



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

25 June 1998

**Thursday, 25 June 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.

### **PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation:

By **Mr Berry**, from 260 residents, requesting that the Assembly demand that the Attorney-General reverse his decision to impose the registration fee on workers in the security industry.

By **Mr Corbell**, from 1,245 residents, requesting that the Assembly vote against the sale of ACTTAB.

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

### **Security Industry Workers Registration Fee**

*The petition read as follows:*

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

The Attorney General has imposed a registration fee of between \$95 and \$110 on workers in the security industry. This charge is unfair as it was introduced without consultation with workers or their representatives and it imposes an unacceptable extra burden on some of the ACT's lowest paid workers.

Your petitioners hereby request the Assembly to demand that the Attorney General reverse his decision to impose this fee.

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## **ACTTAB - Proposed Sale**

*The petition read as follows:*

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the negative impact the sale of ACTTAB would have on the staff, their families and people of the ACT.

We believe that a sale would decimate virtually all jobs currently provided by ACTTAB and contribute to the social security burden in Canberra.

Further, that any sale would have very small financial gain and would be offset by the loss of ongoing return that ACTTAB provides to the territory.

Your petitioners therefore urge the Assembly to vote against the sale of ACTTAB.

Petitions received.

## **MILK INDUSTRY REVIEW Paper and Ministerial Statement**

**MR SMYTH** (Minister for Urban Services): Mr Speaker, for the information of members, I table the review of the Milk Authority Act 1971 and seek leave to make a short statement.

Leave granted.

**MR SMYTH:** Mr Speaker, as members would know, this report was prepared by Dr Robyn Sheen for the Government after extensive community consultation, including 22 submissions from the public. The report examines in detail the milk industry in Canberra and the public benefit it provides. It also takes into account a national backdrop of significant change in the industry as other States examine their milk markets.

Key recommendations of the report include that the Milk Authority Act be repealed and be replaced with two Acts, one dealing with the regulation of the milk industry and one dealing with the purchase of raw milk and the marketing of Canberra Milk; that this marketing entity be reviewed by 30 June 2000 with the purpose of determining whether there is ongoing public interest in maintaining public ownership of the enterprise; that the new regulatory arrangements reside with a government agency, to safeguard the public interest and to be consistent with Commonwealth law; that the existing contracts for the supply of raw bulk milk, which expire in May 1999, be extended until 30 June 2000;

that the protection of the local dairy farm Goldenholm continue, so that it can supply to the new marketing entity the 3 per cent of Canberra milk it currently supplies. Mr Speaker, it must be remembered that 97 per cent of our milk comes from New South Wales and Victoria already and that that is unlikely to change. Our sole milk processor and packager is 100 per cent owned by New South Wales dairy farmers and obviously operates to represent their interests.

The report also recommends that maximum price fixing reside with the Independent Pricing Commissioner; that the provisions relating to processor and distributor margins cease to exist; and that on repeal of the Milk Authority Act 1971 the existing licensing and zoning provisions be abolished and be replaced with franchising arrangements for the home vendor sector. The last of these is clearly a key issue for both the vendors and those who buy the 26 per cent of milk that is home delivered. This is an area that clearly needs more investigation. Finally, the report recommends that the restriction on home vendors which prohibits them from selling milk products other than those packaged on behalf of the Milk Authority should be removed. This would have the effect of allowing them to offer a broader range of products, including non-milk products, and diversify their businesses.

Separating the functions of marketing Canberra Milk and regulating the milk industry has been one of the major findings of the report. In its current role the Milk Authority acts as both a regulatory and a marketing body. This has led to a monopoly in the ACT, although that was never the intention in setting up the authority.

The report also acknowledges that ACT suppliers buy the cheapest milk in the country - almost 10c cheaper than New South Wales at farm gate prices - yet by the time it gets to the consumer we pay only 1c less than in New South Wales. It acknowledges that prices have not gone down with deregulation in other States. Curiously, milk consumption has gone up in deregulated States. The report also shows that declines in home delivery have been a trend throughout Australia for some time and cannot be attributed to deregulation. It says that with the best will in the world we cannot turn the clock back, as shopping patterns are unlikely to revert to those of the 1970s. What it illustrates is that the Canberra community must support the service for it to survive.

As I indicated yesterday, Mr Speaker, the report will go out for further community consultation until 31 July. It will then, of course, be up to the Assembly to decide on its recommendations and the industry's future direction. Mr Speaker, I would like to thank Dr Robyn Sheen for her hard work and for the professionalism and integrity which went into preparing this report. This report is not the "deregulate or die" report that many believed the Government was advocating, and Dr Sheen has done a marvellous job. Thank you, Robyn. In conclusion I would urge all members and the community to look closely at the report and provide any comments that they may have. The Assembly will ultimately decide on the implementation of any changes, so I hope that we can all work together on this issue. I move:

That the Assembly takes note of the paper.

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

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### FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL 1998

**MS CARNELL** (Chief Minister and Treasurer) (10.39): Mr Speaker, I present the Financial Institutions Duty (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave to incorporate my presentation speech in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 3.*

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

### ACTS REVISION (TAXATION OF TERRITORY AUTHORITIES) BILL 1998

**MS CARNELL** (Chief Minister and Treasurer) (10.40): Mr Speaker, I present the Acts Revision (Taxation of Territory Authorities) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave for my presentation speech to be incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 4.*

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

**BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1998**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.41): Mr Speaker, I present the Birth (Equality of Status) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 5.*

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

**INSURANCE LEVY BILL 1998**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.42): Mr Speaker, I present the Insurance Levy Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

The Bill which I have just presented gives effect to a budget initiative. In the past insurance companies writing insurance for property in the ACT have directly benefited from the services provided by all the emergency agencies without any direct contribution to the costs of those services. Activities by the emergency agencies, particularly in the areas of prevention/mitigation and response to emergencies, minimise the damage to property subject to a variety of insurance policies.

The Government has decided, as part of a budget measure, to provide for a levy on insurance companies to contribute to the provision of those vital services. This is similar to a levy on insurance companies in other States that provides most of the funding for various fire services. In other States up to 75 per cent - I think in some cases even more - of fire services expenditure is funded by a levy on insurance companies. However, in the ACT the operational services within the Emergency Services Bureau have traditionally



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been funded almost exclusively from government revenue. Through this budget measure the ACT will now follow the example of other States and partially fund the activities of its emergency services by way of a levy on insurance companies similar, for example, to the arrangements in New South Wales. Since it is similar to the levy in New South Wales, insurance companies should be capable of complying with the administrative processes with minimal adjustment.

Mr Speaker, our region has experienced some unfortunate tragedies - in the form of the Thredbo landslip and the loss of property in bushfires - that bring home the need for well-equipped emergency services with highly skilled members to assist the community in those disaster times. This levy will not recompense anything like the full cost of providing these emergency services to the people of Canberra. Its introduction will, however, reduce the call on the wider Consolidated Revenue Fund to maintain all emergency services and to finance improvements to those services. It is interesting to note, Mr Speaker, that in 1996-97 in the vicinity of \$480m of funding for various fire services throughout Australia was provided through insurance levies. The proposed \$10m contained in this budget measure for contribution by insurance companies in the ACT is a small relative cost for the benefits they receive through the activities of the emergency services. I commend the Bill to the Assembly.

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

#### **WORKERS' COMPENSATION (AMENDMENT) BILL 1998**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.45): Mr Speaker, I present the Workers' Compensation (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 6.*

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

**DANGEROUS GOODS (AMENDMENT) BILL 1998**

**MR SMYTH** (Minister for Urban Services) (10.45): Mr Speaker, I present the Dangerous Goods (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MR SMYTH:** I move:

That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 7.*

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

**HEALTH (AMENDMENT) BILL 1998**

**MR MOORE** (Minister for Health and Community Care) (10.46): Mr Speaker, I present the Health (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

**MR MOORE:** I move:

That this Bill be agreed to in principle.

I seek leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 8.*

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

**REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE**  
**Alteration to Resolution of Appointment**

**MR RUGENDYKE:** On behalf of Mr Osborne and pursuant to standing order 127, I fix a later hour this day for moving the motion on the notice paper.

**EDUCATION - STANDING COMMITTEE**  
**Reference**

**MR QUINLAN** (10.48): Mr Speaker, I move:

That, notwithstanding the resolution of 28 April 1998 relating to the responsibilities of the Standing Committee for the Chief Minister's Portfolio when acting as a public accounts committee, Auditor-General's Report No. 1, 1998, entitled "Management of Preschool Education", be referred to the Standing Committee on Education for examination and report.

Mr Speaker, I was advised by the secretary of my committee that the exchange of letters that we had in relation to this particular matter was sufficient. However, discussion within this house yesterday has led us to propose this motion so that we make it absolutely clear what is occurring. I commend the motion.

Question resolved in the affirmative.

**STANDING COMMITTEES**  
**Membership**

**MR BERRY** (10.49): Mr Speaker, I move:

That:

- (1) Mr Corbell be discharged from attending the Standing Committee on Education and, in his place, Mr Berry be appointed as a member of the committee;
- (2) Mr Berry be discharged from attending the Standing Committee on Urban Services and, in his place, Mr Corbell be appointed as a member of the committee.

These changes arise from a change in portfolio responsibilities for Labor members of this Assembly and will lead to a more efficient pursuit of the Government in relation to certain matters which will be dealt with by those committees from time to time. As members of this Assembly are most interested in efficiency, I am sure that they will endorse this motion unanimously.

Question resolved in the affirmative.

**HEALTH AND COMMUNITY CARE - STANDING COMMITTEE**  
**Inquiry into Men's Health Services**

**MR WOOD:** Mr Speaker, I seek leave to make a statement regarding an inquiry by the Standing Committee on Health and Community Care.

Leave granted.

**MR WOOD:** Mr Speaker, this committee, after some discussion and a number of meetings, has determined that it will inquire into men's health services. For the information of the Assembly, I would like to read the terms of reference into *Hansard*. They are that the Standing Committee on Health and Community Care:

Inquire into and report on men's health services in the ACT, with particular reference to:

- (1) the need for specific health services for men in the Territory, including the need for targeting particular groups of men according to age, cultural and linguistic background, socioeconomic status, sexuality, and any other relevant factors;
- (2) the availability of men's health services/facilities in the Territory;
- (3) the potential contributing factors to men's health outcomes, including male socialisation, risk taking behaviours and violence;
- (4) examples of good practice men's health service provision in the Territory and nationally;
- (5) the relationship between men's health and wellbeing, and community health and wellbeing; and
- (6) any other related matter.

Men's health is an issue that has emerged in recent years, and the committee is aware that there is no strong examination of that issue nationally or in the other States. We believe that it is time issues relating to men's health were examined more carefully. The Australian Bureau of Statistics indicates that men use medical services less than women but are more prone to die at a younger age from a wide range of disorders.

**Ms Carnell:** No stamina, Mr Wood.

**MR WOOD:** Chief Minister, there are three men on this committee, you might note. It is also the case that, in schools, boys are more likely than girls to present behavioural problems and men are more violent. These are issues, we believe, related to men's health.

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I believe that the committee will focus on broad issues of men's health and wellbeing, including aspects of masculinity. The committee will also look at specific health matters relating to men. Submissions will be sought soon and, as you would expect, public hearings will be held later in the year. I expect that this will be a useful and beneficial inquiry.

I might comment on one other matter that arose as we examined this issue, and that is the role of the committee. There are still some views - unclear views, I might say - about how committees may perform their function following the change in the committee structure. I note that the Pettit report said that committees will track Ministers' agencies. In this inquiry, it is certainly the case that we will be pretty well contained within the Department of Health and Community Care. But I think it is the view around committees that there will be inquiries and activities of committees that will cross ministerial boundaries. While that may not happen on this occasion, the Health and Community Care Committee will in the future perhaps look at matters that will involve other areas. I am sure that other committees would have the same view and will be moving in that direction as the need takes them.

### **EDUCATION - STANDING COMMITTEE** **Inquiry into Preschool Education**

**MS TUCKER:** Mr Speaker, pursuant to standing order 246A, I wish to inform the Assembly that on 4 June 1998 the Standing Committee on Education resolved to inquire into and report on the future provision of preschool education. The terms of reference are as follows:

Inquire into and report on the future provision of preschool education, with particular reference to:

- (1) access;
- (2) the changing demographic patterns in the ACT;
- (3) the need to consider a greater range of program options to meet the needs of the community;
- (4) any other related matter.

I ask for leave to make a statement.

Leave granted.

**MS TUCKER:** In addition to the terms of reference I have just referred to, the Assembly has now agreed that the Education Committee take on an additional term of reference, namely:

review Auditor-General's Report No. 1, 1998 - Management of Preschool Education.

As I stated in the debate on the motion, in agreeing to undertake the review of the Auditor-General's report, the committee believed that, in this instance, this course of action would result in more effective and efficient utilisation of both Assembly and community resources and less confusion in the community. Furthermore, in undertaking the inquiry into the future provision of preschool education, the committee's intention always was to work with the Government and the community to identify whether there are inefficiencies in the preschool sector and, if so, to work towards finding solutions which will improve efficiency. It is implicit that any examination of the future provision of preschool education, in relation to access and changing demographic patterns, must address the matter of where services should be provided, including any need to change the existing locations of services.

Any examination of the future provision of preschool services must also investigate the most efficient ways of providing effective preschool services. Canberra preschools are very effective, as the Auditor-General confirmed. Any changes to the system must not sacrifice the quality and effectiveness of preschool programs. Already there has been strong community interest in the inquiry. The community is welcoming the opportunity for extensive consultation on the matter. The committee is aiming to complete the inquiry by September this year. We are looking forward to working with the Minister for Education, his department and the community.

### **REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE Alteration to Resolution of Appointment**

**MR OSBORNE** (10.57): Mr Speaker, I seek leave to move the motion on the notice paper in my name.

Leave granted.

**MR OSBORNE:** I move:

That the resolution of the Assembly of 28 April 1998 appointing a Select Committee on the Report of the Review of Governance be amended by omitting paragraph (3) and substituting the following paragraph:

“(3) The Committee report by the first sitting day of 1999.”.

This motion extends the reporting date for the Select Committee on the Report of the Review of Governance from the first sitting day in August to the first sitting day of 1999. Estimates Committee meetings are coming up, a number of members are going on holidays and all members want to cover a lot of issues in this inquiry. My view is that we should take advantage of this opportunity to have a look at every issue. The committee

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believes that we need to extend the reporting date. If we are able to finish the report earlier, we have agreed that we will present a report to your good self, Mr Speaker. As I have said, all members would like as much time as possible to take advantage of this opportunity to review self-government.

Question resolved in the affirmative.

### **EXECUTIVE BUSINESS - PRECEDENCE**

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

That Executive business be called on.

### **INTERACTIVE GAMBLING BILL 1998**

Debate resumed from 28 May 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR QUINLAN** (10.59): Mr Speaker, I rise to support this Bill. Technology moves apace and it would appear that it is necessary for States and Territories to implement legislation because an attempt at the national level appears to have failed or foundered. The Bill provides a regulatory framework for the conduct of interactive gambling within the ACT. It also provides a licensing regime to approve providers for interactive gambling activities and allows for recognition of providers between jurisdictions.

The Bill provides a level of protection and security for users and minors. The provision for the security of minors includes supplying adequate proof of age to licensed operators and the direction of revenue earned from this form of gambling to an education program warning players to safeguard their access codes to prevent unauthorised use by minors. Similar warnings are also displayed on web sites. The Bill sets limits on amounts of individual and cumulative bets allowable, and credit betting will be prohibited. The legislation also makes provision for a husband, wife or other significant person to apply for an order to be placed upon a problem gambler, banning them from participating in interactive gambling until the order is revoked. This is a new concept for the ACT. There is no current legislation in the ACT; but it appears that there is some in Queensland and the Northern Territory.

We accept this Bill with some reservations. There are elements of it which impinge upon the personal rights and liberties of individuals. Listed throughout the Bill are a number of powers that are not clearly defined. They are based on "prevailing conditions" or "should the circumstances dictate", et cetera. Nevertheless, we accept that there is a pressing need for a regulatory framework to control interactive gambling, Internet gambling, which already exists, much of which is based offshore, and much of which does not guarantee the participants a degree of protection which they should have.

Given the reservations with which we accept the Bill, I have diarised that I will be calling for a review of the operation and application of the provisions of this Bill in, say, six months' time. I would expect at that time a considerable amount of refinement to the Bill. In the interim I recommend that we allow the passage of the Bill in this current form. I commend the Bill.

**MS TUCKER** (11.02): The Greens will be supporting this legislation. It does incorporate broad consumer protection strategies and attempts to ensure high standards in the industry. It aims to create a secure regulatory environment for interactive gambling. We have had a lot of discussion in this house about gambling and how it can be managed and how the industry can be managed. I think this Bill is really important and I congratulate the Government for bringing it forward. It will need ongoing monitoring and possibly amendments down the track, because this industry is changing so quickly and we are not quite clear on what will be happening in the future and how this will work. I am sure that the Government understands that and is open to it. The Bill gives fairly broad powers to the commissioner, but the Greens and I are happy with that because I believe that the nature of the industry requires them. Legislation is necessary because this area of gambling just cannot be left unregulated.

**MS CARNELL** (Chief Minister and Treasurer) (11.04), in reply: Mr Speaker, the Interactive Gambling Bill 1998 will provide for a licensing system and regulatory structure for interactive home gambling products in the ACT which, as we have already heard this morning, protects players and will enable the collection of revenue by the ACT Government in respect of interactive gambling activities. The Bill has been modelled on Queensland legislation which was passed in March this year. Legislation has also been passed in the Northern Territory. I understand that the Northern Territory legislation contains a reduced level of player protection compared to Queensland legislation and the ACT Bill.

Victoria, South Australia and New South Wales are aiming to introduce legislation in their spring sittings, while Tasmania is planning to rely on existing legislation, which does not prevent interactive gambling. Western Australia, the only exception, is seeking to prohibit providers from operating and advertising in that State. I am sure that we will all be very interested to see how Western Australia manages to stop interactive gambling.

**Mr Quinlan:** They will play here.

**MS CARNELL:** That is one thing we would like. It is all very nice to try to stop the change that information technology and things like interactive gambling are bringing in the world, but I somehow think that Western Australia might just be fighting a losing battle on that one.

Significantly, the strong points of the Bill will relate to player protections, many of which were outlined during the tabling of this Bill. A very important element in providing player protection will be the ACT's participation in the intergovernmental cooperative scheme relating to interactive gambling. This scheme will ensure that players participating in ACT authorised interactive games, wherever their place of origin, can be confident that checks on players and operators for such things as age, address, probity, honesty and



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integrity are consistent among all cooperative jurisdictions. Similarly, penalties for offences are also consistent and sufficient in level to deter unscrupulous operators. The ACT is working closely with Queensland on the cooperative regulatory scheme, to ensure the best possible outcome for the ACT community and the gambling operators who choose to conduct their business here.

The Government has decided that a proportion of the revenue generated from this measure will be put towards an education program to reinforce to players the importance of responsible gambling. I believe that that is a very important part of this legislation. It was very interesting to see the latest newsletter from the Australian Institute of Criminology, which explores these sorts of themes. They make the point that it is absolutely essential that governments act now, to use their words, to institute tough but workable regulations to monitor games such as cyberspace roulette, blackjack and baccarat, or risk dire societal and economic consequences. Mr Speaker, this Government has moved now.

I thank all members of the Assembly. I agree that, as many people have said in this debate, this legislation does have to be monitored closely because we are dealing in an area that is new and we are not quite sure where technology will take us. As technology is changing very quickly, I think it is essential to have at least a first go at this legislation - I have to say a first go at legislation with a huge amount of work in it - to ensure that the ACT is protected. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **GAS PIPELINES ACCESS BILL 1998**

[COGNATE BILL:

GAS SUPPLY BILL 1998]

Debate resumed from 28 May 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Gas Supply Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

**MR HARGREAVES** (11.09): Mr Speaker, the Gas Pipelines Access Bill 1998 has much to recommend it. It shows a commitment on the part of all States and Territories to uniform legislation regarding the supply of gas to consumers. It has the potential to open up the market for consumers and hopefully result in lower gas prices, higher quality service, greater industry certainty in investment risks and yet another feather in the ACT's cap for compliance with the national competition policy. It provides for assistance to industry when assets are transferred because of the need for "ring fencing" to ensure the separation of related gas businesses, through the exemption from stamp duty.

It is because of these good news items that the Bill is supported. The Bill is not supported by the threat or implicit threat of sanction from the National Competition Council if the ACT does not comply by 30 June this year. To use this possible sanction as a reason to support any Bill is a sign of weakness on the part of the Government, a sign that the Government will use such a threat to cloud any issue, good or bad, and a sign that the Government is capable of being bullied by the Commonwealth into complying with competition policy.

It is a reality that most of the States and Territories have not complied in toto with the demands from the NCC and that the Commonwealth will be hard-pressed to apply the threatened sanctions, particularly at this time in its political career. This threat is a paper tiger and one which should be ignored. The validity of each issue ought to be the only reason for embracing competition policy. If it has no validity, it should be fought. The Government should not just cave in.

Further, Mr Speaker, the Government should not rush through legislation just because the Commonwealth says, "Get a move on". This Assembly has many new members and it is unreasonable to expect them to be instant legislators. Issues such as this are complicated ones. The Government is to be congratulated on the extent to which briefings have been provided, but also it should be chided for the shortness of time it allowed for passage of the legislation.

Mr Speaker, the Opposition has other concerns with this legislation and those concerns have been shared by the Justice and Community Safety Committee, sitting as a scrutiny of Bills and subordinate legislation committee. Those concerns centre around the abrogation of powers of this Assembly to other jurisdictions. Subclause 3(1) of the Bill refers to the gas pipeline access law. This subclause means that Schedule 1 of the Gas Pipelines Access (South Australia) Act 1997, as amended, will be the law of the Territory. This also means that, when changes are made to the South Australian Act, the changes are automatically adopted here. All that is required is the agreement of relevant Ministers from jurisdictions from time to time - with no reference to this Assembly.

Further, the national third party access code for natural gas pipeline systems is adopted in the same manner. It can be changed without reference to this Assembly. This concern was shared by the legal adviser to the scrutiny of Bills and subordinate legislation committee, sometimes masquerading as the Justice and Community Safety Committee, when he said:

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The effect of the definition is ... that the law of the Territory may be altered by bodies which do not form part of the ACT legislative process, and are only indirectly linked even to the ACT Executive.

The same applies to clause 7, which dictates how regulations are amended. It is also a worry that decisions and agreements can be made at officer level and ratified by a COAG meeting, and we are stuck with them. When you look at the bullyboy antics of the NCC and the keenness of this Government to abrogate its powers away, you have to ask: Just who is running this city? Mr Speaker, the philosophies of the Bill are supported by the Opposition, but the way in which they have been presented is not. The handing over of powers to bodies that are not part of the ACT legislative process is not acceptable to the Opposition; nor is the buckling to the will of the Commonwealth in either competition policy or COAG meetings. The Bill is supported.

**MS TUCKER (11.14):** I rise to support this legislation. As we have expressed in the past, the Greens do have concerns about the introduction of national markets for electricity and gas, because the overall policy objective is to reduce prices only. There may well be some positive environmental implications from the introduction of a national market for electricity; but at present, while there is some innovation, mostly being driven from New South Wales, with the Sustainable Energy Development Authority, on the whole what we are seeing is a cutthroat grab for market power.

Mr Speaker, as I have said many times in this place, ACTEW and other electricity and gas retailers should be focusing on providing energy services, not simply selling electricity or gas. If industry will not deliver this alone, government regulation and financial incentives are required to overcome the barriers to the development of an energy service industry. There are obvious environmental benefits from encouraging a switch from electricity to gas and I hope this legislation will facilitate this. Gas is still a non-renewable resource. So, for more sustainable longer-term energy, we need to be looking for other alternatives, as well as focusing much more on reducing our energy use.

However, in the short term there are real environmental benefits to be achieved from switching from electricity to gas, particularly for hot water and heating. These reforms to the gas market could also encourage the development of new technologies like cogeneration. Cogeneration - the generation of electricity and useful heat from the same primary fuel - is a very efficient means of providing electricity and heat to facilities that require both. As well as encouraging some innovation, one of the benefits of this legislation is that hopefully it will enable more sensible energy usage and less competition between gas and electricity for space heating. ACTEW are still strongly pushing electric hot water. Off-peak electric hot-water services produce significantly greater greenhouse gas emissions than either natural gas or solar hot-water services.

One of the concerns I have with this legislation is the fact that the Energy Research and Development Trust is being abolished. This fund enabled a number of innovative projects to be implemented or investigated - for example, a district energy study for Gungahlin Town Centre, natural gas vehicle trials, energy efficiency awareness campaigns and so on. Without access to the funds from the Energy Research and Development Trust, these projects would not have been possible.

While I acknowledge the Government has no choice but to remove the levy on gas sales, following the 1997 High Court ruling that prevents the ACT from raising revenue from a quantum of sales, I strongly believe the ACT Government should establish another fund to ensure that research and development activity into alternative fuels and energy options can continue. I have written to the Minister for Urban Services urging the Government to put in place an ongoing fund to finance research and development of alternative fuels and other alternative energy sources, as well as energy efficiency projects for the ACT. I also asked the Minister a question on this yesterday and he indicated that, within his budget, he did not feel that he could do this. I think that the Government needs to understand the future cost benefits and opportunities that come from supporting this sort of research and development. It is about being clever, if governments put money into this sort of research.

Mr Speaker, Australia is seriously lagging behind many other countries in terms of developing a sustainable energy sector. And it is no wonder, when government and some parts of industry continue to lock us into old technology like coal. This is environmentally and economically damaging to our country. It is ironic that earlier in the week we were debating legislation about subsidies for diesel fuel. While the Federal Government saw fit to abolish the Energy Research and Development Corporation, which had a budget of around \$12m, they continued to provide \$800m in diesel fuel subsidies to the mining industry. The fact that we continue to subsidise old technologies is a big part of our problem. We are not going to develop a strong sustainable energy sector until we stop subsidising old technology.

One of the problems with applying national frameworks such as this is that the ACT has effectively delegated a major decision-making power to a national body. It is not particularly desirable that the gas pipeline access legislation be not amendable by this Assembly; but I am prepared to live with it, for the reasons that have been put forward and in the interests of having a national gas market. As members are aware, one of the ways this Assembly is dealing with the increasing number of intergovernmental laws and agreements has been by passing the Administration (Interstate Agreements) Act last year, which requires Ministers to consult with other members about legislation that is negotiated and agreed to in national forums such as COAG. Over the longer term, I hope this will enable the views of all members to be incorporated in the development of national legislation.

However, the Government is also proposing amendments to make the pricing regulator for the transmission pipelines the ACCC. I will be opposing the Government's amendments. I understand that Mr Osborne will be moving an amendment - which I am quite happy to support - which will actually keep the regulation with our own Pricing Commissioner. We are quite happy for the ACCC to be the regulator for the transmission pipelines, but it is the local regulator who has knowledge about local conditions and issues and should, therefore, determine distribution prices. The local regulator also has to address certain issues, including protection of consumers, the principles of ecologically sustainable development, standards of quality, reliability and safety. I do not feel confident that the ACCC would take environmental sustainability into consideration, and I do not like handing over this power to the ACCC. We have our own pricing regulator. It is quite appropriate that this commissioner consider both electricity and gas. I urge other members to support Mr Osborne's amendment.

**MR KAINÉ** (11.21): There are some points that need to be put on the record about this legislation because it is new legislation that fits into the new concept of national enterprise rather than State or territorial enterprise. I think we need to heed the warning that comes from the scrutiny of Bills committee's report on this matter, where its advice drew attention to the fact that with this kind of legislation we are passing to people outside the Territory the power to make law for us. What these Bills do collectively is, first of all, confer on the Government of South Australia the right to amend our law, because it is a South Australian law that we are adopting and by amendment to that law those amendments automatically flow to the ACT; and, secondly, adopt codes of practice which are controlled elsewhere.

This raises the question, in my view, of whether or not we ought to be blindly adopting South Australian law and simply saying, "The law for the Territory is the South Australian law", because it means that we cannot amend it. It may well be that at some time in the future we wish to amend our law and it may, by that amendment, be out of step to some degree with what is happening in South Australia. We should have the power to be able to do that, but our legal advice is that it is not going to be possible. When we adopt these national regimes, whether in connection with gas, electrical energy or whatever, we need to be a bit cautious about simply picking up a body of law that exists somewhere else and adopting that law by reference to it in our own legislation.

Maybe we would have been better off to have enacted the South Australian legislation in its entirety as ACT law with an ACT title on the top of it. This Assembly could then amend it as it sees fit. Obviously, in doing that, we have to be careful that we are operating within a national agreement. We could not amend it too far, perhaps, without getting out of step with the national agreement. But it does raise questions about who is responsible for enacting ACT law. It is quite clear that, with this legislation, we are passing that responsibility to another government, to other entities who, by these Acts, are given the power to enact legislation for us. It is something that we need to note carefully. The Government in future need to think about it a bit before they simply adopt another body of law without qualification, and removing our right to amend it.

The legal advice through the scrutiny of Bills committee also notes that these bodies that are now empowered to enact law for us even have a very tenuous and indirect link with the ACT Executive. So it is not only the legislature that will not have a great impact on the legislation in the future; it is the ACT Executive as well. When members of our Executive go to ministerial meetings around the country to deal with these matters and it is intended to amend the law as a result of discussions of that kind, perhaps the Executive should seek the views of this place before the Minister goes, rather than the Minister going off to a meeting, coming back and saying, "We are now committed to amending our law because all the Ministers in Australia agreed to it. We went along meekly, so we are obligated to amend our law as well". This legislature ought to be aware, perhaps, of the potential changes to the law before they are agreed to, rather than afterwards. Mr Speaker, in connection with the supply Bill, I have made the point that it adopts Australian standards and codes of practice. I think that in this case it is probably not such a bad thing because codes of practice can be changed more readily than some other State's law can.

One of the vital elements of this Bill, of course, is the establishment of the gas technical regulator. We should note that it will be the expertise of the person so appointed which will be critical in ensuring that we receive good technical advice about any changes to the standards or the codes. The gas technical regulator that we appoint will be the person on whom we can rely for good information because, with any motion to disallow a varied or amended standard or code, members of this place will need to know what that motion is about so that we can understand it before we determine whether we wish to disallow it or not. So we will need some commitment from the Minister in connection with the gas technical regulator that persons appointed to that office will always have the highest technical qualifications - they will not be just administrative appointments of some public servant who has done a good job somewhere. It needs to be somebody with high technical qualifications in the area and with wide experience in the gas industry, so that we know the advice that we are getting from such a person is of the highest order.

In addition, I would ask the Minister to ensure in future that, when the Assembly has an opportunity to disallow a motion in connection with any technical matter, the advice of the gas technical regulator is provided to this place before the disallowance period expires, so that we can make a reasoned and informed judgment about whether the proposal should be disallowed or not. Since they will generally be matters of a technical nature, probably most members of this Assembly would not be qualified to make a judgment without technical advice. I ask the Minister to take both of those matters on notice and to make sure that we are properly informed so that we can do our duty after having been fully informed as to the ramifications.

The Minister has submitted a number of amendments to his legislation and they confer significant powers under the access Bill, as I have said, on an authority which is not appointed by this Assembly. The ACCC will have power to regulate charges for the use of transmission and distribution pipelines. The Minister justifies this, of course, by reference to the ACCC's present expertise in regulating transmission pipelines and its proposed acquisition over the next three years of expertise in regulating distribution pipelines. It may be valid or it may not.

Increased charges approved by the ACCC, of course, will flow on to ACT gas consumers. It is just another aspect in which control of our affairs and satisfying our constituency has been removed and the control has been handed on to somebody else. More importantly, though, by removing gas prices from the purview of the ACT Independent Pricing and Regulatory Commission, the Bill puts that matter totally beyond the control of this Assembly. The power will now reside in a Commonwealth authority and we will not even have our own ACT Independent Pricing and Regulatory Commission making any observation about them.

Another matter in connection with the Minister's amendments, Mr Speaker, is that his draft explanatory memorandum comments on the "need to define the powers and functions of the IPRC to those conferred by the gas pipeline access legislation". I am not too sure what those words mean. I wonder whether the Minister in his explanatory memorandum meant to say that there was a need to "confine", not "define".

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If he did mean confine rather than define, can the Minister tell us during this debate which powers of the IPRC will remain in the Bill after amended subclause 8(2) comes into force? It is unclear to me what the remaining powers of the IPRC will be. I would appreciate the Minister clarifying that issue.

On reading the two Bills and the Minister's amendments, it seems to me that the effect of the proposed amendment in clause 13 is that the ACCC and the IPRC will both have the powers and functions of the local regulator in respect of distribution pipelines. I cannot see how they can both have powers, particularly if they are overlapping or conflicting. Maybe my reading is incorrect, but I would ask the Minister to clarify whether clause 13 does in fact have that effect and, if so, whether it should be rectified before we enact this legislation. Clearly, some clarification is necessary in that connection.

Mr Speaker, my only other comment is in connection with the explanatory memoranda. There are times when I wonder why the Government bothers tabling explanatory memoranda, because they do not explain anything. We have some element of that in these explanatory memoranda. They are lengthy, but they do not tell you much. This happens to be a fairly complex Bill, so you would expect the explanatory memoranda to tell you what the Bills mean. They do not, and I will give you a couple of examples. Subclause 17(2) of the Gas Supply Bill reads:

An authorised distributor shall, as soon as reasonably practicable after receiving a notice under subsection (1), connect the premises to a distribution pipeline.

What does the explanatory memorandum say? It says:

Clause 17 provides for the connection of land to a distribution gas pipeline.

The explanatory memorandum is even briefer than the clause in the Bill. In fact, the wording "the connection of land to a distribution gas pipeline" is quite wrong. I would suggest it is the other way round. You connect the gas pipeline to the land. That is what the explanatory memorandum says, so I am not clear what the clause in the draft Bill actually means. A second one - I just pull these out at random - clause 39, states:

The Gas Technical Regulator has power to do all things necessary or convenient to be done in connection with the performance of his or her functions.

If you go to his or her functions at clause 37, you find there is a page-and-a-half of them. They are very extensive. So when it says that he "has power to do all things necessary or convenient" - it is quaint terminology; he can do anything that he thinks is convenient to be done - you go to the explanatory memorandum to see just what that entails. What does the explanatory memorandum say? It says:

Clause 39 provides the Gas Technical Regulator with a general power to do all things necessary in connection with the performance the function.

Something has been omitted there. Again, that is even more brief than the clause in the Bill. If an explanatory memorandum is supposed to serve the purpose of explaining to us what the Bill means, for heaven's sake, I submit that these memoranda fail miserably. It is my contention, Mr Speaker, that these explanatory memoranda do not explain fully what it means. I know this gives the public officials that are preparing these documents a bit of extra work to do, but that is what we employ them for. I would seek the Minister's guarantee that in future, particularly with a Bill as complicated as these two are, the explanatory memoranda will indeed explain what the legislation means. Mr Speaker, I would be interested to hear the Minister's comments, particularly on the matter of clarifying the issues that I raised that arise from his own amendments.

**MR HIRD** (11.35): Mr Speaker, I would like to speak in support of the package of gas reform Bills. The choice of energy supply for ACT consumers has, until now, been AGL for gas and ACTEW Corporation for electricity. Many ACT consumers make decisions on heating and cooling systems which entail substantial investments in their houses. This is a fact of life for home owners, due to the extreme climate which is experienced in Canberra. Mr Speaker, having made this investment we, the consumers, are dependent on a reliable and affordable energy supply, and we are tied to that energy choice for the life of the heating system. Although householders on residential tariffs will have to wait until the middle of next year to gain access to a fully contestable gas market, Mr Speaker, it will certainly put choice of home energy supplier high on the list for home owners and occupants.

No less important for home energy consumers is the long-term reliability of supply. In adopting these recommendations and in maintaining the timetable for reform, the ACT and New South Wales will be in the forefront of contestability in home energy supply, with particular emphasis placed on gas. The gas industry has long been preparing for these changes, firstly through the introduction of cost-reflective pricing where there is a separation of the supply fee, which applies to the cost of operating a service connection, from the usage charge for the quantity of gas used. Mr Speaker, this will enable competing retailers to be benchmarked in a similar manner to that which occurs in other utilities, such as electricity and telecommunications.

Together with the provisions contained in the access code, there will be greater levels of scrutiny by regulators of operators in the gas market. This, in turn, benefits consumers through public benefit tests and consumer protection principles applied by the regulators. AGL has geared itself for the advent of the market reform by separating into a gas networks business, based at Fyshwick, and an energy retail business, located in Civic near Garema Place. In preparing for a competitive market, AGL has also shed its former businesses of appliance retail sales, installation and appliance servicing. This has meant an increase in work going to Canberra's small businesses - gas appliance retailers, and appliance installation and appliance servicing businesses - which is good news for the smaller business operators in this Territory.



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Mr Speaker, the proposal to harmonise regulations which affect the installation and servicing industries that work in the cross-border region is a commonsense step towards making the smaller gas businesses more effective and competitive - in other words, a positive move for the region. These lesser known changes have been undertaken as a precursor to large-scale market competition and are already passing on benefits to small business. On a wider scale, Mr Speaker, competition in the retail sector will see other energy businesses establishing themselves, or at least offices, in the Territory, and that also should be encouraged. I support the package of gas reform Bills and I commend the Minister for bringing them forward.

