



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 September 1998

Tuesday, 22 September 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 **Ms Carnell**, from 40 residents, requesting that the Assembly reverse the decision to cut \$1.6m from the Institute of the Arts so that it can continue to provide a worthwhile resource within Canberra.

By **Mr Moore**, two petitions of similar wording, from 226 residents, requesting that the Assembly vote no to the Health Regulation (Abortions) Bill 1998 and show respect for women's abilities to make informed decisions about reproductive health matters.

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

Arts - Funding

The petition read as follows:

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

The petition of supporters of the Arts in the Australian Capital Territory, draws to the attention of the Assembly the cut of \$1.6 million to the Institute of the Arts, as part of the 1998 budget, which will impact on the delivery of services by the Canberra Schools of Music and Art to the community and will adversely affect the quality of life in Canberra.

Your petitioners therefore request the Assembly to reverse the decision, so that the Institute of Arts can continue to provide a worthwhile resource within Canberra.

22 September 1998

Abortion Legislation

The petition read as follows:

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

The following residents of the Australian Capital Territory draw to the attention of the Assembly: that the Osborne 'Health Regulation (Abortions) Bill 1998' if passed by the Assembly would effectively amount to a ban on abortions being performed in the ACT and would lead to the closure of the Reproductive Healthcare Services clinic. This would have the effect of drastically reducing the status of women in the ACT.

Your petitioners therefore request the Assembly to:

1. Call on Mr Osborne to withdraw the tabled Bill from the Assembly's consideration; and
2. In the event of the Bill being put we urge members to 'Vote No!' to the Osborne Bill and show respect for women's abilities to make informed decisions about reproductive health matters.

Abortion Legislation

The petition read as follows:

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

The following residents of the Australian Capital Territory draw to the attention of the Assembly: that the Osborne "Health Regulation (Abortions) Bill 1998" if passed by the Assembly would effectively amount to a ban on abortions being performed in the ACT and would lead to the closure of the Reproductive Healthcare Services Clinic. This would have the effect of drastically reducing the status of women in the ACT.

Your petitioners therefore request the Assembly to:

Vote "NO" to the Osborne Bill and show respect for women's abilities to make informed decisions about reproductive health matters.

Petitions received.

URBAN SERVICES - STANDING COMMITTEE
Alteration to Reporting Date

MR HIRD (10.32): Mr Speaker, I ask for leave to move a motion to alter the reporting date for the Standing Committee on Urban Services inquiry into the Environment Protection (Amendment) draft legislation.

Leave granted.

MR HIRD: Mr Speaker, I move:

That the resolution of the Assembly on 25 June 1998, as amended on 27 August 1998, referring the exposure draft of the Environment Protection (Amendment) legislation to the Standing Committee on Urban Services for inquiry and report, be amended by omitting "22 September 1998" and substituting "27 October 1998".

This is a straightforward motion, Mr Speaker. On 25 June this year the parliament directed the Urban Services Standing Committee to inquire into, and report on, the exposure draft of the Environment Protection (Amendment) Bill. The parliament asked us to report by 1 September this year. The committee could not meet such a tight deadline and, on 27 August this year, the parliament granted the committee an extension until today. Unfortunately, the absence of members and the committee's busy workload mean that the committee is unable to report as directed.

There is significant community interest in this legislation. Therefore, we have scheduled a public hearing on the Bill for 16 October this year, after which we expect to produce a speedy report. On this basis, the committee seeks an extension of the reporting deadline to the first sitting day in October, that is, 27 October 1998. This is still a tight deadline but my colleagues and I believe that we will be able to meet this deadline. I thank members.

Question resolved in the affirmative.

CONSIDERATION OF ASSEMBLY BUSINESS
Suspension of Standing Orders

Motion (by **Ms Tucker**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day No. 8, Assembly business, relating to the presentation of the Standing Committee on Education's report on preschool education, being called on forthwith.

