an amendment to appoint Mr Corbell as an additional member on the Standing Committee on Urban Services. We support both amendments.

If the Government chooses to support the amendment which appoints Mr Kaine to the Standing Committee on Justice and Community Safety, that is a good thing and we support that. The Government may wish to move to divide the amendment which is being circulated, so that these two issues can be considered separately, so that Mr Kaine's membership of the Justice Committee is considered separately. I would be happy if one of my colleagues moved to allow the Assembly to consider these matters separately. Whilst the principle is the same, I think the Assembly might wish to express its view differently in respect of each of those matters. Expanding the committee on which the Government wishes to keep Mr Kaine and on which Mr Kaine wishes to serve sets something of a precedent for the expansion of other committees, I would argue.

I would also argue that some committees would be better served by having additional members on them. We already have a significant number on the Administration and Procedure Committee. I do not see any reason why the wider base of talent that we always talk about in this place cannot be put to good use on committees. That is why we will move to include Mr Corbell on the Urban Services Committee. It will broaden the base of talent which is being put to good use in this place. For the life of me, I cannot understand why people in this place who have been applauding that particular principle for ages would now oppose it. This is about broadening the base of talents which can be put to good use on committees. Therefore, I would urge the Assembly to support the expansion of both of those committees. These two issues will be considered separately if the amendment which I expect to be moved in due course is moved. Can I put it another way? I foreshadow an amendment.

MR SPEAKER: That is the only way you can do it.

MR BERRY: Mr Kaine has put forward an amendment. I urge the Assembly to support that amendment, and I foreshadow that once Mr Kaine's matter is dealt with I will move an amendment which has been circulated. It tends to get a bit confusing, because I have circulated an amendment.

MR SPEAKER: You have foreshadowed an amendment to Mr Kaine's amendment.

MR BERRY: Yes. Those are the principles that I support. Mr Kaine should be on the Justice and Community Safety Committee and Mr Corbell should be an additional member on the Standing Committee on Urban Services. Once Mr Kaine's amendment is dealt with, we will be able to deal with the amendment which will add Mr Corbell to the list of outstanding members on the Standing Committee on Urban Services.

MS TUCKER (4.02): I am quite happy to support Mr Kaine's amendment that he be on the Standing Committee on Justice and Community Safety. I do not follow Mr Humphries's argument. He is saying that they will support this only if we do something about the Urban Services Committee. Obviously, there are different arguments. I would expect Mr Humphries to put those arguments, but having two Labor members on a committee is another discussion. What we are talking about at the moment is Mr Kaine going on this committee, and I do not think you are going to help the debate if you try to link the two. There are different arguments. We decide, according to the merit of the proposal, whether we will change the number of people on a committee.

We did it in the last Assembly with the Planning and Environment Committee. There was a Greens member and an Independent member on a four-person committee. This is Mr Kaine's proposal for the committee he wants to stay on. I would like to listen to the arguments put by Labor for the other committee and the arguments put by you against that. I urge you not to link those two issues, because there are different arguments.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.04): Mr Speaker, I seek leave to speak again.

Mr Hargreaves: Hang on. There are others waiting.

MR HUMPHRIES: No-one rose when Ms Tucker sat down.

Mr Hargreaves: Mr Rugendyke was on his feet earlier when they competed and he is back on his feet again.

MR HUMPHRIES: No, he is talking to Mr Osborne. He is not on his feet. If I could have leave, I will be only brief.

Leave granted.

MR HUMPHRIES: Ms Tucker has said that there is no link between these two issues; that if we put two crossbenchers on one committee it does not follow that we therefore logically have to put two Labor members on another committee. You can argue that, but other members in this place have put to me that there is an illogicality in putting two members of the crossbenches on one committee and not also putting two members of the Labor Party on another committee. Others have argued that.

Ms Tucker: You do not have to accept that argument.

MR HUMPHRIES: Frankly, I can see some merit in that argument. I do not want people going out of this place today and saying, "The Government supported Mr Kaine going onto the Justice Committee. It was happy to see him on the Justice Committee and to have two members of the crossbenches on the Justice Committee, but it was not happy to see two members of the same grouping on another committee".

Ms Tucker: But different political views from the crossbenches.

MR HUMPHRIES: Ms Tucker says that there are different political views from the crossbenches. Some would say that the Government is happy to have another Canberra Liberal on that committee but not happy to have another member of the Australian Labor Party on another committee. You can see that there is some logic in that, Ms Tucker. It is not just my view; it is the view of other members in this place. They have drawn the link. Indeed, the Labor Party has drawn the link. It has said, "Since you are putting two members of one party on one committee, why can we not have two members of our party on the other committee?".

Ms Tucker: It is not two members of the one party.

MR HUMPHRIES: We have a standing order in this place which requires proportionality. It says that as far as possible committees will be proportional. Strictly speaking, putting two members of any one grouping in this Assembly on a three-person committee constitutes a breach of the standing orders - not necessarily a breach, but certainly it is contrary to the spirit of the standing orders. I am happy to wear that if we all agree on it. That is fine. I am happy to see Mr Kaine stay on that committee; but I can see someone saying to me, "You are not logical in letting Mr Kaine stay on that committee but not letting a second Labor member go onto the Urban Services Committee". They could say, "That is not logical. You are being inconsistent". They would have a point. That is the only point I am making.

MR HARGREAVES (4.06): I would like to support what Ms Tucker was just saying. I understand the point that Mr Humphries is making about the link; but they are, nonetheless, two issues and we can debate them as two issues. What I see happening here is an attempt originally to get Mr Kaine to step off the committee. He was chosen by the party that he belonged to at the time because of an expressed interest in that particular committee. It was a choice between him and Mr Hird, and Mr Kaine went onto that committee representing the party and that was a great move.

Contrary to what happens on the floor of the Assembly, the committees approach their deliberations in a very nice, even, bipartisan way - or so reputation had it. I can say that since I have been involved in the Justice and Community Safety Committee such has been the case under Mr Osborne's chairmanship, and I would not like that to have to change. I would welcome Mr Hird joining that committee, because I think it will add value to it. But I think we need to understand that we need to have people who are there because they want to be and because they have the skills and the background to be able to contribute to that committee. Such a person is Mr Kaine, whose integrity in this particular matter, in my view, is beyond reproach. I wish I could say the same for some other people whose hidden - or not so hidden - agenda would have it otherwise.

We have a person appointed to the committee because they are a member of a particular party and because it has to be proportional representation. Mr Speaker, that is immaturity at its absolute best, and it is a downright insult to Mr Kaine and what he has been doing in our particular committee. I think he has been a victim. What is wrong with having four people on this committee and having the best people who want to be on it? If it keeps those little machinery people happy because their number crunching people are even happier still if you have your numbers together, then that is fine too. I have no sweat with that; I am happy for it. But they are two issues. We should debate them as two issues.

Ms Carnell: Okay; we are happy too. Let us do it. Let us just vote.

MR HARGREAVES: Thank you very much, Madam Speaker! I would urge the crossbenches to consider very seriously the real reason behind this, which is just to offload Mr Kaine. I do not support that offloading. I do support having Mr Hird and Mr Kaine together on the Justice and Community Safety Committee. I will consider the arguments on membership of the Urban Services Committee when I have heard them.

MR OSBORNE (4.09): I have a problem with supporting Mr Kaine's amendment.

Mr Kaine: That is not what you told me yesterday, Paul.

MR OSBORNE: It is not what I told Mr Kaine yesterday because of the exceptional circumstances - there is that term again - of the last few weeks, with Mr Kaine leaving the Liberal Party and coming to the crossbenches after being nominated as a Government member on a number of committees. I think that Mr Kaine has done the honourable thing with all committees. He has stood down from some and has handed over all bar one, to do what the Government wanted.

As chair of the Justice Committee, I was more than happy - and I would have preferred it - to have Mr Kaine stay on the committee as the third member, because I have worked with him in the past on a number of committees and we do work very well. I indicated to him and Mr Hargreaves that, given the circumstances of Mr Kaine coming to the crossbenches, perhaps I would consider expanding the membership to four if the Government was adamant about having a Government member on the Justice Committee. I saw no problem with that; but I did say that, if the Labor Party were going to play silly buggers and move a motion and try to use Mr Kaine's desire to stay on the Justice Committee as justification to increase their numbers, then I could not really go outside and say that I am quite happy with this situation but not with another.

Unfortunately, the Labor Party has forced me into a situation where I am not able to support Mr Kaine, although I want to because I think that his involvement would be invaluable. However, as I said, once again the Labor Party have done as they normally do and have tried to manipulate the situation. Unfortunately, because of that I will not be able to support the amendment.

Amendment (**Mr Kaine's**) agreed to.

MR BERRY (4.12): Mr Speaker, I move the amendments which have been circulated in my name.

MR SPEAKER: You will need leave.

MR BERRY: I seek leave to move the amendments circulated in my name.

Leave granted.

Mr Osborne: I raise a point of order, Mr Speaker. I missed the vote.

MR SPEAKER: I called the Ayes as having it.

Mr Osborne: I think the Noes have it, Mr Speaker.

MR SPEAKER: It is too late. I have called it. We are in the middle of the next amendments.

MR BERRY: I move:

(1) Omit paragraph (3), substitute the following paragraph:

"(3) That the resolution of the Assembly of 28 April 1998 which established the General Purpose Standing Committees be amended by omitting paragraph (4) and substituting the following paragraph:

'(4) The Standing Committee on Justice and Community Safety and the Standing Committee on Urban Services shall consist of four members and each of the other General Purpose Standing Committees shall consist of three members.'.".

(2) Add the following new paragraph:

"(6) Mr Corbell be appointed a member of the Standing Committee on Urban Services.".

The amendments go to the issue which I spoke about earlier. They expand the Urban Services Committee to include Mr Corbell. I do not need to expand on the reasons that I have already given. I think they are fairly straightforward. This is not, as Mr Osborne said, "playing silly buggers". This is about a sensible move to use a broader base of talent in our committee system. This is something that the Government has always supported and that I trust that Mr Osborne has always supported.

I have just been advised that the revised amendments are just about to be circulated while I speak. Mr Speaker, I am therefore forced to go through some of the issues, which I said I would not do. I apologise to those members who may feel that they have been misled by my earlier statement. I did not intend to mislead anybody.

Mr Quinlan: There is a lot of that going around - misleading stuff.

MR BERRY: Somebody just reminded me that it is a bit catching if you hang around this place, but I had no such ill intent. These are purely amendments to expand the membership of the Standing Committee on Urban Services. They are not "silly buggers", as they have been described by Mr Osborne. This is a sensible move to broaden the base of talent which can be used in our committees. Committees are an avenue for members to express themselves in policy terms, and I am sure that the addition of Mr Corbell to the Urban Services Committee will improve the quality of work that it is able to put into its reports to this Assembly. It is not as if some mortal damage will be done to the committee because it has been expanded to four. It seems as though that is the view of some of the members opposite. I think that is a little bit off. Mr Corbell will be making a positive contribution to the committee and the work that it does on behalf of this Assembly. When committee recommendations come back to this place, they are subject to the will of the Assembly. I think it would be quite miserable of members to refuse us this opportunity to include Mr Corbell on the Standing Committee on Urban Services.

For the same reasons as the Assembly endorsed Mr Kaine's attendance on the Justice and Community Safety Committee, Mr Corbell is surely entitled to be appointed to the Standing Committee on Urban Services. There is no difference. The precedent has been accepted by the Assembly, and I think it should be followed in respect of Mr Corbell. That does not rule out different views being held. If the Assembly decides, in its wisdom or otherwise, that in this instance it does not believe that the same principles should apply to both committees, that would be a curious position for the Assembly to adopt. It nevertheless is one that it is open to the Assembly to adopt. The Government has done curious things before, and something else that is curious will not really make it much different. It is strange logic to say that it can apply in one place and not in the other; but, if that is the decision of the Assembly, then I guess we will have to put up with it.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.18): Mr Speaker, I stand by what I said before. I do not believe that the committee should be expanded. I think that a precedent has been set by the first amendment. However, my party's view remains the same - that committees ought not to be enlarged in that way.

Mr Corbell: Except for that one.

MR HUMPHRIES: We did not support that, Mr Corbell. It is not our view that that should have happened.

Mr Corbell: Why did you not vote against it?

MR HUMPHRIES: We did vote against it. I am sorry that I was not able to call for a division at the time. It is my view that it is unfortunate, particularly when two members of the same party go on the one committee. There is a vague argument that Mr Kaine is not of the same party as whoever else is on that committee - Mr Osborne - as today has demonstrated, but there is no argument that Mr Corbell and Mr Hargreaves are always going to vote the same way on the committee. There would be a bloc of two votes on the one committee, and I certainly oppose that.