**MR OSBORNE** (11.39): Mr Speaker, I foreshadow an amendment, which I will move at the detail stage. I will be supporting this legislation. I always get nervous whenever I see pieces of legislation coming from COAG. I get especially nervous when the first thing that people want to do is try to play silly games with our Independent Pricing Commissioner. I recall the interesting debate we had on the corporatisation of ACTEW, when I established the office of Pricing Commissioner, and how interested I was that the Government had not done that in the legislation. I think most people in this place will acknowledge that the Independent Pricing Commissioner, Mr Baxter, has done a tremendous job. It is regrettable that the Government is attempting to block him out because, as I have said, I have tremendous faith in the job that he has done. What my amendment does, Mr Speaker, is ensure that that does not happen. I will move the amendment at the detail stage.

**MR SMYTH** (Minister for Urban Services) (11.41), in reply: Mr Speaker, before I conclude the debate, I present page 2 of the explanatory memorandum for the Gas Supply Bill 1998, which was unfortunately left out of the explanatory memorandum. Mr Speaker, on 28 May, the gas reform legislation was presented to the Legislative Assembly. This package includes the Gas Pipelines Access Bill 1998 and the Gas Supply Bill 1998. One of the key features of reforming the gas industry in the ACT is that there is only one industry provider and that the incumbent monopoly provider is AGL. At this stage, AGL is already preparing for competition in the gas market and has announced through various media that, from 1 July 1998, it will be a player in the contestable electricity market, as a combined energy provider.

Mr Speaker, members of the Legislative Assembly will agree that competition in the ACT gas market is principally a matter of exposing AGL to competition from businesses such as ACTEW Corporation, Great Southern Energy, Boral and other players. The timetable for the introduction of reform in the contestable contract sector is 1 July 1998. Contract customers are those whose annual usage exceeds 10 terajoules of gas and who can negotiate their own contract price for gas. The Canberra Hospital is, for example, a contract customer. The next stage will be full competition in the tariff sector, for those smaller customers in the commercial and industrial sector, and those in the residential sector - the mums and dads - who pay a tariff or preset price for gas, based on a regulated pricing formula. The timetable proposed in the ACT will match the timetable for our cross-border neighbours in the Queanbeyan and Yarrowlumla local government areas.

Mr Speaker, I would like to take this opportunity to thank all members of the Legislative Assembly who have recognised the importance of these reforms. Under the tight timeframe that we have, they have worked with the Government towards a satisfactory outcome. I see that Mr Kaine has left. I take note of his concerns and will discuss them with him later.

Mr Speaker, gas market reform is not only about opening the ACT market to competition. It is also about joining a national gas market which will see pipelines connecting the North West Shelf developments in Western Australia to basins in Central Australia which currently supply the ACT. It is about joining a truly national gas market which will see connecting pipelines between new reserves in the Timor Sea and Papua New Guinea and these basins. There are other gas reserves yet to be explored. It is about participating in an exciting stage of the development of a national gas market which will secure the long-term supply of gas for all ACT customers. By the end of this year, Mr Speaker, there will be a pipeline connecting Albury and Wagga Wagga thus linking the Moomba to Sydney pipeline system with Victoria's Bass Strait offshore gas fields. The Moomba to Sydney pipeline system transports gas to the ACT. A proposal for the eastern gas pipeline to connect eastern Victorian gas fields to Wollongong, passing near Canberra, is still under consideration.

Mr Speaker, the independent regulators in New South Wales and Victoria have already made some stringent rulings on rates of return made by pipeline owners. The amendment that I will move in a moment clearly does not seek to block out Mr Baxter. It simply complements the job that he does and perhaps makes it easier for him to perform his own roles that he must carry out. In the cross-border region the independent regulators for the ACT and New South Wales will work in concert. Therefore, it is important that their powers and functions be defined as those conferred by the gas access legislation. The Gas Pipelines Access Bill 1998 adopts the national third-party access code for natural gas pipeline systems. The powers and functions of the regulator, as prescribed in the access code, are broad-ranging and allow the local regulator to consider other relevant matters and take into account all facets of public benefit.

Nevertheless, to ensure that regulators act consistently in relation to cross-border pipelines, I now propose a Government amendment to the Gas Pipelines Access Bill 1998, an amendment which has been adopted by other jurisdictions on the east coast. This, in fact, will make Mr Baxter's job easier rather than harder. Mr Speaker, this amendment provides for the ACT Independent Pricing and Regulatory Commission to perform or execute a power or function conferred by the ACT access law or by the access legislation of another jurisdiction, without being subject to control or direction by a Minister. So it truly allows him to act as an independent regulator.

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This amendment also refines the definition of “local Regulator” in relation to a future date at which the ACT and New South Wales will transfer the regulation of distribution pipelines to the Australian Competition and Consumer Commission from State-based regulators.

Mr Speaker, 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 apply the Commonwealth Administrative Decisions (Judicial Review) Act in relation to a review of an administrative decision of a code body. I thank members for their assistance in this matter.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 7, by leave, taken together, and agreed to.

Clause 8

**MR OSBORNE** (11.47): I move:

Page 5, line 25, subclause (2), omit the subclause.

Mr Speaker, as I said when I foreshadowed my amendment, its purpose is to ensure that Mr Baxter, the Independent Pricing and Regulatory Commissioner, continues with gas the role that he has played in electricity. I was very interested in Mr Smyth’s comments. As I said, I get very suspicious when governments start fiddling around with independent pricing commissioners, or anything independent. My amendment ensures that we have control over the Pricing Commissioner in this piece of legislation.

**MR SMYTH** (Minister for Urban Services) (11.48): Mr Speaker, the Government is happy with Mr Osborne’s amendment to clause 8.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

**MR SMYTH** (Minister for Urban Services) (11.49): I move:

Page 7, line 19, insert the following new clause:

**“13A. The Independent Pricing and Regulatory Commission - powers and functions as local Regulator**

In its capacity as the local Regulator in relation to a distribution pipeline, the Independent Pricing and Regulatory Commission -

- (a) may perform a function, or exercise a power if, and only if, the function or power is conferred on it by -
  - (i) the *Gas Pipelines Access (A.C.T.) Law*; or
  - (ii) the gas pipelines access legislation of another scheme participant; and
- (b) in so doing, is not subject to control or direction by a Minister.”.

Mr Speaker, this is a clause that has been inserted in legislation in the other east coast States and it allows reciprocal arrangements. It actually allows better cross-border relations between the regulators. For instance, it would allow our regulator to work with a New South Wales regulator, say, in regard to the Queanbeyan market. I think it is a reasonable amendment.

**MR OSBORNE** (11.49): Mr Speaker, I have some problems with Mr Smyth’s amendment. It all sounds very nice; but what it does, effectively, is require the Pricing Commissioner to be bound by the legislation of other scheme participants. That is the way that I read it. I find it somewhat worrying that it binds us to other jurisdictions. I am quite happy with the legislation without the amendment, so I will be voting against it.

**MR HARGREAVES** (11.50): I understand what Mr Osborne is saying. Whilst I support the spirit of what he is saying, all the legislation is affected like that. All of it will be locked into whatever happens in South Australia. I support the Bill, notwithstanding my concerns about that. I make the point that proposed new clause 13A says that the regulator can perform a function only if the ACT gas pipelines access law gives it the okay to do so. We have the power to propose amendments to this ACT law later on if we are not happy with the process. Given that the whole Act is already locked in and there is not a damn thing we can do about it, I suggest that we leave it in there, test the marketplace and then, if we want to change it later on, introduce amendments to the Act.

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Question put:

That the new clause be inserted in the Bill.

The Assembly voted -

*AYES, 14*

*NOES, 3*

Mr Berry	Mr Kaine	Mr Osborne
Ms Carnell	Mr Moore	Mr Rugendyke
Mr Corbell	Mr Quinlan	Ms Tucker
Mr Cornwell	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Wood	

Question so resolved in the affirmative.

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

Bill, as amended, agreed to.

### **GAS SUPPLY BILL 1998**

Debate resumed from 28 May 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**MAGISTRATES COURT (AMENDMENT) BILL 1998**

[COGNATE BILLS:

MOTOR TRAFFIC (AMENDMENT) BILL 1998  
CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 2) 1998  
REMAND CENTRES (AMENDMENT) BILL 1998  
CRIMES (AMENDMENT) BILL 1998]

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

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Motor Traffic (Amendment) Bill 1998, the Children's Services (Amendment) Bill (No. 2) 1998, the Remand Centres (Amendment) Bill 1998 and the Crimes (Amendment) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 5 they may also address their remarks to orders of the day Nos 6, 7, 8 and 9.

**MR STANHOPE** (Leader of the Opposition) (11.58): Mr Speaker, the Opposition has indicated previously that it supports this legislation. It actually accepts that it is a significant and commendable advance in the process for collecting fines from fine defaulters. It starts from the basic assumption that governments should do whatever they can to keep fine defaulters out of gaol. I think we all applaud that as a fundamental point in relation to fine defaulters. Certainly, the Opposition does. Over many years there has been significant concern within the community that people who, for whatever reason, fail to pay fines can, as a result of their failure to do so, end up in gaol. I think it is a significant principle that one should not end up in gaol for an offence that, at the time of its commission or in relation to its commission, a court or a parliament felt that a fine was the appropriate penalty.

Having said that, of course, there are a lot of people that quite deliberately abuse the fact that the collection of fines is, at times, an administratively difficult and expensive task. As the Minister indicated in his presentation speech, the ACT has a significant backlog of unpaid fines. I note the auditor's comments on that. There is a significant equity issue involved here, in that the majority of citizens do pay their fines and pay them on time and the community has, to some extent, been taxed in its efforts to actually gain those moneys from recalcitrant defaulters.

In accepting this legislation in principle, there are, as with every legal issue, significant philosophical issues in relation to on-the-spot fines and the collection of fines. This is not the appropriate time to debate them, and I will not - other than to mention that there are some issues that might, at some stage, be appropriate for review by a committee of the Assembly, perhaps, in relation to some of the philosophies underpinning on-the-spot fines. I concede that on-the-spot fines are, at times, very convenient and perhaps appropriate; but there are some significant issues regarding the extent to which on-the-spot fines are being used as an ever-increasing means of law enforcement and social control.

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I do wonder sometimes whether our continuing to embrace on-the-spot fines should be investigated with a view to determining whether or not they are appropriate. I put that on the record as something that I think is of concern. On-the-spot fines have been with us for only 10 to 15 years. It is quite interesting that, without the on-the-spot fine process, our current legal systems would probably break and collapse. I acknowledge the great benefits of on-the-spot fines; but there are some issues which we as an Assembly may, at some stage, wish to have a look at.

Turning to the Bills, I will make a couple of brief comments and refer to amendments that I have indicated I believe will enhance the legislation. I accept the tiered structure that has been introduced in this raft of legislation. I think it is appropriate. I do not have particular difficulty with a proposal that licences, or registration, will be affected in relation to matters not related to motor traffic issues. I think the jealousy with which we guard our licences - those of us that have them - is a very significant and perhaps useful inducement that can be used by governments. It is almost a bullying tactic. One might allude to the fact that perhaps this whole raft of legislation has just a touch of the bully about it, which I applaud and in the circumstances think is quite appropriate.

Regarding the tiered structure, the steps that are taken initially to have a fine remitted, to cancel a licence, with a potential impact on car registration, and to garnishee, to actually produce the bailiff, are quite appropriate. Of course, the legislation, as currently drafted, has gaol as the ultimate sanction. With this sort of legislation, at times gaol will be appropriate.

However, I do not quite understand a couple of aspects of the legislation. I do not understand why the Government, having developed what I regard as quite good legislation - and I am prepared to give credit where I think it is due - did not allow for the prospect of a community service order as perhaps that one final step back from gaol. It seems to me that opportunities other than gaol do exist. There is one in community service orders. There are other things that governments can do before sending citizens to gaol. In relation to fines, there is that underlying philosophy that we should do everything we can to keep people out of gaol. That is the basis on which these amendments have been drafted. In the context of my amendments there is available to us an opportunity to allow people to select whether or not they wish to be considered for a community service order.

When people wish to make an application to a court for a community service order, rather than just going straight to gaol, we should encourage that. My proposed amendments will allow that. They simply allow for the treadmill to be stopped, for a defaulter to get off the treadmill at that stage, prior to going to gaol, and to make an application to a court for a community service order to be considered by the court. That is consistent with the approach which the Minister has adopted on this legislation. Similarly, I have a real concern that the legislation, insofar as it applies to children, or people under 18, once again does not allow for the process to be stopped. It does not permit the treadmill to be stopped just before gaol to allow the court - I am suggesting, with the advice of the Community Advocate - to assess whether there are very good reasons why a child fine defaulter should not go to gaol for that fine default. It is appropriate that we do not set in train a procedure which starts with a youth and perhaps some offence involving his identity card on a bus or whatever.

It is appropriate that we do not have a situation where a young person, for some fairly innocuous offence such as that - or anything you would care to imagine - through some sort of perverse spirit or complete breakdown within himself, finds himself in gaol for that offence. I think we should do everything we can to ensure that such people do not end up in gaol. In that regard I think we should look to the Community Advocate and to a process that allows the particular position of the child to be assessed before he or she is sent automatically to an institution.

**Mr Kaine:** Do you get the idea that people are not very interested in what you have to say?

**MR STANHOPE:** I do. I think I have basically covered the issues. Thank you for your interest, Mr Kaine.

**Mr Wood:** I am behind you, too.

**MR STANHOPE:** And, of course, my colleague Mr Wood. I think I have covered almost everything that I wished to say about the legislation. As I have said, I think it is good legislation. There are a couple of very minor amendments which can be made to it that enhance it and meet what I believe to be the Minister's aim of ensuring that fines are paid, while doing whatever we can to keep people out of gaol.

That final step is also important in the context of the fines that we are dealing with today, which are those fines imposed by courts - where the court, at the outset, decided that a fine was the appropriate punishment, mindful of course that there was a process, if the fine was not paid, for the offender to end up in gaol. Having now introduced a whole range of steps, it is appropriate that, if those steps do not succeed - and one hopes that in 99 per cent of the cases they will - the court will again look at the matter, or at least at the circumstances. If this range of processes to have defaulters pay their fines does not succeed, it seems to me that there must be some pretty hard core reason why. When a person, having lost their licence and having been garnisheed - having the bailiff sent in - gets to that point and still refuses to pay, it seems to me that there must be a pretty significant reason why. I do not know whether it is just perversity or outlawism. There may be other reasons which the court should have another look at before that person goes to gaol, particularly in relation to children. I hope the Assembly can support my amendments. I certainly support the intent of the legislation and congratulate the Minister on bringing it forward.

**MR KAINE (12.10):** Mr Speaker, I support this Bill. The Minister will know that, as the previous Minister for Urban Services, I instituted a range of activities to make our drivers not only safer drivers but also aware of the penalties that apply if they do not observe the road rules, common courtesy, and the like. So I am very much in favour of this kind of legislation that brings defaulters to account. I commend the Minister for putting the legislation in place.



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I have no objection to the law - I think it is good law - but we need to make sure that the administrative arrangements through which this law is enforced are right and that they respond rapidly. I am looking at it from the viewpoint of not only bringing a defaulter to account rapidly but also making sure that, once he or she has paid whatever it is he or she has to pay, there is no likelihood of any ramifications that might flow from that. What I mean is that, when somebody has been found guilty by the Magistrates Court and is subject to termination of licence or payment of a fine or whatever, we need to make sure that the enforcement agencies are quickly aware that that person is, for example, under suspension. There is a propensity for people who fall into the category of offenders of this kind very often to just get in their car and drive anyway, and there is a good chance that the police will not pick them up. But, if the police are quickly informed that a person is under suspension, they can keep an eye out. The opportunity for the police to quickly detect such an offender who is ignoring his suspension is important.

I have heard anecdotal evidence that suggests there is a very high percentage of people driving cars in this Territory when the vehicle is not registered and they do not have a licence. Maybe that is because the police are not aware of which registrations and licences have lapsed or that a driver is under suspension. There needs to be a very good system to make sure that the enforcement agencies are aware of the decisions made by the Magistrates Court. Similarly, once a defaulter has made good on the fine, or whatever it is, the system needs to be just as quick in informing the enforcement agencies that that driver is now free. If that is not the case there is a good chance of police picking up a person believing him or her to be a defaulter when that is not the case. So we need to make sure that the administrative arrangements are good, that the court system, the motor registry and the enforcement agencies do talk to each other regularly and on a formal basis, to make sure that not only is the law enforced but also the rights of people who have been caught and have paid the price are not further disadvantaged as a result of that.

My only other comment, Mr Speaker - and perhaps the Minister does not get as close to this as some of us do when we are trying to figure out what these amendments mean - is that this Bill is one that needs consolidating. To figure out what the Act says requires the skills of a solicitor because you have to have a copy of the Act and all the unconsolidated amendments. I submit you also have to have the patience of Job to work your way through the thing to find out what the current law is. I do not know whether the Minister has a program of updating legislation and consolidating it; but, if he has, I submit that this is one that is worthy of some fairly early attention in that regard.

**Mr Rugendyke:** I wonder whether I am able to speak to Mr Stanhope's amendments at this stage.

**MR SPEAKER:** No, not yet.

**Mr Rugendyke:** I foreshadow my request to do so.

**MR SPEAKER:** You will have the opportunity shortly, Mr Rugendyke.

**MS TUCKER** (12.15): The Greens will be supporting this legislation, although I foreshadow that I will be supporting Mr Stanhope's amendments, as I understand them. My concern is that possibly there will be some people who will not pay their fines, they will lose their licence and they will then drive anyway. This is the advice that I have been given from people who work with such people. I would be interested to see some kind of evaluation of that occurrence because it would mean this would not necessarily be working as the person would be guilty of a greater offence. I am very pleased to see that Mr Stanhope has put in an opportunity for community service orders, because I support what everyone else in this place has said, namely, if we can avoid people going to prison, that has to be of benefit. I am also pleased that Mr Stanhope has dealt with the issue of children. I will be supporting that. Generally, I think the intention of the legislation is good. Apart from the reservation that I have already spoken about, I support it wholeheartedly, with Mr Stanhope's amendments.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.17), in reply: Mr Speaker, I thank members for their support for this legislation. It is pretty important legislation when you consider that at the moment - at least, as of April this year - in excess of \$1m is outstanding in court-imposed fines which have not been collected across the Territory. In addition to that, something like \$3m for traffic and parking infringements has not been paid. So there is a bill of probably well in excess of \$4m owed to the community, the taxpayer, which is sitting in the pockets of people who have defaulted on their responsibilities and that has not been collected. There are a whole variety of reasons why that money has not been collected. Some of them have to do with the resources necessary to collect it and some of them have to do with the difficulty in actually enforcing decisions made by courts and infringement notices generally. This package of legislation goes, I believe, some way towards remedying the problem which we have encountered in being able to enforce decisions made by our courts to impose fines.

Mr Speaker, at the moment, essentially, the court imposes a fine, but the options for the Magistrates Court to enforce those fines are quite limited. In the case of the Supreme Court, they are even more limited. In fact, there is effectively no default mechanism at all available to the Supreme Court. The result is that in some quarters the enforcement capacity is taken as being fairly much a joke. People take the view in some cases, I am advised, that it is simply not necessary to pay moneys that are owing in that way. After this legislation is enacted and becomes effective in the Territory, those people will have to think again. I hope that we are able to move effectively to recover as much of that \$4m as possible, although obviously some time has passed since some of those impositions by way of a fine or infringement notice. It is possible some people may have moved away or died or be otherwise beyond the reach of the law.

Mr Speaker, as members will note, the legislation initially covers fine default in respect of court-imposed fines. We want to bed down the system in respect of court-imposed fines and then move on to apply the legislation to the larger area of unpaid fines in respect of traffic and parking infringement notices. Mr Stanhope, in the course of his remarks, made some comments about the need to avoid prison. I accept the comments he has made. I certainly think that sentencing someone to prison for failing to pay a fine is a quite ineffective way of dealing with a situation where someone is unable to pay a fine or to meet a financial obligation of some sort.

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I read the other day that in some Asian countries, I think specifically Korea, there was a problem with children being rendered orphans, in effect, by the financial crisis. Their fathers were losing their jobs and they had mortgages and other financial obligations. In that country, apparently, when people are unable to meet their obligations and have to declare bankruptcy, it is still the law that they serve a term of imprisonment for being bankrupt. I am pleased to say that that law has long since been repealed in this country, but it illustrates how futile it is to put someone in gaol because they are financially unable to meet a certain obligation on them for whatever reason, such as fines imposed by the court or obligations such as mortgages becoming too much.

Mr Speaker, there is a class of people who, it could be said, default on these obligations not because they are unable to meet them but because they are unwilling to do so. Such people, Mr Speaker, perhaps deserve different consideration. However, the suggestion that Mr Stanhope has made in principle, concerning the capacity of the court to review that situation, deserves consideration. I have only just seen these amendments and I therefore need some time to consider them. I suggest that, once the in-principle stage has been concluded, these Bills be put over till this afternoon to give me a chance to have a look at these matters and discuss them with officers of my department.

Mr Kaine raised some questions concerning the need for fine defaulters to be aware that they are in a position where they have lost their right to drive a motor vehicle and, similarly, that once defaulters honour the debt they owe to the community the authorities are advised quickly that they have paid the obligation and are again entitled to drive a motor vehicle. I think the mechanisms to deal with that are probably in the legislation.

Members will note in my presentation speech that a quite elaborate process needs to be gone through before the enforcement mechanisms cut in. After a court has made an order to pay a fine there has to be a penalty notice sent to an offender advising the amount and the possible enforcement action. A default notice is served on the offender once the time to pay has expired and the offender is in default, giving certain information. The defaulter, if he is licensed to drive, is then subject to a decision by the registrar to notify the Registrar of Motor Vehicles to suspend the driving licence. If he is not licensed, the registrar can make an order to suspend the defaulter's vehicle registration or ability to obtain or renew a licence. As you will see, that step comes only after a notice has been served on the defaulter. In effect, two notices will have been served on the defaulter making it clear what the consequences of failure to pay would be.

The default notice includes a requirement that the defaulter provide to the registrar detailed financial information. That information is then used by the registrar to assess what other options might be available if a fine is not paid. And there are other steps, again, before the step of imprisonment might be taken. So, Mr Speaker, the mechanisms are there to give people plenty of advice that they might be in that position. Notwithstanding that, I am sure there will be many cases where people will say, "I did not know" when they are pulled up for driving without a licence or without registration. I will ask both my department and the Registrar of Motor Vehicles to monitor the situation and to identify whether there are any problems - genuine problems - with people not being properly advised of their obligations or their loss of a privilege to drive a motor vehicle.

Similarly, on the other side of the coin, when it comes to a person remitting their obligations and being again entitled to drive, the mechanisms are in place for that advice to come from the registrar through to the necessary enforcement officers. A police officer who pulls someone over on the side of the road, for whatever reason, generally would have the power to contact a database - I think it is done electronically - to get advice about the status of the particular driver or vehicle. Assuming that has been kept up to date, the officer will have instant advice about the status of that person or car and be able to take appropriate action. Obviously, we need to be vigilant that the information is kept up to date and not allowed to fall into arrears in its daily compilation.

Mr Kaine also suggested that we should consolidate the Magistrates Court Act. Members will see that the effect of the Act is to create a number of new sections with numbers that are fairly large - section 255AA, for example. The Crimes Act is probably in greater need of reorganisation in that way. I recall last night we were referring to sections such as section 349ZZCD, or whatever it was. I think there is a very good case for consolidating the legislation in a way which allows us to go back to No. 1 and start numbering the sections sequentially from there. We have a long way to go before we are in the state of affairs that the Federal Government is in with its tax Act, of course, but that is probably no comfort to us.

I thank members for their support. I hope this legislation will be effective in returning to the community the money which it is owed and in encouraging people in the future not to treat the imposition of fines or infringement notices as a matter of option, and instead to meet their obligations to the community fully and promptly.

**MR KAINE (12.27):** I seek leave to make another short statement.

Leave granted.

**MR KAINE:** My earlier comments related solely to the Magistrates Court (Amendment) Bill, but there was one matter in connection with the Motor Traffic (Amendment) Bill that I omitted to refer to, and that is, new subsection 191NB(5) prescribes that a person whose motor vehicle registration is suspended is not entitled to a refund of the registration fee or any part of the fee in respect of the period of suspension.

Mr Speaker, it seems to me that this is a double whammy. I refer to people who commit an offence, reregister their vehicle and, the following day, are in court for a previous offence and have their licence suspended for a year. They not only have to pay the fine but also, under this ruling, lose an entire year's worth of registration. And that is not an inconsiderable sum today. In fact, we have prescribed that registration fees will increase considerably this year. That seems to be placing people in double jeopardy. They not only pay the fine but also it costs them the registration for the entire period during which their vehicle is, at least technically, off the road and they cannot use it. I can understand the nature of this, but it is not part of the finding of the magistrate. It is something that is prescribed separately in the law. I wonder whether, in today's world, that is not perhaps a little punitive because they are, in essence, paying twice. They are not only paying the fine but also paying up to a full year's registration for which they get nothing.

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This also raises a flow-on question of what happens to third-party insurance and the like if a vehicle is off the road and cannot be used. Does the driver or owner have any recourse for a refund of third-party insurance premiums? I would say that by this prescription, which says they do not get any refund of their registration fee, they would automatically not get any refund of their third-party insurance premium either. We can be talking about very significant sums which may even exceed the amount of the fine. Can the Minister have a look at that, to see whether it is perhaps not an unnecessarily punitive provision in the Act?

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.30): I seek leave to respond to those comments.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I will look into what Mr Kaine has said. I should just correct something that he said. He suggested that it might be a penalty imposed by the court. The court would not impose such a penalty. The penalty is imposed administratively only when a person fails to pay a fine which the court has already imposed. So when a person has had a fine imposed in the court they have notice that they have to pay that fine and that potentially they will lose their drivers licence if they do not pay it. After a period of time they effectively get a second notice making that clear. If they again refuse or fail to pay at that point the shutter comes down and they lose their right to drive their car.

It is quite possible, as Mr Kaine suggested, that there could be a large amount of money which a person loses in those circumstances. I do not think it applies to third-party insurance, but I will check that. It certainly would apply to drivers licence fees and to car registration fees. I emphasise again that these people are in default to the community. The cost of enforcement can be quite high in some circumstances and it may be appropriate that they do forfeit that money if they have not met their obligations.

If people were not to forfeit the money and were to have some refund put in place, it could be extremely complex administratively. What happens when you have half a year left, for example, and you default on your payment, get your licence suspended, lose half a year and then, three months later, pay the fine and get your licence restored? Do you then get three months' credit? It could be extremely complex to administer that. I am not sure it is worth the trouble, given that the person has been repeatedly notified that they are in default to the community and should be meeting that fine but have not done so. Mr Speaker, those are my views at first blush. Maybe Mr Kaine's concerns can be accommodated reasonably easily. If that is the case, we will try to do that. I will take advice on what Mr Kaine has suggested.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

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

**Sitting suspended from 12.32 to 2.30 pm**

### **DISTINGUISHED VISITORS**

**MR SPEAKER:** I inform members of the presence in the gallery of members of a parliamentary delegation from New Zealand's House of Representatives Health Committee, led by Mr Brian Neeson, MP. On behalf of all members, I bid them a warm welcome

### **QUESTIONS WITHOUT NOTICE**

#### **Status of Women**

**MR STANHOPE:** Mr Speaker, my question is to the Chief Minister. In the run-up to the recent Territory election, the Chief Minister made a commitment to "make a real and measurable difference" to the status of women by the year 2000; yet the budget papers she delivered two days ago mentioned the word "women" only a handful of times. Can the Chief Minister say how this budget will impact on ACT women, apart from causing them further hardship and financial pain?

**MS CARNELL:** Mr Speaker, I am very interested in the comment about hardship for women in the ACT. I have been interested lately in seeing the Bureau of Statistics figures on average weekly earnings in the ACT, which I have to say, as a woman, I have been very excited about. What they show is that the average weekly earnings of women are increasing at a significantly greater rate than the average weekly earnings of men. So, maybe it is men who have a financial hardship problem. Mr Speaker, that certainly does mean that women still have lower average weekly earnings than men; but in the ACT we are catching up very quickly. In fact, increases for women are significantly outstripping those for men and, of course, average weekly earnings in the ACT are outstripping those in the rest of Australia. So, I think that is an extraordinarily good outcome for women generally.

Mr Speaker, during the election campaign I put on the table a very definite policy with regard to women - or a set of directions for women. One of them was to set up our new Women's Consultative Council, which is very much in its final stages at this moment, with a lot of interest from various women's groups around the ACT. I am confident that we will again have a very capable Women's Consultative Council. We also indicated that we believed that it was important to have a young women's consultative group, which would probably run under the Women's Consultative Council, to ensure that younger women had a real input into government.

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We also decided and put forward the view that it was important to do an audit, right across government, of various employment issues with regard to women, to make sure that women in the ACT Public Service were achieving to the extent that they should. Mr Speaker, our EEO policies are very well known and very much part of the approach that we take in government; but I think that every now and again it is important to go back and audit the situation right across the Public Service, to determine just how well the policies we have on the table are working and whether there are any impediments to women in the ACT. Mr Speaker, that is one of the promises that we made for the coming year.

We also made some very real commitments with regard to such things as mental health. As you know, mental health was one of the areas that we funded quite significantly in this budget - in fact, with an amount of money that has never been seen before in the ACT. We put aside \$4m in capital works for the upgrade of a psychiatric unit at Canberra Hospital and \$2m for the new secure facility; \$700,000 was set aside for the recurrent costs of the secure facility; and I think \$400,000 was set aside for community-based mental health - an area on which many women's groups have lobbied me very strongly.

Another area on which women's groups have lobbied me very definitely is the area of education. They want to ensure that school-based education does have the commitment of the Government, which it obviously has in this budget, and that there is a commitment in real terms to school-based education. In this budget \$400,000 has been put aside for literacy. It is an area that I know, as a mother and as a woman, is absolutely essential for the future, not just of women, but also of boys and girls in our community. It is certainly the way to make sure that younger women and girls get an opportunity to achieve their full potential.

Mr Speaker, I could speak for an hour on the approach that we have taken; but I promise not to, because it is a short question time. Things like health, education and ensuring that women have the same opportunities as men in our community have are the basis on which our budget and also our vision for Canberra are built.

**MR STANHOPE:** Mr Speaker, I have a supplementary question. The budget papers reveal that 17 of the Territory's departments, authorities and corporations predict static or declining staff costs over the next four years. For instance, at Canberra Hospital nearly 80 jobs are to go, 60 of which are held by women. Can the Chief Minister say how many other anticipated lost jobs are likely to be those of women?

**MS CARNELL:** Mr Speaker, do members want to ask how many people with black hair or maybe how many people who wear yellow dresses on Wednesdays will lose their jobs? As Mr Stanhope would be very well aware, the approach that we have taken in this budget is not to go down the path of an inputs-based budget. The approach that we have taken is to ensure that women in our work force - - -

**Mr Stanhope:** Take casual jobs?

**MR SPEAKER:** Order! The Chief Minister is trying to answer your question, Mr Stanhope.

**MS CARNELL:** That is a very interesting comment, Mr Speaker. The approach that we have taken with women in our work force is to have a very real EEO approach. Mr Speaker, on a percentage basis, we now have more women in senior management positions in our ACT Public Service than those opposite ever dreamt of. The number of women in senior management has significantly increased. What about women on boards and committees, Mr Speaker? Under this Government, over 40 per cent of people on our boards and committees are women. That is the highest level in Australia - something that I am very proud of.

Let us look at what has actually happened in the ACT Public Service. Under this Government, more women are in higher management jobs and in higher positions of influence. More women are on boards and committees than under any other government in this country. Average weekly earnings for women are rising at a quicker rate than for men in our community. Most importantly, Mr Speaker, when you look at this side of the house - and, last time I checked, I was a woman - it appears that those on the other side of the house have a little bit of work to do.

### **Motor Vehicle Registration Plates**

**MR KAINE:** Mr Speaker, my question is to the Minister for Urban Services. It refers to a question that I asked him yesterday and the answer that he gave. It had to do with a poll in connection with the slogan "Feel the Power of Canberra". Minister, in your response you said:

The survey apparently goes on to say that the majority of Canberrans did think that people outside Canberra would see it as an inducement to visit -

presumably, to visit Canberra. Later on, you said that the majority of people thought that it would be effective outside Canberra. Mr Speaker, the Minister suggested that I get hold of a copy of the survey. In fact, I already had a copy. In connection with those statements from the Minister, I quote from the poll. In connection with the specific question, "Do you believe that the 'Feel the Power of Canberra' slogan gives people a positive impression of Canberra?", 84 per cent answered, "No". In connection with the question, "Do you believe the 'Feel the Power of Canberra' slogan is likely to make people living outside of Canberra feel angry towards Canberra?", 81 per cent answered, "Yes". More specifically, Mr Speaker, people were asked whether they agreed with the following statement: "The feel the power of Canberra Campaign will probably help the Canberra tourism industry". This relates directly to the Minister's answer. Eighty-three per cent disagreed. Minister, when you made that statement, were you deliberately attempting to put a favourable spin on some very unfavourable results by misquoting the report, or were you setting yourself up for a reputation of having a very bad memory?



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**MR SMYTH:** Mr Speaker, I thank the member for his question. I welcome our visitors from New Zealand. I guess that you would have some of the same problems with regional attitudes to Wellington as your capital. As I said, I had been told that that was in the report. I do not have a copy of the report with me; but I am certainly - - -

**Mr Kaine:** You should have had it when you answered the question, because you were wrong.

**MR SMYTH:** No, I am not wrong, because, speaking specifically in regard to the entire survey and the use of the “Feel the Power” slogan, that is clearly the responsibility of the Chief Minister. But what you did was ask in relation to the use of the “Feel the Power” slogan in regard to the numberplates, and I answered in relation to the numberplates.

**MR KAINE:** Mr Speaker, I have a supplementary question. First of all, my question focused on numberplates; but it opened with a broader preamble, and that is the question that the Minister answered, and he was dead wrong. The Minister does not seem to be very accurate in his comments, because in his response he also said - and I am quoting from the *Hansard*:

As I think Disraeli first said and Mark Twain paraphrased, there are lies, damned lies and statistics.

He was quite wrong. It was actually Mark Twain that said it first, and Disraeli was paraphrasing him - - -

**MR SPEAKER:** Order! Ask a supplementary question without preamble.

**MR KAINE:** What he actually said was, “There are three kinds of lies - - -

**Mr Moore:** On a point of order, Mr Speaker: Mr Kaine has been in this house since self-government. A preamble to a supplementary question - - -

**MR SPEAKER:** Sit down.

**MR KAINE:** What was said, Mr Speaker, actually was, “There are three kinds of lies - lies, damned lies and statistics”. I ask the Minister: Which category are we dealing with here?

**MR SMYTH:** Mr Speaker, the origin of that quote, who first used it, is often the subject of debate. This issue was raised last year in relation to something that one of the Ministers I was working for at the time wanted to use in the house. We actually had the Parliamentary Library do some research, and they did suggest to us that it is Disraeli who actually gets the credit for coining that short phrase. So, in that regard, one of us has got it wrong, and I am happy to dig out my advice from the Parliamentary Library.

**Mr Kaine:** I have had a look at the Parliamentary Library. Have you?

**MR SPEAKER:** Order!

**MR SMYTH:** I say to our colleagues from New Zealand: You can see that there is a lot of passion about the “Feel the Power of Canberra” slogan. On this side of the house, we wear it with pride, because we understand that “Feel the Power of Canberra” is an encompassing slogan that takes in things like the cultural power of Canberra and the spiritual power of Canberra - - -

**Mr Kaine:** Will you answer my question, Minister?

**Mr Corbell:** On a point of order, Mr Speaker: The standing orders require the Minister to speak to and address the Chair rather than the gallery.

**MR SPEAKER:** I uphold the point of order.

**MR SMYTH:** Mr Speaker, through you, I say to our visitors: The issue concerning “Feel the Power of Canberra” is about really being in touch with what goes on in this place as a city - - -

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

**MR SPEAKER:** Order! The house will come to order; otherwise, somebody in the chamber will be feeling the power of the Chair.

**Mr Kaine:** I take a point of order, Mr Speaker. It was not the visitors who asked the question - - -

**MR SPEAKER:** No, indeed it was not.

**Mr Kaine:** It was me.

### **Rural Residential Development**

**MR CORBELL:** Mr Speaker, my question is to the Chief Minister. It relates to her answers to a question from Mr Berry on Tuesday - I am sure that Mr Rugendyke is looking forward to this - about the failed Hall rural residential affair. Chief Minister, you gave two answers on Tuesday when asked why the deal fell through. Firstly, you reaffirmed your earlier assertion that the status of the leases was central to the agreement and was therefore central to the deal’s failure, and that it was Mr Whitcombe, apparently in a phone call, who pulled out. Then, in response to the supplementary question from Mr Berry, you claimed:

No, Mr Speaker; it failed because those opposite would not let it go ahead. Those opposite put the mocker on what was going to be a good program for Canberra.

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Chief Minister, it appears that you might have been confused, which is understandable, considering the absolute mess this whole affair has become. Perhaps the Chief Minister has had time to consider her responses and will let us know which of the two stories she wants to stick to. Was it the status of the leases; if so, how is this reflected in either the preliminary agreement or the deed of termination; and when did Mr Whitcombe pull out? Or is it story No. 2 - that it was not until the Opposition showed this agreement for the inadequate, shonky, half-baked deal that it was and quite sensibly “put the mocker on it”?

**MR SPEAKER:** Order! Withdraw “shonky”. It is unparliamentary.

**MR CORBELL:** I withdraw “shonky” and replace it with “shady”.

**MR SPEAKER:** I will check that.

**MS CARNELL:** Mr Speaker, Mr Whitcombe did pull out of the deal. I think that is on the record in this place. That was followed by a deed of termination. I have to say, Mr Speaker, that those opposite do wear a huge amount of the responsibility for Mr Whitcombe pulling out of the deal.