EDUCATION - STANDING COMMITTEE
Report on Preschool Education

MS TUCKER (10.34): Pursuant to order, I present report No. 1 of the Standing Committee on Education, entitled "The future provision of preschool education", together with the minutes of proceedings. This report was circulated on Monday, 14 September 1998, pursuant to the resolution of the Assembly of 24 June 1998. I move:

That the report be noted.

Mr Speaker, this inquiry was the result of the Auditor-General's report on preschools, which found that while preschools are excellent some efficiencies could be found in building utilisation and staffing. As we are all well aware, a number of preschools were named in this report as being under-utilised in these areas, and the community was naturally concerned that this could mean sudden closures.

Mr Speaker, the Education Committee was pleased to be able to take on this issue for its first inquiry. Even though we had a very short timeframe in which to work, we were able to produce a thorough report. This was because the community were very quick to put in submissions. One hundred and nineteen submissions were received, and they were of a high quality. The department also was prompt in responding.

One thing that was very clear through the inquiry and through the submissions was that preschool is important to many in the Canberra community. It is important because of its educative function, but it is important also for broader social reasons. Preschool is a place where people meet and where friendships and support relationships can develop. Preschool facilities are also used by playgroups and for other community activities. Preschool is a place where community can develop. It is particularly valued because in many areas in Canberra other facilities where this could happen are few and far between. The ACT has one of the best preschool services in Australia. Accessibility and affordability are obviously important factors in determining the effectiveness of our service as well as the actual educational opportunities that are offered.

A very strong point made in many submissions was the unsuitability of the past and current practice of government where decisions about preschools are made on an annual basis. There is data available which forecasts broad demographic changes. It is not good management practice to make annual decisions without any long-term planning framework. It is stressful for the community and, I am sure, stressful for the department as well. It has become even more pressured with the new enrolment process, because this leaves even less time for community input into decisions. And of course the Government's decision to further pressure the system by funding according to enrolments has aggravated the situation more.

The committee has recommended that by the year 2000 the Government develop a long-term plan for the provision of government-funded preschool education within the context of early childhood services and that there be no major changes until this has happened. The plan must include a statement of purpose, strategies to maximise access, strategies to improve staff and building utilisation, a statement of different models of service delivery and, most importantly, ongoing mechanisms for community consultation.

I noticed that after the out-of-session tabling of this report Mr Stefaniak suggested to the media that, while he was supportive of the report in general, he believed that closures were an acceptable part of normal annual adjustments. That was certainly news to the preschool community - and to most members of this place as well, I am sure. Most people think that closure of a local preschool is quite a major adjustment for the community concerned. In fact, you could not get much more major, we would have thought. The Minister needs to understand that he has lost credibility through this process, and if he wants to regain it he must acknowledge the importance of working with the community, not against it. He must acknowledge that this report is a useful starting point for a government rethink on how this area is being managed. This report has depoliticised the issues to some extent, and it would be most unwise for the Minister not to take on its recommendations with genuine goodwill and commitment.

Mr Speaker, if the Minister does take the provocative line that closures are part of annual adjustments and proceeds with them, I believe that we will have lost an opportunity to get the community on side to work through what probably will be some quite difficult issues. No-one is denying that demographics are changing and there may have to be hard decisions, but there does have to be full debate on the issues. The committee was not able to see the current enrolment figures, but unless the numbers were absolutely and clearly unworkable it would be very concerning to the community if the Minister did choose any closures.

The Minister needs to acknowledge that the process to date has been inadequately managed and that there is an opportunity now to work out a long-term plan which takes into account changing demographics as well as the needs of the community. This unanimous report has given the Minister support for looking at how we deliver early childhood services. We have also recommended that government must ensure ongoing mechanisms for community consultation. There is a disturbing reluctance from some public servants to engage the community on these important issues, and that does a lot of damage to government. Mr Speaker, if the practice does not fit the rhetoric, there is loss of trust from the community in its politicians, as well as growing cynicism.