MR OSBORNE (4.19): As I have said previously, Mr Speaker, I will not be supporting these amendments. I do think that there is some sense in this motion. I cannot, for the life of me, work out why Mr Corbell is not on the Urban Services Committee as the spokesman for the Labor Party. I personally would love to see him on there. I think he would do a terrific job. He seems to know a little bit about planning, but unfortunately he is not there. I will not be supporting these amendments, for the reasons I did not support Mr Kaine's amendment.

MR CORBELL (4.20): Mr Humphries made a point in relation to the bloc of votes that he was afraid would exist on the Urban Services Committee if the Labor Party received the permission of the Assembly to appoint a second member. The point I would make in relation to Mr Humphries's argument is that, as he very well knows, all the issues that committees consider are presented in their reports to this place and ultimately this place decides whether or not issues should be followed through by the Assembly and indeed the Government. The Government still has enormous scope simply to ignore what committee reports say. It is really not a particularly strong argument on Mr Humphries's part.

If we are serious about enlarging committees to take greater advantage of the skills and abilities of members, then why are we saying that we can make an exception in one case but not in the other? Is it purely for political motives or is it because we believe in the principle? I would have to say at the moment that the Government's position is that it is purely a matter of political motive, not the principle of enlarging committees to allow people to participate and allow the Assembly to get greater talent and greater ability out of the committees that it establishes. I think it is a reasonable proposition and one which the Assembly should consider very carefully in the light of the decision that it has just made about the Justice and Community Safety Committee. The Government's position is illogical. You should be allowing the opportunity for a greater pool of ability and a greater pool of the strengths of Assembly members in the committee structure.

MS TUCKER (4.22): I see quite a difference between having two members of the crossbenches on a committee and having an extra person from either the Labor Party or the Liberal Party. That is because, in my experience of the committees, I can see that the Labor Party and the Liberal Party have more of an inclination to politicise the work of the committees. I cannot support having two Labor members on one committee. I would be happy to see another Liberal person join that committee and take the membership to five.

Mr Humphries: Whom do you suggest?

MS TUCKER: I realise that that is an issue. I see that as a problem; but I cannot support this proposal, for that reason. I think it is a quite illogical argument, having watched how the Liberal Party responded on a couple of occasions last year in my Social Policy Committee. The crossbenchers have normally shown greater independence, because they are separate from the two major parties. There is a quite strong argument to support Mr Kaine going onto a committee as an independent thinker in this place, but not for having two Labor members on one committee.

Question put:

That the amendments (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 7	*NOES, 10*
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Quinlan	Mr Moore
Mr Stanhope	Mr Osborne
Mr Wood	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

Motion, as amended, agreed to.

RURAL RESIDENTIAL DEVELOPMENT - HALL/KINLYSIDE

MR CORBELL (4.27): Mr Speaker, I seek leave to move notice No. 1, private members business, standing in my name.

Leave granted.

MR CORBELL: Mr Speaker, I move:

That this Assembly:

(1) expresses its grave concern over the conduct of the Government in relation to the Cabinet decision of 22 December 1997 concerning a proposal for rural-residential development at Hall/Kinlyside;

(2) in particular the Assembly notes that the Government has:

(a) failed to provide details of any exceptional circumstances which justified departing from its own stated policy position that joint ventures are not the preferred arrangement for land development;

(b) entered into an exclusive contract with an individual developer despite no formal application having been lodged under the Land Act and advice that such arrangements would result in an adverse reaction from the land development industry;

(c) failed to explain what the Government's knowledge of the status of the leases at Hall was prior to the Cabinet meeting of 22 December;

(d) failed to explain why it assumed presumptive rights for a particular developer to negotiate exclusively with the Government when no such rights existed; and

(e) pre-empted the outcome of an examination of the benefits and costs of rural-residential development in the Territory by committing to the development of rural-residential development in the ACT.

This is an issue of considerable concern in the community. It strikes at the heart of good government and at the heart of good decision-making processes. Mr Speaker, I cannot start my speech this afternoon without alluding slightly to the behaviour of the Government in this place yesterday, when it made a very clear and deliberate attempt to prevent this issue from being discussed. Mr Speaker, there is little wonder that the Government did not want this issue discussed - because this issue is about whether or not we have a fair, open and accountable process of decision-making in the Territory. In relation to the Hall/Kinlyside land affair, there is no doubt that we do not.

Mr Humphries: Mr Speaker, I rise on a point of order. Mr Corbell is now talking about the proceedings in the Assembly yesterday and whether or not the Assembly was able to reach the matter that he had on the notice paper to raise yesterday. With great respect, it is a different issue from the one that is before the Assembly today. Today's issue is the substantive issue of the Hall/Kinlyside proposed development. Mr Speaker, Mr Corbell is raising now what the Assembly did or did not do yesterday.

MR CORBELL: No; not what the Assembly did, but what you did yesterday.

Mr Humphries: It is not a reflection on a vote.

MR SPEAKER: No, it is not a reflection on a vote.

Mr Humphries: It is not a reflection on a vote; it is a reflection on the Government. Mr Corbell has corrected me. He is saying that what the Government was supposed to have done yesterday was nefarious. We did not do anything, as far as I can tell; but the Government - - -

Mr Berry: Mr Speaker, this is frivolous.

MR SPEAKER: Order!

Mr Humphries: And that is not the subject of today's debate.

MR SPEAKER: I appreciate what you say, Mr Humphries. However, it is not reflecting on a vote which was taken by the Assembly. Nevertheless, I would ask you, Mr Corbell, to address the substantive motion before you today.

MR CORBELL: That is exactly what I was doing, Mr Speaker. I was talking about the Government's complete unwillingness to discuss this issue of Kinlyside. The issue of Hall/Kinlyside highlights one of the most important tenets of government in the Territory - the need for a fair and proper process which protects the public interest. The issue of the Hall/Kinlyside land deal highlights the breakdown of good government in the Territory - the undermining of open, transparent and accountable government.

In short, Mr Speaker, this issue highlights how this Government's "can do" approach has overridden all other considerations, to the detriment of processes which protect the community interest and which require issues to be considered in a fair and accountable manner. The Government has attempted, in the past few weeks, to portray this issue

either as insignificant or as having passed by and we do not need to think about it anymore. That is obviously in their best interests; but it does not mean that it is necessarily true.

Mr Speaker, it is up to this Assembly to scrutinise and watch the activities of the Executive, and it is an obligation we have as members of this place to speak up when we see legitimate reasons for concern. That is what this motion does today. There remain too many unanswered questions about the Hall/Kinlyside land affair to simply dismiss them. The Government's failure to openly and honestly answer these questions places an obligation upon other members in this place to consider their actions closely and voice their grave concerns that the Government's decision-making processes have become hostage to an "achieve at any cost" mentality.

Mr Speaker, the motion before the Assembly today highlights a series of key questions which the Government, in this place and in the wider public arena, has failed to address. They have not, on any one of these major concerns, provided clear answers which lay to rest those concerns. Mr Speaker, I will outline each of the concerns which the Opposition has in regard to these matters. They are matters of fact, and I will demonstrate why this Assembly must voice its grave concern over the Government's conduct of this issue.

Mr Speaker, the Hall/Kinlyside affair, as most members know, has its background in the decision of the Government to enter into an exclusive arrangement, a contract, at Cabinet level - the highest level of government - with an individual developer for the establishment of a rural residential estate in the areas known as Kinlyside and Hillview, near Hall. The fact that the developer approached the Government in relation to this matter is not unusual; nor was it improper. Indeed, the Opposition has no reason to be concerned about the actions of the developer in this issue. He was pursuing his legitimate business interests. What is of concern here, Mr Speaker, is the Government's handling of his approach and the subsequent decision-making processes. Little would be known of this affair if an interstate newspaper had not reported on it, relying apparently on a leaked Cabinet document. Clearly, Mr Speaker, it is in the public interest that we now have the opportunity to debate the issue that has surfaced.

Mr Speaker, I will outline the five key points which the Labor Opposition has raised in relation to these concerns and which the Government, clearly, has failed to address. The first, which is point (a) in my motion, is in relation to the Cabinet's preferred approach to land development in the Territory. We have on the public record details of the Cabinet submission in relation to this affair which indicate that "joint ventures were not the preferred business arrangement for government and that new joint ventures be the subject of a public tender process". Mr Speaker, this information is on the public record in a transcript of the evidence provided by the president of the Hall and District Progress Association at a public hearing of the Urban Services Committee on 8 May this year. It is a position, I must say, that was confirmed by Mr Neil Morgan, a senior officer of the Chief Minister's Department, at the same public briefing, in response to a question from me. I asked:

> So, joint ventures are not a preferred model of the Government?

Mr Morgan said yes. Mr Morgan also confirmed that the Government has a policy position in relation to the tender process if joint ventures are progressed. Again, at the public hearing, I asked Mr Morgan:

> The competitive process is the preferred process in normal circumstances for joint ventures?

Mr Morgan said yes. What does this information tell us, Mr Speaker? It tells us that the Government does not believe that joint ventures are a preferred model for land development in the Territory - I would be interested to know what are, by the way - but, if they are to be progressed, they should be by a public tender process. Mr Morgan also indicates that this policy position does not necessarily rule out other arrangements, but there would need to be exceptional circumstances if that were to occur.

We have clear evidence that the Government has ignored its own policy approach in relation to joint venture land development and public tender. It is clear that the Government has adopted this approach because it believes that there were exceptional circumstances that warranted that decision. The obvious question, Mr Speaker, is: What are those exceptional circumstances? What are the circumstances that justify the Government departing from its stated policy position? The answer from the Chief Minister and others has been that the developer had a written authority from the lessees of the land concerned - that is, the Hillview property - and that he therefore had an exclusive right, and a greater right than anybody else, to negotiate with the Government in relation to the land. That is why the Government decided to ignore its own requirements for public tender if a joint venture is entered into.

Why is this not an acceptable answer from the Government? It is not acceptable, Mr Speaker, because what the Government claimed the developer had in relation to the Hillview property which allowed him to negotiate exclusively with the Government is what is called a presumptive right, and presumptive rights do not exist in a leasehold system. If the developer had claimed these rights in New South Wales, over the border, where freehold exists, he would have had a claim. He would have had a very strong claim. But in Canberra we have a leasehold system, and under a leasehold system speculative activities such as the developer attempted in this case are extremely curtailed, and presumptive rights simply do not exist. In other words, Mr Speaker, the Government's argument has no weight whatsoever.

To support this argument, Mr Speaker, I will quote from evidence which was provided to the Standing Committee on Transport, Communications and Infrastructure of the House of Representatives in relation to its report in 1988 on the Canberra leasehold system, where a very clear distinction was made between freehold and leasehold by a witness, and the committee chose to use this witness's evidence as an example of why presumptive rights do not exist. The witness said:

> Freehold tenure empowers landholders to control the use and development of the land, and its sale, transfer and subdivision. Leasehold tenure splits that down the middle. Leasehold tenure empowers the landlord to control the use, development and subdivision

> of the land but the lessee only has rights and entitlement to the use and enjoyment of the land for the terms and conditions laid down by the State.

Mr Speaker, the standing committee used this evidence to make the clear distinction that, under a leasehold system, the leaseholder has no presumptive right to use the land for other than the purposes for which the lease is granted. Mr Speaker, that is why the Government's answer that the developer had an exclusive right holds no water whatsoever. That is why the Government has failed to explain why it entered into an exclusive arrangement with Mr Whitcombe on the exceptional circumstances ground. It could not enter into an exclusive arrangement with the developer on these grounds because it is not a process which is allowed under the leasehold system. If it genuinely believed that it could, then the Government is not administering the leasehold system effectively or properly. Indeed, it is a case of maladministration if the Government believes that. If people are prepared to support the Government this afternoon against this motion, then what they are condoning is the maladministration of the leasehold system. Either the Government is not understanding what the leasehold system is about and is not administrating it properly, or it is deliberately fostering an environment which encourages the maladministration of leasehold management in the Territory. Mr Speaker, on this point alone, the Assembly has grounds for grave concern over the Government's conduct in this matter.

Mr Speaker, the second issue relates to the Cabinet-level decision on this matter, despite no formal approach from the developer through the Land Act, and the ignoring of advice about the adverse reaction that the decision to enter into an exclusive arrangement would have from the land development industry.

Mr Humphries: Why do you need that? Why is that vital?