**MR CORBELL:** Mr Speaker, I have a supplementary question. Chief Minister, can you explain why, if the status of the Bolton leases was so central to the agreement, legal advice was sought only after it was requested by me in the public briefing to the Urban Services Standing Committee? Why did your department ask PALM to explain what leases the Boltons held, evidence of this and a view on the Boltons’ understanding of the leases only on the afternoon immediately after the Urban Services Committee briefing? Also, Chief Minister, as you have insisted that it was Mr Whitcombe who called the deal off, can you please explain the minutes of a meeting of the project control group, which state that a Government representative on the control group indicates that the venture should not proceed because there is only one lease and not three, and that Mr Whitcombe disagrees and indicates that he believes that it is still viable to proceed? Chief Minister, now that there are three versions of the events, will you inform the Assembly who pulled out of the deal, when, and why?

**MS CARNELL:** I have answered that question so many times in this place. Mr Whitcombe pulled out of the deal - - -

**Mr Corbell:** What about these minutes? These minutes show that it was the Government that pulled out.

**MR SPEAKER:** Order! The Chief Minister is answering the question.

**MS CARNELL:** Mr Speaker, Mr Whitcombe pulled out of the deal. The preliminary control group meeting on, I think, the Friday before, but certainly do not quote me as to the minute of the day, when it became evident that there was only one lease, indicated to Mr Whitcombe, I understand - I was not there - that they did not believe that the deal should go ahead under the circumstances. A few days later, Mr Whitcombe decided

to pull out of the deal, by phone. That is exactly the same series of events as we have put on the table before. That was finally put in place with a termination of the preliminary agreement. Mr Speaker, I wonder how often you can answer the same question in this place put marginally differently.

**Mr Corbell:** Until you answer it openly and honestly.

**MR SPEAKER:** Order!

**MS CARNELL:** Mr Speaker, I ask Mr Corbell to withdraw any implication that there was any lack of honesty in any answer that I have given.

**MR SPEAKER:** Please withdraw, Mr Corbell, if there was any inference - - -

**Mr Corbell:** I withdraw, Mr Speaker.

**MS CARNELL:** Thank you very much. Mr Speaker, with regard to the preliminary agreement that was entered into, as I have said on many occasions, the reason we entered into a preliminary agreement with Mr Whitcombe was to work through all of the issues - planning, environmental and legal issues - all the things that needed to be sorted out before a joint venture - - -

**Mr Corbell:** One lease, not three. Who pulled out, and when?

**MR SPEAKER:** Order! You have asked your question, Mr Corbell, and a supplementary question.

**Mr Corbell:** And I am not getting an answer, Mr Speaker.

**MR SPEAKER:** That is not my problem.

**Mr Corbell:** It is certainly mine.

**MR SPEAKER:** The Chief Minister is giving you a reply.

**MS CARNELL:** Mr Speaker, Mr Corbell asked two questions, as I understand it. He asked about the legal advice and he asked about the termination of the agreement. The answers I have just given relate to the termination of the agreement and the legal advice - exactly the questions Mr Corbell asked, Mr Speaker.

We entered into the preliminary agreement, rather than entering into a joint venture right up front, in order to determine such things as the legal status of leases, the legal advice and so on. All that was done. It turned out, Mr Speaker, that Mr Whitcombe was not bringing the three leases that he initially thought he was. At that stage, Mr Whitcombe pulled out of the agreement, and a termination to the preliminary agreement was put in place. The \$150,000 - actually, it was not \$150,000 but, I think, \$110,000 - or whatever it ended up being, represents work that will be used, as we plan to go ahead. The money that was spent is money that will be very useful to the Government, as we plan to go ahead with rural residential development.

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Mr Speaker, maybe we should start calling Mr Corbell “Simple Simon”, because it seems that he wants a simple answer to a very complex question.

**Mr Corbell:** On a point of order, Mr Speaker: I invite - - -

**MR SPEAKER:** Would you like that withdrawn?

**Mr Corbell:** Yes, I would like that withdrawn, Mr Speaker.

**MR SPEAKER:** Would you mind, Chief Minister.

**MS CARNELL:** I withdraw, Mr Speaker.

### **Milk Marketing**

**MR OSBORNE:** I, too, welcome the delegation from New Zealand. I always find it interesting that we get delegations from New Zealand here in the rugby union season; but they do not seem to come out during the cricket season. I do not know why that is.

Mr Speaker, my question is to the Chief Minister. Mrs Carnell, as you will recall, I asked you this morning to approach Woolworths and National Foods about some sort of compromise with Capitol Chilled Foods over milk distribution. Could you tell me whether you made any progress and whether you were able to get the two parties talking together.

**MS CARNELL:** Mr Speaker, the one thing that, I believe, Mr Osborne and, certainly, the Government are concerned about in this case is Canberra jobs. The real problem we have in this situation is that this is a commercial deal between a number of companies. Woolworths is involved, National Foods is involved and certainly Capitol Chilled Foods is involved. I have to say that, under normal circumstances, in no way would I get involved in what is a commercial deal between various companies. I am sure that Mr Osborne shares this view. In this situation, as there are jobs at stake, I made those phone calls. We have spent quite a lot of time on it, as Mr Osborne knows. At Mr Osborne’s request, I contacted the parties - Woolworths, Capitol Chilled Foods and National Foods - and I am very hopeful that the parties are now at least talking.

Mr Speaker, I particularly wanted to get the parties talking about why Capitol Chilled Foods had initially refused to process the Woolworths milk at a market rate. I understand that that offer was there initially, and, shall we say, the negotiations did not go terribly far. Mr Speaker, I do not want to raise anybody’s expectations here; but I repeat that this sort of matter is not very easy for governments to fix; that is, commercial negotiations between particular parties.

I think it is also important to know that this really is not, as it appears, an issue about Woolworths or National Foods bringing milk into the ACT. This is a turf war between rival co-ops in New South Wales. But our job here is to protect Canberra jobs. I have to say that that is the approach that Mr Osborne has taken and it is the approach that the Government has taken. The only jobs that those opposite seem to want to protect are the jobs of the lawyers, who will end up making all the money if this thing ends up in court. Let us see whether we can keep it out of court and let us see whether we can keep Canberra jobs.

### **Tourism Promotion**

**MR HIRD:** Chief Minister, I notice that those opposite are silent when we are trying to resolve this very serious problem.

**MR SPEAKER:** Ask your question, Mr Hird.

**MR HIRD:** Yes, Mr Speaker. My question is on jobs, of course. It is directed to the Chief Minister in her capacity as Minister for tourism. I refer to Tuesday's budget announcement that the Government has agreed to commit an extra \$6m over the next three years for increased tourism promotion, which will provide a fantastic boost to the tourist industry within Canberra and the region. Can the Chief Minister advise the parliament why the Government has taken this decision and how this new funding will be used to promote Canberra and, more importantly, the region - we sit in the centre of a region of 300,000 people - which "Charlie Chuckles" Berry over there would have done nothing about?

**MS CARNELL:** I thank Mr Hird for the question. Mr Speaker, this Government is determined to put Canberra on the map as a tourism, education, sporting, business and investment destination - something that those opposite probably would not know about. Tourism is certainly one of our major growth industries. We have about 10,000 full- and part-time jobs here in Canberra supported by tourism, and each year visitors to Canberra spend about \$300m. It is a lot of money, and it makes it a very important industry. It is estimated that, for every 117 visitors to Canberra, one new job is created. And do you know what, Mr Stanhope? Some of those are for women. So, putting money into tourism actually creates jobs for women.

Mr Speaker, when I said during the last election campaign that we needed to dramatically boost our tourism promotion and marketing dollar, there was no shortage of critics. It will not surprise you, Mr Speaker, that leading the charge of the critics was, as you guessed, the Labor Party. So, I wonder what the Opposition will say about this budget, which provides the single biggest expansion of tourism marketing since self-government.

Over the next three years, an extra \$6m, including \$1.5m this year alone, will be injected into the Canberra Tourism and Events Corporation. The funds will be used both nationally and internationally to market Canberra as a tourism destination. CTEC will work with Project 2000 to maximise the benefits of the Olympics to our city.

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On top of this, Mr Speaker, we have established the first convention loans assistance scheme, to provide loans to organisations bidding for conventions in the national capital. All of this demonstrates the importance that we place on tourism as an integral part of the future of this city.

It also highlights an interesting difference in this Assembly. Mr Speaker, it seems that, when it comes to budgets, we have a significantly different approach from those opposite. On the one hand, this Government has made tourism promotion a priority, and we have put our money where our mouth is; that is, we have managed to put \$6m into tourism over the next three years, with \$1.5m this year. Mr Speaker, at the same time we are reducing the operating loss. So, the operating loss is going down and more money is going into tourism.

What did Mr Corbell, Labor's tourism spokesperson, say during the election campaign, as reported in the *Canberra Times*? He said that a Labor government would pour an extra \$1m into tourism, even if it meant going further into the red.

**Mr Corbell:** I did not say that.

**MS CARNELL:** Is the *Canberra Times* lying, Mr Corbell? It was actually in the *Canberra Times*. Here it is.

**Mr Corbell:** I do not know what the *Canberra Times* said; but I did not say that.

**MS CARNELL:** Mr Speaker, he actually went on to say, "If that means that, instead of having a deficit of \$150m, we have a deficit of \$151m, that is how we will fund it".

**Mr Corbell:** Yes, I said that. I did not say the first bit.

**MS CARNELL:** Mr Speaker, he said, "Yes, we will spend money on tourism, and we will just add it to the bottom line. If it is not \$150m, it will be \$151m, and that is how we will fund it". Mr Speaker, that is a typical approach from Labor. It is how Labor managed the operating loss in the ACT in the past, and it is how the Labor Party would have managed the operating loss in the future. Mr Speaker, it will be very interesting to hear what Mr Stanhope has to say, and whether it is really just about spending money you do not have.

**MR SPEAKER:** It being 3.00 pm, pursuant to the resolution of the Assembly of 23 June 1998, question time is interrupted.

#### **AUTHORITY TO BROADCAST PROCEEDINGS**

**MR SPEAKER:** I remind members that, pursuant to the authorisation for broadcasting given on 23 June 1998, the proceedings during the consideration of the Appropriation Bill 1998-99 will be broadcast.

## APPROPRIATION BILL 1998-99

Debate resumed from 23 June 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR STANHOPE** (Leader of the Opposition) (3.00): Mr Speaker, with her customary modesty and glibness, the Chief Minister has described the vision of her budget as “clever and caring”. It certainly is clever in political terms, and it shows that Mrs Carnell cares very deeply about something - about her political career. But its cleverness is very short-sighted. It suffers from two fundamental and fatal deficiencies. First, it is built on foundations of fairy floss. According to the Chief Minister, the ACT is suddenly going to start performing like an Asian tiger economy of the 1980s. Quite simply, the growth predictions underpinning this budget are fantasy. They are nothing more than a cruel hoax perpetrated on the people of the Territory to shore up the Chief Minister’s credibility.

These fanciful growth assumptions have little to do with the reality of the Territory economy or the economic cycles. Rather, this budget seeks to synchronise the political cycles to suit John Howard and Mrs Carnell. These optimistic growth projections are designed to buy time for the Government. The Chief Minister, belatedly, has understood that, instead of feeling the power, Canberrans have been feeling the pain. They have been feeling the pain of a concerted assault, based on a narrow ideological agenda, by the Liberal Party. Like Banquo’s ghost, John Howard is not present in this chamber today; but this budget bears his indelible fingerprints.

It is all very well to say that this budget could have been worse; that, having softened up the media with leaks about a horror budget, Mrs Carnell should be applauded for inflicting only a little bit more misery on our community. But that ignores the scorched-earth policy of the last two Federal budgets. The Liberals’ fiscal policy has been the political equivalent of the neutron bomb: It destroys all life and commerce and leaves the empty buildings standing. So, excuse us on this side of the chamber for not thinking that we have never had it so good, because this budget merely finetunes the damage already inflicted.

Second, Mr Speaker, this budget is a “caring” budget only in the way that passengers left stranded on the *Titanic* were not charged for their last drinks. This budget marks a pause, a period of political consolidation, for the Liberals prior to a new assault on the Federal Public Service by Howard and Costello. That is the deceit lurking behind all the exaggerated growth numbers and the phoney reassurances from Mrs Carnell. She is in on the joke with her Liberal mates: Clear the decks for a Federal election by kidding everyone that the worst is over and that prosperity is just around the corner. As usual, Mrs Carnell is having a bet each way. If she actually believes these growth numbers, she must be going to finally do what anyone in her position with a conscience would do, and what we are all going to do: Vote for a Federal Labor government.



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That is the simple truth of it. The only way Canberra will achieve the economic performance in the outyears hinted at in this budget is if the Howard Government, with its miserable anti-Canberra agenda, is removed without delay. Chief Minister, if you believe your own blarney, you must be voting Labor in the coming election, like everyone else in Canberra.

But the rubbery figures for the outyears are not the worst of the tricks in this budget. We are supposed to breathe with a sigh of relief, "At least the rates did not go up". Mr Speaker, there is probably a very good reason for that. It is called "the GST". Like all good Liberals, the Chief Minister supports the GST; so, she had to factor it into her planning. Had she increased the rates this year, she knew that, when Howard's GST hit next year, she would have had a mutiny on her hands. So, she will wait and let the Federal Liberals take the heat on that, and she will flog off ACTEW to fill the gaps. That is the plan. That is the grand vision. Canberrans who think that this budget has a sting in the tail need to reflect on this. This was a dry run for the GST, with the Government nudging up basic fees such as car registration to fund policy. Make no mistake: The other reason the Chief Minister has run dead in this budget is that she wanted to leave room for the GST, of which she is an enthusiastic supporter. This exposes the core deceit, not merely of this budget, but of the entire political approach of the Chief Minister.

The Liberals have been, and will continue to be, a disaster for Canberra. But Mrs Carnell, the handmaiden of Howardism, breezes along as though none of this has anything to do with her. But it has everything to do with her, as this budget shows. This budget is a small, but symbolic, piece of the broad re-election strategy of the Howard Government. The handmaiden of Howardism has pursued a softly, softly budget and offered false hope for the future, to lull the public sector nationwide into thinking the bitter pill has been swallowed and everything is rosy from now on.

Chief Minister, there is a simple test to see whether you are fair dinkum about this, and it is not in your glossy budget documents. If you are serious, I challenge you to break ranks with John Howard - not on some social issue, but on the bread-and-butter issues that determine the living standards of every family that lives in Canberra. Demand that John Howard drop the GST immediately, and oppose it in your capacity as Chief Minister. Stand up. Show some leadership. You are a senior member of your party. Demand that John Howard drop the GST. Oppose it as Chief Minister of the ACT.

Mr Speaker, in broad terms, this budget is inspired by the same narrow superstitions that motivated its parent, the Costello budget. It incorporates the same mean-spirited assumptions that are the current intellectual currency of Australia's conservative parties; namely, that, if we magically and radically reduce the role of government, then all will somehow be well. The corollary to that core belief is that government spending is inherently wasteful and that those who perform public work are not engaged in real labour. It is a destructive view that is reaching the end of its shelf life, as the people of Queensland reminded us two weeks ago. It is a view that thinks we are a corporation, not a living, breathing community. It is a mind-set that knows the price of everything, but the value of nothing; that cons people with phoney and simplistic analogies about the corner shop budget.

The core antagonism of the contemporary Liberal Party and the media to the concept of a significant role for government is nothing but an ideological fetish. It is a bad and short-sighted public policy in a mixed economy such as Australia's. But in a small economy like ours in the Territory, which is the engine room of the public component of our national economy, it is a recipe for disaster.

I am not going to play the Chief Minister's game and focus exclusively on the operating loss. She will have to read the *Canberra Times* for the predictable applause about her financial genius. What you do not have to be a genius to appreciate is that our broad fiscal position is not a tribute to Mrs Carnell's talent so much as an indictment of John Howard's miserable ideological assault on this community. John Howard and Peter Costello claimed that there was a black hole in their budget. They replaced it with a black hole where Canberra used to be.

Mr Speaker, this is a budget that attacks the lower paid, the less advantaged and the most vulnerable in our community. This is not a caring budget - unless you care about the big end of town. This is a budget that delivers largely to one sector in our community - the business sector. This is a mean and sneaky budget. This is a budget that puts up vehicle registration fees for the family station wagon. This is a budget that slugs some parents an extra \$22 a term for school bus fares. This is a budget that cuts preschool funding by half a million dollars and has the blind hide to argue that preschools are not part of the education sector. This is a budget that will cost some home owners another \$100 a year in insurance payments. It is a budget that slugs Housing Trust tenants.

This is a budget that denies the Chief Minister's election commitment to "make a real and measurable difference" to the status of women by the year 2000. There is nothing but further hardship and financial pain for women in the ACT in this budget. Job cuts in the education sector, at the Canberra Hospital and in other agencies; rent increases; the lack of any budget support for the introduction of the SACS award; and the threat of an omnipresent GST, supported by Mrs Carnell, will all impact heavily on women at home and in the workplace. Mrs Carnell admits in her budget that periods of downturn in the economy will see greater levels of unemployment for part-time and casual employees. Despite Mrs Carnell's flippant answer in question time, gender studies show that these positions are predominantly filled by women; in particular, by working mothers who supplement their limited incomes by working a few hours a week to pay for those little extras. Slyly hidden away in the back of the Canberra Hospital's statement of intent, we find reference to "movement" of 76.7 jobs by the end of 1999. "Movement" is what it is now. "Movement" is a euphemism for "job losses". Close to 60 of these cuts are cuts to jobs currently held by women. The Government's predisposition for wiping out the part-time and casual work force will have far-reaching ramifications for working mothers in the ACT.

The introduction of the SACS award will see the closure of some community and welfare organisations, unless the Government assists these agencies with funding commitments under the new award. Once again, these cuts will affect part-time and casual employees. Yet the Government shows no compassion for the impact of these closures on female employees and little regard for women currently being assisted under these programs.

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There can be no disputing the fact that this Government is making a real and measurable difference to the status of women in the ACT. The biggest problem is that the measuring stick is the unemployment queue.

Mr Speaker, there is an overriding reason, in purely economic terms, why this is not a clever budget. It is not clever, because it is based on unrealistic forecasts and because the Chief Minister's explanations are simply not credible. This budget's entire economic rationale revolves around a forecast that the ACT economy will outperform the national economy, the average of OECD economies, the United States and German economies and the world. This budget reveals, as the Chief Minister suggests in her explanation of why we can expect world's best performance, that we are indeed coming off a low base - coming off a base born in a recession generated by the Chief Minister's Federal Liberal colleagues. In 1996-97, the ACT realised an economic growth rate of 0.6 per cent. The figure for 1997-98 is forecast at 1.4 per cent - a creditable improvement. But the forecast for 1998-99 of 3.2 per cent is optimistic in the extreme, as is the suggestion that a 3.6 per cent average will be sustained for the ensuing three years.

Mr Speaker, the ACT economy has historically been dominated, naturally, by the public sector. No-one denies that the private sector in this town has done well recently. The budget papers reveal that fact. Private sector growth is running at more than 6 per cent and, as such, is outstripping other Australian jurisdictions. But that figure is coming off a very low base. It is simply not sustainable. Without that strong private sector growth - even given that, in the face of an election campaign, the Federal Liberal Government might put an end to its sustained attack on Canberra, even given the prospect that the Federal Liberals might be thrown out and a Labor government restored to the national capital - the Carnell Government's growth forecasts are simply not sustainable.

The budget papers themselves put the lie to the Chief Minister's credibility. Far from Mrs Carnell's claim that Canberra no longer has to rely on the public sector for its economic wellbeing, the papers reveal that, despite the strong private sector growth, it is nevertheless still outstripped, in expenditure terms, by the public sector. Yet it is private sector economic growth that underpins another key to this budget - revenue growth. Mr Speaker, this budget sees revenue growth this year of \$43m in taxes, fines and user charges. While the application of some of those increased charges is questionable, the outcome does appear achievable.

But the budget also forecasts continued growth in revenue in the forward years - \$182m over the next three years, or an average of something like \$60m in each of those years. That money has to come from somewhere, Mr Speaker, if the budget's forecasts are to be met. It could come from increased economic activity, and this amount of money has to come from substantially increased and sustained economic activity, based on private sector growth. But we have already put the argument that those levels of growth are not sustainable. It is simply not realistic to expect this small, narrowly based economy to continue to outperform the nation and the world. The ACT's revenue base could increase with additional Commonwealth funds, of course. In fact, the budget papers reveal an expectation that some increase will indeed occur. But it is simply unrealistic to expect that Commonwealth funding will increase by \$60m a year. The question that remains to be asked then is: Where will the money come from? Where will Canberrans be slugged next year?

This is a budget that tries to be clever, but outsmarts itself. This is a budget that develops a logic based on unsustainable forecasts. This is a budget that will collapse when the forecasts cannot be met. Therein, Mr Speaker, lies the threat in this budget - the threat that so pointedly denies the Chief Minister's claim that it is a clever document. The threat lies in the outyears. The threat in this budget is in the inevitable impact on the Canberra community that will flow from the failure to meet budget forecasts. When the forecasts fail, the slugs on the Canberra community will inevitably become harder. They will inevitably fall again on those sectors of the community least able to bear the cost.

But the budget papers reveal other worrying aspects about the outyears. In recent weeks, of course, in the run-up to the budget, the Chief Minister has been at some pains to distance herself from the cuts her Government agencies will be forced to make. Indeed, this budget trumpets the disbandment of the central redundancy pool. Instead, agencies will have to fund any redundancies that might become necessary. The Chief Minister, of course, has been somewhat uncertain about what impacts there will be on the ACT Public Service. During the election campaign, the reason proffered by the Chief Minister for the disbandment of the central redundancy pool was that restructuring in the ACT Public Service was finished; that it was over.

But there are more worrying indications elsewhere in the budget papers. The forward estimates reveal that, of the ACT's 34 departments, authorities and corporations, around half forecast static or declining employee expenses - staff costs - between now and the year 2001. "Static or declining employee expenses" is another euphemism for "lost jobs". The Chief Minister has said that she expects the bulk of that growth to come from the private sector. Mr Speaker, it will have to, because it is not going to come from a contracting ACT Public Service. And the fact of that is, of course, another connection between the Carnell Liberals and John Howard's Liberals. There is no difference. One form of Liberal government is the same as another. And in that fact lies the serious threat to Canberra.

Mr Speaker, if there is one reason why this budget might aptly be described as clever and caring, it is in the initiatives it has stolen from this side of the chamber. The Opposition is quite willing to give credit to the Government's cleverness in recognising good policy. There are, of course, several examples. Labor promised to establish an industrial supplies office, for instance. Labor promised a convention loan scheme. Labor committed to \$1m worth of expenditure on tourism. The budget gives back to pensioners access to the dental scheme, established by a Federal Labor government and cut by John Howard. That was a Labor commitment, as was the reinstatement of the free spectacle scheme. Labor promised to spend \$1m on mental health; the budget delivers \$1.1m, plus some capital works. It delivers \$75,000 to the Health Complaints Unit, despite no election commitments from the Liberals; the commitment came from Labor. These examples are by no means exclusive. There has to be some substance in the Territory budget. Where there is substance in this budget, where there is evidence of a clever and caring concern for the people of Canberra, it is drawn from the policy stance of this side of the chamber.

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Mr Speaker, this budget is another brick in the wall in terms of the Liberal Party's ideological experiment with the size and legitimacy of government. The ideological fetish of reducing government spending and slashing public sector employment is not merely a philosophical game in a community such as ours; it is a threat to our survival. The slick one-liners about surpluses ignore one vital point: Peter Costello's and John Howard's surplus is underwritten by a million little deficits in the lives of ordinary Australians.

The Prime Minister of this nation, the leader of the party that sits opposite, said several months ago that he could understand the emotions of regional Australians who were flocking to Pauline Hanson. But, in respect of this community, this national capital - once a proud, cohesive community - he has an enormous blind spot. Through a conscious and deliberate act of policy, he delivered a crippling blow to this community. Unlike angry citizens who blame nameless, invisible global forces for the hardship and uncertainty in their lives, the people of Canberra need look no further than the house on Capital Hill to see the author of their misfortune. They have been kicked and spurned by their own Government, while its local branch office has engaged in synthetic outrage and silly tinkering with names and slogans - "Kate Carnell's Liberals", "the Canberra Liberals", "Feel the Power of Canberra". If only any of it were true. If only there were two bob's worth of difference between Howard and Carnell, then maybe we could feel the power. Chief Minister, more people are feeling pain than are feeling power.

**MR QUINLAN (3.20):** Mr Speaker, as Mr Stanhope has clearly stated, this budget represents an attack on those in our community who can least afford it and who are least able to defend themselves against it. This is a budget which is replete with skewed priorities and broken promises, and it slugs the very people the Government should be there to protect. Make no mistake, Mr Speaker: The real story of this budget is not the very optimistic growth figures, or the growth in the private sector. The real story of this budget lies in the slug on Housing Trust tenants, on families, on the difficulties that the Community Care providers and their clients and primary carers will now face, and the public servants who will lose their jobs - all the people who will find it difficult to live and to make ends meet.

Mr Speaker, if you were a middle-level ACT public servant earning around \$35,000 per year you would probably have a standard size family of two kids, maybe three, who would go to school or to preschool. You would, because of your family, need to drive at least a family sized motor vehicle, perhaps larger. You would probably have insurance premiums to pay. Your kids may catch the bus to school and back. In fact, if you drive them one way and get them to catch the bus the other way, the Government has you coming and going. Your living expenses generally would be high and would leave you with little discretionary income, little left to spend, particularly if you were a one-income family. This is not an unusual scenario, Mr Speaker. In fact, such a person could be described as fairly common, the Canberra battler.

The real story of this budget will mean that this family, the battlers, will pay more to live under this budget. The real story is that this family will pay \$24 more on their rego for a standard sedan, or up to \$124 extra for a station wagon. If they have a standard home building contents policy it will cost them some \$100 more because the Government has decided to slug those who do the prudent thing and have an insurance policy. When their kids catch the bus to school, a term ticket will cost them up to \$22 more - an increase of 32 per cent. If these kids happen to live, say, in Charnwood, where we do not have a school, they are in real trouble, all because the Government no longer feels the need to provide a subsidised public bus service, let alone live up to the past election promise of free school buses. Heaven help this family if they live in public housing or if they require any support from the Community Care sector, which will now be stretched beyond breaking point.

This is the type of family which is the real story of this budget. It is the type of family that the Minister for Urban Services described as an anomaly. When that Minister described those people who would be adversely affected by the new registration fee regime as anomalies, the real distinction between our side of politics and his was never more apparent than at that moment. These anomalies, Mr Speaker, are real people - people who have not just been forgotten in this budget but have been trodden upon. These anomalies are people who will find life just that much harder to live in Canberra. These anomalies are the people who have to cut back and to scrimp on their children because the car they need costs more to register.

These anomalies are those people who will be unable to afford insurance policies because of the inequitable tax imposed by the Government. These anomalies are those people who have been slugged for the last three years by the Howard Government and are now getting slugged by our own local Government, by our Chief Minister, the person who congratulated John Howard on his surplus. But, never mind, Mr Speaker. These anomalies, these real people, these families, can comfort themselves in the knowledge that this Government has found \$500,000 more of their money to spend on the Feel the Power campaign, to tough out a campaign which is totally discredited. We are going to tough it through and we are going to spend money on it, whether people like it or not. I am sure that that will keep them warm at night. Mr Speaker, this budget makes life even more difficult for those who can bear no more. It is a budget that piles more hardship on those who have suffered consistently for nearly three years under the Howard Government, and there will be more to come.

Revenue, according to Government figures for the whole of the Territory, is expected to increase by \$182m by 2001-02. That money has to come from somewhere, Mr Speaker, and, with expected growth in Commonwealth grants of \$46m, that leaves \$136m left to come from somewhere. Where will that come from? Mr Speaker, according to the Government's budget forecasts, the money comes from increasing taxes, fees, fines and user charges. If wages and salaries do not enjoy the optimistic or very optimistic growth rates incorporated into the budget, and this Government has allowed no growth in public sector employee costs, then we are going backwards. If these figures are accurate, Mr Speaker, this budget will look tame in comparison to others that will follow.

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Much has been said in this place about the increase in the private sector. If we read the *Canberra Times* today we find that much of that has been a load of nonsense. When you take into consideration the fact that the largest slice of the increase in the private sector comes from a reduction in the public sector through outsourcing, we have gained very little, and these boastful claims that have been made about growth in the private sector are just so much hyperbole. In summary, Mr Speaker, this budget is little more than an attack on the most vulnerable in the community. I can only say to the Government that they had better remember, because I believe that the people of Canberra will remember.

**MR WOOD (3.27):** Mr Speaker, in this austere budget it is good to see some extra funding in a few areas of need, including dental health, mental health, aged care services and drug rehabilitation. Public dental health urgently needs an injection of funds. Waiting lists have been unacceptably long, causing great distress and pain to those who have no choice but to wait. It is no fun to struggle with ill-fitting dentures or to endure nagging tooth pain that does not count as urgent but is nevertheless debilitating. Similarly, recent incidents have highlighted current deficiencies in the community health services. Considerable funds have now been allocated for a new secure care facility and to improve community mental health services. That is further good news. One election promise is being kept with the start of a three-year program to construct 200 new aged persons units. During 1998-99 the first 40 units should be constructed, leaving 160 to be built during the following two years. Given the ageing of our population, these units are urgently needed. I understand that for most areas the present waiting time for an APU is about seven years. Like most waiting times, it needs to be reduced.

Since the end of April I have had a motion on the notice paper calling on the Government to report back to the Assembly on the means by which additional support services will be provided to ACT Housing tenants, both to care for the needs of specific tenants and to protect Government assets - the houses. In this budget \$50,000 has been allocated to assist people in need of financial advice; to help tenants manage and to reduce their debts. Many of the constituents who ring my office with housing problems have problems in managing their money. Without these problems being identified and addressed at an early stage, they are often facing eviction by the time they ring.

Recent changes have seen notices being sent more promptly to those in difficulty, but simply sending out letters is not the best way of maintaining rental payments. A more personal and direct approach is needed, and this is a small start. ACT Legal Aid and CARE are also trying to help in this area by publishing a fortnightly column in the *Chronicle* giving people advice on common financial problems and traps. Tenants with financial problems cost ACT Housing a lot of time and money, and give themselves much agony. The \$50,000 is only a start in dealing with this problem - it probably equates to one person - but future budgets can build on this start.

Now for the downside, and I will focus on just one sector, the sector which provides support to some of the neediest in our community. The Smith Family is calling this our cruellest ever winter. The local general manager says - and I quote from a newspaper report:

Demand for our service this winter has been higher than ever before and without assistance we face the sad prospect of not being able to help all the people who are coming to us.

I hear this story everywhere. According to the general manager, over 30 per cent of low-income families are not using heating because they cannot afford to pay for it. Yet this low-income group is the group that the Government has chosen to attack in the budget in several ways. The group that most needs help gets only a slug from this budget. The exception is the concessional motor vehicle registration fees.

Firstly, ACT Housing tenants will have their rents raised until all are paying 25 per cent of their income. In order to raise an extra \$2m, the Government will squeeze the group that is often genuinely financially vulnerable, and squeeze it until it is completely dry. I quote the general manager again:

For people already struggling with high rent costs, the added costs of warm clothes, blankets, heating and hearty meals needed during colder months can make winter a real time of crisis.

And now rent costs are set to become even higher. The Government seems to think it is a relatively small amount. Well, it is not small to those tenants, and remember that, while some places may be colder than Canberra, we have the largest population in Australia living in such cold winter conditions.

Secondly, the steep rise in registration fees for larger cars such as station wagons will also impact on this group. Older, heavier, larger cars are cheaper to buy - though not to run - than smaller, lighter, more modern cars. People who are struggling financially often drive these older, heavier cars and they will now be hit with a large increase in their registration fees, and that on top of the higher cost of leaded petrol. Of course, they can always apply to pay their fees in two smaller six-monthly instalments, but they have to be prepared to pay extra for that privilege. If the Government's intention is to encourage people through these punitive increases to upgrade to new, smaller, lighter cars, what about some financial assistance to help people do so? Big families and families on tight incomes will not be able to afford to upgrade without assistance. Life is just going to get harder for them.

Thirdly, the Government has not addressed the issue of about 300 organisations in the ACT community sector which employ between 1,500 and 2,000 employees. Approximately 1,000 to 1,500 employees will be affected by the implementation of the new SACS award. The organisations have asked the Government for additional funding so that they can meet their new obligations without having to cut services to those who need them. The alternative is to try to increase the load on their already overworked and underpaid staff, or to stop offering some services. This means job losses and a tougher life for those already in difficulty.

Employees in the community sector are not well paid. Neither they nor their clients, the people they care for, need this additional stress. This area is already underresourced and underfunded, but overstressed. I receive many calls from constituents who complain that their all too genuine needs are not being met because of the inability of the relevant



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organisation to deliver because of financial constraints. When I have rung the organisations concerned I have been told, "We would love to help. We can see their need, but we can help them only if we reduce the services we offer to others", or, "I am sorry; at present we are taking no new cases". In the end, needy people miss out on much needed services.

Now we hear from the Chief Minister that there is no new money; that we have reprioritised the money. Yesterday I carefully and deliberately phrased a question to ask whether new money would be provided to this sector. I am aware of the claims of the need to reduce the operating loss. I well remember the times in Labor Cabinets when we worked to bring down those costs, and, mind you, the times when the now Chief Minister and her party declined to support us. I know the financial imperatives, but my question still asked whether new money was to be provided to fund the SACS award. I know the financial imperatives, but my question still asked whether new money was there. The Government has to be careful about its expenditures, I know; but, if it wants to justify its claim to being a caring government, this is one area where new money should be found.

Yes, I know that in this budget there is some attention to mental health, and that is good; but the services provided under this award are those which give assistance to the intellectually and physically disabled, offering personal care, the most personal care. They facilitate recreation activity and education programs. They give respite to carers - those people, usually family members, who devote their own time to caring for the aged and infirm and who are often worn down by the constant attention. These services care for neglected people, for abandoned people, young and old, for those with mental health problems, and those with drug and alcohol problems. These services care for young people, often those having trouble accommodating to the adult world. These services are directed to those in our community who most need help. The workers who provide these services work in the most challenging circumstances. Notwithstanding the difficulties, they continue this task with a high level of dedication.

If there is an area which requires additional money, this is it. If there is one which did not need to be squeezed, this is it. Surely, when reprioritising, a government that is claiming to provide a caring city should look after its most vulnerable residents first. This Government has given them a good kick instead. There is to be no new money. The organisations in this field await the advice on the means by which the award will be funded - funded to allow services preferably to expand, or at least to continue at the same level, and funded also to provide wage justice to the workers.

**MS TUCKER** (3.39): I noticed that in the budget speech Mrs Carnell said that this was about responsible economic management. I think she said also that Mr Osborne had supported her in seeing that as an important goal for government. I want to put on the record that, of course, the Greens also want to see responsible economic management. As usual, though, while we say yes to responsible economic management, we have to challenge the Government's definition of what is responsible economic management.

We have to point out that, while accrual accounting brings in a broader view of our financial situation, it does not have a broad enough view yet. It does not take into account the quality of life factor, the equity factor, the environment factor, the social factor, and the wellbeing factor. It is dangerous, indeed, if we focus mainly on the budget bottom line because, just as when we did not have accrual accounting we accumulated unseen financial liabilities, we are at present accumulating other unseen liabilities.

When we look at the diagram on page 5 of the Budget Overview we see three circles intersecting, and they intersect to form a clever, caring capital. In these three circles there is no mention of the environment. I must say I find this pretty scandalous in 1998. We still are able to ignore the environment; yet we hear from the major parties that we do not need Greens in parliaments because we already all know about the environment. The word "sustainable" is in one of the circles, but only to preface the word "economy", and sustainable economy is not the same as ecological sustainability. I have to remind members of this place again, it appears, that as human beings we are fundamentally reliant on our natural environment. We cannot see it as a tack-on, an extra source that we look at later when we have the financial bottom line in order.

We see in the circles that services are cost effective. There is no mention of quality. We notice the word "contributing" before "community". I wonder whether this refers to people in the community service sector that Mr Wood was just talking about being asked to contribute more, to continually work for low wages. Does this refer to all the workers who are asked to tighten their belts in tough economic times to contribute more? I am afraid it does not go down too well in the community to ask for a greater contribution from them when the people asking have just accepted a 16 per cent pay increase.

When you look at this budget it becomes clear that some people are being asked to contribute more than others. The big end of town are the winners in this budget. It is a "robbing Peter to pay Paul" budget. There is provision of only 1.3 per cent per annum for public sector pay increases when the CPI increase is forecast at 2.5 per cent. These wage increases, if they are given, will have to be funded from productivity gains. How can those productivity gains be found? Probably through job losses. The pressure on the public sector wage earners is going to be even greater because of the executive pay rises. With the new human resource strategic plans, will these same executives be rewarded for making agencies more productive - that is, reducing staff members?

There is extra money for tourism and events marketing - \$6m. We cannot afford the SACS award, but we can afford money for tourism and business because it is an investment in the future; it is generating possible future benefit. Fine. I go along with that concept. But what you have to accept if you are going to use that as a premise for funding things is that it applies equally to the social and environmental areas. If you invest in our youth there are potential future benefits. If you invest in youth employment programs, of which there are a lot less in this budget, there are potential future benefits. If you invest in research and development to find new green technologies there is certainly a potential for future benefit.

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I wonder about the youth employment programs and the focus on them. It was certainly a big focus of the last budget. I am wondering whether that is because, with the Federal Government's work for the dole scheme, this Government feels there is going to be reduced pressure on them to find something for our young people to do. We are still waiting for the long awaited social and strategic plan which is increasingly necessary. It is clear in many areas that service delivery is not keeping pace with demand, and we do not have a good framework in which to make decisions. In this budget we also see moves to turn government more into business. We have another concept here, this comparative pricing in this budget, which is a very unsophisticated benchmarking exercise dreamt up by the bean counters.