The Minister suggested to the media - he can clarify this if it is not correct - that if he felt any major changes were necessary there would not be time for consultation and that the committee had already done the consultation. I want to say - and I believe I have the support of the committee in saying this - that at no time during our inquiry did we discuss with the community the particular merits or otherwise of closures of any particular preschools. That is not what we saw our task to be. Under the short timeframe we had, it would have been impossible, in fact. I want to make that quite clear.

Another important issue that was raised during the inquiry was the importance of placing policy development related to preschool provision in the context of general early childhood services. There was concern that government has not taken a strategic long-term planning approach to early childhood service; that they have certainly not been proactive in unifying the different sectors; that in fact they have taken a hands-off approach, because there were differences between the sectors. This is not in the interests of the children and families of Canberra.

It was pointed out to the committee that some children who are in full-day care are not able to access preschools. While new models such as the co-location of child care and preschool have been introduced, unfortunately government has not taken a strong enough role in evaluating and supporting these initiatives. The committee has recommended that the department develop a statement on different models of service delivery for consideration in future provision of early childhood services.

Two other very important issues came up. One was support for teachers. We have made a recommendation on that, as well as asking the Government, or the department and the Government, to review the support that is provided for teachers in the field. The other area of concern was support for teachers and children and families who have special needs in the preschool sector. We have also made a recommendation that government look at that issue.

In conclusion, I would like to say that we do have a very good preschool service in the ACT. We should be proud of it and we should be protective of it. I believe that in this particular area we are doing the right thing. Quite a number of submissions pointed out that the money spent in the early childhood years is money well spent; that it will save money being spent later on, quite a lot of money in fact. This is once again an argument for putting money into prevention and early intervention and for acknowledging the long-term benefits of taking this approach to the funding of services.

I would like to acknowledge the work of our secretary, Judith Henderson, who was extremely hardworking in this committee and helped produce a very excellent report.

MR BERRY (10.44): I was a recent recruit to the Education Committee, and it was quite gratifying to be involved in what in the early stages looked like a skirmish around preschool, because it gave me an opportunity to better understand the mood of the community in relation to preschool education. It is a while since I had to trouble myself with preschool education, though as a grandpa now I have a four-year-old lining up for preschool education. It does sharpen the senses in relation to preschool education if you have children, grandchildren or other relatives involved in or about to be involved in it. That is why there was so much community upset at the release of the Auditor-General's report and what I perceived and what many in the community perceived as an early attraction by the Government to the economic rationalist view that the Auditor-General had taken in relation to preschools and preschool education.

That is not meant to be a reflection on the Auditor-General. Auditors-General can take a fairly rationalist approach to developing reports in relation to the use of public buildings and the provision of services by staff. It is important that those statements be made, because they do increase the heat of, and interest in, debate about issues, in this case preschools. For those who have young people either in the system or about to be involved in the system, even for people who have had young children who have successfully completed their preschool years, there is a great deal of interest.

I go back to my earlier point. At the first meeting, at Hawker Primary School, the community was extremely agitated and upset about what I earlier described as a certain attraction by the Government to the economic rationalist approach to preschools. I am pleased to say that the Minister pretty soon measured the sentiment

of the community in relation to this matter and backed off from his apparent attraction to some of the things that were said by the Auditor-General. Mind you, had I been the Minister, I would have backed off quickly too, because the heat of debate was rising very quickly and it was very clear to me and others in this place that there needed to be an assessment of our preschool systems in the cool light of day. I am pleased to have worked with Ms Tucker on this very important inquiry.

Ms Tucker mentioned the cost benefits of preschools. On page 1 of the report some interesting numbers are mentioned. Professor Graeme Vimpani of Newcastle University calculated that every dollar not spent on the early years of a child's life in the provision of quality education costs our society \$8.95 a year until the child reaches 27 years. That is a pretty impressive pat on the back for preschool education, in my view. The High/Scope Perry program in the USA estimated that the public saved \$7.16 for every dollar spent on the program. Those numbers are significant in themselves, because if one wants to use the economic rationalist model, they really draw attention to the economic value of a strong preschool education.