MR CORBELL: Mr Humphries asked, "Why do you need that?". Very interestingly, you need it because you had another developer who came to PALM with a formal application and he was rejected. Why was he rejected? He was rejected because his plan was contrary to the Territory Plan and the National Capital Plan. But that did not matter when Mr Whitcombe made his application. That is a clear contradiction, and Mr Humphries knows it.

Mr Speaker, the Government ignored advice that there would be an adverse reaction from the land development industry if it entered into a decision for an exclusive arrangement. Why did the Government ignore the advice that it received in a Cabinet submission which indicated that a decision to enter into an exclusive arrangement with the particular developer would cause an adverse reaction from the relevant industry sector? The information apparently provided to Cabinet, as detailed in newspaper reports, indicates that "a decision to proceed with a direct grant of land is, therefore, likely to result in an adverse reaction from the industry and others". Mr Speaker, the Government chose to ignore this advice. In ignoring this advice, it could only have created the perception that the Government is not operating in an open or fair manner.

It raises serious concerns, Mr Speaker, that some businesses have access to the highest levels of government and others do not. It is particularly concerning in light of a previous application for use of the land by another developer which was rejected by the Government in 1996.

Mr Speaker, why is it that one developer who makes a formal application through the Land Act gets rejected on approaching the Government and another, through informal approaches, gets Cabinet approval for his exclusive arrangement? And why does the Government make a decision which it has been advised will result in an adverse reaction from the industry affected because of the perception of favourable treatment? On these two points alone, it is quite clear that the Government's decision in relation to this affair was seriously flawed. The Assembly has very strong grounds for suggesting and indicating to the Government that it has grave concerns over the Government's processes. *(Extension of time granted)* If the Assembly believes that open and accountable government must be enhanced and strengthened in the Territory, these actions underline the importance of sending the Government a message that the Assembly has serious and grave concerns over its conduct in this matter.

Mr Speaker, the conduct of the Government has been questionable in this entire process. Yet the reason why the Government claims the whole deal is off is, perhaps, of the greatest significance of all because it goes to the point of what the Government knew prior to entering into this exclusive arrangement. The Government has claimed that the developer cancelled the preliminary agreement with the Government because his written authority from the leaseholders did not extend to the three leases he needed, but applied only to one. That has been the excuse that the Government has given us. Mr Speaker, now that we have addressed the nonsense which is the claim about written authorities and presumptive rights, the Government must state what its knowledge was of the status of the leases concerned prior to the Cabinet decision of 22 December.

Mr Speaker, why is this an important question? It is important because the Government has claimed that the deal was cancelled because the developer had rights over only one lease, instead of three, and that it discovered this only in the past fortnight. Yet, Mr Speaker, on 22 August the then Minister for the Environment, Land and Planning wrote to the president of the Hall and District Progress Association outlining the Government's knowledge of the leases that the Boltons held. And what was the Government's knowledge of this matter? I quote the Minister from his letter:

> I understand the Boltons' lease is over the area now known as Block 630 (as shown on the attached plan) and is leased on a month to month basis.

Not that the Boltons' lease is over block 630 and two other blocks, or even over block 630 and one other block. The Government knew in August last year that the Boltons' lease, the Hillview property, consisted of one block - one lease, not three. Mr Speaker, how can the Government claim that the whole reason the deal is off is that they have suddenly discovered that Mr Whitcombe held only one lease, instead of three, when they knew that on 22 August last year? That makes no sense, Mr Speaker. That raises serious concerns about why the Government really has seen this deal fall through. The excuse they have given is completely inadequate.

Mr Speaker, regardless of whether the Minister was answering a question in relation to a letter from the president of the Hall and District Progress Association, it clearly indicates what the Government's knowledge of the lease situation was prior to the Cabinet decision. They knew prior to the making of that decision that the Boltons' lease covered only one block, rather than three, and their excuse that the deal was off simply because the written authority held by the developer from the leaseholder did not cover the three leases simply does not match up. Mr Speaker, the Government has simply refused to explain its knowledge of the status of the leases prior to the Cabinet decision and prior to the beginning of this sitting fortnight when the deal collapsed. That, if anything, is the most serious ground on which this Assembly should express its grave concern.

In conclusion, Mr Speaker, it is clear that the Government's decision in relation to Hall/Kinlyside circumvented due process, ignored its own joint venture and tender guidelines, and deliberately or incompetently ignored fundamental concepts of leasehold administration in the Territory by allowing a presumptive right - a presumptive right, I should add, that exists on a lease which, effectively, has already been resumed by the Government and is being extended on a 30-day basis, a month-by-month basis. Further, Mr Speaker, it would appear that the Government was aware of the status of the leases at Kinlyside prior to the Cabinet decision of 22 December, as indicated in Mr Humphries's letter which I quoted earlier. Finally, it embarked upon a policy position in relation to rural residential development and pre-empted legitimate professional analysis of rural residential development in establishing and making such a decision. We have since discovered that this has already cost the Territory $150,000.

The Labor Opposition raises these concerns because they are central to our concern that the Government's "can do" beliefs have overridden good decision-making processes, processes which are meant to ensure that the Government makes decisions in a fair and open manner, with no perception of exclusive access and which protect, and do not undermine, the public interest. Ultimately, Mr Temporary Deputy Speaker, members themselves will have to make a judgment about the Government's conduct on this issue; but I ask members to consider seriously the details of this affair. The Opposition believes that, far from being over, as I am sure the Government would wish, this issue will continue to be one of significant public concern. I urge members to support the motion.

MS CARNELL (Chief Minister and Treasurer) (4.48): Mr Temporary Deputy Speaker, rather than keeping this debate going all night, I think that probably the best way to handle this matter from my perspective is just to go through the seriously stupid points that Mr Corbell has already spoken about. Last week I advised the Assembly that the Hall rural estate development would not proceed. Notwithstanding that announcement, the Opposition has continued with what seems like a witch-hunt for excuses to justify its unfounded claims of secret dealings.

I can only reiterate what I said last week, Mr Temporary Deputy Speaker. In response, first of all, to the claim that the Government "failed to provide details of any exceptional circumstances which justified departing from its own stated position that joint ventures are not the preferred arrangement for land development", the answer is that the Government agreed to enter into direct negotiations on the basis that Derek Whitcombe had a letter of authority to negotiate on behalf of the Bolton family in respect of

the Hillview property. The family has occupied the property for 150 years, and we respected their position in the redevelopment of the area. It appears from what Mr Corbell said that he does not, that he thinks the fact that they have been on the property for 150 years should mean nothing, that we should just resume the property. Mr Temporary Deputy Speaker, we felt very strongly that if we were to redevelop - - -

Mr Corbell: They were bought out. You know they were bought out when it was resumed as leasehold.

Mr Berry: They were bought out ages ago with all the others.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The Chief Minister has the call.

MS CARNELL: Thank you, Mr Temporary Deputy Speaker. We determined that it was important that the wishes of the Bolton family be taken into account. Derek Whitcombe believed that he was bringing three leases to the negotiations; in fact, he had three lease documents. As I indicated last week, subsequent work by agencies revealed that two leases were, in fact, withdrawn some six years ago. This changed the negotiating position of Derek Whitcombe, and he withdrew from the preliminary agreement. Mr Temporary Deputy Speaker, that is the reality of the position reached between the Government and Mr Whitcombe. The proposal was not done in secrecy. It was well known to many members - in fact, I would have thought to all members - of the previous Assembly and the present Assembly.

There has been much questioning of the Government's position in relation to joint ventures. It is true that joint ventures are not our preferred method of handling these sorts of approaches, but they are not precluded in considering major land redevelopments. The Government has strict rules in relation to joint ventures and these include competitive commercial returns to the Territory. The preliminary agreement for the Hall residential development was not a joint venture, but it carried very strict business case rules in respect of the financial feasibility assessment. If it was not commercially viable, Mr Temporary Deputy Speaker, it would not proceed - the sorts of things that should have been in joint ventures that those opposite had entered into in the past.

While joint ventures are not the Government's preferred arrangement as a matter of general policy, the preference cannot be taken to imply that the position is absolute because, quite simply, it is not. In certain circumstances, joint ventures may be a viable mechanism available to develop land in the Territory. Previous joint ventures in respect of land development have been negotiated both through an open tender process and by direct negotiations - yes, by direct negotiations. In total, 15 joint ventures have been negotiated, nine of them being negotiated and settled outside an open tender process. That means, Mr Temporary Deputy Speaker, that those opposite, the Labor Party in government, used processes for joint ventures outside the open tender process in nine out of 15 joint ventures negotiated.

Mr Humphries: How many was that?

MS CARNELL: Nine out of 15.

Mr Humphries: Censure yourselves.

MS CARNELL: That is absolutely true. If those opposite believe that an open tender process is the only way to go into a joint venture, they did not succeed terribly well when they were in government.

Mr Temporary Deputy Speaker, the other issue that has been raised often is that the Government "entered into an exclusive contract with an individual developer despite no formal application having been lodged under the Land Act and advice that such arrangements would result in an adverse reaction from the land development industry". The dealings with Derek Whitcombe were based upon his ability to bring the authority of the Bolton family to the table. We respected the family's long association with the property, and we stand by that. Although there was no formal application to PALM, there were a number of meetings and discussions between Derek Whitcombe, PALM and OFM on the development proposal. These occurred during the period from June to December last year.

Mr Corbell has suggested that the Government "failed to explain what the Government's knowledge of the status of the leases at Hall was prior to the Cabinet meeting of 22 December". On 22 December the Government or senior officials were not aware that two-thirds of the Hillview property had been withdrawn from the Bolton family in early 1991 and 1992. That is a very simple answer, and we have said it before. This was realised only following further negotiations after the signing of the preliminary agreement. Cabinet consideration of the proposal was based on the premise that Derek Whitcombe was bringing the whole property to the venture. In the many discussions between PALM, OFM and Derek Whitcombe, it appears that no specific mention was made of the withdrawn leases. We are absolutely confident that Mr Whitcombe believed totally that he was bringing three leases to the table. This came to light only in mid-May of this year.

Mr Stanhope: What did you believe? What did you know?

MS CARNELL: I just told you categorically, and I had told you thousands of times previously.

Mr Humphries: You need to write it in blood, Chief Minister.

MS CARNELL: Yes. We did not know. Once this was recognised, it was obvious that the benefits to the Territory under the preliminary agreement no longer existed, at least to the level that we understood in the past.

Mr Corbell has also suggested that the Government "failed to explain why it assumed presumptive rights for a particular developer to negotiate exclusively with the Government when no such rights existed". We have clearly explained, Mr Temporary Deputy Speaker, why we decided to deal with Derek Whitcombe rather than going to open tender. The consideration and the wishes of the Bolton family were also respected.

The preliminary agreement provided a safeguard mechanism to ensure that all planning and financial feasibility assessments were undertaken. The agreement also ensured that extensive public consultation was undertaken. This provided the opportunity for any community reaction to be gauged and taken into account.

Mr Corbell has also suggested that the Government pre-empted the outcome of an examination of the benefits and costs of rural residential development in the Territory by committing to rural residential development in Hall. The Hall development would have been dependent and is dependent on the outcome of the rural residential study being undertaken by PALM, not whether we go ahead with rural residential development. That is Government policy - full stop. Obviously, if the Territory Plan cannot be changed or the National Capital Plan cannot be changed, it will not go ahead. But there has been no intervention to circumvent this study. The study will be presented to the Government at some stage in the future; but this Government believes very strongly that rural residential development is in the best interests of the ACT. There is no doubt that there is a market for rural residential blocks outside the ACT and there certainly is no doubt that there is a market inside the ACT. I cannot understand why those opposite believe that rural residential development that has an obvious market - therefore, a return to the people of the ACT - is somehow not a good way to go.

Mr Temporary Deputy Speaker, we have answered all of these questions so often that I cannot believe it. We have answered the questions time and time again. I must admit that it suits me, because it means that they waste question time every day. Comments have been made that the people of Canberra have shown grave concern over this whole issue. How many letters have there been? My colleagues have gone.

Mr Stanhope: They are embarrassed.

MS CARNELL: I think they are just bored. How many letters have any of you got on this issue, apart from Mr Kearney's? None. Mr Kearney's and how many others? Zero. This shows the huge community outcry on this issue. Mr Temporary Deputy Speaker, in saying that, I have had a couple of letters from people supporting the proposal; but, in terms of people opposing it, apart from Mr Kearney, the huge community outrage and concern that those opposite are talking about is deafening in its silence.

Mr Berry: It is coming.

MS CARNELL: It is coming. That is fascinating.

Mr Humphries: It is not here yet, but it is going to come.