Education was particularly interesting to look at this year, with rather underhand cuts to the budget. Apparently, now there is a difference between cutting funding to government schooling and cutting funding to the education budget. It looks like \$4m will have to be found to cover what were supposed to be new initiatives, literacy and the IT package, as well as debt reduction. The department has to contribute to reducing the ACT's operating loss, which is going to mean staffing cuts and loss of coordination. I believe it will create inefficiencies if we continue to cut the central office of Education.

It is interesting to look at the document that the Government put out recently entitled "Literacy Matters: Preschool-Year 10". On page 3 they say that part of this literacy program is the establishment of a literacy team within the School Programs Branch. The rationale for this team is this:

The establishment of a specific literacy team recognises the need to coordinate the many literacy programs that operate from different sections of the department.

The literacy team is a resource for schools. The team of primary and secondary teachers will work with schools and teachers to facilitate the development of literacy strategies and the implementation of the goals or targets that are articulated in individual school literacy plans.

Later on it says:

The team will support individual schools in the development of their literacy plans and, in particular, work with teachers ...

So this is all about supporting teachers and schools, in this case in the area of literacy. We used to think central department did that. That is what people thought the department did for all areas of schooling. But now it is all right if it is the focus of the Government's attention this year, otherwise we cut funding to that central department and the schools are left on their own. But that is called, "Devolution to the community schools". That is good. That lets the schools do the work. What has happened to the concept of support and coordination? It is all part of the school-based management project, of course, and it is also, I believe, about putting government at arm's length from individual schools. When they start to lose it, when the pressures are extreme, which will happen in some schools more than others, the Government will say, "They are not very good managers in that school. That is your problem. Go and sort it out".

I turn now to transport. I am also interested, of course, to see the vehicle registration increase for larger cars. It can be seen to be a move in the right direction for the implications for greenhouse gas reduction; but I would love to have seen something more proactive in actually assisting people to access alternative fuel, clean fuel like natural gas. I noticed that the Government is prepared to hypothecate particular rises in levies or income-generating measures of this budget to a particular area, as they did with the fire and ambulance services. Perhaps it would have been good, if they do not mind doing it, which they obviously do not, to have done that with the increase in revenue from the registration fees. It could have gone to the research and development fund they have asked Brendan Smyth to consider re-establishing after the loss of that fund with the loss of the gas levy.

Next is the public transport aspect of the budget. I have said before in this place that I am very supportive of most of the Graham report, but we have not supported the zone-based fare system. We have always said that time-based tickets were proven to be much more effective in other cities around the world in encouraging consumers or the citizens to use buses, and there certainly will still be people having to pay more than they should to use the bus system. It has been shown quite clearly that this Government right now is saying it wants to make ACTION pay its way. Cities where governments have gone wholeheartedly into supporting public transport with time-based tickets and really efficient, regular and reliable services have not had any problem in managing to run a public transport system and subsidise it a lot less than we have done here.

I have said before and I say again that I think the most mean-spirited part of this budget is to increase the rent for people in public housing. I am sure members are aware of the Smith Family's recent report on how impoverished many people are in public housing. Many of them cannot afford to pay for their heating, and cannot afford to pay for their food because of the impost on their income from the rent. This increase in this budget is something which I find extremely offensive, particularly coming as it does in the middle of winter. I know personally two people who cannot afford to heat their houses, cannot afford to use the electricity, because they know they will not be able to pay the bill.

In the area of health, it is interesting to see an increase in expenditure to reduce the dental waiting lists. I am pleased to see that and I hope it does make a difference. The election promise of a secure care facility for mental health and extra money for community-based facilities is good. From memory, I think it was another \$400,000, which should make some difference; although we still see, with mental health funding, as much as I have been able to work out, that it is still very much focused on the acute end. I understand that there are challenges there, but the community sector certainly has to be constantly supported. It has to be clear that if they are not adequately supported we cannot continue to support the rhetoric of the - - -

**Mr Moore:** It has put nearly half a million dollars into the community end.

**MS TUCKER:** Mr Moore says that half a million dollars has been put into the community sector. I acknowledge that, Mr Moore. Yes, I think that is about double. I have acknowledged that that is an increase. What I am saying is that it is really important that we ensure that we are meeting the need, because we are also seeing

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a much greater reliance on community-based care and it has not been working. There is a huge unmet need. I am happy to talk to Mr Moore about this later if he thinks this is necessarily going to meet the need.

There are extra dollars for health complaints, which I suppose is good; but on the other hand you wonder whether we need to be really excited to see the complaints going up that much. Maybe it just means that consumers are getting more aware of the complaints mechanisms, but you would also want to make sure it does not mean that more people have something to complain about. In Children's and Youth Services, I am really concerned to see the cut to the youth budget. As I have already said, that must be seen as an investment in our future. The potential benefits of investing in our youth are huge and are very important.

There are some good initiatives for the mature age unemployed. I am glad to see that because that obviously has been a focus of a number of people in the community for a while, although we seem to have lost some of the focus on young people instead, which is a problem. The expenditure for employment grants generally has been reduced, and I think this is going to impact on the on-the-ground community-based services to the unemployed. This program was already substantially cut in the 1995 budget.

In terms of the presentation of the budget, once again I will have to make a comment. Whenever will we get a budget where we can compare this year's figures with last year's? I asked Mr Lilley that and he said, "It will happen eventually; but we have a couple more years to look forward to it not being comparable, because each year we are going to be adding another aspect of operations into the charges for departments". It is quite difficult to ascertain, for example right now, when you just look at the figures. It is a different figure because now there is insurance, superannuation and so on in the departmental figures. No doubt there is a way around it and we will work it out; but it is difficult, particularly for people in the community. While people who are in this place can work with it, I think there are people in the community who are not happy with just the "budget at a glance" document. They want to really understand it, and I do say that it is still extremely difficult.

The Estimates Committee last year recommended that the 1998-99 budget provide that any material differences in the output classes between the budget and the current budget be documented, with an explanation of those differences. Once again the detail of the budget is very important, and it is going to take some time to digest the budget and its implications. There are a number of predictable smoke and mirrors tactics, and announcing money as new that was not spent last year - for example, the sobering-up shelter and the cycle paths.

**Mr Berry:** A quorum is required, Mr Temporary Deputy Speaker.

*A quorum not being present, and the bells being rung -*

**MR TEMPORARY DEPUTY SPEAKER (Mr Hird):** Order! I notice that the gentleman who called the quorum has left the chamber. Resume your seat, sir. You are in breach of standing orders. You have been in this chamber long enough to understand those.

**Mr Berry:** Thanks for the lecture, Mr Temporary Deputy Speaker.

*(Quorum formed)*

**MR MOORE** (Minister for Health and Community Care) (3.55): I think it is time to cut through the bull and get down to what this budget is on about, Mr Temporary Deputy Speaker. There is no doubt that this Government is about ensuring that we have a clever and caring capital. On many occasions I have stood up to make comments on the budget and on every one of those occasions, whether there has been a Labor government or a Liberal government, I have taken the opportunity to draw attention to the problems I saw in the budget and also to ensure that I gave credit where it was due. Indeed, Ms Tucker used that technique in her speech.

I think the difficulty here is that we have heard from the Leader of the Opposition basically a speech about the Federal election. It should have been focused on the budget that was brought before us. Why would he do that? Well, he had no choice. He had no choice because he knew that what we have here is a very effective budget, and a budget that Labor could never have brought down. They certainly could not have achieved anywhere near as effective a budget, considering the constraints that were put on us.

Speaking of the constraints, Mr Temporary Deputy Speaker, Labor would do very well to read an article by Mr Crispin Hull in the *Canberra Times* just prior to the budget in which he set out what the restrictions were on somebody who was trying to put together a budget in the ACT. We also could read in the *Canberra Times* a comment from Mr David Hughes, associate director of the Australian Centre for Regional and Local Government Studies at the University of Canberra, certainly until recently. He wrote:

If the Budget does attempt to reduce expenditure in some programs, the many critics who will step forward to voice their disapproval should have the decency to tell us how they would deal with the operating loss.

Is that what Labor did? No, not at all. Instead, they said you cannot raise revenue. Almost every revenue raising measure in this budget is absolutely critical. Indeed, the same group has been critical any time that I have ever suggested a revenue raising measure, but they do not want to have smaller government. There are a limited number of choices. If they go back to the *Canberra Times* and read Mr Hull's comments about what those limited number of choices are, that might be a starting point for getting them to understand what responsible fiscal management is about. If they had read that sort of thing some years ago we would not be looking at the sort of operating loss that we are dealing with at the moment, and we would not be dealing with the sort of debt that was delivered to us by a Labor government.

Mr Temporary Deputy Speaker, we are about a healthy, safe, diverse and contributing community, and in fact we set that out. Ms Tucker, who has now had her words and gone, drew attention to that; but maybe she will read this in *Hansard*, or maybe she is listening in her office. She drew attention to page 5 of Budget Paper No. 3 and said,

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“This is terrible. You have a clever, caring capital in the middle, but you have left out the environment”. No, Ms Tucker, we did not leave out the environment. The paper refers to a healthy, safe, diverse and contributing community. When you turn the page you see “outcomes” and “impact”. It says, “A Healthy, Safe, Diverse and Contributing Community”. What is a fundamental tenet of that? Of course, the environment.

Ms Tucker and I, over a number of years, have had this particular debate. Her global view is that the environment is the most important fundamental; everything fits into that. I have debated with her and said, “We actually come to a similar sort of conclusion on many issues; but, as far as I am concerned, I want a healthy society”. That is more than just about sickness care; it is about a society that is constructed with appropriate education levels, participation, work and life expectancy. All those things come into a healthy society. We set those out as measures of success on page 6 of that budget paper. If Ms Tucker had managed to turn over the page she would have seen that. If you want a healthy society, of course you have to have a sustainable environment, and that is a sensible, rational way to deal with it, and a much more effective way than that suggested by Ms Tucker. It is a slight difference of opinion, but I would not object when she says we need a good environment and that would include good health. The opposite is also true, and I must say that, to me, it is a much more rational way of looking at things.

In building the environment of a decent appropriate budget, we set out to ensure that we did have a clever, caring capital. The Chief Minister, in introducing the budget, began her speech in that way. I am the very fortunate one who takes a large part of the caring section of the budget, and that is because I have the responsibility for Health and Community Care. There are lots of other caring sections in the budget as well, and, of course, I get some of the clever parts as well. I am lucky. I had to work for them, but I finally got them.

What has happened in the community care budget for 1998 is that we have combined realistic and achievable financial targets with a modest range of reforms to achieve a more integrated, coordinated, accessible and responsive health system. The budget now continues the reform agenda of building up community and home-based services and support, both to achieve better patient and consumer outcomes and as a more cost-effective alternative to hospital services. Ms Tucker and others asked: Where are the expenditures that are not on the acute side of the budget? I am saying to them, and I will say it again and again, Mr Temporary Deputy Speaker, that what we are doing is moving to ensure that we provide appropriate services in the community when it is appropriate to provide those services in the community.

At the same time, this health budget that I am now talking about, in particular, contributed to a further development of a strong, sustainable, public health system, with a particular focus on emergency and tertiary services, and we will continue that. I, along with my colleagues here in the Government, am committed to developing a dynamic, sustainable economy, including measures to tackle the current operating deficit, and the health portfolio is not exempt from dealing with those measures.

My portfolio, like others, has to bear its share. However, even in the tough economic times that we are facing, even with the operating loss, even dealing with the problems that are left over from Labor's heritage, we are able to maintain levels of funding to health and community care as evidence of our contribution to a healthy, safe, diverse and contributing community, and as evidence of this Government's caring approach.

We have met our commitment to the Commonwealth under the new Australian health care agreement to maintain the ACT's own source funding to the health and hospital system. In fact, expenditure for 1998-99 will exceed expenditure in 1997-98, although there are a number of ins and outs, and this is one of the difficulties in dealing with a budget. As Ms Tucker says, "Why cannot we have a budget one year that you can compare with the previous year's?". The reason is that there will always be movement of moneys in and out. What we have done is explain where those movements have occurred. Budgets are not such simple things that you are ever going to be able to look and say, "Yes, we spent this last year. We spent that there. There are the figures. It is as simple as that". These are complicated issues and they have to be dealt with in a complicated way. For all that, the Government, as it has done previously, has provided a very clear-cut, understandable way of reading the budget in Budget Paper No. 2, to ensure that people who want just to get an overview are able to do that. If you want to go beyond the overview you have to be prepared to do a bit of the hack work.

In Health, we have to change the way we do things. We have to put greater focus on primary health care and ways to keep people healthy and out of our hospitals, because no change will simply mean escalating costs each year with this ongoing cycle of the hospital system absorbing more and more public funds. It is simply not sustainable in terms of ensuring that we get a healthier and healthier society.

We are delivering on a range of spending commitments that the Liberal Party made during the election campaign. I have been prepared to join with them and assist them to meet those election commitments. Unfortunately, I must say at this point, Mr Temporary Deputy Speaker, one of the disappointing things for me - I did not expect that I would be in government and would be helping to prepare a budget - is that I did not make any election commitments that I would be spending money. I realise what a silly mistake that was now, because there are no promises to keep. However, I did say that I would tackle the operating loss. That is something that I am very proud to be associated with, because I believe that those opposite would never have been able to tackle the operating loss. Indeed, Mr Corbell today reinforced that to fund the extra million dollars for tourism, as far as he was concerned, he would have just increased the operating loss. Mr Temporary Deputy Speaker, that is simply not good management, as indicated by the quote I made from David Hughes earlier.

There has been an increase of \$800,000 in funding for Home and Community Care Services to provide increased support and services for the frail aged, young people with disabilities and their carers, with a major focus on respite care and home support. There is \$500,000 for the dental health program. I appreciate that Mr Wood and Ms Tucker recognised that and saw that as positive. There is \$125,000 for an innovative asthma support service to screen children to reduce the effects of asthma among young Canberrans. This will assist in keeping people out of hospital and assist in ensuring that young people have treatment early enough, so that they will not get worse and worse.



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There is \$700,000 in recurrent funds for an extended care secure service for people with serious mental health problems, and another \$400,000 for community-based mental health services, including an expansion of community-based support places for people who would otherwise be placed in institutional settings. There is funding for a dual diagnosis program where patients exhibit mental health and substance abuse problems. This is not just about a clever government and a clever city; this is about a caring government and a caring city.

In the area of drug abuse, we will ensure that we fund the new trials being undertaken using buprenorphine and naltrexone to assist people in detoxification and to assist in helping their heroin addiction. Indeed, Mr Temporary Deputy Speaker, I will be speaking about that matter later on this afternoon. Another important initiative this year was the provision of a further \$350,000 to ACT Community Care, with a specific focus on increasing allied health services for people with chronic health conditions, particularly the aged. Another \$90,000 has been allocated to the ACT Division of General Practice for its HIV/AIDS primary care services and support program. That is another example - there is example after example - of a caring government. That is what we are here for. These are additional to the sort of care that has been contributed by many people working in a range of health and community care areas, particularly community care services, our public servants who work there and the non-government organisations that we fund and that deliver these services.

This year's budget includes full-year funding for the new Link program - a joint community-based discharge and support service developed in partnership between ACT Community Care and the Canberra Hospital. This is about a health system that is interested in holistic health. It is interested in partnerships. It is interested in ensuring that people work together to establish a caring capital and a caring government. To do it this way is clever. That is why it is, Mr Temporary Deputy Speaker, that I am proud to be part of a clever, caring capital. Many of these things are very difficult to achieve without the appropriate support, and some of that support is achieved in advanced information technology services. I am involved as well in my part of the clever thing that this Government has done in arranging expenditure of \$80m in information technology, so that we can ensure the best possible delivery of those services.

Mr Temporary Deputy Speaker, this is the best budget that has been delivered in this house since self-government. It comes from a clever government. It is a clever budget and it is a caring budget.

**Mr Berry:** Is that speaking as a Liberal or as an Independent?

**MR MOORE:** I say that as an Independent. It is the best budget because this budget does not do what every Labor budget did. That is how they can be dismissed so easily. Every single Labor budget delivered for future generations a major liability. This budget is the first budget that deliberately sets out to reduce the operating deficit. That, in itself, is a major contribution to society. It is part of a healthy, safe, diverse and contributing community. It is about a clever, caring capital.

**MR BERRY (4.10):** Mr Temporary Deputy Speaker, seeing that Mr Moore is so keen on referring to articles in the *Canberra Times*, he might refer to page 18 of the *Canberra Times*. It might have got Mrs Carnell's name wrong, but the sentiments are spot on. This is not a caring budget, and it has never been a caring budget. One of the things that interest me about Mr Moore's contribution to the debate is that he spent so many years sculpting his image as a person of principle; but, since he has been involved in the dash for cash, it seems as though we have seen the spawning of a fawning sycophant for the Liberals opposite.

**Mr Moore:** On a point of order, Mr Temporary Deputy Speaker: Language such as "skulking sycophant" is entirely inappropriate.

**MR BERRY:** Fawning sycophant, lickspittle - it is the same thing.

**Mr Humphries:** Mr Temporary Deputy Speaker, I really think we can conduct this debate without the kinds of denigrating phrases which Mr Berry is introducing. We have had the debate so far without those kinds of comments being made. Frankly, I do not think we need to have them made in this debate to contribute to resolving the question about the budget.

**MR TEMPORARY DEPUTY SPEAKER:** I uphold the point of order. Mr Berry, refrain from lowering the tenure of this chamber.

**MR BERRY:** Righto, Righto, Righto.

**Mr Moore:** On a point of order, Mr Temporary Deputy Speaker: The disrespect shown to the Chair by Mr Berry's reaction then was entirely inappropriate. It was just childish.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Berry, address your remarks to the Chair.

**MR BERRY:** Mr Temporary Deputy Speaker, the fact of the matter is that this is not a caring budget. For the well off, of course, it might well be considered to be an all-right budget, because they are the ones who are going to be able to afford to pay the extra insurance. Mr Moore, that will not bother you. They are the ones who are going to have to pay the extra charges on their registration. Mr Moore, that will not bother you. They are the ones who are going to have to pay the catch-up for the previous errors of the Liberals opposite. Let us not forget that this was the Government that refused to do anything about the dental waiting list and the spectacles scheme until Labor promised to do something about it. Now, other people in the community are going to have to pay the price for the catch-up, through their registration, their insurance and many other things.

While I am on the issue of your credibility, Mr Moore, let us not forget about education. I see that you have sculpted a new image which, these days, is more flexible in relation to education. You do not mind how the money is moved around in education. It is interesting that included in the education budget is an election promise which will impact on education as time passes. I wonder where you will stand on that. We will eagerly wait and see.

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The Chief Minister wants us to believe that this is a caring budget, to create the clever, caring capital; but who is being clever here and whom do we care about? As I said a moment ago, the less privileged have to pay higher Housing Trust rents. Their rents will go up to 25 per cent of their income and at the same time they will be hit by higher vehicle registration fees. Is that caring, Mr Moore, for ordinary working-class people? No, of course, it is not caring. For insurance costs, the increase will probably be \$100 a year. Is that caring, Mr Moore? Of course, it is not caring.

There will be no supplementation in the departments for pay rises for the Government's own work force. Is that caring, Mr Moore? No, it is not caring, because it will add to the unemployment rate in the ACT. The fact of the matter is that the Government has decided to ditch its central redundancy fund, to still require downsizing of the ACT Government's work force and to use the money to fund election promises. They never said that before the election. But Mr Moore, as an apologist for this Government, is prepared to sing their praises, without regard to those important features. This is not a caring budget. There will be pay rises negotiated, wrung out of this Government, and then the job cuts will come. Then Kate Carnell will say that it is the department's fault or it is the unions' fault.

**Mr Moore:** On a point of order, Mr Temporary Deputy Speaker: It has been the ruling of the Speaker here on many occasions that we do not use members' first names. Mr Berry is stooping to that, along with the rest of the stoops that he is proceeding with in this speech.

**MR TEMPORARY DEPUTY SPEAKER:** I do not uphold the point of order.

**MR BERRY:** Then the job cuts will come. Is that fair, Mr Moore? Of course, it is not fair. If there are job cuts, Mr Moore, the redundancies will follow; but there will be no money for that either, because it has not been handed over.

**Mr Moore:** Mr Temporary Deputy Speaker, on a point of order: Earlier today, the Speaker ruled during question time - I think, on a point of order from Labor - that the member should address his comments through the Chair. Mr Temporary Deputy Speaker, Mr Berry is flagrantly ignoring the Chair again and again, and he ought to follow normal procedures.

**MR TEMPORARY DEPUTY SPEAKER:** I uphold the point of order, inasmuch as the member should address his remarks to the Chair. But I also warn that, should there be continued interruptions on points of order which could be seen by the Chair as being frivolous, the Chair will deal with them appropriately.

**Mr Kaine:** On a point of order, Mr Temporary Deputy Speaker: Is it also okay for a member of the Government to pat himself on the back and lower the "tenure" of this place?

**MR TEMPORARY DEPUTY SPEAKER:** There is no point of order.

**MR BERRY:** The Government's efforts in caring go to their mates. In his opening remarks, Mr Moore drew attention to a newspaper article which referred to Mr David Hughes. Mr David Hughes said that, if anybody complains about the Government's approach, they ought to say how they are going to fund these things. Mr Moore, you have thrown yourself in with a Government that is prepared to build useless futsal slabs, to give \$10.8m worth of taxation gifts to their corporate mates and to do a range of other ridiculous schemes. We would not do them - and that would help us to fund the sorts of promises that we made. They are the things that we would not do. If you think that those sorts of activities are okay and if you think that is the standard that a government should set, you can stay with it; but we will not do those sorts of things.

Mr Temporary Deputy Speaker, Mr Moore has also thrown himself in with the discredited \$500,000 Feel the Power campaign. He thinks that is a great idea, too. Eighty-seven per cent of the people do not; so, he is out of step with a substantial part of the community there. Eighty-four per cent of Canberrans do not think it will give a positive image to Canberra. It was good to hear Mr Kaine's pointed question to the Minister for Urban Services, who seems hell-bent on covering up this discredited Feel the Power campaign.

Mr Moore, why did you not help those in this community who care for the disadvantaged - the social and community service workers - yesterday with their three-year budget? If you were part of a caring government, you would have helped them. And, if you had helped them yesterday, they would have a three-year contract in their hands today and they would be assured of their future and assured of their ability to provide care for the people in need of care. Is that a caring budget, Mr Moore? Is that a caring government that plays with elements of community services in a vindictive way? That is the way that this Government behaves. If that is the sort of government you want to belong to, Mr Moore, good on you, mate; but it is not the sort of government that we will have anything to do with, and it is not the sort of budget that we will have anything to do with either. Mr Temporary Deputy Speaker, what about the workers in community services who are covered by the SACS award?

**Mr Moore:** Yes, we will look after them, Wayne. Wayne, I am telling you now that we will look after them.

**MR BERRY:** Mr Moore interjects, "We will look after them". He is out of step with his Chief Minister, because she is saying, "We will look after some of them". So, I would suggest that you go along to the next Cabinet meeting and keep your ear to the ground, because your Chief Minister is saying, "We will look after some of them".

**Mr Moore:** I am talking about the ones that are there in Health. You ask me a question about it.

**MR TEMPORARY DEPUTY SPEAKER:** Order! Interjections are highly disorderly.

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**MR BERRY:** Mr Moore, if there was 100 per cent commitment to ensuring that the money was available to fulfil the requirements of the SACS award, I would believe you; but there is not. They deserve it more; and people do not hate these workers as they hate the Feel the Power of Canberra campaign. That is the lot you have thrown yourself in with. A million dollars will be spent on the useless Feel the Power of Canberra campaign. That is another way we could have helped to make this a more caring and sharing budget, Mr Moore: We could have used that money for appropriate caring purposes instead of for this useless slogan.

Mr Temporary Deputy Speaker, this slogan and the way that it has been managed demonstrate the style of the Government opposite. It is a Government that does not care about people. It cares only about its own image. Let us not forget that the Government developed that slogan in the ACT, rather than developing it with the assistance of people outside of the ACT to ensure that we understood fully what people wanted to see in respect of their nation's capital. We got some second-hand slogan, which appears in hundreds of places and is attached to our numberplates, because of the incompetence of one of our Ministers, to the embarrassment of the lot of us. Eighty-seven per cent of us do not like this slogan; but Mr Moore does, and he likes spending the million dollars on it as well. He does not mind supporting the Government's approach on this.

Then there is the promise of no cuts to education and, of course, Mr Moore's long commitment to education. There was a commitment in the election campaign to provide additional IT for education; but now where will the money come from? Will it come from somewhere else out of the budget? Mr Moore has sculpted his position on this as well, saying that he has always stood up for education, but he will allow them to move the money around inside. If they are going to find the money for the IT in education, it is going to have to come out of jobs in the education system.

I must say that the budget's ideological hit on public servants in the central office troubles me considerably, because it does not seem to consider the impact on education or the management of education that this sort of ideological hit might have. There are 38 jobs cut in the sector and some secret plans to use long-term unemployed as cheap labour. Has Ms Hinton told you yet, Minister, what is actually going to happen in the department? I will be interested to hear.

Mr Temporary Deputy Speaker, there can be no kidding about this budget. It is a budget that is not fair. It is a budget that does not live up to the promises that were made in the election campaign. For instance, there was \$15m lost to the people of Belconnen with their Belconnen pool, a promise not lived up to; a promise for an athletics track; a promise for - - -

**Mr Humphries:** How would you have paid for it, Wayne?

**MR BERRY:** The first instalment would be paid by dropping off all the scatterbrained ideas that you people have involved yourselves in and that have cost the Territory millions upon millions of dollars. Let us not forget the implosion. We are still to pay for that. It was another scatterbrained idea. Mr Temporary Deputy Speaker, the fact of the matter is that this Government does not care about the community it is supposed to serve.

Even the budget papers leave out the expected unemployment rate in the future in the Australian Capital Territory. Six hundred people have left town in the last two months. They are sick of it. Have a look at the latest unemployment figures - 600 people have left town.

**Mr Smyth:** Unemployment figures do not record who leaves town.

**MR BERRY:** They talk about the population. The population is the people that live here. Six hundred of them have gone. They are not hanging on sky hooks somewhere. Mr Speaker, this Government has done nothing for the ACT economy, except create unemployment. Of course, we now have a system of business welfare that has been put in place, instead of expenditure in a direction that would properly create activity and jobs. People are voting with their feet. They could not feel the power, and they know that the Liberals do not care.

**MR TEMPORARY DEPUTY SPEAKER:** Order! The member's time has expired. I call Mr Rugendyke.

**Mr Quinlan:** He is sitting down.

**MR RUGENDYKE (4.25):** Mr Temporary Deputy Speaker, I did stand up a couple of times earlier; but this time I forgot.

**Mr Kaine:** You have the floor, Dave.

**MR RUGENDYKE:** Thank you, Mr Kaine. On the whole, I am reasonably comfortable with the manner in which the Government has tackled this budget and the direction in which it sees the ACT heading on the economic front. On the one hand, it is a safety-first budget; but, on the other, it places enormous faith in the prospects of our city's growth from here on in. I regard myself as a fairly positive sort of person and I like to focus on positive aspects in our community. I would enjoy nothing more than seeing the budget's growth projections come to fruition. But there is a major difference between optimism and reality, and I truly hope, for the sake of morale in this city, that this confidence is realised.

The Government regularly points to the \$150m operating loss when the topic of expenditure is raised. I am not critical of the Government's desire to balance the books so that this problem is not compounded and so that it does not become a problem for our grandchildren. I am aware of our responsibility to live within our means and to spend wisely. But I also believe that the operating loss should not be pulled out at any convenient moment to use as an excuse to justify budget cuts or hikes. I take heart, though, from the fact that the Government has pinpointed long-term projects in job development and tourism to stimulate growth.

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Media attention has been placed on the slugs, such as increased parking and traffic fines to raise revenue. I will closely watch to see whether they reach these targets or whether, instead, these measures will scare motorists from offending and thus result in a downturn in expected revenue. But our future is in tourism and jobs. I encourage anything that we can do to promote these two areas. Projects such as the Kingston foreshore development have much to offer, and we must make the most of these opportunities.

I am pleased to see employment having a focus in this budget. Most particularly, I applaud the resources being set aside for the older unemployed age group - people aged 40 and over - in the Restart program. This is a disadvantaged group, which has been crying out for assistance. I think we all know someone in this age bracket who has been faced with the task of having to start a new career. I am pleased that it is an area that has not been neglected. Preparing people for employment starts in the classroom. There is considerable emphasis on information technology industries in the capital. To ensure that our kids get the first shot at these jobs, they must have computer skills. The best way to achieve this for our children is to teach the basics at an early age and to make competency with computers a way of life. The Government's goal of providing a computer for every full-time teacher by the end of next year and one computer for every two students by 2001 is a good one. Again, I will be watching that closely.

In my own electorate, Ginninderra, there are two areas which I do applaud - firstly, the improvement to Calvary Hospital's accident and emergency section and other sections of the hospital; and, secondly, the urban revitalisation of Charnwood. I must say that the Belconnen pool saga remains a concern that the Government still must remedy. We are all aware of the reasons that have been given for the construction of this complex not going ahead as promised so far; but that does not wash with the constituents. It is up to the Government to make sure that this project does go ahead, at least before the next election.

In the community services area, the much-needed injection of funds to mental health facilities is long overdue. It is a welcome inclusion. I applaud that injection to assist people with mental illness, and particularly juveniles with those problems. I must, however, criticise the lack of allowance for the implementation of the new phase of the SACS award. The initial introduction of the SACS award last year was never going to be the major problem.

**MR TEMPORARY DEPUTY SPEAKER:** Order! I would like to remind the honourable gentleman Mr Osborne of standing order 41.

**MR RUGENDYKE:** Mr Temporary Deputy Speaker, the majority of agencies were paying employees at rates similar to the base award anyway. The huge worry is the overtime and penalty rates that are just around the corner. They will be in before the year is out and, unfortunately, if assistance is not given, they will close services down. I do not believe that this is an overreaction. In the community services sector, it is an accepted fact that the refuges will not be able to afford penalty rates or the rates applicable to 24-hour services unless appropriate assistance is given to those services.

My other chief concern is the impact that the budget will have on families. I am worried about families who require a larger car to transport their kids to school or sport. They will be paying up to \$114 a year extra to register these vehicles. These same families face a rise in house and contents insurance - the flow-on effect from emergency services levies placed on insurance companies. Families are doing it tough, as it is, and they should not be disadvantaged any further.

I note also the promise of 14 extra police officers being transferred from administration to beat duties in Woden and Belconnen. I must say that I am fairly cynical about that sort of promise, because in the past those sorts of suggestions have not actually been realised. In Belconnen, in the electorate of Ginninderra, we lost four police officers from suburban patrols to the Gungahlin desk. I will watch carefully to see whether we really do have more police on the streets within the next 12 months. Based on my knowledge of police management and their tricks with numbers, I doubt it. Overall, Mr Temporary Deputy Speaker, I believe that it is a fair budget, given these tight economic times, and I look forward to seeing it succeed.

**MR KAINE** (4.34): Mr Temporary Deputy Speaker, I know that Mr Corbell is anxious to make a significant contribution to this debate; so, I will be fairly brief. I heard Mr Moore extolling the virtues of this budget as being the best one that had ever been brought down since self-government. I think he overstated the case a bit, because, in fact, when you look at it in the cold, hard light of day, it is a very ordinary budget. I described it that way yesterday and the day before. When you look at what the Government might have done - it will have four budgets before the next election, and this is the first of those four - the Government might have been very bold. It might even have taken a bit of political risk in order to get the budget under control and into shape. But, no, they are content to come up with a result for the year of about a \$140m operating deficit, despite the fact that the Chief Minister has made much of the necessity to get this operating deficit down to zero or close to it.

What do we find? We find a very unadventurous budget. There are the usual things that you would expect to see scattered around - the token few dollars for unemployment, the token few dollars for small business, the token few dollars for tourism, all the popular causes - but nothing which is going to change significantly the status of any of those three things. I will be interested to see at the end of the year whether small business feels any happier as a result of the small amount injected into the area or whether tourism has really achieved any great strides because of the small amount that is going into there this year.

I know that they talk about \$6m over three years. But let us look at this year. Do not worry about the next two; worry about this year. There is a bit of an injection into the information technology industry - fairly much to be expected, since the Government makes a great deal of the fact that information technology is going to be the saviour of the Territory. This is the whole backbone of our industrial effort. So, if you are not going to make any contribution to that, you are not making any contribution to anything much. The only thing of any great merit in the budget that I can see is the fact that they have at least attempted to do something about covering the superannuation liability - \$40m this year.



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But I think that, when you look at the thing in the cold, hard light of day and you forget the rhetoric that people like Michael Moore throw out, it is a very pedestrian budget and one in which perhaps the Government could have done better, as I say, in light of where we sit in the term of this Government. When I talk about looking at the budget, I mean having a superficial look at it, because that is all we have had the opportunity to do.

Mr Moore even complained in the early hours of this morning, when he was being asked to debate an almost one-line amendment to the Gaming Act, that he had not had time to consider the ramifications. Yet here we are, 48 hours after the Chief Minister tabled a very comprehensive budget, trying to make an intelligent contribution to the debate. How can you? As Mr Moore said, you have a look at the summary, and that gives you the broad overview; if you want to know more, you have to get into the detail. He is right, because without getting into the detail you have not the faintest idea what the budget is doing.

There are all sorts of goodies hidden in there, I am sure. In fact, the Minister for Urban Services made a comment yesterday about the big box of goodies that we have had delivered to us. I do not know whether they are sugar-coated pills or not yet, because I have not had a chance to find out. The bottom line is, Mr Temporary Deputy Speaker, that the Estimates Committee will find out, because there are days and days in which the Estimates Committee will have the opportunity to question Ministers and senior public officials about what these figures, in fact, mean. So, in a few weeks' time, we will be able to have a better and more informed debate about how good the budget is.

But just looking at the figures does make you wonder. We still have a \$140m operating deficit. When you look at the appropriation compared to the amount actually intended to be spent this year, you find that we have an appropriation of \$1.530m approximately and we have a total expenditure of \$1.707m. So, we are planning to spend \$177m more than we are appropriating. It will be interesting to go through the budget and find out where the rest is coming from and how we can expend more than we are appropriating. Those are just the little things that the Estimates Committee will have much fun with. Regrettably, I will not be here for most of the period; so I will have to leave it to my colleagues - Mr Quinlan and others - to get to the bottom dollar.

Mr Temporary Deputy Speaker, the one thing that I specifically want to deal with is the fact that 1998-99 is the year in which taxation by stealth becomes firmly embedded in the ACT budget. We have had a little bit of a snippet before. We are still paying the levy on our drivers licences every year to cover the fifth ambulance. I wonder when the Minister for Health or the Minister for emergency services, whichever is responsible, is going to actually build the cost of that into his own budget and stop ripping \$15 off every driver every year when he gets his drivers licence. The \$15 is a hidden tax. I think the Government believes that, if you leave it there long enough, people will forget that it is actually a tax and they will lose sight entirely of what it was originally imposed for.

One has to ask how much money the Government is really raising each year in terms of this levy and how much of it actually goes to the operation of the fifth ambulance. In other words, it is on the face of it, hypothecated. That used to be a nasty word.

I have heard Treasurers say that we cannot raise taxes and hypothecate them to specific purposes, because that destroys the flexibility of the Treasury in dealing with the expenditure side of the budget. As I say, we saw the \$15 levy imposed on drivers licences. We saw the temporary levy imposed by ACTEW on our water rates bills to cover environmental issues. That was another hidden tax, called a levy. We would not call it a tax, would we? We would call it a levy. Then nobody knows what it really is.

This year, we have another permanent one - the impost on insurance policies. The insurance companies have estimated this, on household contents alone, at something of the order of \$100 per year. That is going to be permanently built into the system. The Government is not going to be collecting it. This is not a nasty tax; this is a levy that the insurance companies are going to collect. After it has been there for a while, how many people are really going to know that this is an impost imposed by this Government? The insurance companies will get the blame because they are collecting agencies and all they are going to do is show it on their bill as a levy. If the Government wants to raise \$100 from each household in the Territory for emergency services, why does it not impose a tax to do so? It is very simple. It can send out a bill with the rates bill every year. But, no, it is taxation by stealth. We hide the fact that we are actually taxing every household by \$100.

The fact is that there are major inequities. That, of course, is another issue. I am sure that the Government will hear a great deal about that over the next few weeks when the debate on this particular issue starts to get a bit of heat in it, because about 30 per cent of householders in this Territory do not have contents insurance on their houses. So, the 70 per cent that do are going to be paying for the 30 per cent that do not. We have seen this with the health funds, have we not? When people notice that they have to pay a \$100 a year extra on their insurance policy, what happens? The number that do not take out insurance begins to increase. Pretty soon it is 35 per cent, 40 per cent, 45 per cent, and we have a case of diminishing returns. Fewer and fewer people who still take out insurance on their homes are carrying 100 per cent of the burden. The numbers are reducing. The others are freeloaders.

If the money is truly going to provide additional fire services, if the fire bell rings, the fire stations all respond, they send a couple of fire wagons out to some street in Kambah and if there are four houses side by side, only one of which is paying the insurance policy - the other three are not - are they going to have a look first to see which house is burning down and say, "You are not paying the premium, so we will not fight your fire."? Of course, they are not. So, I think there is an enormous inequity in there, the probability of which seems to have completely escaped this Government, although it has the example of health insurance right before its very eyes. People in their thousands are deserting private health insurance because they are sick and tired of carrying the burden for the ones that do not take out the insurance. The very same thing will happen here, and it is all because we have taxation by stealth. I repeat: If the Government wants to extract \$100 a household to cover emergency services, then it should tax the people directly and make sure that it is collected from every householder, not just from the ones who carry the burden of insurance.