A good inclusive and progressive community is one that bases itself on a good education system. A good education system is incomplete if it does not have a strong early childhood education and, in particular, preschool education. In the ACT I understand that 90 per cent of four-year-olds access our preschool system. That is to be applauded. There is no question that the access to our preschool system in the ACT is good by any standard. We have to ensure that we maintain that very high standard. If we do not, we will start to run into the difficulties that are created with inadequate education systems.

Many interstate observers would be very jealous of the preschool services available here in the ACT. But let us not get into the argument of averaging and lowest common denominators and those sorts of things which seem to be an attraction for this Government. Benchmarking seems to be a theme that they are enthusiastic about. I do not particularly want to see benchmarking of any of our systems if it means that we downgrade the service to the community. I fear that that would be the case if benchmarking was seen as an attractive model for preschools.

One of the most revealing factors which came up during the inquiry was the role that access played in the success of our preschool system. If one looked at the preschools with one eye, the rationalist eye, one could say that the buildings were not used as efficiently as they might be if they were full of children and each class was full to the brim, instead of in some cases being not so full, but at the end of the day we have to accept in this place that those buildings will never be used to their fullest and most efficient capacity. Teachers will never be used to 100 per cent of their capacity. If they were to be, we would end up with a system less accessible and the numbers which some of our colleagues interstate envy in relation to access to preschool systems would be upset. We have to accept that if we want to maintain our preschool system as a very accessible system which is attractive to parents and produces the goods in our education system, then we have to accept that some costs go with that. I think the community is prepared to pay those costs, because they value preschool education, as they value the education system generally.

I remember a few years ago - I guess this is a period that Mr Humphries might wish to block out of his mind - when there was some enthusiasm for closing primary schools, based on available spaces, under-utilisation of buildings and so on. That created a furore in the community, and quite properly so. If we had taken the approach that the then government was attracted to, then access to our schooling system would have been affected as a result. But it is more important when it comes to the preschool system, because preschool is not compulsory. The reason people go there is that it is attractive and it is seen to contribute to the development of their children. They are right.

Preschool produces a good result for the community, as those costs which I referred to earlier point out. If we do not send our children into these sorts of systems in the early years of their life, it could cost us \$8.95 a year until the child reaches the age of 27. According to the American survey, we save \$7.16 for every dollar spent on these programs. This presents a picture which should be attractive even to the economic rationalists, even to the most conservative of governments and even to governments who espouse the need for value for money as often as this one opposite does.

The preschool system in the ACT gives value for money. It should not be undermined because of some economic rationalist regime. It must be nurtured and treated with care. That is why I am an enthusiastic supporter of the recommendations which have been put in the committee's report, in particular the recommendation which makes it clear that there should be no major adjustments to the preschool system until a long-term plan has been developed. The closure of preschools is an adjustment, in my view. There needs to be very careful and clear consultation with the community in the development of this long-term plan. If we do not involve the community, we will not get support for any system that we may wish to develop in the future.

Our preschool system is something to be proud of. It is one that I am certainly proud of. It is one that the teachers who work within the system are proud of and are keen to improve where that is possible. But it can be done only with the widest consultation. I think it was proven in the course of this inquiry that there were some questions in the community about the level of consultation which was occurring in relation to education generally but the preschool system in particular. I urge the Government to adopt all of the recommendations to the letter and in the spirit, because we have in the ACT a preschool system which is worth protecting and worth nurturing. These recommendations set a baseline for the Government to embark on that course.