MS CARNELL: It is going to come, yes.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

RURAL RESIDENTIAL DEVELOPMENT - HALL/KINLYSIDE

Debate resumed.

MS CARNELL: There is no huge community concern. There were public meetings last year on this issue and any number of opportunities existed for people to speak to the Government and others, and there is no community concern. All of the questions that are written down here have been answered in full and often. Whether those opposite like the answers is really of no import to this side of the house or, obviously, anybody else. Mr Temporary Deputy Speaker, those opposite think that this issue is a big issue for them; but it is not a big issue to the community. I think we should get on with issues that are of importance to the general Canberra community.

MR STANHOPE (Leader of the Opposition) (5.01): Mr Temporary Deputy Speaker, this is an incredibly important motion. The motion is all about good government. It is about integrity and it is about process, and on all scores the Government has failed. The Government has failed absolutely to deliver good government in relation to the Hall land deal. The Government has acted completely without integrity. The Government has ignored due process. The Government has undermined the ACT's planning system. The Government refuses to accept responsibility for its shortcomings. The history of this matter reveals, step by step, the extent to which the process is flawed, and fatally flawed.

I suppose we go back to 22 December to start this story - a date that none of us would know about, but for the Sydney *Daily Telegraph*, and that says mountains in itself.

Ms Carnell: We do not usually make Cabinet submissions public; nor did you.

MR STANHOPE: We normally make our planning processes public. I think it underscores the extent to which this process is an indictment of this Government that, but for the fact that the *Daily Telegraph* reported it, nobody in Canberra would have known that the Government had entered into an arrangement with a single developer to develop land at Hall.

Ms Carnell: There were public meetings that he spoke at.

MR STANHOPE: Yes, but nobody knew about an arrangement. Nobody knew that the Government had entered into an arrangement to develop 300 blocks at Hall/Kinlyside. Nobody knew that the Cabinet had made arrangements for a single developer to make perhaps a multimillion dollar profit from the development and sale of land at Hall.

The Government tells us, through Mr Mick Lilley, that there were 150 blocks in the first two stages to be developed on Hillview. An agreement was signed between the Government and Mr Whitcombe on 13 January. The agreement that was signed provided that the Government would pay Mr Whitcombe for all the up-front work that he was required to do to develop the land to the point where the Government would again consider whether, as a result of the formal planning processes, a joint venture would be entered into and we could begin to sell the land. The interesting thing about these arrangements is, of course, that the justification which has been consistently put by the Government for choosing Mr Whitcombe from the ruck was that he brought to the table something which nobody else in Canberra could bring to the table, namely, authority to deal exclusively with certain leases. We are told, and we are asked to believe, that he brought to the table authority to deal exclusively with three leases.

We were told, only when the Government rolled over on this and threw in the towel, hanging Mr Whitcombe out to dry, that the reason that it had withdrawn from the process was that, in fact, Mr Whitcombe had unknowingly and unconsciously misled them into believing he had authority over three leases, whereas he discovered just 10 days ago that, in fact, he had authority over only one lease. This is the reason that the Government gives us for Mr Whitcombe throwing in his hand on this proposal. The only figure we have in terms of what this development might be worth is a figure floated by Mr Kearney. I do not know how much it is worth, but Mr Kearney has estimated that maybe the development is worth $37m. We are asked to believe - - -

Mr Berry: Whitcombe or - - -

MR STANHOPE: Mr Kearney believes that maybe it is worth $37m. That is the evidence that he gave to the Urban Services Committee. That is his estimate of what we may be talking about. We are talking of figures in that order. We are now asked to believe that Mr Whitcombe threw in the towel on a $30m deal because he did not actually have authority over two leases which had been resumed six years ago.

Mr Corbell: How many years ago?

MR STANHOPE: Six years ago. The Government had authority over those two leases. They had been resumed; they were in the hands of the Government. So, what is the deal? The Government had the leases in its pocket. There was no need to deal or negotiate with anybody; the leases were in the Government's pocket. We are asked to believe that the Government did not check this before entering into a contract worth millions and millions of dollars over extensive areas of land. It is just beyond belief that a businessman of Mr Whitcombe's standing and stature in this community would throw in such a significant deal on the basis that he did not have authority over two leases which he did not need authority over because they were held exclusively by the Territory.

Mr Humphries: Are you saying he is lying? Are you saying he is telling lies?

MR STANHOPE: I am not suggesting that anybody is lying, Mr Humphries - not yet.

Mr Humphries: What are you saying about Mr Whitcombe?

MR STANHOPE: What I am saying, Mr Temporary Deputy Speaker, is that what we had was a question about the basis on which Mr Whitcombe could bring to the table the Boltons' authority to deal over lease 630. That is the crux of the matter. That is the question which the Government will not answer. That is the question I asked the Chief Minister earlier this week. That is the question I asked the Chief Minister again today, that is, to corroborate Mr Lilley's evidence to the Urban Services Committee and to tell us how many of the 150 blocks are on lease 630. That is the bottom line, is it not?

Mr Humphries: What is the answer, Mr Stanhope?

MR STANHOPE: We are waiting with bated breath for the answer to that question.

Mr Humphries: So am I.

MR STANHOPE: Good. Your breath will not be as bated as mine when the information arrives, Mr Humphries. If, as we believe, the majority of those blocks are on lease 630, the Government's case is all the more absurd, all the more silly. It actually makes them look - - -

Mr Berry: Incompetent.

MR STANHOPE: "Incompetent" is the wrong word. It makes them look disingenuous. It makes them look as though they are grasping desperately for straws to hide the fact that they have entered into an arrangement for reasons which, quite honestly, I still cannot grasp. I guess that is the thing that frustrates me so much about this debate. I simply cannot understand why they have done what they have done. The great problem is that there is no transparency, there has been no attempt at being accountable to the people of the Territory for the decision they have made.

The question of accountability is really important, because we must go back to the contract. The contract was an important document. Mr Whitcombe, a leading businessman in this town, entered into a contract with this Government in good faith. He signed a document. He is a businessman who was going about his business, doing what he does best, seeking to develop land, seeking to do the things that he does in his business; and he, quite rightly, entered into a contract which says that he will do certain things and the Territory will do certain things.

Mr Whitcombe, for his part, was to undertake certain works. He was to arrange the commissioning of a preliminary assessment and a range of other things. For doing so, the Territory was to reimburse him fully. We were told today that he actually racked up $140,000 in costs in doing the things that the contract said that he could do. The only assumption we can make, in terms of the answer the Chief Minister gave, is that Mr Whitcombe has indeed racked up costs to the tune of $140,000.

Mr Corbell: Payable by the Territory.

MR STANHOPE: Paid for by the Territory. We also know that the Territory met significant other costs. We know, for a start, that it met costs of $9,800 in the drafting of the agreement. We can assume that this Territory has probably expended, in terms of time of its servants and its organisations, another $150,000 or so. This deal has cost the ACT taxpayer probably $300,000 so far. We have had admitted to us costs of $150,000. It is quite likely that there are other costs of $150,000 which could be attributed to the arrangement.

We are not talking about peanuts here. We are talking about maybe $300,000. And we are asked to believe that Mr Whitcombe rang up and said, "Oh, look, chaps, I think I might have misled you a little bit. I did not have any authority to negotiate over those two leases. I know these two leases are completely irrelevant to the program, but I should have told you. I am chucking in the towel. I am giving up my millions". *(Extension of time granted)* The bottom line is that, if that is the case, if he has rolled over and thrown in the towel, this Government must seek advice from the Government Solicitor on Mr Whitcombe's legal responsibility for breaching this contract in the way the Government alleges he breached it. If, as the Government says, Mr Whitcombe has breached this contract, this Government must take advice on whether he is legally liable for the $300,000 or so that this project has cost the ACT taxpayer.

In conclusion - and I could go on and on, Mr Temporary Deputy Speaker - I refute the suggestion that there is no concern within this community about this project. There is serious concern, particularly within the Hall community. I attended a public meeting at Hall a week or so ago. There was outrage at that meeting at what the Government has done. There was outrage that the people of Hall did not know that this agreement had been signed up.

Mr Humphries: You can almost fill a room with people if you stir them up with the wrong information, Mr Stanhope.

MR STANHOPE: There was outrage. In response to Mr Humphries's interjection about stirring up the residents of Hall with wrong information, I seek leave to table notes provided to me today by the president of the Hall and District Progress Association, Mr Kearney, in terms of his efforts at obtaining information. I think they are quite revealing.

Leave granted.

MR STANHOPE: I will conclude shortly, Mr Temporary Deputy Speaker, and I thank the Assembly for its indulgence in allowing me to continue just a little bit longer. There are a myriad of unanswered questions on this. These are questions that must be answered. The people of Canberra must know why this process was followed. The people of Canberra must know what this has cost and we must know why all our planning systems were pre-empted. We must know why we are bothering to have the inquiry that PALM is currently conducting if, as the Chief Minister interjected in question time today - - -

Ms Carnell: It was not an interjection. I answered a question.

MR STANHOPE: It will be in *Hansard*. The Chief Minister's response today is very telling. Irrespective of the fact that this particular contract has failed, she says, "We are going to do it anyway", thereby covering up the fact that we have expended $140,000 on the project and we now need some process for actually disguising the fact that Mr Whitcombe has run up $140,000 in legitimate costs. This is an outrageous episode. Actually, I do not think that the motion Mr Corbell is proposing is strong enough, but I urge members to support it in any event.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.15): Members of the Labor Party have systematically, over the last few weeks, engaged in a tactic which is built partly on their own deliberate ignorance of what is going on here - and I use the word "deliberate" quite deliberately - and partly on a very facile misunderstanding of what information has been placed before them in this chamber. They have come to this place each day with questions on the Hall/Kinlyside matter. They have asked, as the Speaker has indicated, at least 22 separate questions on the Hall/Kinlyside matter over the last two or three weeks.

Mr Corbell: And we are yet to get a decent answer to one of them.

MR HUMPHRIES: We have not answered one of them, Mr Corbell said. I am glad that Mr Corbell made that interjection, because I want to illustrate the tactic they are using by reference to a question that they did ask the other day. Mr Berry, on 21 May, asked this question:

> Mr Speaker, with respect to the rural residential development at Hall, can the Chief Minister clarify what blocks of land the Government understood the Bolton family held leases for prior to 15 May 1998 and what were the terms of those leases?

That was a very simple question - what blocks and what were the terms of the leases. As expected, as the Chief Minister was attempting to answer that question, we had points of order, we had interjections, we had catcalling from the Opposition, and then Mr Berry rose to say:

> Mr Speaker, the Chief Minister did not seem to be able to answer the question. The question was about the blocks of land the Government understood the Bolton family to hold leases for.

And it went on for several pages. Let us look at what the Chief Minister actually said in response to that question. Mr Corbell has said that we did not answer any questions.

Mr Corbell: No, I did not say that, and you know that I did not say that.

MR HUMPHRIES: Adequately, appropriately, or something like that.

Mr Corbell: Decent answers.

MR HUMPHRIES: Okay. Let us see whether this is a decent answer to this question. There were two parts to Mr Berry's question. As to the blocks of land the Government understood the Bolton family to hold leases for prior to 15 May 1998, the Chief Minister got up and said:

> The block numbers were 629, 495 and, I think, 630. They were the three block numbers that Mr Whitcombe actually held the physical leases for, Mr Speaker.

Mr Corbell: That is not an answer. That is a complete misrepresentation.

MR HUMPHRIES: You asked for the block numbers.

Mr Corbell: What was the knowledge you had, not the knowledge Mr Whitcombe had?

MR HUMPHRIES: No, she did not say that. The question was: What were the three blocks the Government understood the Bolton family to hold leases for? The Chief Minister gave three block numbers. She made reference to Mr Whitcombe, because they were the block numbers of the three leases he brought in to the Chief Minister's office and put on her table. That was a complete and categorical answer to that question, Mr Corbell. The second question was: What were the terms of those leases? The Chief Minister said:

> We were aware -

not Mr Whitcombe; "we", the Government -

> that these leases were held on a month-to-month basis, as I have said every day this week in this place; but we were also aware that the Boltons had been on this property for nearly 150 years ...

The Chief Minister went on to talk about other things. Mr Temporary Deputy Speaker, nobody reading that question and that answer could fail to acknowledge, as Mr Corbell has just failed to acknowledge, that the question was answered fully and comprehensively. You asked for the blocks for which we believed the Bolton family held leases and we told you the three numbers. We did; it is there in black and white, Mr Corbell. If you are not prepared to concede that, it shows what you are bringing to this debate. You are bringing to this debate a deliberate intention to beat up the impression that the Government is refusing to answer questions. In fact, every day we have come to this place and answered the questions you have asked comprehensively, fully and, I might say, extremely repetitively because they have been asked time and time again.