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So, Mr Speaker, as I said, this is the year in which taxation by stealth becomes firmly embedded in our budget. The money will presumably again be hypothecated - to use that nasty word, or it used to be a nasty word - instead of going into Consolidated Revenue, where the Government then has the flexibility to use it where it is needed, in the event that the amount of money collected is greater than what they need to provide these emergency services. So, as I see it, it is a bad deal all around. It is a bad deal for the customer. It is a bad deal for the Government, because it will not necessarily have the flexibility that it would like to have with the revenues that it raises.

Mr Speaker, in summary, it is an ordinary budget. It does not do anything much for anybody. The one useful contribution is the superannuation provision. But, beyond that, it has some hidden problems, some of which will not emerge until the Estimates Committee digs them out of the Government during the Estimates Committee process.

**MR CORBELL** (4.46): Mr Speaker, as our colleague Mr Kaine has just said, much of the detail and much of the real significance of this budget will not come to light until the Estimates Committee process has run its course, so I will be leaving much of the areas about which I have a particular concern for that process. But there are some general points about the structure of this budget, about the philosophy of the Government and of particular members of the Government and how they have gone about structuring this budget, which I do have a real concern about, and I would like to highlight those this afternoon.

Mr Speaker, I am particularly interested in Mr Moore. I heard Mr Moore talking about how this was the best budget he has seen since self-government. He said that this was the best budget since self-government. He said it was a clever budget, he said it was a caring budget, and he wedded himself firmly - so, so, firmly - to this budget. He said things like, "It is a clever budget because it is dealing with issues like borrowings, and it is dealing with issues like providing services". He said all of those things. I would have thought, when Mr Moore was so unequivocal in his praise, that what he is saying is, "The idea to sell the streetlights to ACTEW is a good idea". I am sure that is what Mr Moore was saying when he made the comments he made in the house earlier this afternoon. I thought, "Gee, that is interesting. It is interesting for Mr Moore to be saying these things", because I was doing some research on what people have said in relation to budgets in previous years, and I was comparing and contrasting - a normal exercise that many of us go through.

I looked at what Mr Moore said last year about last year's budget. You will remember that last year the Carnell Government said that they were going to require extra money from ACTEW, \$100m. They were going to borrow money from ACTEW. They were going to take it out of the cash reserves, and they were also requiring an extra dividend. What did Mr Moore say about that? What did Mr Moore say about aspects of the ACTEW budget last year? Remember that he said this year that borrowing from ACTEW and selling the streetlights is quite acceptable. What did he say last year? Last year, referring to the Chief Minister, he was quoted in the *Canberra Times* as having said:

She is shifting borrowing from the Government to ACTEW on a grand scale.

So, last year he was saying, "This is borrowing. The Chief Minister said borrowing was not on, but this is borrowing", and he highlighted that. But it gets better, Mr Speaker. The day before, Mr Speaker, on 6 May, on page 2 of the *Canberra Times*, Mr Moore was reported as follows:

Independent MLA Michael Moore said he would be examining the dividend -  
from ACTEW -

carefully to ensure it was not being used by the Government as  
a sleight-of-hand way to borrow money through ACTEW.

What is the difference between last year and this year, Mr Speaker? I would ask Mr Moore: What is the difference between requiring the borrowing from ACTEW last year and forcibly selling the streetlights to them this year? We had the absurd situation of the Chief Minister coming into this place and saying that the arrangement for ACTEW to buy the streetlights in Canberra was a normal business arrangement. Mr Speaker, I do not know of many businesses where they are told that they have to buy an asset that is worth about \$100m. Is that right, Mr Quinlan?

**Mr Quinlan:** Yes; for no return.

**MR CORBELL:** About \$100m. They were told. It was not like the board making an independent decision and saying, "It is in the best interests of ACTEW to buy the streetlights". They were told by the Government to buy the streetlights. I do not understand whether that is an ordinary business activity, but it does not sound like one to me. In fact, it sounds exactly like what Mr Moore described it as last year - a sleight-of-hand way to borrow money. It sounds like a sleight-of-hand way to borrow money. Mr Moore said that last year, and would it not be wonderful if he were honest enough to say it again this year?

Mr Speaker, Mr Moore gets better and better. On 28 May last year Mr Moore was quite damning of the Government's approach in relation to borrowings through the use of ACTEW. Last year Mr Moore said this:

Last year it was the sale and lease-back of buildings, this year it took the money from ACTEW, next year it will probably sell the city's light poles to ACTEW ... it can't go on forever.

He was right, Mr Speaker, but he seems to have changed his mind. Now it is a clever budget. Now it is a caring budget. Maybe he hopes that the clever and the caring bit can go on forever. Certainly, his career is on the line when it comes to that, Mr Speaker, but his credibility is pretty shot when you look at what he said last year and what he said this year.

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Mr Speaker, there is this final comment that I would like to draw to the Assembly's attention in dealing with the hypocrisy that is coming from that side of the house, particularly in relation to Mr Moore. In the *Canberra Times* again, on 7 May, he was reported as follows:

... warned it was a temporary solution which would provide respite for one year "but masks the underlying failure of her Government to manage a genuinely balanced Budget".

What was Mr Moore referring to? He was referring to borrowing the money from ACTEW. The same thing has happened this year, Mr Speaker, in requiring ACTEW to buy the streetlighting. He is condemned by the words from his own mouth. I notice the silence on the Government side of the chamber. They know what Mr Moore said last year and they know what he is saying this year. They know that it just does not match up. The wonderful, selective approach of Mr Moore really does stink a little bit when you look at what he said last year.

Mr Speaker, there are some other issues which I want to address in the budget debate this evening along with the obviously hypocritical comments of Mr Moore. Maybe being a Minister has gone to Mr Moore's head. The other comments I want to address, Mr Speaker, are in relation to the sort of approach that the Government takes to this budget. The real concern that I have relates to how this Government presented itself to the people less than five months ago and how it is dealing with issues now. Less than five months ago you would have thought from what the Government had said that the pain was over; that the issues have been fundamentally dealt with and things are looking up; that the pain is over and we are going to be able to address the real concerns that our community has in areas like youth services and jobs. Mr Speaker, as my colleague and leader, Mr Stanhope, said earlier this afternoon, what an enormous misleading attempt that was by the Liberal Party. It was misleading the people of Canberra. Mr Humphries giggles away there because he knows that he has pulled a swiftie on the people of Canberra when it comes to issues relating to integrity in government.

Mr Speaker, there are some issues that I could quite easily address to make this point. The one of most relevance for us this week is milk, Canberra Milk and the future of Canberra Milk. You would never have thought five months ago that all those vendors and all those kids who run for those vendors had any problems at all with the future tenure of their jobs. You would have thought from the way this Government behaved less than five months ago that those people who run vending businesses for Canberra Milk and the young people that they employ would have their jobs secure. Less than five months later this Government has basically said, "Sorry, but you are probably not going to have a job in a little while". What sort of presentation is that from this Government? They do not like addressing these issues before the election; but afterwards, out they come, and they say, "Oh dear, I am very sorry. Your jobs are not secure anymore".

The next issue I want to address is the issue of youth centres. We had a motion in this place yesterday in relation to youth centres. I am not going to reflect on the decision of the Assembly then. What I am going to say is that I continue to believe, and this side of the house continues to believe, that what occurred in relation to the funding for the Civic and Woden youth centres was an absolute disgrace, and it was a disgrace motivated

by the political spite of the Chief Minister. As we said in the debate yesterday, we had a clear commitment from the Government that those centres would be funded for three years, and that offer was made, I would think, probably before the last election. If it was not made before the last election, it was made only shortly afterwards. Mr Speaker, you would never have thought during the last election campaign that there was any problem with the security and tenure of youth centres. Imagine the outcry, the absolute outcry, there would have been if there had been any suggestion during the election campaign that funding to those two centres was going to be cut short because the Chief Minister did not like the flavour of the words that were coming out of them. But we did not hear that. The Government did not want to talk about that either during the election campaign. But the Chief Minister did not have any problem in picking up the phone a few weeks ago and saying, "The deal is off; the funding is cut". Again, the hypocrisy of this Government is breathtaking.

Mr Speaker, the final issue, and I know this is the one that most gets up the noses of the people opposite, is the wonderful Belconnen pool. There was a very clear election commitment, a rock solid election commitment. The Belconnen pool was the major election commitment from the Liberal Party for the electorate of Ginninderra. It was trumpeted, loud and strong, by the very silent Minister for sport over there, Mr Stefaniak. Mr Speaker, what happened to that? The Government decided that they really did not want to spend that money after all. So what did they do? They dreamt up that it was in breach of national competition policy. What an absolutely amazing approach to take - to suggest that the construction of a pool for the residents of the Belconnen area could breach national competition policy! What an absolutely absurd suggestion!

**Mr Smyth:** But we did not. It was not us.

**Mr Stefaniak:** Exactly.

**Mr Smyth:** The community raised that issue.

**MR CORBELL:** It is just amazing, Mr Speaker, and well may the Government feel defensive about that. Every time we mention the Belconnen pool in this place they get a little bit jumpy, a little bit uncomfortable, and well they should because they made a commitment and they broke it, Mr Speaker. It is not in this budget.

Mr Speaker, ultimately issues surrounding this budget will need to be addressed in significant detail during the Estimates Committee meetings, and that is the appropriate place to deal with them; but the perspective that members on this side of the house have is that this is a mean and sneaky budget, not a caring and clever one. It is mean because it hits those people who can least afford to pay, and sneaky because it plays sleight-of-hand when it comes to projections of growth and when it comes to borrowing money from organisations like ACTEW by forcing them to buy the streetlights. Mr Speaker, Mr Moore may think that it was shifting borrowing from the Government to ACTEW last year and it is a clever budget this year; but we do not think so, Mr Speaker, and we will be continuing examination of the budget during the Estimates Committee process.

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**MR MOORE** (Minister for Health and Community Care): Mr Speaker, I claim to have been misrepresented.

**MR SPEAKER:** Proceed.

**MR MOORE:** Mr Speaker, I do not know whether it was a deliberate misrepresentation, but Mr Corbell's understanding of last year's budget is just so inadequate. In last year's budget, when the Government took a dividend from ACTEW, I claimed that that effectively forced ACTEW to do the borrowing, and therefore they were borrowing. A sale of assets is an entirely different thing. If Mr Corbell does not understand the difference, Mr Speaker, then let him wear that.

**Mr Corbell:** Mr Speaker, I seek leave to speak again, briefly.

Leave not granted.

Debate interrupted.

#### **ADJOURNMENT**

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

#### **APPROPRIATION BILL 1998-99**

Debate resumed.

**MR OSBORNE** (5.01): Mr Speaker, it has become a tradition of Australian Treasurers to brand their budgets - to find a glib line to repeat endlessly on that night's television broadcasts and, hopefully, short and clever enough to be used as a 100-point headline in the morning papers. According to the Federal Treasurer, the Commonwealth budget put us "back in the black and back on track". In the same spirit, the Carnell-Moore Government line on its effort makes us a "clever, caring capital." But, of course, budgets are complex things, not easily reduced to a sound bite. So there are things about the ACT budget which are both good and bad - and ugly, if you take Mr Moore into account.

On the positive side, the Government has outlined a strategy to attack our key problem, that being the operating loss, and I applaud them for that. I have some concerns about the strategy, but I will come to them a little later. As part of that strategy the Government is also coming to grips with the major part of that problem, that is, the superannuation debt, and making some attempts to trim our expenditure.

During the election campaign I repeatedly called on the Government to address the overspending in education administration, and I am glad to see that they have done that. Of course, my calls were greeted with the usual hysteria from special interest groups who twisted my words and said that I was launching an attack on education - that I wanted to close schools and slash spending. It was not true, of course, but I do not expect those particular lobby groups to be concerned with the truth. What I said in the campaign was that spending on education administration in the ACT had ballooned and there was plenty of evidence to support that statement. I said that, where it was in the interests of schools in the same area to amalgamate, they should be given financial incentives to do so. I never said once that I supported wholesale school closures.

The overspending in education administration is a matter of public record. The 1997 report of the Steering Committee on Government Service Provision shows that the ACT has the highest out of school education costs per student of any jurisdiction in Australia apart from the Northern Territory. It also shows that those costs have risen steadily each year since 1992. In 1995 it was reported that it would have been cheaper for the Government to have paid for all the Territory's children to go to Grammar than to go through its own schools. Mr Speaker, as I said in the campaign, I am happy for the Territory to spend proportionally more on education than other jurisdictions as long as that money is spent on teaching kids. My line on education for the campaign was taking money out of the boardroom and putting it back into the classroom. After my experience in the campaign I understand how much heat and how little light can be generated by daring to suggest that education bear its fair share of the burden, so I congratulate the Government on biting the bullet in this area.

My concerns about the budget being too clever by half revolve around the growth forecasts. Let us not be mistaken. As a large part of the Government's attack on the operating loss revolves around the growth forecasts, these assumptions are fundamental to the long-term success of the strategy. I said on budget day that I considered the growth forecasts heroic, and I see little reason to withdraw from that position. The Government is predicting that the ACT economy will grow at a rate of 3.6 per cent a year over the next three years. By comparison, the Federal Government is predicting that Australia's economy will grow by only 3 per cent a year, and there are signs that that forecast will be rocked by the deepening financial crisis in Asia. If the recession in Japan gets any worse, those projections for growth in Australia could be completely blown out of the water.

To put those two sets of figures into some kind of context, Mr Speaker, it should be noted that the ACT growth has been tracking behind the Australian growth forecasts since 1994-95. So, according to the Government, we will not only catch up with the Australian growth rate this year, but we will pass it. According to the Government, we will leap from growth of 1.4 per cent a year to a very respectable 3.6 per cent a year and sustain that over the next three years. I heard the Chief Minister yesterday explaining why we would reach this level of growth, and I hope for all our sakes that she is right.



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Perhaps we will be insulated from external shocks, but I think there are some internal ones which have not been properly factored in - for example, that some of the Federal Government cuts to the public service departments, like Defence, have not yet fully flowed through. When they do they will have a significant impact on the local economy. In short, they will continue to depress growth and we will have to grow above the Government's expectations to reach the high-water mark that it has set. As I say, Mr Speaker, I hope that the Chief Minister is right and that I am simply being pessimistic; but, if she is not, then her whole debt reduction strategy is deeply flawed.

The bulk of the Government's reduction in its consolidated operating loss comes from an increase in revenue, based on the assumption that the Territory is on the brink of a surge in growth. It also comes, I might add, by cranking up taxes and charges. What the Government failed to do in this budget was to attack the operating loss by cutting harder into spending, by picking out programs that we do not need and cutting them altogether rather than trying to trim a little bit off everything. Nobody wants to hear this and I understand that it is extremely hard, but one day someone is going to have to make that hard decision. Unfortunately, here, as with every other State and Territory, every area of spending is surrounded by the high walls and razor wire of special interest groups.

I have been accused of having one sacred cow of my own, police, and I have to say that there is some truth in that. But it is also true to say that the police have borne their share of cutbacks. We have been cutting back on police spending in real terms since the beginning of this decade. Police are an essential service, Mr Speaker; others are not. So where could we cut? I believe that we need to completely review one of the Government's sacred cows, the business incentive scheme, and subject it to a cost-benefit analysis. It is my suspicion that many of these deals cost more than they are worth and I would like to see them publicly tested.

Our failure to attack spending means that we have to push up charges, and I am concerned that some of the new charges fall most heavily on those who can least afford it. To help ease the burden on families, especially those on lower incomes, I would like the Government to consider the possibility of putting in place a system for paying car regos in quarterly instalments without the addition of any administration fees. If we are really becoming a clever and caring capital, I am sure that that type of payment system is possible.

Another thing the Government should consider is the inclusion of those who live on carer pensions in the list of those receiving car rego exemptions. The work of carers goes largely unnoticed and cannot be quantified in simple dollar terms; but it is true to say that carers save the Government millions of dollars each year in health-care costs, and generally they need to have their own car. Single mothers, the disabled and those on age pensions all qualify for the exemption, but those whose responsibility it is to care for the aged at home do not. A carer pension is only \$360 a fortnight, which makes a single payment of around \$600 a year for car rego each year a huge burden. While a line must be drawn somewhere on those who qualify for exemptions, Mr Speaker, I hope that their omission from this list has been a genuine oversight. Mr Speaker, I have nothing more to say, and I will save a detailed examination of the budget for the Estimates Committee process.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.09): Mr Speaker, in the absence of the Treasurer and as Assistant Treasurer I am closing the debate, so if there are any other members who want to speak they should do so before I begin.

**MR SPEAKER:** I understand that.

**MR HUMPHRIES:** Mr Speaker, I have listened to this debate and I must say that I was struck on this occasion by a little bit more variety in the offerings than we have had in the last few years in the budget debate. In some previous years there has been a wall of criticism generally playing around particular themes which seem to emerge out of the woodwork and sometimes do not have much bearing on reality. But this year there has been a variety of offerings; in fact, so much so that I rather feel inclined to make some awards. I have done this traditionally at the end of each year, as ongoing members would recall, but I thought this year I would award some early because I missed out last year. I had laryngitis, as members might recall.

Mr Speaker, to Ms Tucker I award the "If only I had read page 6 award" for missing the vital bit about the environment. Mr Stanhope, as Leader of the Opposition, receives the award for the shortest budget reply in history. He took only 20 minutes when he had an entitlement of twice that to respond to the Treasurer's budget speech of 40 minutes. Mr Quinlan is not present, but Mr Quinlan receives the "Of course I am not after Jon's job, but was that not a statesmanlike speech award". There is a tied vote, Mr Speaker, for the award for letting the cat out of the bag and for giving credit where credit is due. There is a tied vote between, on the one hand, Mr Rugendyke for his frankness about where the budget actually, miraculously apparently, got things right, and a rather surprising late entry, Mr Wood, who said more good things about the budget than I think his colleagues wanted to hear.

**Mr Stefaniak:** Put together.

**MR HUMPHRIES:** Indeed, put together. Mr Kaine gets the "shadow Treasurer award" for actually daring to analyse the budget, and Mr Hargreaves gets the "missing in action award".

Mr Speaker, if only there was as much to laugh about in the response from the official Opposition as there might have been in other parts of this debate today. Regrettably, what we have here is a fairly unedifying example of what the alternative government, the official Opposition, has to offer by way of a different view, an alternative view, about where this Territory should be heading. We have deduced some fairly simple things, and unfortunately they are not new.

The Opposition has attacked the Government's revenue measures; it has attacked the expenditure reductions; and it has attacked the growth forecasts. So, we are wrong in areas where we have chosen to raise money; we are wrong for cutting back expenditure where we have; and we are wrong in estimating the growth level we have. Obviously, we have been too ambitious, according to the Opposition, and obviously also,

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because they have not even mentioned it, there is not really anything of importance to focus on in respect to the operating loss. Mr Stanhope's amazing omission of reference to that is quite extraordinary. So, Mr Speaker, we have a set of fundamental questions to ask ourselves. Given that the Labor Party oppose the revenue measures, do not like the expenditure reductions and do not believe that we can get the growth we have forecast in the budget, how would they pay for the various social objectives which they say they think we should be pursuing?

**Mr Stefaniak:** Bankcard.

**Mr Berry:** We will ditch all your scatterbrained schemes, for a start.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** For example, how would they pay for the increase in the SACS award that they have trumpeted throughout today's debate? We do not know.

**Mr Stefaniak:** Bankcard.

**MR HUMPHRIES:** Bankcard, apparently, would be the favourite method. How would they provide the economic stimulus which Mr Quinlan was so vociferous in urging a few days ago? Presumably, that means that they would spend a lot of money. How would they pay for that? We do not know, because in responding to this budget the Opposition have not told us what they think we should be doing. They have merely told us what we should not be doing.

Mr Speaker, the fundamental question is: How would the ACT Opposition, the alternative government, the people who purport to stand ready to take the reins of power in this Territory, address the operating loss? If we had taken their advice and forgone the expenditure reductions that we have in this budget, and if we had forgone the revenue measures that we have in this budget, we would not have seen anything like the improvement in the operating loss or, for that matter, the attack on the ongoing problem of superannuation liability being incurred which we have seen in this budget. Neither of those things would have been remotely possible. In fact, we would have been increasing the operating loss. What would the Opposition do about that? We do not know because the Opposition have not cared to tell us. Once again I am left without a comprehensive strategy and a clear vision of what they would do. They have not had the basic honesty to say to the people of Canberra, "This is what we would do. This is the approach we would take". In the absence of that, we have nothing to go on but the individual comments made by the Opposition.

Mr Speaker, it is a pity that the Opposition have chosen not to do that because in doing so they have forgone even the advice of their own recently appointed economic adviser, David Hughes from the University of Canberra. He said:

... the many critics who will step forward to voice their disapproval should have the decency to tell us how they would deal with the operating loss.

I wonder whether Mr Hughes is still working for the Opposition, Mr Speaker. If he is, I do not know how much he is being paid. Obviously, the advice he is giving is not very palatable because it is not being followed.

Mr Speaker, let me go through a few specifics referred to in the debate. Mr Quinlan referred to us slugging our citizens, but this is the same Mr Quinlan who just a few days ago said to the Territory Government that it deserved credit for having matched revenue measures with those from other States. He said on 2CN, "Well, I mean, obviously our revenue effort has to match that of the States". Mr Speaker, the insurance levy, for example, which we have imposed and which he criticised, and the car registration hikes he also opposed, actually do not even match New South Wales. In some cases they fall short of New South Wales. So again we have this contradictory face: "On one day I say you should match revenue measures in New South Wales. On the next day I say you should not". Again we have no idea of where the Opposition stands. What do they stand for? Who knows?

It is like a smorgasbord, Mr Speaker. A voter comes through the door and says, "I am concerned about the insurance levy". They respond, "Come over here; here is our criticism of the insurance levy". A voter says, "I am concerned about the superannuation liability not being addressed faster". They respond, "We will deal with that pretty quickly. Come over here and we will show you what we have here". Anything anyone wants they can find on Labor's smorgasbord. But, unfortunately, Mr Speaker, it adds up to a huge feast that nobody, they included, could possibly afford. We do not know how they would pay for it all. In budget week, when the budget reply is upon us, on the day when Mr Stanhope has 40 minutes to respond to the budget and takes 20 minutes to do so, we do not even know what they think.

Mr Stanhope regaled us with long comments about John Howard and the handmaiden of Howardism. I can understand why he would need to say that because of what is happening federally in the next few months, but I will give Mr Stanhope some advice. You are the Leader of the Opposition in the ACT. You need to be looking after, first and foremost, the people of the ACT. Your first job - - -

**Mr Stanhope:** You are not.

**MR HUMPHRIES:** That was not what people thought just three months ago, Mr Stanhope. They made a very clear decision about who they thought could best look after their Territory, and it was not those opposite, Mr Speaker. So, that is where we stand today. Today we have Labor saying, "It is all about John Howard". The connection is very hard to see. We are supposed to be paving a way for a GST. We have actually had criticism from the Insurance Council of Australia that our increase in the insurance levy is counterproductive, given the imminent arrival of a GST. So, Mr Speaker, how do you reconcile those two statements? Of course, you cannot.

Mr Speaker, let me go through some specifics that were mentioned by various members. Mr Wood attacked the rego rises. He said that they affected larger older cars. That is not true. We are raising registration levels only to New South Wales levels. That is a Labor government in New South Wales, remember. The changes affect only 7½ per cent of

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vehicles in the highest category, mainly things like four-wheel-drives. I have not noticed many poor Canberra families driving around in four-wheel-drive vehicles. Pensioners, Mr Speaker, get 100 per cent free registration. That is, I think, a quite significant improvement on the equity available in the budget.

We have had criticism about the ACTION budget, such as that it is unfair that someone going from Charnwood to Daramalan would have to pay more. Unless you have a free bus system you will have to have some people paying more than others. I would have thought that when you travel from Charnwood to Daramalan it is a fairly long way. It is right across town. You would expect to pay more because you are travelling further. That is a concept which obviously escapes those opposite. Mr Speaker, this is not a revenue raising measure as far as ACTION is concerned. It is an attempt to restructure it for fairness. Okay, some members do not like that, but there is no system short of free bus travel which removes all sorts of anomalies and inequities in any such system.

Mr Speaker, Mr Berry made one comment. Mr Berry's speech was the usual class warfare sort of speech we hear every year. You could take any of those speeches and slot them in in any year and they would fit perfectly. It makes no difference what year it is delivered in; it is all the same. There is one comment I do want to mention in this particular year. Mr Berry raised this chestnut about us delivering gifts to our corporate mates. "You hand over money to your corporate mates. We would not do that", he said.

**Mr Berry:** It is \$10.8m, Gary.

**MR HUMPHRIES:** No, not quite. Mr Speaker, I have checked, and in the time I have had available to check I have found at least two occasions when the Follett Government did deliver quite significant concessions to companies of various sorts in the waiver of ACT Government taxes and charges. There was, for example, a waiver of \$44,000 in stamp duty in respect of the merger of two superannuation funds. The clincher, Mr Speaker, was a waiver of nearly \$400,000 to the Coles-Myer group for the restructuring of its corporate organisation.

**Mr Berry:** Never \$10.8m.

**MR HUMPHRIES:** Who were your corporate mates on that occasion, Mr Berry? Whom did you know in Coles-Myer who deserved that kind of benefit? As ever with Mr Berry, Mr Speaker, if you scratch the surface you find hypocrisy lurking beneath.

Mr Speaker, the *Canberra Times*, I think, summarised this budget very well. I quote from one of the people commenting in the *Canberra Times* yesterday:

Governments, like everyone else, have more they would like to spend on than they can afford. The Budget is therefore about deciding which areas of spending are more important than others. That's where the vision thing comes in. Beyond the bare bones of matching spending against its revenue base, there is also the need for some idea of what the Canberra of the future will look like.

Personally, I like what I see.

Mr Speaker, this is a budget which has worked to a theme, if you like. It is about preparing for the future. Perhaps the most important thing this budget does is address the operating loss and the unfunded superannuation liability - things that were run up badly by the former Labor governments. Mr Speaker, why do we care about those things? Why are they important? There is one very simple reason. Those things stand between us and a brighter future. Those things are a burden on our children. Those things stand in the way of our children enjoying the standard of living that we enjoy today. This Government is not prepared to let that happen. This Government's budget, therefore, for the first time addresses those issues in a serious way. Mr Speaker, I think we deserve to be congratulated for that, and I think the comments we have seen so far on this budget do basically that.

Question resolved in the affirmative.

Bill agreed to in principle.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.24): Mr Speaker, pursuant to standing order 174, I move:

That the Appropriation Bill 1998-99 be referred to the Select Committee on Estimates 1998-99.

Question resolved in the affirmative.

**AUDITOR-GENERAL - REPORT NO. 2 OF 1998**  
**Lease Variation Charges - Follow up Review**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 2 of 1998, entitled "Lease Variation Charges - Follow-up Review".

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.25): Mr Speaker, I ask for leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 2 of 1998.

Question resolved in the affirmative.

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**AUDITOR-GENERAL - REPORT NO. 3 OF 1998**  
**Major IT Projects - Follow-up Review**

**MR SPEAKER:** I also present, for the information of members, Auditor-General's Report No. 3 of 1998, entitled "Major IT Projects - Follow-up Review".

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.25): Mr Speaker, I seek leave to move a motion authorising the publication of this Auditor-General's report.

Leave granted.

**MR HUMPHRIES:** I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 3 of 1998.

Question resolved in the affirmative.

**TERRITORY OWNED CORPORATIONS ACT**  
**Papers**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members and pursuant to subsection 19(3) of the Territory Owned Corporations Act 1990, I present Totalcare Industries Ltd statement of corporate intent for the period 1 July 1997 to 30 June 2000. I also present, pursuant to subsection 9(2) of the Territory Owned Corporations Act 1990, the statements of share transfers for ACTEW Corporation, ACTTAB Ltd, Totalcare Industries Ltd and CanDeliver Ltd and the statement summarising the changes to ACTEW's articles of association.

**COMMISSIONER FOR THE ENVIRONMENT**  
**Paper**

**MR SMYTH** (Minister for Urban Services): Mr Speaker, for the information of members and pursuant to section 22 of the Commissioner for the Environment Act 1993, I present the Commissioner for the Environment's report on the investigation into the ACT Government's use of chemicals for pest control.

**SUBORDINATE LEGISLATION**  
**Paper**

**MR SMYTH** (Minister for Urban Services): I present, pursuant to section 6 of the Subordinate Laws Act 1989, Subordinate Law No. 21 of 1998, being the Land (Planning and Environment) Regulations (Amendment) made under the Land (Planning and Environment) Act 1991 and notified in *Gazette* No. 24, dated 17 June 1998.

**ENVIRONMENT PROTECTION LEGISLATION**  
**Exposure Draft**

**MR SMYTH** (Minister for Urban Services) (5.27): Mr Speaker, for the information of members, I present an exposure draft of the Environment Protection (Amendment) legislation and I ask for leave to move a motion in relation to the exposure draft.

Leave granted.

**MR SMYTH:** Mr Speaker, I move:

That the exposure draft of the Environment Protection (Amendment) legislation be referred to the Standing Committee on Urban Services for inquiry and report by 1 September 1998.

Mr Speaker, last year this Assembly enacted the Environment Protection Act 1997, the most comprehensive environmental reform ever put in place in the Territory. The exposure draft Environment Protection (Amendment) Bill 1998 is intended to continue the reform process begun by the Environment Protection Act. At present, there is no legislation in the Territory providing for the management of contaminated land and its remediation. This Bill provides for such management. The proposed amendments to the Environment Protection Act will enable the Territory to provide industry and the community with a certainty of process in managing contaminated land. The liability regime established by the Bill is consistent with the Government's policy, adopted by the Intergovernmental Agreement on the Environment signed by all Australian governments in 1992, that, whenever possible, the polluter should pay the full costs of his or her actions. This Bill will be on the table for three months to allow for public comment. After that time the Government will consider all comments made and introduce the Bill formally in due course, redrafted as necessary. Ultimately, passage of the Bill will allow for the development of a contaminated sites environment protection policy under the Environment Protection Act.

Mr Speaker, I now look at the Bill in a little bit more detail. The key objectives of the Environment Protection (Amendment) Bill are to provide a power in the Environment Management Authority to investigate potentially contaminated land, to establish a process for the assessment of and remediation of contaminated land and to ensure control of the future use of contaminated land; to provide a role for independent auditors for expert assessment of all work associated with a contaminated site, giving the community and



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the business sector confidence in the quality of land in the ACT; and to allow for the recovery of costs of assessment and remediation, in most cases from the polluter but, if he or she cannot be found or cannot meet the costs, from the party who stands to gain the most from remediation of the land.

An important element of this legislation is the provision of public access to information through the establishment of a register of contaminated sites. The register has been designed to achieve a careful and appropriate balance between the right of the public to know about contaminated land and the right of a lessee to be protected from financial loss where his or her land may have been investigated but cleared of contamination, or investigated and subsequently remediated. Mr Speaker, I will conclude by saying that this legislation, when ultimately introduced and passed, will allow the ACT to continue to apply national best practice in environmental protection. I welcome the close scrutiny the exposure draft Bill will undoubtedly receive.

Question resolved in the affirmative.

## **MENTAL HEALTH SERVICES - STRATEGIC PLAN Paper**

**MR MOORE** (Minister for Health and Community Care) (5.30): Mr Speaker, for the information of members, I present a whole-of-Territory strategic plan for mental health services entitled "The Future of Mental Health Services in the Australian Capital Territory", and I ask for leave to move a motion in relation to the report.

Leave granted.

**MR MOORE:** I move:

That the strategic plan entitled "The Future of Mental Health Services in the Australian Capital Territory" be referred to the Standing Committee on Health and Community Care for inquiry and report by 25 August 1998.

It is with pleasure that I table the first whole-of-Territory strategic plan for mental health services in the ACT. It will not surprise members that our vision for the ACT is that of a clever, caring capital. Our vision for mental health is:

In partnership with customers, service providers and the community, to continuously improve mental health and community care services in the ACT to maximise both community and individual health and emotional and social wellbeing.

The plan provides the vehicle through which this vision will be realised. It is a product of months of hard work by many caring people who firmly believe in the importance of support in the community to understand that mental health is an issue for all of us.

The life of this plan began in November 1996 with the previous Government's policy statement *Moving Ahead*. Much consultation has taken place since that time, including the important work of the Social Policy Committee inquiry into the adequacy of mental health services. In February this year the Department of Health and Community Care released a draft plan as a basis for a major public consultation process. The draft was developed with the assistance of the Mental Health Council. Over 650 copies were distributed, six focus groups were conducted and 21 written submissions were received.

The strategic plan describes a national and local policy context, outlines data available on the mental health status of the ACT population, provides a profile of existing services and service utilisation, identifies existing financial and human resources, defines objectives, strategies and actions for the next three years, and details revenue and expenditure projections. It builds a broad framework for all services, government and non-government, which will support partnerships and develop best practice service provision. This plan is a living document, Mr Speaker, and its objectives, its strategies and actions will be reviewed each year to ensure that they reflect the latest priorities and availability of resources. The Department of Health and Community Care, together with the stakeholders, will also develop a set of performance indicators for the plan, and these are expected to be ready by December 1998. The indicators will be used to assess the plan yearly, followed by the specific review of the objectives, strategies and actions. At the end of the 2000-01 financial year the plan will be formally evaluated.

Mr Speaker, I spoke to members of the Health and Community Care Committee, which Mr Wood chairs, and indicated that I hoped to be able to present this to the Assembly and refer it to their committee. I sought to refer it to the committee partly because of discussions I had with Ms Tucker, who requested that we do so. I suggested that the work does not need to be done again, but it is important to assess whether the Government has got it right. I hope that that committee will have an important input into this plan. We look forward to the committee reporting to the Assembly.

**MR WOOD (5.34):** Mr Speaker, as chair of the committee, I acknowledge the approach that Mr Moore made on this issue. We will look at the plan with interest. There may need to be just a little more approach to the community to confirm that the plan is widely accepted. Certainly, I welcome it as an important document, and I look forward to processing it as quickly as the committee can.

Question resolved in the affirmative.

### **MENTAL HEALTH SERVICES - CANBERRA HOSPITAL Paper**

**MR MOORE (Minister for Health and Community Care) (5.35):** Mr Speaker, for the information of members, I present the summary report, recommendations and actions following the investigation of the serious adverse incident at the Canberra Hospital, Mental Health Services, on 1 May 1998, prepared by Dr Peter Doherty, and I move:

That the Assembly takes note of the paper.

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Mr Speaker, this was indeed an unfortunate incident at the Canberra Hospital. The report that I have tabled does not include the detail of the work of Dr Doherty as he followed through, but it does include the preliminary comments, the introduction and, most importantly, the outcomes. The outcomes are an embarrassment to me, I have to say, in that an accident like this occurred. What is not an embarrassment to me is that the hospital responded so rapidly to employ Dr Peter Doherty to examine this matter and to ensure the appropriate outcome. Dr Doherty is director of psychiatry at the Northern Hospital and director of clinical services of the Northern and Central East Area Mental Health Services of Melbourne. He has significant qualifications in the relevant areas and is recognised as a prominent psychiatrist.

Mr Speaker, he made a series of recommendations, all of which have now been taken up by Mental Health Services. I have included the full set of recommendations that Dr Doherty made. It is quite clear from what Dr Doherty has said that there was a major problem in the hospital. He says:

The most significant finding of this inquiry is the failure of the hospital to impose a due standard of care regarding the introduction of the Thymatron DX E.C.T. machine.

ECT is electroconvulsive therapy. He continues:

While it is obviously commendable that improvements in technology are being introduced with the potential to improve patient outcomes, the introduction of such, as was experienced with the new E.C.T. machine, without due consideration for the training, education and supervision of staff is a failure on the hospital's part.

It is an embarrassment for any Minister to have to stand in this Assembly and say that this has happened, as indeed it is an embarrassment for everybody involved with this incident. I have spoken to the man involved in the incident. The good news for members of the Assembly is that he has recovered very well from his mental illness. The treatment that he received has been very good. He is recovering very well from the fracture to his back as well. The response of the department to the recommendations has been swift and action has been taking place. That response is included here. I hope that members will see that the hospital has taken an appropriate approach from the time that the accident occurred.

As members may be aware, we have appointed Ms Fiona Tito to look at adverse incidents in the hospital. In fact, discussions were in train before this incident occurred. I hope that we will minimise such adverse incidents in the hospital. I think the fact that the matter became public will help put some people right across the hospital on their toes, so that instead of having a good reaction afterwards all action will be taken to avoid these sorts of situations occurring in the future.

**MR STANHOPE:** (Leader of the Opposition) (5.39): I would like to make a few comments on this incident. It does not need to be said, of course, that it is a matter of enormous regret, if that is not understating it, that our public hospital system did fail this person to the extent that it did. I guess I do not need to labour the point any more than to agree with the acknowledgment that the Minister has made that this was a most serious breakdown in systems and that the effect or impact of the breakdown on a Canberra citizen was extreme. It is something that we would hope would be avoided. I take to heart the assurances of the Minister about the hospital's or the department's immediate response to the report. I accept what he says about their willingness to accept that on this occasion the systems in place did break down in a fundamental way that we simply cannot tolerate and we cannot permit to be repeated.

I commend the Minister for the way in which he has approached this issue. Immediately the incident occurred, the Minister informed me that it had occurred. I followed up with a question on notice to the Minister, to put on the public record that there was an incident. I did this with the Minister's knowledge. These sorts of issues are best disclosed to the public. The public certainly has a right to know when an institution central to our community does have this sort of systemic breakdown. I think the Minister's approach to the incident from the outset has been very appropriate and is to be commended.