MR HIRD (10.57): Mr Speaker, as a member of the Education Committee, I would like to pay tribute to the many community organisations and groups that helped the committee in its deliberations by giving either verbal submissions or written submissions. They assisted the committee no end in coming up with this report. I concur with the two previous speakers that it is a good report. I particularly pay tribute to Ms Tucker, the chair of the committee, for her enthusiasm for the inquiry and the quickness with which she set about, with my other colleague Mr Berry, to prepare and deliver this report of our committee. I would like to pay tribute also to Judith Henderson, the secretary, and to Kim Blackburn from the administration area of the Committee Office.

I know that the Minister is aware of the changing demographic patterns in the ACT over the years. The ACT has experienced very high population growth over the past 25 years. The population of the Territory increased from 160,000 in 1972 to over 300,000 in 1997. The population growth rate until 1997 was well above the Australian average of 1.7 per cent per year. During the time of high population growth the increasing population was largely accommodated by greenfield development in areas such as Belconnen, Woden, Weston Creek and Tuggeranong. These residential areas were predominantly established by young families with young children, resulting in a high demand for community facility infrastructure such as schools and preschools. We are now seeing the same being mirrored in Gungahlin.

Canberra's population is not growing at the rate it did in previous times. The current growth forecast of 0.5 per cent, increasing to one per cent in the year 2002, is much lower than the population growth in the 1970s, 1980s and early 1990s. The slight increase in growth forecasts to the year 2002 is much lower than the national average. The Government well knows that there is a need for preschools, as the report points out, but is conscious of the change in demographic patterns within the Territory. I commend the report to the house.

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

ACTS REVISION (TAXATION OF TERRITORY AUTHORITIES) BILL 1998

Debate resumed from 25 June 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (11.00): Mr Speaker, the Opposition has no objection to this particular legislation. The primary purpose of the amendments is to apply competitive principles to a number of Territory-owned corporations. We accept on face value the advice that CTEC, Housing and the Cemeteries Trust are not subject to tax equivalents.

MS CARNELL (Chief Minister and Treasurer) (11.01), in reply: I thank members for their support on this piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DANGEROUS GOODS (AMENDMENT) BILL 1998

Debate resumed from 25 June 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

MR HARGREAVES (11.01): Mr Speaker, the people on this side of the house support the Bill. This is part of a national reform package to ensure the safety of dangerous goods being transported by either road or rail. The amendment provides uniformity between all States and Territories, and it allows consistency and clarity when enforcing the laws between the States and Territories. The amendment reduces duplication amongst the States and therefore, we hope, reduces administration costs. One of the features of this Bill is that the burden of responsibility no longer lies with the driver. In fact, it focuses on those who are most accountable, the people who actually pack the goods up for putting on the trucks and the contractors themselves. That safeguard is a very positive one.

We note that the laws are being phased in over a six-month period to assist the industry comply with the changes. Indeed, they need to. We support the amendment because it allows that uniformity and consistency. This legislation does not need to cover explosives, infectious substances and radioactive material. We believe that they are reasonably adequately catered for in the Dangerous Goods Act, the Clinical Waste Act and the Radiation Act 1983. We congratulate the department on making the connection between those two and not trying to do too much at once, and we would encourage them to keep an eye on it.

MR SMYTH (Minister for Urban Services) (11.03), in reply: Mr Speaker, I thank all members for their interest. It is very important that we make sure that these goods, if they have to be transported, are transported in a safe and appropriate manner. I thank the Labor Party and all members for their assistance in ensuring that this happens smoothly and quickly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL 1998

Debate resumed from 25 June 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (11.04): Mr Speaker, the Opposition does not intend to oppose these particular amendments. Their primary purpose is to close loopholes in the financial institutions duty legislation, which we applaud. We see them as very far-looking amendments, given that FID is likely to continue beyond the next Federal parliament because we will not have a GST under an ALP government. We have been advised that the Chief Minister intends to put forward further amendments to tighten up the legislation. Within our limited resources, we find no problem with the intent and, of course, rely on the much greater resources on the other side of the house in terms of the fine detail.