Let us go through the things that are alleged in this motion, Mr Temporary Deputy Speaker. Subparagraph (a) of paragraph (2) states that the Government has:

> failed to provide details of any exceptional circumstances which justified departing from its own stated policy position that joint ventures are not the preferred arrangement for land development;

As the Chief Minister has indicated already, there are no hard and fast rules about when such departures should occur; but she has set out clearly, as have I, the exceptional circumstances that we took as the basis for that departure from the usual preference for avoiding joint ventures. That was provided on 19 May 1998, as recorded in *Hansard*:

> 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.

There you have, in black and white, the reasons that the Government took as the basis for dealing with Mr Whitcombe and, in turn, with the Boltons on that matter: The belief that they held leases, admittedly not of long duration, over that land. That answer was comprehensive, it was complete and it was repeated on several occasions over the following days. It is absolute nonsense to say, as this motion suggests, that the Government has failed to provide details of any exceptional circumstances which justified departing from its own stated policy. They might say opposite that the reasons do not, in their book, justify the departure; but, of course, we do not know from this debate what the Labor Party's criteria are for departing from the usual method of releasing land or dealing in land. They have done it, as the Chief Minister has pointed out, on at least nine occasions in the last six or so years, and they have not put the basis for their exceptions on the table either. So the Government can hardly be faulted for that, I would have thought.

In subparagraph (b) there is a reference to the Government entering into "an exclusive contract with an individual developer despite no formal application having been lodged under the Land Act". That seems to suggest, Mr Temporary Deputy Speaker, that there is something reprehensible about entering into an exclusive arrangement with a single developer. Those opposite know that that is not reprehensible. They know that because they have done it themselves on several occasions.

Mr Berry: No; it is the sneaky way that you did it.

MR HUMPHRIES: Mr Berry interposes a new argument in this debate - the sneaky way that we did it. What was sneaky about it? We indicated what we were doing publicly and clearly to the people of the ACT, and in particular to the people of Hall, in letters several feet high immediately prior to the ACT election. Indeed, we wrote to every resident of Hall prior to the 1998 election and told them what we were doing.

Where is the secret agenda in that? How can you be secret about putting something in a letter and sending it to several hundred people? Mr Temporary Deputy Speaker, those opposite are grinding out a case which they hope the people out in medialand who do not have the details before them will believe because those opposite assert it time and time again. But that does not make it true and it is not true now.

Subparagraph (c) states that the Government "failed to explain what the Government's knowledge of the status of the leases at Hall was prior to the Cabinet meeting of 22 December". I presume that means 22 December 1997. Mr Temporary Deputy Speaker, I have to say that this has been explained so many times in this place that I blanch at having to read it yet again. Again, the answer was provided comprehensively on the 20th of this month, as recorded in *Hansard*. The question, at least in this context, was: What was the Government's knowledge of the status of the leases at Hall? I repeat: What was the knowledge of the status of the leases at Hall? The answer of 20 May was:

> As it transpired - and this information became clear, at least to the Government, only very recently; that is, in the last seven days - the three blocks which supposedly were brought to the table by Mr Whitcombe in this arrangement were, in fact, at best, only one block; that is, what is now block 630. ... Certainly, the Chief Minister in her discussion with Mr Whitcombe previously had been under the impression that there were three blocks that the occupants of the land, the Bolton family, actually had some title to and were bringing to the table, as it were, as part of an arrangement to develop those sites.

How can any fair-minded person who reads those words seriously say that we failed to explain what we believed on 22 December? How can they honestly rise in this place or anywhere else and say, "The Government has not told us what it thought on 22 December", when those words were said in the open forum of this Assembly and were repeated several times over several days? They cannot. Subparagraph (c) of this motion is, again, a nonsense and ridiculous. *(Extension of time granted)*

Subparagraph (d) is very similar to subparagraph (c). Why did we assume presumptive rights? We have explained why we assumed presumptive rights. It was because Mr Whitcombe brought to the table three leases. Mr Corbell, in interjections earlier today, said, "No, he did not have leases; he only held documents". The difference is pretty moot. The fact is that people are given lease documents as evidence of their title - not conclusive evidence, I grant you, but evidence. Mr Whitcombe brought those lease documents, the three of them, put them on the table with a power of attorney or some similar document indicating authority on behalf of the Bolton family, and the Government took that at face value.

Mr Rugendyke: As it should.

MR HUMPHRIES: As it should. It should not be running back and saying, "We do not believe that you have these documents. We think you have forged these documents. We want to see the cold, hard facts.", or something of that kind. That was the basis on which the Government agreed to go away and do further work. It agreed to go away

and do further work to explore what was going on, to sit down with Mr Whitcombe and probably with the Boltons and work through the issues that had been given rise to; and, indeed, that is what we did.

The biggest fallacy, however, in this motion falls in subparagraph (e). It is a myth which, I think, has been perpetrated by the Opposition quite deliberately since the beginning of this debate. They have spoken about pre-empting the outcome of an examination of the benefits and costs of rural residential development in the Territory. Here is a question which, I think, simply has to be answered in this debate. Where has the Government, or an agent of the Government, said that there was an examination of the benefits and costs - note my emphasis of the words "benefits and costs" - of rural residential development in the Territory? I want an interjection on this one. Come on! Where? Mr Corbell is avoiding answering this question. It is a pretty fundamental question. I repeat the question: Where has the Government said that it was doing an examination of the benefits and costs of rural residential development? Where? When? In what form - in writing, orally, in the tea leaves at the bottom of a cup? Where has it said that? Of course it has not, at any stage, said that.

What we have said is what the Chief Minister told the Assembly on 21 May, and I will repeat it:

> The fact is that PALM is doing a study of how to go about rural residential development, not if ...

I repeat those words:

> ... PALM is doing a study of how to go about rural residential, not if ...

There is no cost-benefit analysis going on. There never was a cost-benefit analysis going on. We never said that there was a cost-benefit analysis going on. That is a myth perpetrated by those opposite. We wanted to know the sorts of conditions we would attach to rural residential development, how to protect environmental considerations, and how to protect servicing and other urban services types of issues. They were the issues that we were exploring in the PALM review, not should we have rural residential development or should we not. Subparagraph (e) of this motion is a nonsense.

Mr Quinlan: Explain why you sign a deal when you have not done any analysis.

MR HUMPHRIES: I should not, but I will rise to the bait and answer Mr Quinlan's question. One more time, Mr Quinlan, here is why we did it: It was because we wanted to explore those issues. We said to Mr Whitcombe, "On the basis that you bring to the table the people who have occupied those premises for the last 150-odd years, on the basis that you bring that tradition to the table for these negotiations, we will explore the proposals in conjunction with you and the occupants of that land". Is that so wrong? Is there anything wrong with that? No, nothing whatsoever.

Mr Temporary Deputy Speaker, I have circulated an amendment to this motion, which I now move:

> Omit all words after "this Assembly", substitute the following words:
>
> "(1) notes the Cabinet decision of 22 December 1997 concerning a proposal for rural-residential development at Hall/Kinlyside;
>
> (2) notes the preliminary agreement referred to in the Cabinet decision will not proceed; and
>
> (3) supports the Government's commitment to establish rural-residential development in the ACT.".

The amendment reflects the reality, rather than the myths which the Labor Party has perpetrated in its motion. It reflects the fact that a decision was made and that decision led to a preliminary agreement. The amendment notes the Cabinet decision, notes that the preliminary agreement is not proceeding, which has been obvious to everybody except those opposite, and supports the Government's commitment to establish rural residential development in the ACT.

MS TUCKER (5.31): I will speak to the motion as well as to the amendment. The motion is, basically, one which I support. I have been very concerned about the processes as they have occurred. I will not go into detail about whether the Government had knowledge of the leases, who had the leases, and so on, because, obviously, that has been dealt with already by other members. I must say that I do find it difficult to understand exactly what has gone on there, although it appears from Mr Humphries's letter that the Government was aware of the situation; but, as that is unclear to me, I will not go into it in detail. But what is clear to me from what I have heard said again and again in the last week is that Mrs Carnell is very keen on rural residential development. It is obvious from Mr Humphries's amendment that the Government is seeking the support of other members of the Assembly to pursue that policy. I am concerned about this approach because the Government has not had regard to due process, in my view, and there are a couple of things that are very concerning about it.

First of all, before such an enthusiastic statement was made about rural residential development, I would like to have seen evidence that there had been a real understanding of the environmental impact of that sort of development. We keep being told that there will be environmental impact assessments later and there will be the normal planning processes, but that we want rural residential development anyway. It is back to front, as usual. Unless we actually understand the environmental implications first, amongst other implications, we do not have the substance or the argument for saying, "We want rural residential development". I know that that area has some red gum and yellow box species that are an endangered part of the ecosystem of the ACT. I would like to have heard a lot more acknowledgment of that in the debate and reassurances from the

Chief Minister that she understands the importance of that ecosystem and has taken it into account. Instead, we just heard that rural residential development is the way to go. There are lots of other environmental implications in rural residential development, but they are more general ones.

I was also concerned to see that the rural task force was not supportive of rural residential development, particularly on productive rural land. In the public briefing I asked one of the bureaucrats there whether this was seen to be productive rural land and the bureaucrat said that she could not answer that question. So, there is another large question mark there. Apparently, we still want rural residential development even though we have not decided how productive that land could be.

The third issue of grave concern is the draft heritage citation for Hall. At the public meeting I went to in Hall the presentation given by the person who was expert in the heritage citation explained that, in fact, the National Trust is interested in the landscape aspect of it in the heritage classification as well, which, obviously, has huge implications for any development around Hall. Once again, my concern is: Why are we saying that we want rural residential development before this has been understood and determined and we have decided whether this is one of those things that, as a society, we value enough for the heritage value to give it special classification? Obviously, as a society, we do value heritage and want to treasure it and conserve it.

Another issue of concern to me is the lack of Assembly processes. Mrs Carnell said, "We said that we always wanted rural residential development; it is our policy". The Government is a minority government and I do not recall that being debated here. Obviously, the opportunity is here today to hear what people think about rural residential development, but we have not had that debate here and it is very disrespectful to the Assembly that this issue has been pursued so aggressively by this Government before we have had an opportunity to discuss it. I would like to have been able to discuss it after these other processes had been completed; but we are going to see it debated tonight and voted on and, no doubt, if the numbers are there, we will be told then by the Government that it has the numbers. Once again, that is a quite unacceptable process, for the reasons I have already outlined. If you actually wanted to know that you had an informed decision made in this place, you would wait for these other investigations to be completed.

Another concern about this rural residential development is that it is opposed by most of the people who live in Hall - 90 per cent, according to a survey. It is also of concern to the National Capital Authority. I note that it is clear that rural residential development contradicts a long-held planning principle for Canberra that there should be a distinct boundary between the urban and rural areas to maintain the unique bushland and rural setting around Canberra. If rural residential development is allowed in the ACT, the boundary between the urban and rural areas will blur because rural residential development is, in essence, just a lower density of urban sprawl. So we find this flying in the face of that process and consideration as well.

Another issue of concern is that this is going ahead despite the fact that PALM - and I asked a question about this in question time - is supporting the development of a strategic plan by the people of Hall, the Hall and District Progress Association. It is quite separate from the other study that is going on. This is about giving the people of Hall the opportunity to develop a vision for Hall and the surrounding area. Obviously, at some time, the people in power thought this was a good thing to support. Taxpayers' money is going into supporting the development of this plan. The community involved in it have not been told, as far as I am concerned, that any strategic plan they develop must actually acknowledge as the bottom line that rural residential development will be happening in their area and the strategic plan has to fit around that proposal. Obviously, they do not know that. Obviously, they thought they actually had an opportunity to develop the plan and look at the issue of rural residential development within that work; but that has been denied them at this point, which is not acceptable.

Another concern for me is how this fits into our overall strategic and social plan. I note in all the documents that have come out from the Government on this that there is always the commitment to community consultation, ecological sustainability and so on; yet, once again, we do not really have that strategic plan. None of this process indicates a real commitment to ESD or community participation. It just flies in the face of the rhetoric of the plan and is without the context of such a plan, because we still do not have one.