As a consequence of the Minister's advice to me about the occurrence of this incident, I had discussions with the Community Advocate. There is perhaps one aspect of the issue - I have not had time to look through this truncated report in any detail - one might take up with the Minister outside this place. That is whether or not the Community Advocate's expressed or stated concerns about the nature of her relationship with the psychiatric unit have been addressed in the context of those changes which the hospital is making as a result of this report. I do not want to overstate it, Minister, because I am sure some of this will rebound on me some day, but I accept implicitly the undertakings you have made and the willingness of all those involved to correct the situation. But I believe that there are other issues of communication and other issues in relation to the extent of responsibilities in that nexus between the Community Advocate, people with psychiatric conditions and the hospital. It may be that in due course you can give us some assurance that those issues are being addressed as well. I believe that the matter has been addressed appropriately. I welcome the cooperative and open approach that the Minister has taken to the issue and with me.

On a slightly separate matter - I do not want to demean my contribution on this very serious issue - I would like to take this opportunity while I am on my feet to congratulate my Labor colleagues in Queensland on taking office in that State.

**MR MOORE** (Minister for Health and Community Care) (5.44), in reply: I indicate to Mr Stanhope that I have spoken to the Community Advocate, although at the time I spoke to her she had had the opportunity to look only very briefly at the paper. The Community Advocate indicated to me that she was content with the recommendations from Dr Doherty, but it is a matter that I will certainly talk to her about in more detail.

Question resolved in the affirmative.

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**HEALTH CARE - HARM MINIMISATION**  
**Ministerial Statement and Paper**

**MR MOORE** (Minister for Health and Community Care): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on harm minimisation, the preferred health model.

Leave granted.

**MR MOORE:** Mr Speaker, today this country faces crucial questions on many issues. The health of the people of Australia and, for us, the people of Canberra is among the most important of these questions - not health as some amorphous, theoretical issue to be debated by academics or researchers or committees, but health as it applies to people, to Australians, to Canberrans. I came to this ministry a short time ago with a strong view that the citizen is the central figure in the health map. Nothing I have seen or heard has moved me any other way; nor would I expect it to. So today I have three issues I want to explore, each in its own way focusing on health issues affecting our citizens. Through these three issues runs a common thread, and the common thread is harm minimisation.

None of us would dispute that a problem exists in the area of, for instance, drugs. Most societies have subscribed to mind-altering substances of some variety. For us, more recently it has been tobacco, alcohol and cannabis and other drugs of dependence. Each of these has its own dark area of risk for both the individual and society. I doubt whether I would get an argument from many quarters on the proposal that it is society's role to control those risk areas. But consider two approaches - proscriptive legislation and harm minimisation. If the world has learnt anything through the history of legislation, it should be that proscription has not worked. Prohibition in America is a prime example of a disastrous attempt by government to do its job in a draconian way. Compare that with the work in Australia on the control of tobacco, where in recent times harm minimisation has been the key. I would claim that this country's success in controlling tobacco use and abuse is envied by others around the globe. It is appropriate to give credit, from the ACT point of view, to the work that Wayne Berry in particular has done on that issue. With that thought, though, I want to move on to the three matters in focus today.

The first one is the sexual health and blood-borne diseases strategic plan 1998-2000. A copy of the plan is attached to the ministerial statement that is being distributed to members. A major commitment which brings into play the harm minimisation concept is the ACT's strategic plan on sexual health and blood-borne diseases. This plan is the first in Australia to integrate a strategic approach to the management of HIV/AIDS and hepatitis C, or HCV. Mr Speaker, while the plan is therefore of considerable importance as a stand-alone document, it would be a mistake to view its impact in isolation.

The plan is also an essential component of a compendium of strategic initiatives that have been developed to carry forward health policy in the ACT over recent years. The goals of this strategy are in line with the third national strategy on HIV/AIDS and the national hepatitis C action plan and are to reduce the transmission of STDs and blood-borne diseases in the ACT and to minimise the personal and social impact of infection with STDs and blood-borne diseases.

To meet these two policy goals, the strategic plan outlines four specific objectives, all of which aim to increase the community's capacity to achieve the policy goals: To promote the use of safe behaviours; to promote strategies which increase or maintain quality of life for those who are HIV and/or HCV positive; to encourage attitudinal change to combat discrimination against those perceived to be in high risk groups and those who are HIV and/or HCV positive; and to plan an ongoing coordinated health response to HIV/AIDS and HCV based on comprehensive research, including data collection, critical evaluation and collaboration between all major stakeholders. The plan provides details of the broad strategies and actions which are planned to be undertaken to meet these objectives and achieve the policy goals. Examples of other initiatives have been the ACT's approach to drug reform, mental health and youth suicide. Like these other initiatives, this strategic plan is founded in four key concepts: A partnership approach; a whole-of-government approach; a population health approach; and the concept of harm minimisation.

The ACT has a strong commitment to practical partnerships supporting the response to HIV/AIDS. There has been a cooperative relationship between government, community organisations, the education sector, the medical and scientific sectors, and people living with HIV/AIDS. The continuation of this partnership approach is crucial to the effective implementation of services. It is exemplified in the Sexual Health and Blood Borne Diseases Advisory Committee, which provides a mechanism for the involvement of community agencies and service providers in the formal policy development process. The ACT is currently working with the Commonwealth and non-government organisations to formulate practical partnerships in response to HCV.

Second, this strategy recognises that an effective response to blood-borne diseases requires a coordinated approach across government. Prevention strategies must at least include the Department of Education, and any law reform efforts must involve the Department of Justice and Community Safety. The Department of Urban Services is also an integral partner in this approach. Mr Speaker, I see this plan as an opportunity to forge stronger intersectoral links between the agencies within my portfolio and those of my Cabinet colleagues.

Third, the response to HIV/AIDS to date has been the targeting of effort to particular population groups who are most at risk of infection or most in need of support, treatment and care. It is important to acknowledge that membership of one of these groups does not necessarily mean engagement in risk behaviour. A population health approach recognises the social health context of these populations and acknowledges the importance of the active involvement of these groups in developing and delivering appropriate services to their communities as far as possible.

Finally, the ACT Government is committed to supporting harm minimisation principles underpinning all sexual health and blood-borne disease strategies. The concept of harm minimisation in the area of drug use means we should strive to minimise the actual and potential harms associated with alcohol and other drug use, not just aim to eliminate use. Similarly, this strategy aims to support a healthy society by approaching the complex area of sexual and blood-borne diseases in a rational, tolerant, non-judgmental and humanitarian way. It is an approach based on the empowerment of those whose health is at greatest risk. This strategy aims both to prevent and to minimise the harm caused through these diseases, which are the subject of much misunderstanding and fear.

As I mentioned, this strategic plan moves beyond the third national strategy on HIV/AIDS to establish a more integrated approach between strategies to address HIV/AIDS and HCV. Although this plan takes a broad sexual health and blood-borne diseases approach, it is recognised that HIV/AIDS and HCV are the appropriate primary focus for this plan because of the significant long-term impacts of these infections on the people and communities affected by them. The two epidemics are at very different stages. HIV has been recognised as a major public health problem since the early 1980s, and the new infection rate has plateaued due to promotion and adoption of safe sex practices. HCV has been seen as a significant public health risk since the late 1980s, but the infection rate, especially among intravenous drug users, continues to climb. Despite these differences, some strategies that have been useful in addressing HIV/AIDS can be usefully applied to HCV. The value of an integrated approach to these conditions applies particularly to prevention and education, as some target populations are more likely to behave in ways that put them at risk of contracting both HIV and HCV.

As of 30 September 1997 it was estimated there were 208 people living with HIV in the ACT, of which 38 have been diagnosed as having AIDS. There were eight new notifications of HIV in the ACT between September 1996 and September 1997. HCV was first reported as a virus in 1989. Since then 1,554 notifications of HCV have been recorded in the ACT. There are about 300 cases of HCV notified in the ACT each year. The true prevalence of HCV in the ACT is likely to be much higher. It is now the most commonly notified infectious disease in the ACT. The majority of notifications are in the 21 to 30 age group. There is no vaccine available for the virus. The effects of hepatitis C vary considerably. Around 80 per cent of people who are infected will have long-term illness. Up to 25 per cent of those infected will have serious liver damage after 20 years, and half of these will progress to liver failure or liver cancer after five to 10 years.

As members may be aware, the ACT has established a comprehensive response to the HIV/AIDS epidemic and more recently has begun to address the consequences of the HCV epidemic. The ACT provides a wide range of HIV/AIDS services through community-based organisations as well as through the hospital system and primary health care services provided by GPs. Many of the services provide all levels of service to identify it as crucial to overall management of HIV. Others may operate on only one or two of the levels but have in place referral and information sharing systems to facilitate seamless service provision to consumers.

An issue requiring specific strategies is that of infection rates among indigenous communities. The national indigenous Australians' sexual health strategy identified an increasing rate of infection rather than the plateau achieved among the non-indigenous population. For developing responses the local indigenous community needs a mechanism which is based on community control. This document includes some specific strategies and actions designed to address this important area. This area will be further developed through the indigenous health strategic plan, which I will be announcing later this year.

To date, only limited resources have been provided to address HCV in the ACT, and significant gaps in service provision were identified through community consultations in 1997. A range of information resources have been produced to address transmission, treatment and care issues, and specialist services are provided by the Canberra Hospital. It is clear that HCV requires an intensified effort to ensure that it does not reach proportions which make it more difficult to manage in the longer term.

Mr Speaker, this plan is the outcome of consultation with a range of individuals and organisations. It has been developed in partnership with the ACT Sexual Health and Blood Borne Diseases Advisory Committee, which is chaired by Professor Peter Baume, AO. I would like to take this opportunity to thank Peter and all of those who contributed. The implementation of the plan will continue the partnership approach which has so far characterised this process. The strategic plan is intended to remain in place until the end of the year 2000. While the implementation plan also outlines timeframes for specific actions over the next three years, it will be an evolving document. Achievement of the actions will be monitored against the specified timelines and be reviewed annually. The Sexual Health and Blood Borne Diseases Advisory Committee will have a key role in this process. I also see the need for ongoing and detailed work with a range of government and non-government agencies as part of this process.

Mr Speaker, I would like to stress the importance of innovative work continuing in the area of blood-borne disease. The current HIV/HCV co-infection rates are estimated at less than 5 per cent nationally. This is very low compared to other developed countries and can be attributed to needle and syringe exchange programs and related policies. I therefore believe that the ACT should continue to lead the way in considering new approaches within the broader context of the Government's approach to illicit drug issues in order to minimise harm and to increase safety for both injecting drug users and society in general.

Mr Speaker, the second issue I would like to deal with is the repeal of the offence of self-administration of a prohibited substance. The ACT Government has previously announced that it would be introducing in the autumn sittings of the Legislative Assembly legislation to amend the Drugs of Dependence Act 1989 to repeal the offence of self-administration of a prohibited substance or drug of dependence. Considering that there are only a few minutes of the autumn sittings left, that is not going to happen, and I will explain why. In subsequent consultations, a number of significant issues have been raised about the proposal. These issues need to be addressed in a considered way. The ACT Government has therefore decided to delay the introduction of amending legislation until there has been an opportunity to consider the full implications.



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Moreover, the Government believes that the possible repeal of the offence of self-administration should be considered within the broader context of the Government's approach to illicit drug issues. I have therefore requested that detailed consideration be given to options for minimising harm and increasing safety for both injecting drug users and society in general.

I intend to present a comprehensive proposal to the Legislative Assembly at a later stage. It may then be appropriate to have the matter referred to the Legislative Assembly's Health and Community Care Standing Committee. The repeal of the offence of self-administration is consistent with the principle of harm minimisation, which underpins both the national and ACT drug strategies. Harm minimisation recognises that drug policies and programs should strive to minimise the actual and potential harms associated with drug use, not just to eliminate such use. This is a view which has been endorsed by all Australian governments and all Australian police services. I note that Victoria Police Commissioner, Neil Comrie, has recently been quoted as saying that government "should explore alternative means of dealing with those people who actually abuse drugs". I believe that it is important that these issues be examined in a considered, evidence-based manner. I seek the support of all Assembly members in ensuring that a constructive debate occurs.

Thirdly, I would like to talk about the problems of a solely abstinence-based approach to illicit drugs. Members of the Legislative Assembly would agree that the ACT has developed a reputation as one of the leading Australian jurisdictions in minimising the harm that results from misuse of drugs. The ACT is a national leader in tobacco control, having been recognised in the past two years by the Australian Medical Association for action in this area. The Alcohol and Other Drugs Council of Australia has noted that the ACT provides more funding on drug programs and services per capita than all other jurisdictions with the exception of the Northern Territory. ADCA also ranked the ACT second in ensuring that treatment programs and services are available and ensuring programs are provided to prevent and reduce problems. Most importantly, the ACT is recognised as a jurisdiction which has established a wide range of evidence-based services to deal with various harms resulting from the misuse of drugs. Our approach is firmly based on the fundamental principle of harm minimisation, both for those individuals affected by drug use and abuse and for society in general.

The ACT Government is therefore well placed to comment on some of the trends which appear to be occurring in terms of national drug policy. Let me reiterate what the Chief Minister has previously said. It is unfortunate that the Prime Minister's recently announced national illicit drug strategy relies little on evidence and much on ideological preconceptions. I concur with the Chief Minister on that. I understand from several sources that the Prime Minister has drawn strongly on United States influences in advocating an abstinence-based "war on drugs" approach to the problems of drugs misuse in the Australian community. This approach represents a very real movement away from harm minimisation. It needs to be recognised that, just as there are a range of harms resulting from the misuse of drugs, so there must be a range of approaches to address these harms. Abstinence is an important part of harm minimisation but it is only one component.

The ACT is not the only jurisdiction which has expressed concern about the national illicit drug strategy. Most jurisdictions have expressed concerns that the national illicit drug strategy was developed without consultation with the State and Territory governments and that its major emphasis is on one component of the harm minimisation approach that underpins the national drug strategy. Furthermore, it has been noted that the proposed method of funding allocation potentially undermines jurisdictional tendering processes, it may not be consistent with jurisdictional priorities, and the funding is available only to non-government agencies. While non-government organisations play a crucial role in service delivery, it is crucial that these services be coordinated by State and Territory governments, which are currently the major coordinators of alcohol and drug services at this level.

It appears that the evidence that the Prime Minister used in the formation of this strategy is taken from a report which is more in line with the failed United States prohibitionist strategies than the highly successful Australian harm minimisation approach. Interestingly, the Prime Minister has refused to make this report public. I have written to Dr Wooldridge, asking him to make the evidence available, but he has used the protection of Cabinet-in-confidence to bury that evidence. I call on the Prime Minister to release this report publicly.

Despite considerable reservations about the national illicit drug strategy, I recognise that there is a real need for Commonwealth funding for drug and alcohol services in the ACT. Currently, the ACT receives \$352,000 from the Commonwealth for drug and alcohol services, which is far less than the ACT spends in this area. The Commonwealth has recently announced jurisdictional allocation of funding under the national illicit drug strategy, and the Government has been advised that the ACT has been allocated \$125,000 per annum over four years to meet gaps in service delivery. This is clearly not enough to meet any of the priorities in service delivery. These priorities are residential rehabilitation service for young people, women detoxification service, residential rehabilitation service for Aboriginal people, and services for people with mental illness and substance abuse problems. Funding at \$125,000 per annum, or \$500,000 in total, would barely cover operational costs, let alone establishment costs. I have written to the Minister for Health and Family Services, the Hon. Dr Michael Wooldridge, MP, asking him to reconsider the ACT's allocation. In particular, I have asked him to recognise the importance of Canberra as a regional centre which takes many clients from New South Wales and Victoria. The ACT Government will be working closely with the non-government sector to assist them in assessing whatever funds are allocated under the national illicit drug strategy.

In announcing the second instalment of the national illicit drug strategy, the Prime Minister also announced the establishment of the Australian National Council on Drugs, ANCD, to be chaired by Major Brian Watters of the Salvation Army. All Australian governments have expressed concerns regarding the establishment of the ANCD, noting that it could undermine the role of the Ministerial Council on Drug Strategy, which consists of health and law enforcement Ministers from all jurisdictions as a pre-eminent decision-making body on drugs policy. I believe that these concerns have now been addressed, with all jurisdictions agreeing at the Ministerial Council on Drug Strategy meeting in May 1998 to an ACT proposal to make the Australian National Council on Drugs an advisory body only.

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I draw members' attention to one of the most dangerous, misinformed articles that it has been my misfortune to read. This month's *Reader's Digest* - it may well have been last month's - has as its leading cover story "Australia's Methadone Mess". This article elaborates on what is, according to the uninformed view of the journalist concerned, "a system that doesn't work and that costs taxpayers millions". Yet no mention is made of the millions more that are saved through disease prevention and through getting people's lives together. In the article, Salvation Army spokesperson, Brian Watters, is quoted as saying that methadone for the heroin addict is "like putting a bandaid over a deep infection". Mr Watters argues that the best way to deal with addiction is to participate in long-term residential treatment such as the bridge program offered by the Salvation Army and goes on to proclaim a complete abstinence rate of 33 per cent after 12 months, with another third taking significantly fewer drugs. I must say that I would be interested to see evidence of this kind of success rate. The *Reader's Digest* article represents an extraordinary disservice to society. It is reckless and indeed dangerous, in that it spreads propaganda that may unfortunately mislead the community, including people whose lives may otherwise be saved by methadone or potential victims who may be saved from robberies or from muggings.

I am very pleased to note, Mr Speaker, that the Australian National Council on Drugs, which is chaired by Major Watters, has recently announced its support for methadone maintenance treatment. The council has endorsed methadone as a valuable and legitimate drug substitution therapy and confirmed its support for the national policy on methadone treatment. The benefits of methadone maintenance treatment have been well documented in research studies both within Australia and internationally. Like other treatment services, methadone maintenance treatment plays an important role in public health by ameliorating the social and individual harm associated with heroin addiction.

The national policy on methadone treatment identifies the immediate and measurable objectives as being "to assist individuals in treatment to reduce drug use, reduce the risk of dying, improve health, and improve lifestyle and social functioning". To the extent that the ACT methadone program achieves these individual objectives, it conveys significant benefit to the ACT community, not only by reducing individual and family distress, but also through reduced drug-related crime and reduced transmission of blood-borne diseases such as hepatitis C and HIV. The ACT community methadone program is currently being evaluated, and I can assure members that, rather than having the methadone program wound up, as the *Reader's Digest* would advocate, the ACT Government will be initiating a range of measures to strengthen and enhance the methadone program. I will be reporting back to the Assembly on these proposals in the near future.

It is important that the principles of harm minimisation remain central to national drugs policy, and I assure members of this Assembly that I, as the ACT Minister for Health and Community Care, along with the Chief Minister and my other colleagues such as Mr Humphries, will be taking all possible measures to ensure that this occurs. I commend these initiatives to the Assembly and I look forward in coming months and years to a health policy and program which continue strong and positive developments for the citizens of the national capital.

I present the following papers:

Health Care - Harm Minimisation: The preferred health model - ministerial statement, 25 June 1998.

Sexual health and blood borne diseases - strategic plan 1998-2000, dated June 1998.

I move:

That the Assembly takes note of the papers.

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

**MAGISTRATES COURT (AMENDMENT) BILL 1998**  
**Detail Stage**

Bill as a whole

Debate resumed.

**MR STANHOPE** (Leader of the Opposition) (6.07): Mr Speaker, I ask for leave to move three amendments together.

Leave granted.

**MR STANHOPE**: Mr Speaker, I move:

Page 7, line 34, clause 11, after proposed new paragraph 153(3)(b), insert the following paragraph:

“(ba) a community service order made under subsection 556G(3) of the *Crimes Act 1900* in respect of the person is discharged in accordance with subsection 556V(1) of the *Crimes Act 1900*.”.

Page 11, line 13, clause 11, after proposed new section 154C, insert the following sections:

“154CA. **Referral to Magistrates Court**

‘(1) Where -

(a) the Registrar is satisfied that all reasonable action has been taken under this Division to secure payment of an outstanding fine and there is no reasonable likelihood of it being paid;

- (b) the fine defaulter has attained the age of 18 years; and
- (c) the Executive has refused to remit the outstanding fine under section 159;

the Registrar shall refer the matter to the Court for consideration under subsection 556G(3) of the *Crimes Act 1900*.

‘(2) The Registrar shall not act under subsection (1) —

- (a) unless —
  - (i) the Registrar has given the defaulter written notice that a referral is under consideration and that he or she may consent to the referral by notice in writing given to the Registrar within 30 days after the date of the notice; and
  - (ii) the defaulter consents to the referral; or
- (b) if a previous such notice has been given to the defaulter in relation to the fine.

‘(3) The power conferred by subsection (1) may not be exercised by a Deputy Registrar.

‘(4) Subsection (1) does not apply to a person whose liability to pay the fine is derived from an order under section 437 of the *Crimes Act 1900*.

“154CB.       **Referral to Children’s Court**

‘(1) Where —

- (a) the Registrar is satisfied that all reasonable action has been taken under this Division to secure payment of an outstanding fine and there is no reasonable likelihood of it being paid; and
- (b) the fine defaulter has not attained the age of 18 years;

the Registrar shall refer the matter to the Children’s Court for consideration under subsection 54(5) of the *Children’s Services Act 1986*.

‘(2) The power conferred by subsection (1) may not be exercised by a Deputy Registrar.

- ‘(3) Subsection (1) does not apply to a person whose liability to pay the fine is derived from an order under section 437 of the *Crimes Act 1900*.’”.

Page 11, line 17, clause 11, proposed new paragraphs 154D(1)(a) and (b), omit the paragraphs, substitute the following paragraphs:

- “(a) the defaulter —
- (i) has been notified under subsection 154CA(2); and
  - (ii) has not consented to a referral to the Court under section 154CA;
- and paragraphs 154CA(1)(a), (b) and (c) apply to the defaulter;
- (b) the Court has refused to make a community service order in respect of the defaulter under subsection 556G(3) of the *Crimes Act 1900*; or
  - (c) a community service order in respect of the defaulter is revoked under any of the following provisions of the *Crimes Act 1900*:
    - (i) section 556KA;
    - (ii) paragraph 556M(1)(b);
    - (iii) section 556NA;
    - (iv) subsection 556Q(3).”.

Mr Speaker, I will be very brief. I covered the issues in relation to this suite of amendments when I spoke in the in-principle stage of the debate on this Bill this morning. I do not have any information to add to what I mentioned then. I will just reiterate it. The Labor Party’s position on this issue is that we support the aims of this legislation. We think it is a good proposal. We think it is good legislation. We believe, however, that the fundamental principle in relation to the recovery of fines is that every step possible should be taken to keep fine defaulters out of gaol.

The only concern we have with this legislation is that we do not believe that this legislation achieves that. We do not believe that the legislation has gone far enough. We believe that there is an opportunity to take one more step, to have the court have one more look at determining whether a fine defaulter should be given another option, that is,

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the option of a community service order instead of gaol. As a principle, I do not think that can be gainsaid. Since the debate this morning I have had discussions with the Minister and with other members of the Assembly. I appreciate very much the sentiments that the Minister has brought to those discussions; but, on balance, the Labor Party has decided that, as a matter of principle, it would prefer to continue with its proposed amendments in relation to this Bill, and that is what we will do. We wish to put these amendments and we maintain our position, understanding and accepting the arguments that the Minister has put to me in private and accepting the difficulty of the situation as expressed by him. But I do believe, and the Labor Party does believe, that the overriding principle of doing everything we can as a community to keep people out of gaol should be pursued.

I believe that not to do that is to send a significant signal about our commitment to alternatives to detention. My understanding of most of the debate these days about gaol as a punishment concentrates very much on what are the alternatives to incarceration. I believe that there are very reasonable alternatives that we should be pursuing, that we should be maintaining, and that we should not give up on those alternatives because of what I will admit are significant economic imperatives or issues. Nevertheless, we are abandoning our commitment to seeking to keep people out of gaol if we are not prepared to pursue an alternative to incarceration because of a cost factor. I think that that really does get out of kilter, or put out of balance, some of the human factors. I am concerned about that, and the Labor Party will maintain its support for these amendments.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.12): Mr Speaker, I address my remarks to Ms Tucker, since she is the only other person in the chamber who has not indicated a position on this legislation. I said this morning in the in-principle debate on this legislation, having seen Mr Stanhope's amendments, that I was sympathetic to the objective that he was attempting to put in place. I share partly his view about imprisonment. It is not a particularly desirable remedy for someone's failure to pay a fine. Mr Stanhope says to the chamber that he believes that we should do everything we can to prevent people from going to gaol for failure to pay a fine. Of course, there is something more that he could suggest, that is, simply to abolish the option of gaol for fine default. If he believes that we should avoid gaol, then it would seem appropriate to take that step.

**Mr Berry:** CSOs are a good idea.

**MR HUMPHRIES:** I will come to that in a minute; but, on the point I am making, Mr Berry, if you believe that we should not have gaol, it would be appropriate to abolish that as an option altogether. But what Mr Stanhope has done instead has been to put another layer in, to insert the layer of community service orders before gaol. Mr Speaker, I have some sympathy for - - -

**Mr Berry:** What is wrong with CSOs? Tell us what is wrong with them?

**MR HUMPHRIES:** Let me finish my remarks, Mr Berry. I have sympathy for that point of view. I think Mr Stanhope suggests a reasonable concept. I would like to see that step imposed as an alternative before gaol, too. I said that this morning and I have not changed my view about that.

But there happens to be a very significant problem with the suggestion which Mr Stanhope has made and which is contained in his amendments to the legislation, that is, the way that the figures work out. The Government expects, on the best estimates available to it, based on the experience with a similar reform that was undertaken in Western Australia recently, to recover an additional \$70,000 per annum in outyears from this measure to improve methods of fine recovery through the fine default package. I am advised, again based on the Western Australian experience, that, if we were to insert a community service order layer in the system as proposed by Mr Stanhope, we would anticipate in the order of 400 community service orders being made each year under these arrangements. The cost of administering an additional 400 community service orders in the ACT each year would be something like \$170,000. Mr Speaker, you do not have to be a financial wizard to realise that there is not much point in moving a package of financial reforms like this to create - - -

**Mr Berry:** So, it is the cost that led to the change of heart on CSOs?

**MR HUMPHRIES:** Yes, it is, Mr Berry. In answer to your interjection, yes, it is. I would like to do what you have suggested, but to do it would cost us more than we would save. In other words, rather than this measure saving us \$70,000 a year, it would cost us \$100,000 a year. I am very happy to approach this issue from a different angle at some point in the future, but I will not support a measure which will actually reverse the very thrust of this legislation. This legislation is about saving the community money in outstanding fine default. To take these amendments forward would actually cost us money.

**Ms Tucker:** Would it stop people going to gaol?

**MR HUMPHRIES:** No, it would not, because the people who reach this stage, Mr Speaker, are very often people who have shown a great reluctance to comply with their obligations under the law.

**Ms Tucker:** So, they would not take a community service order rather than gaol?

**MR HUMPHRIES:** Many people would not comply with a community service order and would go to gaol, but some would. I should point out to members that, historically, a number of people have looked for some alternative means of wiping out their debt rather than actually reaching into their wallets and forking over the money. It is quite common in other jurisdictions for people to serve a term in gaol to wipe out a debt that they incurred. They say to themselves, "Rather than paying the \$600, I will do three days in gaol". Actually, it is more than that; I think it is \$25 for each day.

**Mr Rugendyke:** It is \$100 a day.

**MR HUMPHRIES:** It is \$100 a day, is it? I defer to Mr Rugendyke's knowledge on this. So, if you owed \$600, you would do six days in gaol and wipe out your debt. For some people, that is a quite attractive alternative. Some people, I am told, actually do it as an alternative to paying the money. If an option of a community service order were



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interwoven before that stage, people would say, "Beauty; I will do a community service order. Better still, I can stay at home. I do not even have to leave my place of residence to be able to take up that option". Mr Speaker, lots of people would take it up. If we had the 400 estimated by my department, we would see a cost of \$170,000. So, I say to members that I cannot in all honesty proceed with this legislation at all if the Assembly wants to adopt the amendments Mr Stanhope has proposed, because that would be entirely counterproductive to the exercise the Government is engaged in here, that is, returning money to the ACT Treasury from outstanding fines.

**MS TUCKER (6.18):** I did say that I would support Mr Stanhope's amendments when I spoke earlier - Mr Humphries must not have heard that - because I am really interested in the concept of having another step between the licence going, the registration going, the wages being garnisheed, the mechanisms for removing property or whatever it is, and the final point of gaol, that is, the offer of community service. If someone does not have a licence to lose, does not have registration to lose, does not have wages to be garnisheed, and does not have property to be taken and that person gets to the end, my question would still be: Surely, is it not better for society generally that that person not go to gaol, because everyone here agrees that sending people to gaol can have adverse effects?

Mr Humphries has cited some figures. I would like to see them and discuss them in more detail. You say that it costs so much to run community service orders. Again, it is a question of costing. How do we cost the benefit of not sending someone to gaol? How do we cost the benefit to the community of the service that is given? What have we saved in wages there? I know that what you pay out is what you are talking about, but there are benefits to the community as a whole.

The question of having the Community Advocate involved where children are concerned is something that I am very interested in. I am interested in the concept of Mr Stanhope's. I understand that the Labor Party will be trying to adjourn this debate. I would support that, because I would like to have the opportunity to get a briefing from the Government and to have more time to talk about the Community Advocate being involved. I am not quite clear on the pros and cons of that, but I certainly support the principle of what Mr Stanhope has done in his amendments here. I think it would be useful if there were an adjournment.

**MR WOOD (6.20):** Mr Speaker, I was interested to hear Mr Humphries acknowledge in response to an interjection from Mr Berry that a reason, perhaps the reason, for changing the approach to community service orders which has occurred recently was the high cost of running those orders.

**Mr Humphries:** I am sorry; no, that was not what I said. He asked whether our view on the amendments was because of that and I said yes.

**MR WOOD:** No, I think the interjection was more, "Did you change on the CSOs because of the cost?".

**Mr Humphries:** I misheard what he said, in that case, and I am sorry.

**MR WOOD:** I am very pleased you cleared that up because the change to the CSOs has caused some problems. That is not a matter for debate at this moment. Mr Humphries having cleared that up, I am more comfortable now with the briefing that I received from an officer of his department, which certainly did not express any cost-saving factor in the change to the way CSOs were being handled.

**Mr Berry:** Mr Speaker, I wish to move that the debate be adjourned.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I seek leave to make a short statement to the Assembly before that motion is moved, so that I can give a reason for not adjourning the debate.

**Mr Berry:** No, there are rules.

**MR SPEAKER:** Mr Berry, Mr Humphries is seeking leave. As you well know, members can do anything in this Assembly if they have leave of the Assembly. Is leave granted?

**Mr Berry:** I will not pursue, for the moment, the motion to adjourn the debate. He can speak whenever he likes, as a Minister.

Leave granted.

**MR HUMPHRIES:** Once I have spoken, Mr Berry, I am quite happy to take a motion to adjourn and we can then vote on that motion. But I want to put to the Assembly reasons why we should not do so. First of all, I will respond to what Ms Tucker has had to say. With respect, I think Ms Tucker is arguing for abolition of the option of going to gaol at all for fine default.

**Ms Tucker:** No, as a step between. As his amendments say, the community service option before gaol.

**MR HUMPHRIES:** Okay. The point is that when you get to the stage of going to gaol you have, from a financial point of view, failed, that is, the Territory has failed. It costs more to put someone in gaol than we actually recover in the way of a notional recovery of money for a fine default. In a sense, gaol is not a particularly desirable option. The only reason that I have advocated retaining gaol as a final option is that it is an incentive to people who do not want to get to that option to pay their fine. That is why I have suggested that as an alternative option.

But, with respect, we have to look at the finances of the matter, and they are the finances which appear on the pages of the budget documents, for example, before us. If we were to implement these measures proposed by Mr Stanhope, we would end up with a cost of \$170,000. I am happy to debate whether that is an accurate figure and to juggle the figures a bit to see whether we can reduce the costs a bit. Maybe we can have cheaper

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community service orders. But that is my advice as of today. It is my advice that it is \$170,000. Clearly, the Government would have no reason to proceed with this package of legislation if the cost of implementing it was going to be greater than the saving we were going to make by doing it.

I turn to the question of adjourning the debate. Mr Speaker, this legislation was put on the table originally more than six months ago. It was reintroduced earlier this year and the Government made it clear at the Government business meeting last week that it really wanted to get this package of legislation through the Assembly this week. Why have I said that? The answer is simple. In the first year - not the outyears, but the first year - of operation of this new package, we expect to receive something like \$400,000 in outstanding fines. For outyears it is only \$70,000, but in the first year it is \$400,000. It will take three months to crank up the legislation through an advertising campaign, details of which are provided in the budget which has just been brought down.

Adjourning this matter until August puts off by five months the beginning of the new fine-default package. Mr Speaker, \$400,000 is riding on that. With great respect, I would suggest to members that six months is more than enough time to have these issues considered and it is not unreasonable for the Government to say, "Let us consider these Bills before the Assembly". I am sorry to have fairly complex amendments from Mr Stanhope today. With great respect, I think it is a bit much to ask us to consider today fairly complex amendments to legislation which has been on the table for six months.

**Mr Berry:** You are arguing against yourself. You are arguing for an adjournment.

**MR HUMPHRIES:** It has been on the table for six months and to ask us to consider that today is a bit much. But there is an alternative. The legislation would need three months' preparation time before it could be made effective after its passage today in the Assembly. If Mr Stanhope has amendments which he thinks through and is able to get support for, they can still be passed in August - before the legislation would begin to operate in September - but we would be able to begin work on putting the package in place in the meantime. That is the compromise I suggest to the Assembly. Let us pass the legislation today. If Mr Stanhope works out some way of doing what he wants to do in August, we will pass those amendments in August and the legislation can still begin in September. We can start to get that \$400,000, which will pay for important community services.

**MR OSBORNE (6.26):** I think that what Mr Humphries has had to say is quite sensible. Mr Speaker, I was first approached by Mr Stanhope this morning, and I must admit to being a little confused about something that Mr Rugendyke raised with me. I thought the community service orders were mainly about juveniles and I indicated that I was more than happy to support Mr Stanhope on that. I had not given much thought to the issue of adults. I do take on board what Mr Humphries is saying about the cost. What is the point in doing it if it is going to cost us money?

As Mr Humphries has indicated, it would still be possible for Mr Stanhope to move some amendments in August while this mechanism is being put in place. I do sympathise with what Mr Stanhope is trying to achieve. I do not quite know how we can do it if the Government is not on side, given that this is, perhaps, a money issue. I do not know whether we can pass any legislation which requires the Government to spend money, but I am quite prepared to work with Mr Stanhope. I know that Mr Rugendyke is very keen to accommodate what Mr Stanhope is trying to achieve; but, given that we still have sitting weeks between now and the time that this legislation will be enacted, I think it is sensible that we go ahead and support it. We will not be supporting adjournment of it.

**MR KAINE** (6.28): Mr Speaker, I think that my position on this issue is pretty much in line with that of Mr Osborne. I must say that I have had this legislation for quite some time and I only discovered, quite by accident, about an hour ago that Mr Stanhope was proposing to put amendments forward. I do not know - - -

**Ms Tucker**: It was not by accident; you were told.

**MR KAINE**: It was by accident. It was by accident that Ms Tucker happened to mention it to me and I did not know what she was talking about. In view of what the Minister has just said, I am reluctant to adjourn the debate on these issues because the Minister's Bills have my total support, as I indicated in the debate earlier. I think it would be a grave step to take simply to adjourn the debate and just leave the legislation sitting on the table for another three months. It is good legislation; it should be put into place.

Mr Stanhope's amendments may well have merit. I do not know, as I have not had a chance to look at them yet. I think that some compromise by which the legislation that has been on the table for some time is passed tonight, with some undertaking to look at Mr Stanhope's amendments in the longer term when we understand what the ramifications of them are, would be a sensible way to go. That is the course of action that I would adopt.

**MR STANHOPE** (Leader of the Opposition) (6.29): I seek leave to withdraw my amendments, Mr Speaker.

Leave granted.

Amendments, by leave, withdrawn.

**MR STANHOPE**: May I speak to that?

**MR SPEAKER**: Yes, you may.

**MR STANHOPE**: I am, above everything else, a pragmatist. I will accept the Minister's offer in relation to the amendments. I will reintroduce them as a Bill in August and I will take the Minister's offer as given. I look forward to the considered support of members for these proposals in August.

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**MR RUGENDYKE** (6.30): Mr Speaker, I would like to thank Mr Stanhope for allowing me to agonise over this issue, just as he agonised over my knives Bill last night. Perhaps we are even at this point.

Bill, as a whole, agreed to.

Bill agreed to.

### **MOTOR TRAFFIC (AMENDMENT) BILL 1998**

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 2) 1998**

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**REMAND CENTRES (AMENDMENT) BILL 1998**

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**CRIMES (AMENDMENT) BILL 1998**

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**ABSENCE OF SPEAKER**

**The Clerk:** Pursuant to standing order 6, I wish to inform the Assembly that the Speaker will be absent for the period 18 July 1998 to 10 August 1998, and in that period the Deputy Speaker, Mr Wood, will, as Acting Speaker, perform the duties of the Speaker.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### **ACTION Bus Fares : Budget**

**MR BERRY** (6.34): I have received a couple of emails in response to the “caring budget”. Mr Speaker, I would like to read onto the record the views of a constituent as expressed in an email to me. I understand that the same email was sent to Mr Smyth, to Mr Hird even, to my colleague Mr Stanhope, to Mr Stefaniak and to Mr Rugendyke. It is about a letter addressed to the manager of ACTION buses in the following terms:

I have examined the proposed fare structure described on Action’s web page and in today’s *Canberra Times*.