All in all, it has been a sorry saga. I am really hoping that we will not get support tonight from members for Mr Humphries's amendment, because that would make it even more difficult for us to try to remedy the situation and have reasonable process in deciding this very important community issue. It is unsatisfactory and unacceptable that such an agreement was entered into with one person before any of this had happened. That is another issue in itself. Why was one person allowed to have this right? Why was it not opened up to all the creative and thinking people in the ACT who would like to have a go at proposing different ideas, if there is to be such development, after the processes have been completed? We might have ended up with something quite different. As it is, we have ended up with nothing and a political mess. I really would like to see the Government acknowledge that there have been some mistakes made here and set about handling this thing properly by respecting the community and due process.

MR BERRY (5.40): My colleagues have spoken quite adequately in relation to the motion moved by Mr Corbell, but I want to say a little about the amendment moved by Mr Humphries. Mr Humphries seeks, in effect, to strike out the motion of Mr Corbell in relation to the matter and, with some self-gratification for the Government, have this Assembly endorse the Cabinet decision of 22 December 1997.

Ms Carnell: No; note it.

MR BERRY: Note the Cabinet decision of 22 December 1997 and, in effect, accept that that was the right thing to do, note that the preliminary agreement referred in the Cabinet decision will not proceed, and support the Government's commitment to establish rural residential development in the ACT. I say no to that. The reason I say that is that there has been a totally inadequate assessment of the effect of rural residential development on

the economic and social future of the ACT. How dare this Government proceed down a course which is aimed at selling off useful rural land for rural residential development purposes on the very shallow basis that it has put forward! The only basis that it has ever put forward is that it is losing revenue to nearby New South Wales, and that is phoney.

Let us get a few things straight here. This is a sweetheart deal. Somewhere along the line the Government decided upon rural residential development to help somebody out there who wants to get involved in this process. It has not helped Mr Whitcombe, I have to say. The Government's clumsy and secretive handling of this entire issue has, in effect, blackened the name of Mr Whitcombe because of his association with this clumsy Government. The Government's decision was quite grubby and secret. Fancy the Government meeting in secret in Cabinet before the election and striking a deal which it knew would be controversial! Why did it not take the interests of Mr Whitcombe to heart and delay the decision until after the election in order that the matter would not come up for criticism because of the secretive nature of the Cabinet decision which was taken on 22 December 1997?

It is arrogance in the extreme for the Government to put forward at this point an amendment which says that this Assembly should support the Government's commitment to establish rural residential development in the ACT. What evidence do we have that it is a good thing for the ACT? What economic evidence, what social evidence, what environmental evidence do we have? None at all. This is some sort of ideological dogma which has been spouted in relation to the issue because somebody thinks it is a good idea. It must have seemed like a good idea at the time. It is just not good enough for that sort of amendment to be put before this place. If it is rammed through this place, it will bring disgrace to this Assembly because it will show how ignorant the supporters of this amendment are in respect of land development and the effects that these sorts of land development could have on the environmental, social and economic future of the ACT.

The Government does not care too much about the long-term future. It has only ever cared for its short-term gains. That is the way it has governed this place since the time Kate Carnell came to this Assembly. It has been a disgraceful period. The Chief Minister and her Government have continually spouted enthusiastically their commitment to community consultation and, of course, at the end of the day we discover this does not occur. Fancy saying that this was not a secret when it is quite clear from the document that was tabled earlier that the Minister for Planning at the time had misled a representative of the Hall community in relation to this matter! The Minister's office told Mr Kearney on 3 February that there were no deals, knowing full well that this agreement had, in fact, been struck on 22 December 1997. The Minister's office wanted to keep it a secret from the electorate in the lead-up to the election. Nice politics, but shabby dealings with the community!

The arrogant amendment by Mr Humphries seeking to strike out Mr Corbell's motion will not enhance the image of this Assembly in the community in relation to concerns about land development in the ACT. All it will do is reinforce the arrogant nature of the Government in relation to land development. Fancy the Government saying that it is going to proceed with this anyway while a consultant is looking at the matter! The fact of

the matter is that they have made the decision before the consultant has dealt with the issue. I can tell you that, if the Government thinks that, just by carrying this motion, it is going to get away with moving to rural residential development in the ACT without a proper inquiry and a proper expose of the economic, environmental and social impacts of this sort of land development, they have another think coming.

Mr Speaker, I would like to foreshadow an amendment I intend to move after the amendment by Mr Humphries is dealt with. My amendment will require the Chief Minister to deliver to each member of the Assembly by the close of business tomorrow and to present at the next sitting the mutual agreement to which the Chief Minister referred in question time today, which terminated the exclusive preliminary agreement. I trust that this is not something that has been done over the phone. I trust that there is a document with the details of the mutual agreement set out in it, so that we can discover whether there is any more financial burden on the community of the ACT. Already we know that about $150,000 is committed to this process.

Ms Carnell: Who said $150,000?

MR BERRY: We still do not know what the inquiry into land development will turn up, although the Chief Minister seems to know. Maybe she issued the inquirer with instructions before he or she went away to do the inquiry. Mr Speaker, we will also be looking for any plan that exists of the blocks associated with the Hall/Kinlyside development, given the Government's intrinsic knowledge of the number of blocks and where they will be sited. We suspect that there is a plan for this which demonstrates that there is much more to be uncovered in relation to the matter. The mutual agreement is the one I want to see, because I think it is important that we know about and understand the obligations that the Government has committed the Territory taxpayer to in relation to this contract. Let us quit this business of calling it an exclusive preliminary agreement. It is a contract, and it is a contract that has already cost the ACT taxpayers. We want to find out how much more it is going to cost them.

Mr Corbell: Mr Speaker, should I close the debate at this stage?

MR SPEAKER: No.

Mr Corbell: I do not wish to speak to the amendment.

MR OSBORNE (5.50): I rise to move the amendment circulated in my name to Mr Humphries's proposed amendment. I move:

> After paragraph (3), add the following new paragraph:
>
> "(4) calls on the Government to develop publicly available guidelines under which it would consider dealing exclusively with a single developer in relation to joint ventures.".

I wish to discuss two issues briefly, Mr Speaker. I have sat and listened to the discussion, as I have indicated to the Labor Party, and the one issue that they are trying to pin the Government on, I think, is whether the Government actually knew that there was only one lease and not three. A number of documents have been tabled. One is a letter from the Minister to Mr Kearney, which I have seen, and there were some notes from Mr Kearney. I have to say, Mr Speaker, that I have not been convinced on that. The second one, Mr Speaker, is that, quite clearly, there are no guidelines in place for dealing with issues like this. I think that is why we have got to the stage we have. We have not been able to pin the Government down on anything because there have been no rules that they have been required to follow. That is why I have moved an amendment, Mr Speaker.

On the issue of rural residential development, I think it is a good idea. I am quite happy to support the amendment moved by Mr Humphries because I think it is something that could be of great benefit to the Assembly. There is a long way to go before we actually have a proposal, given that this one has fallen over; but I wanted to lay my cards on the table on the issue of rural residential development. I would love to have it down in the Tuggeranong area.

MR BERRY (5.52): Mr Speaker, I wish to speak to Mr Osborne's amendment. The picture of rural residential development is nice: Animals racing around paddocks, trimmed lawns and lovely houses with a nice stand of gum trees, nice little entry gates, a couple of nice horses, a few cows, a couple of sheep and so on in small sections, with a much increased population density. It is a very nice picture, as one can imagine. But you have to look a bit further ahead than the end of your nose. The Territory's wealth is its land and glibly to agree to rural residential development because you think in your own mind that it presents a nice picture is to abandon your responsibility to the community. It is an abandonment of your responsibility to the community.

Ms Carnell: No-one has suggested where it will be; just that we think it is a good idea, and it is.

MR BERRY: Perhaps the Chief Minister could just be quiet. This is turning out to be the most expensive bit of hitchhiking in the Territory's history and the taxpayer will have to pay for it. Mr Speaker, what this means is that we will end up with residential leases of large blocks of land which, probably, will never be available for any purpose in the foreseeable future because they will be locked away in rural residential arrangements. If you make that decision now, the flexibility to deal with land management in the future is diminished overwhelmingly, to the point where you really will not be able to move. Rural residential development will lock up massive amounts of land.

Ms Carnell: It would lock up only as much land as we agree to.

MR BERRY: Already you have tried to agree to massive amounts of land being locked up for rural residential development. It would inhibit the Territory's ability to manage its land properly, on the face of it. I would like to see some sort of inquiry into the full effects of this development, with some experts being involved in it - not some people who think it just looks like a nice picture. I would like to know the full economic effects of this development on the Territory - not just on the political future of Kate Carnell

and a few of her cohorts. I want to know the full effects of this on the community beyond my days. I have a social interest in the future of the Territory, not just a political one for myself. The fact of the matter is that these sorts of developments can impact severely on the future economy and environment of the Territory. We do not know the full economic, social and environmental effects that this development would have in relation to the Territory's future.

Mr Smyth: It is an absolute joke.

MR BERRY: Mr Smyth, you do not know anything about rural residential development; that is pretty obvious. So I would suggest that you button your lip. I do not pretend to know anything about it. I will not persist with any pretence on the matter. But I am concerned about the future of the Territory and the environmental, social and economic impacts that these sorts of things have on the place.

The people opposite want to make a decision on this issue on the basis of some phoney claim that we are losing revenue over the border. It is a phoney claim. You think it looks good. It presents a nice picture, a nice image.

Mr Smyth: And you were going to build Kinlyside to within 200 metres of Hall - medium-density housing, quarter-acre blocks.

MR SPEAKER: Order!

MR BERRY: Let them get it out of their system, Mr Speaker. Have another go.

MR SPEAKER: You will have an opportunity to speak in due course, I am sure, Mr Smyth.

MR BERRY: He can get it out of his system now, if he likes. I am prepared to stand here and wait for a couple of minutes; I have a bit of time.

MR SPEAKER: Continue, Mr Berry. I am listening.

MR BERRY: This is an issue that requires the closest investigation. It is a massive change to the way we deal with land development in the ACT that could have a massive impact if we do not fully understand the issues. As I said earlier, it is all right for people to think that it looks good; but we have to go further into that, because we owe the future of this Territory a very much closer look at this issue than has been given to it to this point. It has been approached in a populist manner, with short-term gains in mind. There has been no proper examination of the issue. I, for one, will not be supporting Mr Humphries's amendment and I am very disappointed that Mr Osborne will be.

Amendment (**Mr Osborne's** to Mr Humphries's proposed amendment) agreed to.

Question put:

That the amendment (**Mr Humphries's**), as amended, be agreed to.

The Assembly voted -

AYES, 10	*NOES, 7*
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Kaine	Mr Stanhope
Mr Moore	Ms Tucker
Mr Osborne	Mr Wood
Mr Rugendyke	
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

MR BERRY (6.04): I seek leave to move the amendment which has been circulated in my name, Mr Speaker.

Leave granted.

MR BERRY: I move:

Add the following new paragraph:

"(3) requires the Chief Minister to deliver to each Member of the Assembly by close of business Friday, 29 May 1998, and to present to the Assembly at the next sitting:

(a) the 'mutual agreement' (referred to in Question Time today), which terminated the 'exclusive preliminary agreement' between the Government and Mr Whitcombe; and

(b) any plan of blocks associated with the Hall/Kinlyside development.".

As I explained earlier, the amendment merely requires the Chief Minister to table the mutual agreement she referred to in question time which terminated the exclusive preliminary agreement, properly called a contract, between the Government and Mr Whitcombe. This contract has already cost the Territory taxpayers $150,000 and is likely to cost us much more. I think the Territory taxpayers deserve to see the terms of the mutual agreement, if any, that was agreed to by the Chief Minister. We would also like to see the plan of blocks associated with the Hall/Kinlyside development. I think it is a quite reasonable proposition to put before the Assembly.

MS CARNELL (Chief Minister and Treasurer) (6.05): I think I have been quite open already about the terms of the mutual agreement - except that I said in question time that it would cost $140,000, whereas I think it is actually less than that. It is certainly no more and there is no more exposure of the Government. The terms of the mutual agreement are quite fine for tabling. I will certainly get them to members tomorrow.

With regard to any plan of blocks associated with Hall or Kinlyside, that is a difficult one because I think that all there is is some sort of hand-sketched type of approach; but, for all of that, if that is what members want - - -

Mr Berry: That will do.

MS CARNELL: I am not sure what exists in the area.

Mr Smyth: Ask Derek. Derek will give you a set of plans. I am sure he has shown them to most of you.

MR SPEAKER: Settle down!

MS CARNELL: I think that is actually the reality of the situation; but, Mr Speaker, if members want to see the terms of the mutual agreement, that is fine.

Amendment (**Mr Berry's**) agreed to.