I am very disappointed with two aspects of the structure. These are:

- . scrapping of the weekly ticket.
- . no mention of the adult off peak daily ticket.

Scrapping the weekly ticket means that travel by bus for a given seven day period increases from \$29 to at least \$34. This represents an increase of at least 17.2% and feels like revenue raising by stealth. Please note that the monthly ticket does not suit my needs.

The adult off peak daily allowed very economical travel in off peak periods and at the weekend. I trust that Action had valid data to show that this change is revenue neutral.

I request a detailed explanation regarding the scrapping of the weekly ticket and the failure to mention the adult off peak daily.

I trust that Mr Smyth’s office will pick up on this issue and respond to the person who has written to them.

I have also received a letter directed to me in relation to the Government’s “caring budget”. It reads:

Dear Mr Berry,

I own a house, a station wagon and have two children who cross two bus zones to go to school!

Ouch!

What was to be a free school bus service now costs me \$544.00 per year!  
(\$3264.00 over their high school life!)

This could not be called a 'family budget' by any stretch of the imagination.

It is a long time since I have had so quickly that sort of response to a budget in relation to any extra charges. Mr Speaker, this is clearly not a caring budget. It is a cunning budget; there is no question about that. But it is not a budget which cares about the people of the ACT. In the end, ordinary working people are going to be the ones that pay massively for the excesses of the Carnell Government. We have seen them in the past and we have criticised them in the past, but it appears that the Government has not learnt its lesson and still ignores the wishes of the community. This Government is hell-bent on raking in revenue from ordinary working people out there. These are two examples that I bring to your attention tonight. I trust that the Government will take on board the complaints that are rolling in. More will come, I am sure.

### **ACTION Bus Services**

**MR HIRD** (6.36): Mr Speaker, I remind Mr Berry that on 20 May this year the Assembly passed across to the Standing Committee on Urban Services, which Mr Berry left today, a public inquiry into ACTION buses. I would suggest to Mr Berry that, if he gets in touch with his constituents, they may care to take up the committee's offer and put forward a submission, either written or verbal. I understand that submissions are being accepted by the committee up until 7 August 1998. But it does surprise me that Mr Berry, who was a member of that committee, does not realise what is happening in this place. Then again it goes on from time to time. I note that he has left the chamber. It may be that he has turned his back on the fact that he has forgotten that this inquiry was being undertaken. Mr Speaker, I would invite all members of the house, should they get any inquiries from their constituents, to contact the secretary of the Urban Services Committee.

### **Ms Natasha Davis**

**MS TUCKER** (6.38): I rise tonight to acknowledge the work of Natasha Davis, who has been working for me for the last three years. As members know, the quality of work of the people who work with you in this place is very important. I believe that a lot of the work of high quality that has come out of the Greens' office has been the result of Natasha's dedication and hard work. Natasha started with me on the first day that we arrived here. We walked into two empty offices with Lucy Horodny and it was a fairly scary experience. We did not have anyone here to help us adjust, except, of course, the people who work here - the secretariat and other staff who are always incredibly supportive. I think it is really important to acknowledge Natasha's work, because the people behind the members are incredibly important and they are not usually acknowledged. I just want to say thank you to Natasha.



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### **Fine-default Legislation**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.39), in reply: I second the motion from Ms Tucker, Mr Speaker. I just want to say one brief thing about the fine-default package. It has occurred to me that I might have said in the course of my remarks that I was going to support the amendments when they came forward in August. I did not mean that. If that is what I have said on the record, I meant, of course, that I would give serious consideration to them. I reiterate an offer to the Labor Party to work with them to develop the concepts that they have looked at, to see whether there is some workable means of approaching the problem that they have raised.

Question resolved in the affirmative.

**Assembly adjourned at 6.40 pm until Tuesday, 25 August 1998, at 10.30 am**

**ANSWERS TO QUESTIONS**

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE 5**

**Plants - Free Issue**

**Mr Corbell** - asked the Minister for Urban Services

In relation to the free plant issue to new home buyers:

- (1) Are you aware that the free plant issue is open to abuse by builders or other third parties who collect plants and fail to pass them on to the owners of the homes for which they are provided.
- (2) In how many instances have (a) free plants been issued to builders or other third parties, rather than owners of properties, and (b) what mechanisms are in place to prevent the misuse of this program.
- (3) How will you ensure (a) that home owners receive plants for their properties, (b) that plants are not misappropriated and (c) will you undertake to investigate allegations of misappropriation when they are brought to your Department's notice

**Mr Smyth** - the answer to the member's question is as follows:

- (1) The plant issue scheme has safeguards inbuilt to ensure that the scheme is not open to abuse. The plants are issued to the registered purchaser of a new block of land within 24 months of signing the purchase agreement. Eligibility is transferable if the land is sold during this period. The plants are issued for planting on the block designated.
- (2)(a) Plants are only issued to the registered owners of a new lease, not to third parties.
- (2)(b) Where the owner of the new block of land is a builder, in addition to providing evidence of ownership, a Statutory Declaration is signed by the builder declaring that the plants will be planted within the boundary of the block and the plants will remain on site if and when the block is sold.
- (3)(a) Evidence of lease ownership is required before registration for plant issue. One of the following documents are sighted:
  - Settlement papers
  - Certificate of Occupancy
  - Transfer documents
  - Mortgage papers
  - Contract of Sale (with stamp duty stamp)
  - Lease MemorandumAs well as personal identification

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- (3)(b) The eligibility and identification checks combined with detailed issue records maintained by the Nursery minimise the opportunity for misappropriation of plants.
- (3)(c) The Nursery undertakes to investigate all allegations of misappropriation and where evidence is available, refer the matter to the Government Solicitor for action.

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**  
**QUESTION ON NOTICE 7**  
**Cryptosporidium Testing**

**Ms Tucker** asked the Minister for Urban Services - in relation to the recent outbreak of cryptosporidium in Canberra:

- (1) At what stage during the outbreak did ACTEW begin testing ?
- (2) What advice did ACTEW provide to the Government about the outbreak ?
- (3) Can you provide details of ACTEW's testing regime during the outbreak.
- (4) Did ACTEW at any time during the outbreak test water quality (a) at the outlet tap of any of the affected pools and (b) below the storage reservoirs and if so what were the details of these tests.
- (5) Were any repairs, or any other reasons for negative pressure to have occurred in the water supply mains in the vicinity of the (a) Tuggeranong and (b) Erindale pools prior to the outbreak.
- (6) Was there any water diverted from any other area where negative pressure occurred in the vicinity of the (a) Tuggeranong and (b) Erindale pools prior to the outbreak.
- (7) Does ACTEW have emergency procedures in place to test water quality if a similar water related outbreak occurs in the future, and, if so, how long have such procedures been in place, and what are the details of these emergency and testing procedures.

**Mr Smyth** - the answer to the member's question is as follows:

- (1) ACTEW tested Stromlo Water on 7 January 98, Googong Water on 20 January 1998.  
ACT Health formed an outbreak team on 30 January 1998.  
ACTEW tested daily from 2 February 1998.
- (2) ACTEW supplied ACT Health with all results of all cryptosporidium testing performed.  
ACTEW supplied ACT Health with maps showing which areas of Canberra and Queanbeyan were supplied by Stromlo or Googong Water Treatment Plant.  
ACTEW was represented on the outbreak team.  
ACTEW supplied all water supply information required by ACT Health.

- (3) There was daily testing of inlet and outlet water from both Googong and Stromlo Water Treatment Plants.

No viable cryptosporidium was detected. All testing was performed by a NATA accredited laboratory registered for testing of cryptosporidium.

- (4)
- (a) No testing was undertaken by ACTEW at the outlet tap of any of the affected pools.
  - (b) ACTEW tested city service reservoirs outlets which supplied water to Tuggeranong (4 February 1998) and Erindale (13 February 1998) swimming pools. No cryptosporidium was detected.
- (5) There were no repairs or other work to cause negative pressures in the water supply mains in the vicinity of either Tuggeranong or Erindale pools in the period immediately prior to the outbreak.
- (6) There was no water diverted from other areas where negative pressure may have occurred.
- (7) ACTEW operates its Water Quality and Supply System under a NATA Certified ISO 9002 Quality System and ISO 14001 Environment Management System. Under these systems there is an emergency procedure in place for drinking water contamination.

The emergency procedure covers appraisal and response for potential water supply contamination events including testing and/or targeted information exchange, updates and commands with ACT Health.

ACTEW first attained NATA certification for the Quality System in 1994 and the Environment Management System in 1997.

**ACT LEGISLATIVE ASSEMBLY**  
**QUESTION ON NOTICE NO 9**  
**Gungahleen Schoolhouse**

**Mr Wood** asked the Minister for Urban Services -

- (1) What is the heritage status of the 'Gungahlin' Schoolhouse and its grounds on North Lyneham.
- (2) Are there any proposals for development or other activity on the site and if so what?
- (3) What funds can be made available to restore the Schoolhouse.
- (4) Will the neighbourhood be asked to participate in any decisions about the site.

**Mr Smyth** - the answer to the Member's question is as follows:

- (1) The Gungahleen Schoolhouse and its grounds (Block 10, Section 95), North Lyneham was entered into an interim Heritage Places Register on 4 September 1996. The registration incorporates the building and the remnant landscape and planting identified in Figure 1 of the citation.

The Gungahleen Schoolhouse is on unleased territory land and is currently managed by Planning and Land Management, Department of Urban Services. The site is designated for community facilities use.

- (2) The KUSA Association Incorporated has applied for a direct grant of the land in Lyneham to establish a place of worship, community activity centre and associated residential uses. The development proposed by KUSA will feature a library and administration area, residence, monk quarter, temple hall, public area and on-site car parking.
- (3) The KUSA Association has advised that the Gungahleen Schoolhouse will be restored as part of the development and used as a Library.
- (4) The proposal has recently been open for community consultation, as part of Planning and Land Management's (PALM) consideration of the request for a direct grant of land. Consultation in this instance involved writing to residents most affected by the development.

PALM is continuing its assessment of the submissions received from the community and each submission will be acknowledged. Further negotiations with the applicant on these submissions will occur over the coming weeks. Following this, PALM will go back to the people who have made the submissions.

Should the proposal by the KUSA Association proceed to the next stage, it would be considered a development application affecting a heritage place and would require public notification.

**MINISTER FOR HEALTH AND COMMUNITY CARE**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No 10**

**Canberra Hospital - Electro Convulsive Therapy Incident**

**Mr Stanhope** - asked the Minister for Health and Community Care upon notice on 21 May 1998

- (1) Has there been a complaint made this month about a serious incident in the psychiatric unit of The Canberra Hospital; if so, what are the circumstances of the incident.
- (2) What policies and procedures are to be followed by treating staff when assessing the capacity of a patient to give informed consent for treatment; in particular, is the patient's capacity reassessed before each treatment.
- (3) Were these policies and procedures applied in the case referred to in (1) and are these policies adequate.
- (4) What external review processes are in place to ensure that the patient's rights are protected; in particular,
  - (a) are there any additional provisions to protect the rights of a patient admitted as an involuntary patient and who subsequently becomes a voluntary patient;
  - (b) were these processes used in the case referred to in (1), and
  - (c) are these processes adequate.
- (5) What training are staff given in administering Electro Convulsive Therapy (ECT).
- (6) Is there any supervision of each application of ECT.
- (7) Has the adequacy of training and supervision of staff administering ECT been reviewed in the light of the incident referred to in (1).

**Mr Moore** - the answer to the Member's question is:

- (1) The circumstances of the incident are as follows. A man suffering from depression was assessed by two consultant psychiatrists and in their opinion Electro Convulsive Therapy (ECT) was indicated as the first line of treatment. The client's consent was sought and obtained, it was informed consent. All policies and procedures in the preparation and delivery of the client to the theatre suite were adhered to, both in terms of documentation and clinical practice. It is the belief that the policies are adequate. The circumstances surrounding the incident are related to mixed communication between the

psychiatric registrar, who administered the ECT, and the anaesthetic registrar, who was intending to administer the general anaesthetic. During the mixed communication, when the psychiatric registrar asked the anaesthetic registrar “are you ready” the response was yes. The psychiatric registrar meant ready to induce the seizure, the anaesthetic registrar understood the question to be ready to administer the anaesthetic.

- (2) The treating staff when assessing the capacity of a client to give informed consent for treatment, exercise their clinical judgement, based upon a thorough clinical assessment of the client’s symptoms and their affect on his/her judgement behaviour at that time. In addition, a clinical judgement is made relating to his/her understanding of the treatment proposed as judged by discussion and questions regarding that treatment. The client is also advised of all alternative treatments reasonably available that may be of benefit to them and given a brochure explaining ECT. It is understood that informed consent is not passive acquiescence. If judged capable of deciding for him/herself a voluntary client must sign a special consent form which specifically states that the procedure has been explained to his/her satisfaction and that this consent may be withdrawn at any time. The consent form is witnessed by someone other than the doctor ordering or giving ECT. Clients in the Psychiatric Unit are seen virtually every day by medical staff and their mental status examined. Any deterioration, including the capacity to consent to treatment is considered. Informed consent at times can be difficult with a client who has a condition which impairs their thought process.
- (3) Yes. The policies and procedures with regard to assessing and informing the client of the indications for ECT were adhered to. The preparation of the client for the procedure along with all the documentation specified in the policies and procedures were also adhered to.
- (4) A client is informed that they have the right to obtain independent legal and medical advice and any other independent advice or assistance before giving informed consent. For voluntary clients, consent must be given in writing for a specific number of treatments, clients are no longer in the locked ward and the family/carer is involved in the decision making. On becoming an involuntary client the Mental Health Tribunal and the Office of the Community Advocate must be notified. ECT cannot be given without a Mental Health Tribunal Order and the family/carers are involved in the process.
  - (a) The improvement in mental state often means the client is no longer a risk to themselves or others and frequently have gained some insight into their particular mental state.
  - (b) Yes, the appropriate protocols and procedures were used in the case mentioned.



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- (c) These procedures have to date been deemed to be adequate. As a result of the incident referred to, the Canberra Hospital engaged Dr Peter Doherty, Director of Psychiatry, The Northern Hospital, and Director of Clinical Services of the Northern and East Area Mental Health Services of Melbourne. Dr. Doherty has also been a prominent member of the College of Psychiatrist Quality Assurance Committee, and convenor of the College's Clinical Indicators Working Party.

As part of the investigations into the incident referred to, Dr Doherty has made a number of recommendations as to how the policies and procedures at the Hospital which can be re-developed to bring them in line with what is considered "Best Practice"

- (5) Training about the indications, contra-indications and administering of Electro Convulsive Therapy is a standard component in the training of all Psychiatrists and Psychiatric Registrars.
- (6) Once trained, it is routine for psychiatric registrars to give this form of treatment without a consultant present. Each application is endorsed by the treating consultant.
- (7) As previously mentioned, the review conducted by Dr. Doherty covered all aspects of E.C.T. practice at the Canberra Hospital. Dr. Doherty has recommended that as a result of a new "state of the art", E.C.T. machine being introduced earlier this year, that training in the use of this machine be made available to Medical and Nursing staff of both the Mental Health Services, the Department of Anaesthetics and the theatre staff at the Canberra Hospital. I am pleased to advise that Dr. William Lyndon, Co-ordinator of the E.C.T. Training program for Northside Clinic in Sydney, and Lecturer of Psychological Medicine at Sydney University will conduct a two day training program on 1st and 2nd of August, 1998

(The Psychiatric Registrars administering E.C.T. on the day of the incident had previously received considerable training in the use of the E.C.T. machines in use at the Hospitals in which they worked).

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No.11**

**Kingston Foreshore - Site Contamination Assessment**

**MR QUINLAN** - Asked the Minister for Urban Services upon notice on 26 May 1998:

In relation to the Kingston Foreshore Development Site, in particular the contaminated site in the area-

- (1) What is the current status of the site.
- (2) What, if any, consultants have been, are or are planned to be engaged for the site, and if so what are the details of this engagement, specifically
  - (a) the term of the contract for the consultant/s;
  - (b) the daily and total cost of the consultant/s; and
  - (c) the terms of reference for the consultant/s.

**MS CARNELL** - The Kingston Foreshore Development falls within my portfolio responsibilities. The answer to the Member's question is as follows:

- (1) The Interim Kingston Foreshore Development Authority (IKFDA) has undertaken a thorough Site Contamination Assessment of the Kingston Foreshore Redevelopment Area.

The Contamination Assessment addressed the recommendations of the Interim Report of the Assembly's Standing Committee on Planning and Environment Inquiry into the Acton/Kingston Land Swap (May 1996).

In summary, the Assessment found that contamination at Kingston Foreshore is less than would have been expected given the past activities known to have been undertaken on the site. For the proposed use of tourism, cultural, leisure and residential units, the risk to human health and the environment is low.

The majority of the site is clear of contamination but some isolated areas will require management to deal with potential odour problems associated with hydrocarbon contamination. The areas of contamination found are predominantly associated with fuel storage and dispensing. The areas are restricted in extent and are manageable by means of excavation and monitoring activities during any subsequent development.

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The bulk of land requiring remediation is former National Land. The Commonwealth will be responsible for the work in accordance with the terms of the Acton/Kingston Land Swap agreement.

- (2) The Contamination Assessment was undertaken by AGC Woodward Clyde Pty Ltd. The process was independently audited by Ms Terri Bulman of ADI Limited, an accredited environmental auditor under Victoria legislation which has also been adopted by New South Wales and South Australia.
- (a) The contracts commenced on 28 August 1996 and the final report was submitted on 14 April 1997. The findings were publicly announced and copies of the report provided to all MLAs.
- (b) The total cost of the AGC Woodward Clyde consultancy was \$163,871. The total cost of the ADI Limited consultancy was \$8,810. Progress payments were made at the completion of each stage of the consultancies rather than on a daily basis. These costs were reported in the 1996-97 Annual Report of the Department of Business, the Arts, Sport and Tourism.
- (c) The terms of reference of the AGC Woodward Clyde consultancy were to:
- assess and report on the type and extent of any contamination on the site and associated areas;
  - determine the actual or potential migration of contaminants;
  - advise on appropriate remediation methods (if required) and give indicative costings for specific areas of contamination, and the time which would be required to complete the remediation;
  - assess the suitability of the site for the proposed land uses with reference to the above findings and recommendations;
  - provide advice on the types of land uses which might be compatible with various types and concentrations of contaminants or levels of remediation; and
  - complete a geo-technical report on the site including information on loading limits, special foundation requirements, and any additional costs that might be involved.

The terms of reference of ADI Limited were to audit the AGC Woodward Clyde Study and to report separately and independently.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 12

**ACTION Buses - Surveillance Cameras**

**Mr Stanhope** - asked the Minister for Urban Services:

In relation to the installation of surveillance cameras on ACTION buses

1. Did the minister advise the people of Canberra, on Prime Television, on 11 May 1998 that the use of surveillance cameras on ACTION buses would be subject to safeguards under the Privacy Act. If so, can the Minister
  - a) advise which provisions of the Privacy Act are relevant to his statement, and
  - b) provide details of the specific steps taken to implement the Information Privacy principles.

**Mr Smyth** - the answer to the Member's question is as follows:

On 11 May 1998 I released the attached media statement on the ACTION video surveillance trial. This statement clearly states that ACTION has developed strict procedures on operating the cameras and viewing video tape and that these strict procedures are to protect people's privacy.

ACTION is subject to the Privacy Act 1988. In preparing these procedures, ACTION sought advice from the ACT Government Solicitor in order that these procedures complied with the Privacy Act and did not breach the Information Privacy principles. A copy of the ACTION Overt Closed Circuit Television (CCTV) Protocol is attached for the Members information. This protocol provides specific details of steps taken to implement the principles including the placing of signs in the buses fitted with the video cameras notifying passengers of surveillance.

Video surveillance has been introduced on a trial basis to improve public transport safety for both passengers and bus drivers. This is a public safety issue.

The recent national Fear of Crime report stated that travelling alone by public transport at night was the single biggest fear for most Australians. I am pleased to say that is mostly a perception rather than a reality in Canberra but we are not immune from crime. My job is to ensure people's safety on public transport and this is why this trial has been introduced - to improve public transport safety for everyone. The safer that public transport is, the more people will use it. Everyone benefits from a safer service.

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### **1. DEFINITIONS**

“**Authorised Officer**” Is an ACTION employee appointed to the position of Authorised Officer by the Executive Director of ACTION for the purposes of carrying out the procedures as set out in this protocol. There shall only be one officer appointed as the Authorised Officer.

“**Executive Director**” The Executive Director has overall responsibility for ACTION.

“**General Manager**” The General Manager has a responsibility and authority for the operation of ACTION services and support functions within his/her region.

“**AFP**” Australian Federal Police

“**ACTION Employee**” Is a member of the ACTGS specifically employed by ACTION whether permanent, temporary or casual.

### **2. OPERATIONAL ORDERS**

All operations involving overt CCTV must be approved by the Executive Director or the General Manager North/South Region.

To protect the privacy and integrity of ACTION patrons video tapes can only be viewed when a report of criminal activity, anti-social behaviour or an offence against the Motor Omnibus Services Act 1955 has been received from a Bus Operator, ACTION employee or any member of the public who witnesses an incident occurring.

### **3. PROCEDURES**

#### **3.1 Installation and Removal of Tapes from VCR**

The Authorised Officer is the only officer permitted to install and remove CCTV Video Tapes from the recorder unit.

Prior to tape replacement, the CCTV camera mountings, fittings and the VCR unit must be inspected for damage, any detected damage must be recorded and reported for appropriate repair.

All tape movements are to be registered in a master tape register as detailed in attachment B.

### **3.2 Security Access and Control**

All CCTV Video tapes and monitoring equipment will be stored in an approved security area within North and South Regions.

Keys to the secure area will be held by the General Manager North/South Region and the Authorised Officer.

Access to the secure area is limited to the Executive Director, General Manager and Authorised Officer for each region.

An access control register for the secure area will be maintained in both the North and South Region recording the details of those entering the security area. This will include the date, time, officers name and signature.

### **3.3 Method of Storage**

All CCTV Video Tapes are to be stored in security cabinets within the secure area.

Storage cabinets are required to be divided into three categories:

- . Blank Tapes
- . Current Tapes
- . Evidence Tapes

All current tapes which do not indicate any criminal activity must be stored in numerical order, and shelving clearly labelled for easy retrieval of video tapes where after fourteen (14) days any activity recorded will be erased and the tape recycled for further use.

All evidence tapes must be stored separately in numerical order, and shelving clearly labelled for easy retrieval of video tapes, these are to be kept for an indefinite period. If the tape is to be handed to the AFP to assist in their investigation it is to be recorded in a register along with the details of the AFP Officer (name, rank and signature).

New or recycled CCTV Video Tapes will be signed in and out by the Authorised Officer in a register detailing date/time, officers name and signature.

**No CCTV Video Tapes containing images of criminal activity, anti-social behaviour or an offence against the Motor Omnibus Services Act 1955 will be copied, only original tapes will be handed over to the AFP for further investigation.**



#### **4. ASSESSMENTS**

The assessment procedures have been divided into the following categories

- . Pre Overt CCTV Operational Assessments
- . Tape Analysis
- . Post Overt CCTV Operational Assessment

##### **4.1 Pre Overt CCTV Operational Assessment**

This is the first stage of assessment and relates to an incident report identifying that criminal activity, anti-social behaviour or an offence against the Motor Omnibus Services Act 1955 has occurred.

A copy of the report is at attachment A.

The report can be completed by any of the following:

- . Bus Operator
- . ACTION employee
- . any member of the public who witnesses an incident occurring.

##### **4.2 Tape Analysis**

On receipt of a completed incident report form, the Authorised Officer shall extract the video tape from the bus or secure area and record it in a register. The video tape is then taken to a nominated secure area and viewed in the company of either the Executive Director or General Manager North/South or both.

In the event that no offence can be detected the tape is returned to the storage area where it is dealt with accordingly.

In the event that the tape is distorted in any way that it cannot positively give clear vision of an offence or that the AFP can not use the tape for further investigation the tape must be withdrawn, registered and destroyed by the Authorised Officer.

##### **4.3 Post Overt CCTV Operational Assessment.**

On viewing a video tape where a criminal activity, anti-social behaviour or an offence against the Motor Omnibus Services Act 1955 has occurred, the tape is to be stored separately in the secure storage area until presented to the AFP along with a registered copy of the incident report form.

#### **5. WEEKENDS AND AFTER HOURS PROCEDURES.**

In the event that an incident occurs outside normal business hours then the following procedures apply.

If an incident has occurred then the General Manager North/ South or the Authorised Officer must be contacted immediately to enable removal and replacement of the tape in the VCR.

The tape containing the incident must then viewed and either placed in storage or handed to the AFP for further investigation.

## **6 SIGNAGE**

All buses with CCTV installed must be clearly signposted advising patrons that surveillance cameras are in use and any criminal activity carried out while under surveillance will be liable for prosecution.

The notices are to be placed at both the entrance and exit of each bus These are to be providing by CHUBB and are detailed at attachment C

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25 June 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 13**

**Public Service - Leased Office Space in Civic**

**MR STANHOPE** - To ask the Chief Minister - In relation to the cost of renting or leasing office space in Civic for the purposes of the ACT Government -

1. Does the ACT Government rent or lease any rental space in Civic, if so what individual properties does the ACT Government lease or rent.
2. For each rental or lease -
  - (a) what is the period of the lease; or
  - (b) what is the rent per square metre for each property in Civic.
3. Are the terms and conditions of all rental or lease agreements the same.
4. Are the terms and conditions of any rental or lease agreement relating to FAI House significantly different than standard lease conditions applying to leases in Civic.

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

1. The ACT Government leases the following properties from the private market:
  - . Allara House - B1 and Plaza
  - . Ground Floor AMP Building
  - . Canberra Nara Centre
  - . SAP Tower Level 13
  - . Comcare House (Natwest) Level 5, 40 Allara Street
  - . FAI House
  - . GIO House Floors 1,2,3
  - . Mort Street
  - . Reserve Bank
  - . Royal Insurance Building
  - . Saraton - Ground, 1 &2
  - . Scala House

These do not include the Government owned buildings used primarily for office space in Civic.

## 2. For each rental or lease

## (a) the period of the lease is:

<b>Building</b>	<b>Lease Term</b>	<b>Lease Dates</b>
Allara House	6 years	1 Jan 97 to 31 Dec 02
Ground Floor AMP Building	Monthly	
Canberra Nara Centre	6 years	1 Jan 96 to 31 Dec 01
SAP Tower	5 years	4 Apr 96 to 3 Apr 01
Comcare House (Natwest)	5 years	1 Mar 96 to 28 Feb 01
FAI House	10 years	1 Dec 96 to 31 Nov 06
GIO House Floors 1 & 3	10 years	1 Feb 93 to 31 Jan 03
GIO House Floor 2	5 yrs 5 mths	1 Sep 97 to 31 Jan 03
Mort Street	6 years	1 Mar 97 to 28 Feb 03
Reserve Bank	10 years	26 Mar 95 to 25 Mar 05
Royal Insurance Building	Monthly	
Saraton	10 years	1 Jul 90 to 30 Jun 00
Scala House	5 years	1 Oct 96 to 30 Sep 01

## (b) the rent per square metre for each property in Civic is:

Allara House	-	\$330
AMP Building	-	\$250
Canberra Nara Centre	-	\$357
SAP Tower	-	\$405
Comcare House (Natwest)	-	\$250
FAI House	-	\$340
GIO House Floors 1 & 3	-	\$300
GIO House Floor 2	-	\$248.70
Mort Street Grd Floor	-	\$450
Mort Street 1st Floor	-	\$300
Reserve Bank	-	\$352.07
Royal Insurance Building	-	\$247.68
Saraton - Ground	-	\$580
Saraton - 1 & 2	-	\$340
Scala House	-	\$275

3. No. Individual leases over different properties have individual terms and conditions reflecting the commercially negotiated agreement at the time. These can include various incentives, rent free periods, and rental review conditions as negotiated between the parties.

4. The terms and conditions of the rental/lease agreement relating to FAI House are within the normal parameters of lease condition negotiations. FAI House had a 6 month rent free period at commencement. This option was prorated over the first 2 years from 1 Dec 96 to 30 Nov 98, thereby reducing the rent from \$340 per square metre to \$255 per square metre. Rent review to market with ratchet, applying from 1 December 1998.

25 June 1998

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 14**

**ACT Housing - Property Sales**

**Mr Wood** - asked the Minister for Urban Services: - For each of the financial years 1995/96 and 1996/97:

- (1) What revenue has been gained by the sale of ACT Housing properties.
- (2) How many properties were sold.

**Mr Smyth** - the answer to the Member's question is as follows:

- (1) 1995/96: Revenue gained: \$9.329m  
1996/97: Revenue gained: \$26.769m
- (2) 1995/96: Number of properties sold: 64  
1996/97: Number of properties sold: 224

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE 15**

**Urban Services - Cost of Dispute**

**Mr Wood** - asked the Minister for Urban Services

In relation to the dispute between Mr Munday and the Department of Urban Services - What is the cost of all aspects (eg FOI, legal advice, court appearances, staff time) arising from the dispute concerning:

- a) the Mugga Lane Landfill and Revolve over the last two years; and
- b) ACT Legislative Assembly election material in public places over the last year.

**Mr Smyth** - the answer to Mr Wood's question is as follows:

- a) The cost incurred by the Department of Urban Services in relation to the dispute with Mr Munday concerning the Mugga Lane Landfill and Revolve over the last two years is \$1,460. The cost incurred by the ACT Government Solicitor's Office in relation to this matter is \$14806.
- b) The cost incurred by the Department of Urban Services in relation to the dispute with Mr Munday concerning the election material in public places over the last year is \$5,850. The cost incurred by the ACT Government Solicitor's Office in relation to this matter is \$2,908.



**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 16**

**ACT Housing Tenant - Cost of Dispute**

**Mr Wood** - asked the Minister for Urban Services:

- (1) What is now the cost over the last five years of all aspects (eg FOI, legal advice, court appearances, staff time) arising from the dispute.

**Mr Smyth** - the answer to the Member's question is as follows:

- (1) Mr Wood asked this question in April 1996 and a copy of the Minister's response is at Attachment A.

From April 1996 to date, ACT Housing has received four primary requests for information under the FOI Act. From these requests, four internal reviews were sought. Mr Munday appealed to the AAT on the outcome of two of the internal reviews.

All Mr Munday's requests were related to his personal affairs. There is no requirement under the FOI Act to keep records on time spent processing these requests as no charges were applicable. In view of this and resource constraints, no register of costs was kept. It would be impossible now to calculate the time and resources consumed by the Department in dealing with these matters.

In addition, Mr Munday has forwarded correspondence, independent of his FOI requests, to ACT Housing and has made telephone contact with a number of ACT Housing officers. Time records have not been maintained with regard to dealing with these contacts.

A record of costs incurred by the ACT Government Solicitor's Office for matters concerning Mr Munday and ACT Housing is at Attachment B.

## LEGISLATIVE ASSEMBLY QUESTION

## QUESTION NO 179

MR WOOD - asked the Minister for Housing -

- (1) What is the estimated cost over the last three years of all aspects (eg FOI, legal advice, AAT appearances, staff time) arising from the dispute between Mr L Munday and ACT Housing and other ACT Government agencies.

MR STEFANIAK - The answer to the Member's question is as follows -

- (1) The estimated cost of processing FOI requests, obtaining legal advice, preparing reports for AAT and attending hearings, staff time etc and preparing documents for the Privacy Commission Review is \$95,067 made up as follows:

	\$
ACT Housing	67,160
Government Solicitors Office	9,528
Department of Health	4,980
Attorney-General's Department	<u>13,399</u>
Total	<u>95,067</u>

## QUESTION ON NOTICE 179 ASKED BY MR WOOD

CALCULATION OF ESTIMATED COST

	\$	\$
<b>ACT Housing</b>		
Total Labor Cost	26,059.45	
On-Cost x 2.54	<u>40,131.55</u>	
		66,191.00
Cost of preparing response	381.44	
On-Cost x 2.54	<u>587.42</u>	
		<u>968.86</u>
Sub-total		67,159.86
 <b>Department of Health</b>		
Total Labor Cost	1,954.00	
On-Cost x 2.54	<u>3,009.16</u>	
	4,963.16	
Plus Photocopying	<u>17.00</u>	
		4,980.16
 <b>Attorney-General's Department</b>		
Total Labor Cost	5,275.20	
On-Cost x 2.54	<u>8,123.80</u>	
		13,399.00
 <b>Government Solicitor's Office</b>		
Fees Charged	<u>9,528.25</u>	
		<u>9,528.25</u>
Total Estimated Cost		<u>95,067.27</u>
Rounded to the Nearest Dollar		<u>95,067.00</u>

**MATTERS CONCERNING MR MUNDAY AND THE COMMISSIONER  
FOR HOUSING**

(as dealt with by Mr Killalea of GSO)

	<b>File</b>	<b>Subject matter</b>	<b>Costs to 21.3.97</b>	<b>Costs to 5.6.98</b>
1	96.2.274806	Rent issue Small Claims Crt	4,014.15	15,091.20
2	(i) 97.2.303844	FOI	174.35	174.35
	(ii) 97.2.305722	FOI	-	203.50
3	97.2.305755	FOI	-	3,671.80
4	96.2.287426	FOI	2,520.20	4,442.10
5	(i) 96.2.274790	FOI	332.85	332.85
	(ii) 96.2.273063	FOI	4,105.15	4,105.15
6	95.2.250553	Ombudsman	6,118.10	6118.10
7	96.2.270122	Files costed	263.60	263.60
8	94.2.223426	FOI	9,742.95	9,742.95
9	(i) 95.2.253446	Inspection	-	-
	(ii) 95.2.252589	Inspection	507.20	507.20
10	96.2.265303	FOI	605.55	605.55
11	96.2.263993	FOI	412.10	412.10
12	95.2.254679	Assembly questions	903.45	903.45
13	97.2.322945	FOI Sup Crt Appeal	-	3,026.50
14	97.2.327107	FOI Fed Crt Appeal	-	421.00
15	(i) 97.2.322937	Rent issue Magistrate's Court	-	0.00
	(ii) 97.2.323973	"	-	160.00
	<b>TOTAL</b>		<b>\$29,699.65</b>	<b>\$50,181.40</b>

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**QUESTION ON NOTICE NUMBER 17**

**Big Splash Water Park**

On 3 June 1998, Ms Tucker asked the following questions of the Minister for Urban Services

**17 MS TUCKER: To ask the Minister for Urban Services - In relation to Big Splash WaterPark**

- (1) How long have the present lessees, owners, operators and managers been running or been otherwise involved in the pool.**
- (2) What is (a) the nature of the present lease and (b) what period does the present lease cover.**
- (3) Has approval been given for an extension or any other variation to the lease and**
  - (a) If so, (i) when was approval given and (ii) what extra length of lease and other variations were approved;**
  - (b) If not, has one ever been considered by any planning or land management authority of the ACT Government, if so (i) when, (ii) by whom and (iii) in what circumstances and what request was the extension considered.**

The answer to the Member's question is:

- (1) The current lessees have been operating the Big Splash Water Park since 29 March 1994 when they bought the lease from the previous owner.**
- (2) (a) The current lease was granted for the purposes of an aquatic centre, an indoor sport and recreation centre and an unlicensed family restaurant. Uses other than those related to swimming and other aquatic activities may be subject to specific conditions determined by the Territory.**  
**(b) The current lease commenced on 23 March 1988 and terminates on 1 October 2078.**
- (3) (a) (i) No extension of the current lease has been approved. However, the original lease was issued in 1965 on a yearly basis. This lease period was extended a number of times until 1979 when tenders were called and the then lessee was successful in obtaining a 99 year lease.**

- (ii) On 7 May 1982 the lessee applied for an extended waterslide, restaurant, bar, enclosed pool, diver training area, diver's shop, gymnasium, spas and sauna. The proposal also incorporated a new development in the form of a ship. The variation was approved in principle and a lease offer was made on 26 July 1983. The new leases were not accepted by the lessee.

On 26 June 1985 a lease variation for a family restaurant was proposed. The variation was approved in December 1986.

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**QUESTION ON NOTICE NUMBER 18**

**Kippax Pool and Big Splash Water Park**

On 3 June 1998, Ms Tucker asked the following questions of the Minister for Urban Services

- 18 **MS TUCKER:** **To ask the Minister for Urban Services - In relation to Kippax Pool and Fitness Centre and Big Splash WaterPark**

**Was a formal request for a change in lease for a change in lease purpose clause made by either (a) the present owners or operators or (b) by former owners or operators.**

- (i) if so, what are the details including dates and outcomes.**
- (ii) if not, or in addition to any such formal request have there been discussion between the lessees and any authority or unit of the ACT Government about the possibility of and/or advantages and disadvantages of any such change.**

The answer to the Member's question is:

A. In relation to Kippax Pool, requests to change the lease purpose clause of the Crown lease have been made on several occasions.

- (i) The details are as follows:

In September 1979 the lessee obtained approval to increase the permitted gross floor area under the lease from 3,000m<sup>2</sup> maximum to 3,323 m<sup>2</sup>. However, the lessee did not accept the resulting increase in rent and the proposal did not proceed.

In April 1980 the lessee applied to vary the purpose clause of the lease to include personal services (hairdresser). This proposal was found to be inconsistent with the planning principles at the time and it was refused on 3 June 1980.

On 5 November 1981 the lessee applied to vary the lease purpose clause to allow for the operation of a licensed bar from the premises.

On 8 December 1981 the applicant was advised that the variation would be supported but not to the detriment of the child minding centre at the complex. A sketch plan showing the proposed location of the bar was requested and, if acceptable, a variation could proceed. The matter was not pursued any further by the lessee.