MR SPEAKER: The question now is: That Mr Corbell's motion, as amended, be agreed to. Would you like to close the debate, Mr Corbell?

MR CORBELL (6.07): Yes, thank you, Mr Speaker. I will close the debate briefly. I want to address some of the points that have been made in the debate. First of all, I want to address the issue of why the Government was so keen to rush into a decision about rural residential development. We have had the Chief Minister indicate that the study on rural residential development is about not "if" but "how". The Chief Minister has said in this debate that the study commissioned by PALM into rural residential development is to deal with how we manage rural residential development.

Mr Speaker, I have a copy of the planning study brief which the consultants are using to look into rural residential development. I would appreciate members looking at this evidence because it says, quite clearly, under "Background", that a study of rural residential development in the ACT is proposed to investigate the suitability of introducing this type of lifestyle choice to the Territory - not how we introduce it, not the best way to introduce it; but, Chief Minister, whether rural residential development is suitable in the first place. Mr Speaker, that, to me, clearly shows that what the Government is saying is that they have made up their minds regardless of whether rural residential development is even suitable in the first place.

The scope of the work of the inquiry into rural residential development also says, "Analyse the costs and benefits to the ACT of rural residential development" - not analyse how good it is going to be for Canberra so that we can introduce it, but look at whether it is going to have costs or benefits. Why is the Government fixed on the idea of entering into rural residential development when the document itself says, "Analyse the costs and benefits to the ACT of rural residential development"? Finally, Mr Speaker, it says, "Prepare a discussion paper for community consultation covering an assessment of the benefits and costs of the introduction of rural residential development". What is the point of having community consultation if the Government has already made up its mind? What a load of rubbish we have heard tonight from the Chief Minister!

Mr Speaker, the other nonsense that we have heard from the Chief Minister this evening is that the Government recognises the rights of the Boltons because they have been on the land for 150 years. Perhaps the Chief Minister was not aware, but leaseholders in the Hall area who previously held freehold title to that land were bought out by the Commonwealth in the early 1970s. They have been paid out for their rights to that land. They were paid out for their rights to that land by the Commonwealth in the 1970s. Any rights they now have to the land are leasehold rights, not freehold rights. The Chief Minister knows that. Mr Moore should know that, too. Mr Moore, who has been such a strong defender in this place of the leasehold system for all the time he has been here, is now, effectively, condoning the actions of the Government in recognising a so-called presumptive right as though it was freehold land, when the Government knows that it is not. I hope that I am wrong about Mr Moore. I hope that Mr Moore is still a defender of the leasehold system, but his actions tonight have proven otherwise.

The Labor Party has learnt its lesson about joint ventures. Clearly, when you are entering into land development, you need an open process. Yes, we made mistakes when we were in government; but, unlike those opposite, we are prepared to admit that we made mistakes. We are prepared to admit that the way joint ventures were handled was less than desirable in our term of office. We are now saying that it is about time that the Government recognised that also.

Mr Speaker, fundamentally, this motion was about accountability. It was about recognising that the Government had a flawed process. It was about expressing grave concern about the Government's processes in relation to this matter. What we have seen tonight is that the Government has decided instead, with the support of the crossbenches, to put in a motion that congratulates it on its efforts. Mr Speaker, it is quite clear that that is the will of this Assembly, but I would say that it is a complete and absolute farce. If the Government thinks that this is going to be the end of the matter, it is sadly mistaken. Serious issues about the process remain. Serious questions remain unanswered about the process.

I hope Mr Smyth is laughing on the other side of his face in three, six or 12 months' time - however long it takes for this issue to be resolved properly - because the community knows that this was a secret deal, that this was an exclusive arrangement, contrary to all of the Government's processes and contrary to how we should administer leasehold in the Territory. The Labor Party stands by the original form of this motion and will be opposing the motion in the form amended by the Assembly.

Question put:

That the motion (**Mr Corbell's**), as amended, be agreed to.

The Assembly voted -

AYES, 10	*NOES, 7*
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Kaine	Mr Stanhope
Mr Moore	Ms Tucker
Mr Osborne	Mr Wood
Mr Rugendyke	
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Michael Hays

MR MOORE (Minister for Health and Community Care) (6.16): Mr Speaker, I have a good news story for the end of this sitting. Members would remember some debate over an AFP police officer, Michael Hays, who was injured in the line of duty when he broke his back in a fall from a cherry picker in 1997. I have been informed that he was discharged from the hospital in the last couple of days and has moved to a Multiple Sclerosis Society house in Deakin. His family will move in with him by the end of this week. I further understand that Comcare have reviewed his current family home and have determined that it needs to be demolished and rebuilt so that it will be suitable for him. They are also assisting him with special equipment that he requires, and driver retraining and car modification. So, things are beginning to look up in that case.

Rates Revenue

MS CARNELL (Chief Minister and Treasurer) (6.17): In tabling the Rates and Land Tax (Amendment) Bill this morning I mentioned that the overall increase in rates revenue had again been capped by the Government at the CPI increase, which is forecast to be 2.5 per cent in the coming financial year. I should also point out to members that, as well as the CPI adjustment, the revenue target for 1998-99 of $101m includes $850,000 relating to new properties. This figure, in turn, includes an estimated $200,000 related to properties that were previously owned by the Commonwealth and are now liable for rates. Mr Speaker, it is wonderful to see that some of the decisions that the Federal Government made, but not all of them, are now reaping benefits and rewards for the ACT.

Competition Policy Forum : Child Care

MR STANHOPE (Leader of the Opposition) (6.18): I rise to comment on two matters, Mr Speaker. I wish to comment, firstly, about the debate or the public comment that has occurred recently in relation to the Competition Policy Forum. I would like to take this opportunity to indicate the Labor Party's continuing support for the existence and the operation of the Competition Policy Forum. We would like to foreshadow that we would support some serious further consideration by the Assembly of an appropriate role for the forum and perhaps some reassessment of or some focus on the Government's lack of commitment to the Competition Policy Forum. I simply wish to foreshadow that. We believe that the forum, as established by this Assembly, has a vital role to play. It has been ignored. It has not been properly resourced and it has been marginalised. We think that is a situation that should be addressed, and we look forward to doing that in the Assembly.

The second matter I would like to mention, Mr Speaker, is the cuts to child care that have occurred in the ACT and nationally. Earlier this week several of my Labor colleagues attended a rally against child care cuts which was held on the lawns of Parliament House. Some participants in the rally then moved inside to present a submission to the Senate inquiry. I would like to advise the Assembly of some parts of that submission. The submission read, in part:

> We believe that ALL CHILDREN have the right to be able to access quality child care in the most appropriate form for that child and family (at home, with family, in a centre or family day care). Quality care requires support from governments and communities via subsidies for programs, information, training and assessment. This support for all children and families should be an urgent priority for all in Australia.

Mr Speaker, over the last two years the Federal Government has ripped over $820m from children's services in Australia. The cuts that necessarily followed in the child-care sector have meant increases in fees, centre closures, redundancies, staff reductions and a consequent drop in the quality of care for our children.

Women have borne the brunt of these cuts. Women have lost their jobs in the child-care sector as centres have closed or have reduced their staff numbers; women have reduced their hours of work or stopped work entirely in order to lower their child-care costs; and older women who have long since raised their own families are now being pressured to spend their retirement caring for grandchildren while their children work. There is little choice for women who cannot afford to work because of high child-care costs but who cannot afford to stay home because their family needs more money. Their only choice is unregulated or backyard care. This offers parents no guarantee of the physical or psychological safety of their children.

A questionnaire of parents conducted in the ACT produced the following comments:

> I worry that while I continue to find the money (while I can), others will pay cut rate babysitters/backyard operators. Who is caring for Australia's children?
>
> Working mums are a huge proportion of the work force but I feel the Howard Government is ignoring our needs.
>
> It was hard for me to get a job in the first place. Now I am forced to leave my job because of higher child care fees. I enjoy my job ... and don't want to give up paid work.

Under the Federal Labor Government, there was an increase in the number of child-care centres, and these centres all had to be accredited and meet stringent standards of care, staffing and programming. Accredited family day care providers also had to meet certain standards. The forced fee increases mean that in future fewer children will access this quality care.

Mr Speaker, some families are making decisions not to have another child or to delay a second child until the first is out of child care and into school. Federal Government policy is now dictating the shape of Australian families. Quality child care has been under attack from the Federal Liberals for the last two years. I ask: What has this local Liberal Government done to protect it? The Chief Minister has been quick to attack her own Federal Liberal colleagues when she has seen it to be to her political advantage. What about some lobbying on behalf of the children of the Territory who now face a real reduction in the quality of their care?

ACT Housing Properties - Causeway

MR QUINLAN (6.22): Earlier this week I asked the Minister of Urban Services a couple of questions in relation to the future of housing in the Causeway without, I have to say, receiving a satisfactory answer. Today there were some press releases. We had a swap of press releases. A bit of propaganda came out; nevertheless, the people in the Causeway are not going to be well served by this. I am recommending that the Minister for Urban Services get in touch with these people.

The Causeway is an integral part of our history and our heritage in Canberra. There are up to three generations living in one street. It is a genuine community. It is simply not good enough to leave those people wondering, over the years that it takes for the Kingston foreshore development to reach them, what their fate will be; whether they will be squeezed out by upmarket development or whether they ever will be permitted to purchase the homes which they want to purchase now. I believe it is a matter of discrimination that they are not permitted to purchase their homes, and I suggest that the Government take a serious look at reviewing that situation.

Competition Policy Forum : Mr Michael Hays

MR OSBORNE (6.24): Mr Speaker, I would like to speak on two things, quickly. I want to back up what Mr Stanhope said on the Competition Policy Forum. I must admit to not necessarily liking their view on the Belconnen pool, but I do think they are a body that we should give time to.

Ms Tucker: That was not their view.

MR OSBORNE: It was not their fault, as Ms Tucker indicated. It is something that I supported before, and I am very keen to support it in the future. It is a type of body that will take a while to evolve into a very worthwhile exercise for all of us.

I would like to flag that I will be writing to the Competition Policy Forum tomorrow, asking whether they would be interested in looking at the issue of milk, which is something that I have been very keen on over, I suppose, the last five or six months. I think they are a body that should be involved in the debate.

Secondly, I would like to thank Mr Moore, Mr Smyth and Mrs Carnell for their assistance in finding a home for Michael Hays. I raised the matter with Mrs Carnell about a month ago. Michael was very keen to get home with his family. The assistance from those three Ministers went a long way to finally getting him home, so I would like to thank them for that.

Gaming Machines - Belwest Juniors Ltd

MR STEFANIAK (Minister for Education) (6.25): Mr Speaker, last week I spoke to Mr Alan Lee, president of Belwest Juniors Ltd. He sent me a letter which I said I would read out. I will also table it. I will also send a copy of it to Mr Kaine who, I believe, is the chairman of the poker machine inquiry. Mr Lee wrote:

> The purpose of this facsimile is to request that in any future debate on the capping of gaming machine numbers in Canberra you agree to seek the inclusion in any cap of 100 additional machines for the Belwest Juniors Limited club, the family, sporting and community club presently being developed for the old Charnwood High School.

He went on to say:

> In November 1997, the Government announced that Belwest, in association with Pinto Homes Pty Ltd, was the preferred tenderer for what is 7.4 hectares of land which includes in excess of 7,500 square metres of floor space within the school buildings, a magnificent oval and the capacity to build between 50 and 70 medium density accommodation units, suitable for aged persons units.
>
> On 24 December 1997 a new company, Belwest Juniors Limited, was created out of a decision of the Belwest Foxes Soccer Club Inc., one of Canberra's more prominent junior soccer clubs. The Company's prime role will be the development and management of a licensed club in some 4,000 square metres of the school building. The licensed club will be known as 'Belwest Juniors Limited'. It will incorporate a bistro, restaurant, a bar and a sportsman's bar, coffee lounges, a gaming room, a ball room, function rooms, a very large gymnasium and fitness centre, games rooms for children and wide range of community facilities. The community facilities include a common secretariat in which local sporting and community organisations will have access to supported office services.
>
> Within the school building but outside of the licensed area, we plan to incorporate a medical centre, child care and child minding facilities, dormitory style accommodation for visiting school and sporting groups and an arts and craft area. As part of the development 50 to 70 medium density units suitable for use as aged persons units are proposed.
>
> Over the past 12 months the development group have met regularly with community groups in the Charnwood/West Belconnen area. Without reservation, the community has been supportive of the Belwest proposal.
>
> Part of Belwest's ethos during the planning phase has been the need to ensure a responsible community stance by the Club. We recognise that there are and always will be problems in sectors of the community where gaming or gambling occurs. We also recognise that with a managed sensible approach on behalf of the Club we can provide assistance in these problem areas as well as providing to the local Charnwood community much needed facilities and community services.
>
> For example, consideration has been given to providing real and ongoing support to the Charnwood Primary School, surely one of Canberra's less well off primary schools, where many of the children already go without breakfast and regularly go without lunch.

> We are also planning a wide range of facilities and services for the aged population in the Charnwood, West Belconnen area, one group who certainly appear to have been forgotten by our social planners.
>
> Very little of the above is attainable without access to gaming machines to provide income for the Club. We are presently negotiating with a range of potential tenants to join us in the facility. This will lessen our reliance on gaming machine income and enable a greater disbursement of profits for community and sporting uses.
>
> The tender process which led to Belwest involvement included provision for a licensed club and recreational and community facilities to be included in the redevelopment.
>
> A draft Preliminary Assessment has been submitted to Government and a final is about to be submitted. Final negotiation on financing are under way and the next step was an application for a gaming licence for 100 machines.
>
> To enable this much needed development to proceed, gaming machines are an integral part of the proposal. Without access to machines, none of the above will proceed.

He then talks about having the opportunity to discuss the matter further. I will table his letter to me, Mr Speaker, as I indicated to him I would. The proposal, to my knowledge, is very well supported by the Charnwood and West Belconnen community. It would provide an excellent facility for the local community. The letter, I think, speaks for itself in terms of whether that could proceed or not, were that club not successful in getting the 100 poker machines which it sought.

Gaming Machines - Belwest Juniors Ltd : Competition Policy Forum

MS TUCKER (6.29): I will cover two issues. I will respond briefly to Mr Stefaniak's plea for the right for this club to have gaming machines. It is interesting. I was watching the *7.30 Report* last night and there was one of the academics from Western Sydney University talking about gambling and saying the real problem we have is that government has turned from being the regulator of gambling to the promoter of gambling, and we have just seen a good example of that. Obviously, the committee will have an opportunity to look at these issues and assess the downsides as well as the good side, which we do hear about, obviously, from government quite a lot, being the promoter of this activity.

The other thing I would like to comment on tonight is the issue of the Competition Policy Forum. I am glad to see members rising in this house tonight to give support for this body. It was established as a result of a motion of the Assembly. It is a creature of the Assembly in that way and it has involved the work and energy of some very busy and capable members of our community. While they acknowledge, and I acknowledge,

that there have been some problems in the work of that forum and how they would address the issues of the public interest and competition policy, it has been very disappointing to see the way the Chief Minister has been so prepared to malign them and to undermine their credibility. I notice that Mr Brian Acworth, the chair of that group, has also stated his objections to that.

I think it is very important that we in this place support their function; to say, yes, we acknowledge that they need more support; that we want to work with them so that the community will have a forum in which to debate the public interest in the implementation of competition policy. It was the case that such a forum existed under the Labor Federal Government, and the Liberal Federal Government disbanded that group. They obviously were not interested at all in having this sort of community forum for debate. The Liberal Government in this Assembly also voted against the establishment of that forum; but, fortunately, the majority of members did see the importance of it.

It has now become even more obvious to the community that we need to have such a forum. There is growing concern about the way the competition policy principles are being implemented in the ACT. We heard this week how competitive neutrality will be a plug to all business - not just significant business, which is all that is required under the agreement. We have not heard any really good reasons or rationale for that, or how the public interest was assessed. Of course, with the issue of the Belconnen pool, the Milk Authority and many other issues - I could list CityScape as well - the community is starting to understand what competition policy is about. It is actually starting to touch them now. It is even more important and more possible that this forum will be able to work effectively now because the interest is there. I am pleased to see that other members are also supporting that forum. I hope we will be able to work with the forum and support it appropriately so that it can progress this debate.

ACT Housing Properties - Causeway

MR SMYTH (Minister for Urban Services) (6.32): Mr Speaker, I missed the opening of Mr Quinlan's short address on the residents of the Causeway, but there is only one point to make here. This is an issue that Mr Quinlan raised during the election and he beats the drum every now and then. He has trotted out the drum yet again. The department tells me that they have no correspondence from the residents at the Causeway.

Mr Quinlan asked me a question during the week about a letter dated 29 April that was sent to the 45 housing tenants in the Causeway. I would like to inform this place of how those letters were delivered and what progress has been made. Apparently, a housing liaison officer from the department delivered those letters personally. This young lady hand-delivered these letters and where residents were home she took the opportunity to engage in conversation with them and ask whether they had any concerns. It has been relayed to me that none raised any concerns. The letter invites residents, if they wish, to contact ACT Housing to discuss the matter. Guess what. No calls, no correspondence. Apparently, apart from Mr Quinlan, there are no worries at all with the process.

This raises an interesting point. The Government is moving ahead with the Kingston foreshore development and the Government is also responsible for the good management of the asset that the ACT Housing stock is. It is the property of all of the residents of the ACT. Mr Quinlan is suggesting that, without looking at the future of these houses and their future potential to the residents of the ACT, we should sell them now. If that is the sort of economic benefit that he thinks that the Territory should gain, it clearly shows why none of the Opposition chose to speak yesterday on how we go about addressing the operating debt that the ACT has. Not only is Mr Quinlan seemingly advocating that we flog them, but it is a matter of "Flog them cheap; flog them now". This Government will manage the asset that ACT Housing provides to the Territory in the most responsible manner that we can, and that is to the benefit of all the tenants, but it also accords with the responsibility that we owe all of the ratepayers of the ACT.

I may be wrong and maybe there are concerns amongst the residents of the Causeway. If there are and should they wish to discuss them, they can contact my office. I am told by the department that they have received no such correspondence. It seems at this stage that Mr Quinlan is using residents of ACT Housing premises for his own advantage. What we see here is the Opposition's total inability to understand that good management is a long-term thing. Good management is about being economically responsible and getting the best return for all the residents of the ACT, not just getting out a press release.

The nature of Mr Quinlan's press release is curious. A copy has now come to my office. The press release that he issued yesterday on this issue was actually faxed to someone. I think the time was 12.54 yesterday afternoon. In that press release Mr Quinlan makes reference to questions that he has asked the Minister on housing matters. To the best of my knowledge, question time starts at 2.30 pm, so not only was he beating the drum solo but he was jumping the gun. I think Mr Quinlan should come back to this place and apologise to the residents of the Causeway who I think he is using; and he should apologise to the officers of ACT Housing, because they do a very good job in managing a large proportion of the ACT housing stock. I reiterate one final time that this Government will address economic issues very seriously and we will manage the assets that we have to gain the best return for all ACT residents.

Competition Policy Forum

MR RUGENDYKE (6.37): Mr Speaker, I rise simply to support Ms Tucker's comments regarding the Competition Policy Forum. Ms Tucker said it quite eloquently and said it all. For my part, the Competition Policy Forum means that the community have the opportunity to raise their concerns about competition policy with a group that is totally independent of government. The group that effectively put the kybosh on the Belconnen pool is a group within the Chief Minister's Department. This appears to be a completely independent group and that adds scrutiny to the process. I support the work of the Competition Policy Forum, as it should be.

Rural Residential Development : Commander D. McDermott, APM

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.38), in reply: Mr Speaker, I would like, first of all, to put on the table an amended figure in relation to the expenses incurred by the Government under the preliminary agreement with the Hall rural estate. The Chief Minister asked me to indicate that, on checking the expenses that the Government has incurred, rather than being $140,000, the figure is $107,888.

Mr Speaker, my main purpose in rising tonight in this place is to record my appreciation for the services of one of Canberra's longest serving and most respected police officers. Yesterday the Commissioner of the AFP and I announced that Denis McDermott will leave the ACT Region of the AFP to head up the national AFP's Protection Team. He will be succeeded in his position as Commander, District Operations by Commander Sandra Peisley - another long-serving Canberra police officer. I would like, on behalf of the ACT Government, to welcome Commander Peisley back to the ACT Region. Members will be aware that Commander Peisley was commander of the Tuggeranong District for a period in the past.

I particularly want to put on record my thanks for Denis McDermott's loyal years of service to the ACT community through its policing services. Denis joined the ACT police force in 1967, and transferred to the Australian Federal Police when it was formed in 1979. In his 31 years as a police officer, Denis is one of only a few who have been here long enough to have spent almost all of their life working in the ACT. He worked in community policing, accident investigations, crime branch, breath analysis, the Coroner's office, personnel and training. He became Superintendent in Charge of Communications before transferring to the position of Officer in Charge of the City District in 1993. Here, Superintendent McDermott became so well known. He became actively involved in crime prevention strategies, and alcohol and drug reduction programs, and was a strong advocate of the teams-based policing model.

In 1995 Denis was awarded the Australian Police Medal for his long and dedicated service to community policing in the ACT. Shortly after I was proud to announce, with the commissioner, that he had been promoted to the position of Commander, District Operations. His rise through the ranks of the ACT police service and then the AFP is a fine example of how Canberra's police officers are among the best Australia has to offer. I am aware that several ACT police have gone on to achieve positions of high rank in the AFP and in other State and Territory police services.

While today I mark with some regret Denis's imminent departure from the region, I know two things. First, he will continue the fine tradition of Canberra police who leave the ACT Region to pass on their skills to others in national positions within the AFP. Secondly, the experience that Denis gains in that position will equip him well for a return one day in the future to the ACT Region. In my three-and-a-bit years as Minister responsible for policing, I have had a lot to do with Commander McDermott, and I must say that his courtesy, professional advice and fearless advocacy for law enforcement will be missed. I also appreciate his ability to work as a member of a small management team

which manages police operations in the ACT, and the corporate memory he brings to that team will be hard to replace. I know that Denis is well known to many Assembly members, having appeared before many Assembly committees and briefed individual members on occasions, and I am sure everybody will join with me in wishing him every success in his new position and thank him for his 31 years of service to the ACT community.

MR HIRD (6.42): I would like to join with the Minister - - -

MR SPEAKER: You cannot, I am afraid, because the Minister has closed the debate.

Question resolved in the affirmative.

Assembly adjourned at 6.43 pm until Tuesday, 23 June 1998, at 10.30 am

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 6

Australian International Hotel School

MR CORBELL - Asked the Chief Minister upon notice on19 May 1998:

In relation to the Australian International Hotel School -

(1) What is the current status of the position of financial manager at the School.

(2) For the 1998 graduation ceremony, (a) what cost did the school incur and (b) how many students graduated at this ceremony.

(3) For the 1997-98 financial year (a) what were the costs incurred by the school relating to travel by management at the school and (b) what were the details of this travel in each case.

MS CARNELL - The answer to the Member's question is as follows:

(1) Following a review of the administration structure of the School the AIHS Board agreed to implement a restructure of the Finance and Administration area on 27 May 1997. The restructure provided for a gradual reduction in the number of positions and required the area to assume a clearer Business support role. The operations of the old Finance and Administration group are now being absorbed into a Business Services Division with a more focussed Accounting section headed by a position of Accountant.

The position of Accountant is now filled and a five year contract is being finalised.

(2) Seven students graduated at the end of the first term in 1998. A graduation celebration Dinner was held on 15 May. As at 31 May 1998 the net cost of the celebrations was $1,220.25.

(3) Direct travel costs incurred by the Director (Dean), General Manager Administration, Assistant Dean Planning and Development and Assistant Dean Academic Affairs up until 31 May 1998 were:

- Fares Domestic $10,621.06
- Fares International $7,666.26
- Accommodation and related travel expences $6,381.90

Details in relation the various trips are included in the following table.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 8

Canberra Museum and Gallery

MR WOOD - asked the Chief Minister upon notice on 21 May 1998:

1) Are funds allocated over the next three years for acquisition of works of art for the Canberra Museum and Gallery, and if so, what amounts are proposed?

MS CARNELL - The answer to the member's question is as follows:

1) The Canberra Museum and Gallery is managed by the Cultural Facilities Corporation (CFC) and is a separate entity to Government.

2) In 1995, the interim Board of Management of the Canberra Cultural Centre, which is now named the Canberra Museum and Gallery, first endorsed a collection policy.

3) The Cultural Facilities Corporation was established on 1 November 1997 and its 1997/98 acquisition budget, for integrated social history and visual arts collection is $50,000. Expenditure to date on visual arts material is $41,000.

4) The CFC has an ongoing commitment to acquisition.

5) The CFC is currently reviewing its acquisition policy with a view to determining acquisition priorities and a budget for forward years.

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APPENDIX 1: Incorporated in Hansard on 26 May 1998 at page 580

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