In April 1988 the lessee applied for additional land to extend the Centre by adding an ice skating rink with associated refreshment and administrative areas and to provide 8 to 9 town houses. This proposal was abandoned in 1990 due to problems associated with a major sewer line traversing the block, access to the site, the land being flood prone and the existence of a library on the land.

In 1990 the lessee submitted a proposal which involved the subdivision of the block into 2 new blocks, one for residential development and the other to continue as an indoor recreation centre. The application also involved the addition of two small areas of unleased land to the block created to allow residential development. The application was approved and new leases were finalised in May 1994. The proposed residential development did not proceed.

- (ii) The lessee has recently indicated that residential development may not be a feasible proposition and is exploring options for a further change. Details are not known at this stage.

B. In relation to the Big Splash WaterPark, requests to change the lease purpose of the Crown lease have also been made on several occasions.

- (i) The details are as follows:

On 2 August 1981 the lessee applied for additional land to extend the water slide facility and to overcome overcrowding on hot days. The application was refused on 28 September 1981 on the basis that any additional land would have to be excised from adjoining lessees.

On 7 May 1982 the lessee applied for an extended waterslide, restaurant, bar, enclosed pool, diver training area, divers shop, gymnasium, spas and sauna. The proposal also incorporated a new development in the form of a ship. The variation was approved in principle and a lease offer was made on 26 July 1983. The new leases were not accepted by the lessee.

On 19 September 1983 the lessee proposed a new aquatic amusement area, a covered dance floor and a stage for rock concerts. This proposal was refused as there could be no guarantee that noise pollution would not interfere with the adjoining residential areas.

On 26 June 1985 a lease variation for a family restaurant was proposed. The variation was approved in December 1986.



25 June 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 19**

**Feel the Power of Canberra Campaign**

**MR BERRY** - Asked the Chief Minister upon notice on 28 June 1998:

In relation to the Feel the Power campaign:

- 1) How much has been spent on the campaign
- 2) Has the campaign been completed, if not (a) what further actions are to be undertaken and (b) what is the projected cost
- 3) What are the arrangements for the use of the slogan. Are fees payable, if so, at what rate and to whom are those fees payable.
- 4) What assessment has been done on the "Feel the Power" slogan. Was polling done - if so by whom, when, where, what was the sample size, what were the questions and what were the results.
- 5) If no polling has been done is it planned to do so and if so, when.
- 6) What systems are in place to evaluate the impact of the campaign on Canberra (a) business and (b) tourism.
- 7) What has been the strategy to market the campaign, who has developed and who has undertaken the marketing strategy and how much has it cost.
- 8) For the electronic and print advertisements - (a) How many of each have been placed, (b) where have they been placed, (c) when were they placed, (d) at what cost
- 9) As the slogan is not owned by the ACT Government have any license fees been paid by the Government, if so (a) how much and (b) to whom.
- 10) How much has been paid to J Walter Thompson for preparation and implementation of the campaign.
- 11) Has J Walter Thompson paid fees to anyone for the use of the slogan, if so (a) how much and (b) to whom.

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

- 1) The Government allocated \$500,000 to the Feel the Power of Canberra campaign in the 1997/98 Budget. To date, \$535,000 has been spent on the implementation of the campaign. This figure includes additional sponsorship received from the AusIndustry Program, but does not include the considerable cash and in-kind support from the private sector.

- 2) The campaign is an ongoing program, and an implementation strategy for the 1998/99 financial year has already been developed. Continued funding of \$500,000 has been allocated for the Campaign in the 1998/99 year.
- 3) The campaign encourages the use of the Brand Image by all appropriate ACT organisations. The intellectual property relating to the campaign will revert to the Government in 2 years. Until this time, a 5% license fee is payable to J Walter Thompson for the use of the intellectual property.
- 4) Creative Evaluation Research was undertaken by independent researcher Susan Bell in May 1997. The purpose of the research was to:
  - identify whether the proposed campaign succeeded in communicating the key strategic message;
  - identify any spontaneous positive or negative reaction to the campaign; and
  - evaluate how people comprehended the campaign.

Two medium size sample groups were evaluated in Sydney, one male and one female - both “non reactors” to Canberra (no strong feelings either way). Specific examples of creative design was shown to the sample groups.

The research concluded that, by and large, the public:

- accept that Canberra is a powerful place;
- that the power is essentially political; and
- that there is more to Canberra’s power than political power. In particular, the War Memorial can create powerful emotions.

Susan Bell went on to conclude that “we have a campaign with a huge chance of measurable success. The “downside” that exists in the minds of some of the Canberra people does not exist in the minds of the respondents.”

- 5) Further market research will be undertaken during the 1998/99 financial year as a means of gauging the success of the campaign in its first twelve months.
- 6) See questions 4 and 5.
- 7) A strategy designed to oversee the implementation and marketing of the *Feel the Power of Canberra* campaign was developed by a Taskforce, with representatives from the then Department of Business, the Arts, Sport and Tourism, the Canberra Tourism and Events Corporation, City Graphics, MA@D Advertising, TMP Worldwide and J Walter Thompson.

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The Implementation Strategy, a copy of which was provided to the Opposition, outlines a number of mechanisms for marketing the campaign locally, nationally and internationally. The Implementation Strategy was developed at no cost to Government.

- 8) A range of electronic and print media campaigns were implemented since the launch of *Feel the Power of Canberra* in September last year. Refer to tables below for details.

Campaign 1

Purpose: Business and investment attraction

Target Audience: AB Socio Economic Group

Media	Placement date/s	Advertisement	Cost
Airport billboard - Sydney	20/12/97 - 30/3/98	Bruce Stadium	\$15750
Australian Financial Review	3/10/98, 2/11/97, 16/11/97, 7/12/97	Why Fujitsu chose Canberra	\$29090
Business Review Weekly	7/11/97, 2/12/97	Why Fujitsu chose Canberra	\$18846
Panorama- Ansett inflight magazine	January 1998	Why Fujitsu chose Canberra	\$10085
Australasian Business International	November 1997	Why Fujitsu chose Canberra	\$10000
TradeRoute Australia	1998 edition	Why Fujitsu chose Canberra	\$4971
Nine Network- Sydney and Melbourne	Business Sunday and Sunday	30 sec and 60 sec TV advertisements	\$24504
Asian Business Review	December 1998	Why Fujitsu chose Canberra	\$5892
<b>Total</b>			<b>\$119138</b>

Campaign 2

Purpose: Destination marketing for tourism

Target audience: Socially Aware, Visual Achievers, Traditional Family Values and Young Optimists (based on the Roy Morgan Value Segmentation).

Media	Placement date/s	Advertisement	Cost
Airport billboard - Melbourne	20/12/97 - 30/5/98	ACT Milk Brumbies	\$18788
Australian Way - QANTAS inflight magazine	January 1998	Wine Industry	\$8700
Canberra Holiday Planner	November 1998	Lone Pine	\$30,000
<b>Total</b>			<b>\$57488</b>

## Campaign 3

Purpose: to raise local awareness about the campaign

Target audience: Canberra community

<b>Media</b>	<b>Placement date/s</b>	<b>Advertisement</b>	<b>Cost</b>
Muse	1/11/97, 1/1/98	General/ Multicultural	\$1780
Canberra Times	5/10/97, 1/11/97	General	\$6658
Ten Capital	11/97 - 1/98	30 sec and 60 sec TV Advertisement	\$20,000
Win TV	11/97 - 1/98	30 sec and 60 sec TV Advertisement	\$30,000
Prime TV	11/97 - 1/98	30 sec and 60 sec TV Advertisement	\$20,000
Canberra City News	November 1998	Multicultural	\$600
<b>Total</b>			<b>\$79038</b>

- 9) As mentioned above, the intellectual property relating to the Brand Vision is owned by J Walter Thompson. To date, licences fees totaling \$11,000 have been paid by the ACT Government.
- 10) J Walter Thompson was retained in 1996/97 to develop the creative work for a Brand Vision that could underpin a major campaign. J Walter Thompson was paid \$50,000 under this contract, and a further \$50,000 in 1997/98 to project manage the campaign and work with local contractors on its implementation.

Additional payments of \$4,000 have been paid to J Walter Thompson to cover incidental expenses and work undertaken for the launch of the campaign. \$45,000 was also paid through J Walter Thompson to local firm Bear Cage for the production of the Feel the Power of Canberra video.

- 11) I am advised that J Walter Thompson has not paid any other party for the use of the slogan.

25 June 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO 22**

**Business Advice Service Tender**

**MR STANHOPE** - Asked the Chief Minister upon notice on 23 June 1998:

In relation to the ACT business advice service, known as ACT Business Link -

- (1) When will the tender for the next business advice service be let.
- (2) What are the audit requirements under the existing contract.
- (3) Has an audit been carried out in respect of the contract let to the ACT Chamber of Commerce in 1996.
- (4) How much money has the ACT Government paid to the ACT Chamber of Commerce for the provision of BUSINESS LINK services.

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

- (1) The tender for the next business advice service was advertised in the Canberra Times on Saturday 4 July 1998. Tenders will close on Friday 23 July 1998. It is anticipated the contract will be let by 30 July 1998, should there be no extensive negotiations required with tenderers.
- (2) The audit requirements under the existing contract are:
  - (a) An audited financial statement for the period of this consultancy agreement providing full details of expenditure of the Services Fee produced by a qualified accountant who is not an office holder, member or employee of the Contractor and who is a member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants, and
  - (b) Prior to 30 January 1998 a certificate from the chief executive officer of the Contractor stating that the Services Fee has been expended in the manner permitted by this Consultancy Agreement.
  - (c) The contract also requires quarterly reports and customer satisfaction surveys. These have all been provided on time and indicate high level satisfaction with the service provided.

- (3) (a) The organisation is currently having an independent audit taken and will provide information by close of business Friday 10 July 1998.
- (b) The Chief Executive Office of the Chamber has certified that the funds have been expended in the manner permitted by the consultancy agreement.
- (4) The ACT Government has paid the ACT & Region Chamber of Commerce and Industry \$270 000, for operating the service from 20 January 1997 to 31 July 1998.

**CHIEF MINISTER**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE 23**

**Sri Chinmoy Peace Capital Signs**

**Mr Stanhope** - asked the Chief Minister in relation to the removal of the five Sri Chinmoy Peace Capital signs from the approach roads to Canberra.

**1. Why were these five signs removed**

I don't know why these signs were removed. I am advised that the signs were not removed by the ACT Government. When the situation was drawn to the attention of the Department of Urban Services in March 1996, the removal was reported to the AFP. The AFP concluded the signs were stolen by person(s) unknown.

**2. Does the Government plan on taking steps to replace the signs.**

No.

On 10 November 1995 the then Chief Executive of the Chief Minister's Department requested a review of visitor information on approach routes. Subsequently a discussion paper entitled "Visitor Information on Approach Routes" was released for public comment on 1 July 1996.

173 separate submissions were received by the due date of 30 August 1996. On 21 November 1996, the National Capital Authority approved the final version of the resulting policy paper on "Visitor Information on Approach Routes". I agreed to this policy paper on 27 January 1997. This included:

- the adoption of the "City Identity" and "Visitor Information" policies;
- the limitation of signage on the approach routes to official Commonwealth and Territory Government signage;
- the provision of a Welcome Sign offering a warm welcome to the National Capital, the Australian Capital Territory and the City of Canberra;
- the introduction of a City Identity Statement after the Border Statement;
- the limitation of the role of laybys to basic visitor information directing visitors to the Visitor Information Centre on Northbourne Avenue;
- the temporary provision of event signage in laybys on a needs basis; and
- the restriction of celebratory signage to the City Centre.

This had the effect of limiting the display of Sri Chinmoy Peace Capital Signs to the Visitor Information Centre.

**3. Has Sri Chinmoy been compensated for the removal of the signs.**

Department of Urban Services is willing to refund the amount originally paid for the signs and to provide, at no cost, a substitute sign within the new Visitor Information Centre on Northbourne Avenue. The Department will be writing to Sri Chinmoy Peace Foundation about this offer.

**4. Are there any signs currently on the approach roads to Canberra advertising the existence or activities of community groups.**

Department of Urban Services wrote to organisations, including the Sri Chinmoy Peace Foundation, who were displaying the signs on the approach routes indicating the intention to relocate these signs in the approach route laybys to the Visitor Information Centre in accordance with the new policy. Responses have been limited and three signs were recently still in place on the Federal Highway. The Department of Urban Services is arranging for these remaining signs to be removed.

**5. Does the Government support the erection of signs about community groups on the approach roads.**

In line with the “City Identity” and “Visitor Information” policies, the Government supports temporary event signage but does not support the erection of permanent community group signs as it is considered that the placement of these messages at the visitor centre is more effective communication.



25 June 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 24**

**CanTrade - Office Space**

**MR STANHOPE** - Asked the Chief Minister upon notice on 23 June 1998.

In relation to office space leased for CanTrade -

- (1) Since its establishment,
  - (a) what office space, including its location in Canberra and elsewhere has been leased for CanTrade;
  - (b) how much rent has CanTrade paid on each leased premises; and
  - (c) to whom is that rent paid.
- (2) Is the total area leased by CanTrade occupied by, or has it been occupied by CanTrade. If not, who occupies, or has occupied the leased premises.

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

- (1)
  - (a) There is currently no office space leased by the ACT Government for CanTrade.
  - (b) See response to (1) (a)
  - (c) See response to (1) (a)
- (2) See response to (1) (a).

**CHIEF MINISTER  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 26**

**Phillip Vehicle Testing Station Site**

**Mr Stanhope: To ask the Chief Minister**

**In relation to the former Vehicle Testing Station at Phillip:**

- (1) Has the Government identified a new use for the land left vacant by the closure of the Vehicle Testing Station.
- (2) Has the Government made any decision about (a) disposal; (b) entered any agreement with any company or organisation; or (c) commenced negotiations with any company or organisation, to take over the site of the former Testing Station.
- (3) If the Government has entered an agreement -
  - (a) was a public tender process involved;
  - (b) does the agreement involve a Queanbeyan company;
  - (c) when was the agreement finalised;
  - (d) how much did the company pay to lease the site;
  - (e) why did the Government make no announcement of the agreement;
  - (f) has the company moved on to the site: and
  - (g) what does the company propose to do on the site.
- (4) Has the Government undertaken any valuation of the site's worth, and on what basis. If so, what is the valuation put on it.

25 June 1998

**Ms Carnell - the answer to the Member's question is as follows:**

- (1) The Government has identified a potential new use for the land left vacant by the closure of the Phillip Vehicle Testing Station.
- (2) The Government has, as part of an assistance package under the ACT Business Incentive Scheme, made a decision to arrange for the lease of the site and has entered into an Agreement with an organisation. Final execution of any lease arrangement is contingent on the company meeting specific contracted obligations under the terms of the Agreement.
- (3)
  - (a) No public tender process was involved
  - (b) The Assistance Agreement involves a Queanbeyan company
  - (c) The Agreement was formally executed on 13 March 1998. However, the assistance provided in the Agreement is conditional on the company fulfilling certain obligations.
  - (d) The company paid \$500,000 for a lease. The company estimates it will be expending in excess of \$2.5 million to upgrade the site.
  - (e) The Government has made no formal announcement because the Assistance Agreement is conditional upon the company meeting certain preliminary obligations. The company is in the process of fulfilling these and no announcement will be made until it does so.
  - (f) No.
  - (g) The potential new use proposed by the company involves the organisation setting up an international headquarters office to conduct research, development and marketing of high technology electronic instrumentation and in the process potentially create 140 new highly skilled and professional jobs for the region. This is aligned to the Government's policy of creating employment opportunities in advanced technology fields.
- (4) The ACT Government has obtained Commonwealth Government Australian Valuation Office's valuation on the site. The value advised was \$2.1 million.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 27**

**Public Service - Document Preparation and Production Procedures**

**MR STANHOPE** - asked the Chief Minister upon notice on 23 June 1998: - In relation to agencies administered by the Chief Minister and those administered by other government Ministers -

1. Do you, or other government Ministers, adhere to standardised procedures which identify the various stages in the preparation and production of documents eg. are individual documents dated and are authors of reports identified.
2. Is there a standard governmental procedure that is followed, if so could you outline that procedure.

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

1. There are a number of documents which prescribe standard public service practice in the preparation and production of documents. Different practices apply depending upon the nature of the document.

A range of informal working papers may also be produced in the development of a document or report. These early or working drafts of the document are not necessarily dated or authorised. These working papers are stored or destroyed in accordance with agency Records Management Plans and the *Archives Act 1983* (Cth).

While a document is in preparation it is the intellectual property of the Territory not the individual action officer. It is standard practice for documents prepared for Ministers and senior Executives to include the name and contact telephone number of the action officer at the foot of the document or on an accompanying 'clearance sheet'.

Once the document is dated and endorsed by the relevant Minister, the document can be said to reflect the Government policy or position on the matter.

If the document or report is published, the editorial standards in the ACT Government Publications Guidelines are applied.

There is of course a range of documents produced in the public service that are of an operational nature and do not deal with policy issues. Standard editorial guidelines on dating and identification of the action officers are also be applied to these documents.

2. There are a number of handbooks and procedure manuals that outline standard government procedure; these are used by public servants when preparing documents and reports. These include the Cabinet Handbook, the Legislation Handbook and the Participation in Parliamentary Inquiries Handbook, the Public Sector Management Standards and the *Archives Act 1983* (Cth).

Each agency's Ministerial Services Unit also produces a Code of Practice, Ministerial Correspondence Handbook or guidelines for use in their agency. Individual agencies often accommodate the personal preferences of their Minister in these guidelines. The guidelines indicate the way in which a document should be dated and the relevant action officer identified. A number of agencies are also using or implementing electronic templates which will assist in standardising the format of documents.

25 June 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 28**

***Bringing them home* Report - Government Response**

**MS TUCKER** - Asked the Chief Minister upon notice on 24 June 1998:

Can the Minister provide a detailed outline of the ACT Government's response to the *Bringing them home* Report recommendations, including implementation strategies.

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

The Government's response to the recommendations of the Human Rights and Equal Opportunity Commission (HREOC) *Bringing them home* Report, is outlined in the document "*Bringing them home* Report - ACT Government Response". The report is being printed now and all Assembly Members will receive it by late July.

**APPENDIX 1:** Incorporated in Hansard on 23 June 1998 at page 834

**Resolution**

- (1) That this Assembly:
  - (a) notes that 16 February 1998 marked the 50th Anniversary of the First Meeting of the Legislative Council of the Northern Territory of Australia;
  - (b) acknowledges that the first partly elected Council effectively marked the beginning of a legislative institution specifically for the Northern Territory of Australia; and
  - (c) expresses gratitude for the work of the Members of the Council , and subsequently the Legislative Assembly, in achieving a range of milestones in constitutional development including self-government to the extent that the Territory now stands on the threshold of Statehood and the achievement of the same measure of constitutional rights as other Australians.
- (2) That the terms of this Resolution be printed in an appropriate form and signed by all Members of the Assembly and that copies of the Resolution be conveyed to the Presiding Officers of State, Territory and Commonwealth Parliaments and former Members of the Legislative Council and Legislative Assembly.

25 June 1998

**APPENDIX 2:** Incorporated in Hansard on 24 June 1998 at page 998

### OPINION

I am asked to advise on the validity of certain provisions in the Crimes (Amendment) Bill (No 3) 1998. This Bill inserts a number of provisions in the Crimes Act 1900 dealing with the possession of knives. The provisions which make unlawful the possession of a knife in certain circumstances and the sale of knives to persons under the age of 16 years are unexceptional.

The proposed section 349DB allows a Police officer to conduct a “frisk search” or an “ordinary search” of a person whom the Police Officer suspects on reasonable grounds has a knife in their possession and who is in a public place or a school. In order to conduct this search the Police Officer must of necessity detain the person.

The Australian Capital Territory is a territory of the Commonwealth of Australia. The power of the Legislative Assembly to legislate is derived from the Australian Capital Territory (Self-Government) Act 1989. This Act was passed by the Parliament of the Commonwealth whose power to do so is derived from section 122 of the Constitution of the Commonwealth of Australia. The Parliament of the Commonwealth was unable to pass to the Legislative Assembly any more powers than it possessed itself. Consequently, the Legislative Assembly is restricted in its legislative ability by any express or implied restrictions in the Constitution or the Self-Government Act.

In Chu Kheng Lim v Minister for Immigration and Ethnic Affairs (1992) 176 CLR 1, 110 ALR 97 Brennan, Deane and Dawson JJ at 28 held:

It would, for example, be beyond the legislative power of the Parliament to invest the Executive with an arbitrary power to detain citizens in custody notwithstanding that the power was conferred in terms which sought to divorce such detention in custody from both punishment and criminal guilt. The reason why that is so is that, putting to one side the exceptional cases to which reference is made below, the involuntary detention of a citizen in

custody by the State is penal or punitive in character and, under our system of government, exists only as an incident of the exclusively judicial function of adjudging and punishing criminal guilt. Every citizen is “ruled by the law, and by the law alone” and “may with us be punished for a breach of law, but he can be punished for nothing else” Dicey, *Introduction to the Study of the Law of the Constitution*, 10th ed (1959), p 202.. As Blackstone wrote 61 Commentaries, 17th ed (1830), Bk 1, pars 136-137., relying on the authority of Coke 62 *Institutes of the Laws of England* (1809), Pt 2, p 589.:

“The confinement of the person, in any wise, is an imprisonment. So that the keeping [of] a man against his will ... is an imprisonment ... To make imprisonment lawful, it must either be by process from the courts of judicature, or by warrant from some legal officer having authority to commit to prison; which warrant must be in writing, under the hand and seal of the magistrate, and express the causes of the commitment, in order to be examined into (if necessary) upon a habeas corpus.”

There are some qualifications which must be made to the general proposition that the power to order that a citizen be involuntarily confined in custody is, under the doctrine of the separation of judicial from executive and legislative powers enshrined in our Constitution, part of the judicial power of the Commonwealth entrusted exclusively to Ch III courts. The most important is that which Blackstone himself identified in the above passage, namely, the arrest and detention in custody, pursuant to executive warrant, of a person accused of crime to ensure that he or she is available to be dealt with by the courts. Such committal to custody awaiting trial is not seen by the law as punitive or as appertaining exclusively to judicial power. Even where exercisable by the Executive, however, the power to detain a person in custody pending trial is ordinarily subject to the supervisory jurisdiction of the courts, including the ancient common law” jurisdiction, “before and since the conquest, to order that a person committed to prison while awaiting trial be admitted to bail 63 See Blackstone, op cit, Bk 4, pay 298..

Involuntary



detention in cases of mental illness or infectious disease can also legitimately be seen as non-punitive in character and as not necessarily involving the exercise of judicial power. Otherwise, and putting to one side the traditional powers of the Parliament to punish for contempt See *Reg v Richards; Ex parte Fitzpatrick and Browne* (1955), 92 CLR 157; the War Crimes Act Case (1991), 172 CLR, at p 626. and of military tribunals to punish for breach of military discipline 65 See *R v Bevan; Ex parte Elias and Gordon* (1942), CLR 452; *Re Tracey; Ex parte Ryan* (1989), 166 CLR 5 18; *Re Nolan; Ex parte Young* (1991), 172 CLR 460; the War Crimes Act Case (1991), 172 CLR, at pp 626-627., the citizens of this country enjoy, at least in times of peace, a constitutional immunity from being imprisoned by Commonwealth authority except pursuant to an order by a court in the exercise of the judicial power of the Commonwealth.

There have been arguments that the provisions of Chapter III do not apply to territories, notably in *R v Bernasconi* (1915) 19 CLR 629. The point was further considered in *Spratt v Hermes* (1965) 114 CLR 226 where it was held that some of the provisions of Chapter III, namely those relating to appointment of judges, were not applicable to the ACT. However, Barwick CJ at 240 held

I feel after deep consideration, because of the logical consequences of doing so, to express the view that the Constitution ought not to be interpreted as if Chapter III were “inapplicable to territories”.

This view has received recent support in *Kruger v The Commonwealth* (1997) 71 ALJR 991, particularly from Gummow J.

The consequence of these decisions is that some particular provisions such as sections 72 (appointment of judges) and 80 (trial by jury) may not always be applicable. However, the general separation of powers and consequent restrictions on legislative powers created by Chapter III is applicable.

The reference to Commonwealth authority in Chu must apply to the authority of the Australian Capital Territory a fortiori. In Chu the court held that such restriction did not apply in the exercise of the Aliens power. Similarly, it does not apply in the exercise of the customs power. The Legislative Assembly may make laws relating to the taking into custody of persons who are to be charged with offences and the dealing with such persons thereafter. It may not make laws which allow for the detention of persons for the purposes of investigation. Such laws which purport to make unlawful imprisonments lawful are beyond the legislative competence of the Legislative Assembly, and indeed the Parliament of the Commonwealth.

The proposed provisions allowing for searching of suspects, therefore, appear to be in conflict with the Constitution. As such they would be invalid. These proposed sections can be distinguished from random breath tests and other traffic provisions. It is a condition of holding a licence that a person submit to such tests. A person not driving a motor vehicle and merely being in a public place has not agreed to any such restriction on liberty.

If the proposed provisions are passed and acted upon by members of the AFP it could result in the Territory, and individual Police officers, being liable for civil and criminal prosecution.

In Chambers

GARY CORR

Empire Chambers

21 June 1998

*25 June 1998*

**APPENDIX 3:** Incorporated in Hansard on 25 June 1998 at page 1020

**1998**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL  
1998**

**PRESENTATION SPEECH**

**Circulated by the authority of the Chief Minister and  
Treasurer**

**Kate Carnell, MLA**

Mr Speaker, this Bill makes a number of important amendments to the Financial Institutions Duty Act 1987.

These amendments are essential in removing avenues for duty avoidance, and to protect our revenue collection program.

Firstly, Mr Speaker, many businesses have been avoiding the payment of financial institutions duty in the ACT, by banking their business takings in other jurisdictions.

Such arrangements provide these businesses, with an unfair advantage over those businesses which retain their banking activities in the ACT.

As this practice also results in a loss of revenue to the Territory, a number of provisions have been included in the Bill to remove this opportunity for duty avoidance.

The extra-territorial and depositor anti-avoidance provisions in the Bill are designed to ensure that receipts received in the ordinary course of ACT business activity are subject to ACT duty, even when not deposited in the Territory.

Secondly, Mr Speaker, due to developments in financial markets, it has been necessary to make changes to the definition of a 'financial institution'.

The definition will be expanded to now include credit providers who provide credit, under a credit contract in the course of business.

Mr Speaker, the Bill further provides for agency provisions.

Persons who receive money in the ACT on behalf of interstate financial institutions will be required to register as agents and pay ACT duty on those receipts.

Previously such receipts have not been dutiable.

Thirdly, Mr Speaker, the Bill also makes some important changes in respect of short term dealing.

Currently short term dealing in the ACT is severely restricted and impinges on the development of the ACT money market.

Any short term dealer conducting business in the ACT is required to pay duty on 185% of those dealings - that is 100% to the ACT, and 85% to other jurisdictions which collect short term dealing duty on an Australia-wide basis.

Changes to the ACT short term dealing provisions will remove this anomalous situation so that ACT short term dealers will now be required to pay duty on 5% of their Australia-wide dealings.

Mr Speaker, the changes proposed in this Bill will:

- ensure that businesses comply with their tax obligation and pay duty on receipts received from economic activity in the ACT;
- harmonise the administration and application of financial institutions duty here in the ACT with that of other jurisdictions;
- protect the Territory's revenue; and
- establish a fairer and more equitable system for collecting financial institutions duty.

Mr Speaker, I commend this Bill to the Assembly and move that it be accepted in principle.

*25 June 1998*

**APPENDIX 4:** Incorporated in Hansard on 25 June 1998 at page 1020

**1998**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**ACTS REVISION (TAXATION OF TERRITORY AUTHORITIES) BILL 1998**

**PRESENTATION SPEECH**

**Circulated by the authority of the Chief Minister and Treasurer**

**Kate Carnell, MLA**

**Mr Speaker, the Government, recognising its responsibilities under National Competition Agreements and in accordance with the Competitive Neutrality in the ACT Policy Statement, has commenced the process of reviewing the taxation liability of all ACT Government business enterprises.**

**Mr Speaker, all taxation revenues raised from ACT Government business enterprises, whether it be Commonwealth income tax or wholesale sales tax equivalents or any of the range of Territory taxes, will be retained by the Territory.**

**This process is designed to remove any unfair advantages enjoyed by entities within the public sector compared to competitors in the private sector. One of the most obvious advantages is exemption from taxation, due to public ownership.**

**Mr Speaker, a number of ACT Government business enterprises are separate legal entities, such as statutory authorities. This Bill introduces legislation**



**which declares these enterprises liable to all taxes, fees and charges arising from ACT laws.**

**Several enterprises have been assessed and found to be not liable. ACT Housing is primarily engaged in providing welfare oriented housing. This is classified as a community service obligation and, as such, is exempt from this initiative. The ACT Cemeteries Trust could only be regarded as marginally commercial in its operation and again there is a strong community service component in its activities. The Canberra Tourism and Events Corporation's core activity is the co-ordination of promotion of the ACT, a function that is not, of itself, commercial.**

**The Bill therefore, where appropriate, specifically exempts these enterprises from particular taxes and charges.**

**Mr Speaker, the review process will be ongoing. The proposed ACT Revision (Taxation of Territory Authorities) Bill 1998 deals with the enterprises already assessed and also provides the required legislative base to deal with ACT Government**

**business enterprises assessed as liable for Territory taxes, fees and charges from time to time in the future.**

**Mr Speaker I recommend the Bill to the Assembly.**

*25 June 1998*

**APPENDIX 5:** Incorporated in Hansard on 25 June 1998 at page 1021

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1998**

**PRESENTATION SPEECH**

**Circulated by authority of  
Gary Humphries MLA  
Attorney-General**

The Birth (Equality of Status) (Amendment) Bill 1998 makes changes to certain aspects of the *Birth (Equality of Status) Act 1988* in order to implement an agreement reached between States and Territories through the Standing Committee of Attorneys-General several years ago.

The purpose of the *Birth (Equality of Status) Act 1988* is to make illegitimacy irrelevant for legal purposes in the ACT. Section 5 of the Act contains a general statement that a child's relationship to his or her father and mother shall be determined irrespective of whether they are, or have ever been, married to each other.

The Act provides ways in which the parentage of a child can be determined for legal purposes. These are called parentage presumptions. Under certain circumstances, set out in the Act a person may be presumed, in legal terms, to be the parent of a particular child.

After discussions the States and Territories agreed that those parentage presumptions should be consistent across Australia. This is clearly an area where most people would agree that uniformity is important. Legal relationships between family members should not be subject to uncertainty because of variations in the law between States and Territories within Australia.

The ACT legislation was very close to the agreed model provisions so this Bill contains only the fairly minor changes necessary to make it completely consistent.

The Bill separates those presumptions of parentage which arise out of marriage from those which arise out of cohabitation so that a greater range of circumstances can be clearly dealt with. The period used to connect the birth of a child with a particular relationship is expressed now as 44 weeks rather than 10 months.

The Bill provides for a presumption of parentage to arise from a period of cohabitation of any length provided that it occurred in the period from 44 weeks to 20 weeks before the birth of the child. Previously the period of cohabitation had to be at least 6 months and became effective in creating a presumption of parentage by being close to the date of the birth. Under the new provisions the focus will be on the date of conception rather than the date of the birth. There will no longer be a minimum period of cohabitation required.

The Bill provides for conclusive presumptions to arise from court findings that are made during the lifetime of the parent. This means that where a court has made a finding which involves deciding that a person is the parent of a particular child, the matter does not have to be argued again in any future proceedings. If the court finding was not made until after the death of the parent it still creates a presumption of parentage but that presumption can be set aside by another court if the facts brought forward later support a different conclusion.

The Bill also makes changes of minor detail to existing provisions on medical parentage testing.

None of these changes involves any real change to policy in this area. Underlying all these provisions is a recognition that all children should be treated equally. The aim is to allow a child's parentage to be clearly established. This Bill makes some small changes which improve the legal mechanisms for doing that.

I commend the Bill to the Assembly.

**APPENDIX 6:** Incorporated in Hansard on 25 June 1998 at page 1022

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**WORKERS' COMPENSATION (AMENDMENT) BILL 1998**

**PRESENTATION SPEECH**

**Circulated by authority of  
Gary Humphries MLA  
Minister Assisting the Treasurer**

25 June 1998

## **Workers' Compensation (Amendment) Bill 1998**

Mr Speaker, I present the Workers' Compensation (Amendment) Bill 1998 to give effect to a Budget initiative.

The Workers' Compensation Act 1951 provides for workers in the private sector to be compensated for work related injuries. One aspect of the scheme established by the Act is that the Magistrates Court provides an arbitration service in the event of a dispute.

The costs of this service are at present borne by the general community. The Government has decided that those who benefit from this service should bear the cost of the service. Accordingly, it has decided that a levy for the costs of administration of the Act is to be imposed on worker's compensation insurers and those employers who have been exempted from having insurance. It is intended the only costs to be covered by the levy will be those of the Magistrates Court in providing an arbitration service. Other costs borne by the community, such as the costs of an inspectorate and the costs of actions in the Supreme Court, will not be included. This is a matter that will be kept under review.

It is estimated the levy will raise approximately \$300,000 in the 1998/99 financial year.

**APPENDIX 7:** Incorporated in Hansard on 25 June 1998 at page 1023

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

DANGEROUS GOODS (AMENDMENT) BILL 1998

PRESENTATION SPEECH

Circulated by authority of  
Brendan Smyth MLA  
Minister for Urban Services



25 June 1998

## DANGEROUS GOODS (AMENDMENT) BILL 1998

National legislation to regulate the road transport of dangerous goods has now been developed, with the involvement of the States, Territories and the Commonwealth. Extensive national consultation was part of this process.

This legislation comprises the *Road Transport Reform (Dangerous Goods) Act 1995* (currently in place), and the associated *Road Transport Reform (Dangerous Goods) Regulations*, which the Commonwealth commenced on 31 March 1998.

To allow the changes to be phased in, the Commonwealth Regulations contain transitional provisions that will allow industry to comply with either existing legislation or the new requirements for the first six months after commencement.

This legislation comprises one of the first “modules” of national reform legislation prepared by the National Road Transport Commission, and has been approved by the Ministerial Council for Road Transport. The ACT Minister for Urban Services represents the ACT on this Council.

The purpose of this legislation is to improve the safe transport of dangerous goods by road, enhance national uniformity, and improve enforceability and compliance. Up to this point differences in State and Territory regulations have imposed significant difficulties on road transport operators who transport dangerous goods.

As a result of these national reforms there are consequential amendments necessary to the existing ACT *Dangerous Goods Act 1984* to remove any inconsistencies with the impending national law. Areas which the national law do not cover will continue to be covered by ACT legislation.

I commend the Bill to the Assembly.

**APPENDIX 8:** Incorporated in Hansard on 25 June 1998 at page 1023

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**HEALTH (AMENDMENT) BILL 1998**

**PRESENTATION SPEECH**

Circulated by Authority of  
Michael Moore MLA  
Minister for Health and Community Care

25 June 1998

Mr Speaker,

The Health (Amendment) Bill 1998 seeks to amend the Health Act 1993 by adding a set of provisions which regulate the establishment and conduct of quality assurance committees in private health facilities. Under the existing provisions such protection was provided only to members of quality assurance committees in public hospitals.

The legislative protection is provided as a means of encouraging the critical review of health care practices and procedures in prescribed private health facilities and aims at reducing the incidence of adverse patient outcomes. Under the new provisions, the members of the approved quality assurance committees in private hospitals and private day hospital facilities are protected from litigation in relation to their conduct as members of the committees.

In approving the committee, the Minister has to be satisfied that the committee is established by a prescribed body, the members are appointed from time to time in accordance with the rules or official procedures of the body and the committee has functions for which the Bill provides protection.

The private sector committees' functions are:

- to assess and evaluate the health services provided by the relevant prescribed body, to report and make recommendations to the body concerning those services and to monitor the implementation of its recommendations, or
- to conduct research or investigations into morbidity and mortality in the relevant prescribed body and to report, and make recommendations, to the body in relation to that research or those investigations.

The Bill also provides that, in order to approve the committee, the Minister has to be satisfied that there is public interest in restricting the disclosure of information compiled by the committee in the exercise of its functions.

If an applicant is not satisfied with the Minister's decision, the Bill provides a mechanism for reviewing it, by expressly providing that an appeal against such a decision could be lodged with the Administrative Appeals Tribunal.

The existing Act provides that a present or past member of an approved public sector committee who has acted, or omitted to act, in good faith in the capacity or purported capacity as a member is not liable to an action in relation to such an act and will be indemnified by the Territory against any costs such a member incurred in contesting such action.

The Bill provides that such protection is also extended to a member of an approved private sector committee, clarifying that such indemnity will be provided to the member by the prescribed body which established the committee.

Under the current provisions, a statement or disclosure produced before an approved public sector committee is not admissible as evidence in any proceeding, civil or criminal.

It is also prescribed that a member of such a committee is not compellable to be called as a witness before a court, tribunal, board or person in regard to matters that came to his or her notice as a member of the committee. The Bill introduces the same extent of protection for members of an approved private sector quality assurance committee.

In regard to both public and private sector quality assurance committees, the Bill introduces protection to any person assisting an approved committee. Such a person will not be liable to an action in relation to his or her role in assisting the committee if he or she was acting under the direction of the committee, has acted in good faith and if no reward or fee has been paid or is payable to him or her.

The Bill also prevents a member of an approved private sector quality assurance committee from disclosing the identity of a person to whom a health service was provided by the prescribed body without the written consent of that person.

An approved public and private sector quality assurance committee is entitled to determine its own procedures and may do whatever it considers necessary in conducting its functions.

As a safeguard to a fair and expeditious handling of the matter, the Bill provides that natural justice principles apply to the committee's procedures as relevant to its functions.