MS CARNELL (Chief Minister and Treasurer) (11.06), in reply: Mr Speaker, I thank members of the Assembly for their support for this legislation. To protect our revenue base it is always important to be ever vigilant in areas of potential duty avoidance. That is what this legislation and the amendments that I will move in a minute are aimed at doing. I thank all members for their support. I thank also the people in our Revenue Office who brought this legislation forward to ensure that the Territory's revenue base continues.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS CARNELL (Chief Minister and Treasurer) (11.07): Mr Speaker, I ask for leave to move nine amendments together.

Leave granted.

MS CARNELL: Mr Speaker, I move:

Page 2, line 11, clause 2, paragraph (4)(d), after "13A," insert "13AA,".

Page 3, line 29, clause 5, paragraph (c), proposed new definition of "interstate financial institution", at the end of the definition, add ", but does not include a registered financial institution".

Page 4, line 21, clause 7, after proposed new paragraph 5(1)(a), insert the following paragraph:

“(aa) a receipt of money received outside the Territory by a registered financial institution to the credit of an account held by a person who resides within the Territory, except where the institution could not be reasonably expected to know that this Act applies to that receipt;”.

Page 4, line 22, clause 7, proposed new paragraph 5(1)(b), omit “a receipt”, substitute “any other receipt”.

Page 4, line 31, clause 7, proposed new subsection 5(1A), omit “to the extent that the institution is liable to pay duty, or is exempt from paying duty,”, substitute “if the institution is liable to pay duty”.

Page 5, line 14, clause 8, at the end of the clause, add the following paragraph:

“(c) by adding at the end of subsection (2) the following paragraph:

‘(s) a receipt of money by a registered financial institution, being a receipt prescribed by the regulations as a non-dutiable receipt.’”.

Page 5, line 14, after clause 8 insert the following clause:

“8A. Short-term dealing

Section 7 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsection:

‘(1) In this Act —

“short-term dealing” means —

- (a) the making or receiving of a deposit (other than a deposit to the credit of an account with a bank that is repayable on demand or to the credit of a current account, in either case, kept by the bank for another person) if the amount of the deposit is no less than \$50,000 and is deposited —
 - (i) at call;
 - (ii) for a term not exceeding 185 days; or

- (iii) for a term not exceeding 185 days and thereafter at call;
- (b) the making or receiving of a loan or advance if the amount of the loan or advance is not less than \$50,000 and is loaned or advanced —
 - (i) at call;
 - (ii) for a term not exceeding 185 days; or
 - (iii) for a term not exceeding 185 days and thereafter at call;
- (c) a dealing in securities, mortgage-backed securities, bills of exchange, promissory notes, certificates of deposit, or interest-bearing deposits, if the amount involved in the dealing is not less than \$50,000 or the dealing (not being a dealing in a security) is in a bill of exchange, promissory note, certificate of deposit or interest bearing deposit having a nominal value on the day on which the dealing is entered into, or a face value, of not less than \$50,000, and the amount involved in the dealing is invested —
 - (i) at call;
 - (ii) for a term not exceeding 185 days;
 - (iii) for a term not exceeding 185 days and thereafter at call; or
 - (iv) in the case of a dealing in a security, bill of exchange, promissory note, certificate of deposit or interest bearing deposit — for a term exceeding 185 days, where the dealing is completed no later than 185 days after the date of the investment;
- (d) a dealing in securities for the purpose of a securities lending arrangement, if the dealing is completed within 185 days;

- (e) a foreign exchange dealing for the purposes of a foreign exchange hedging agreement if the amount involved in the dealing is not less than \$50,000, and the dealing is completed not later than 185 days after the date on which the agreement was entered into; or
- (f) a futures contract within the meaning of section 72 of the *Corporations Law* if the amount involved in the contract is not less than \$50,000, and the contract is completed within 185 days.’.’.

Page 7, line 3, clause 14, after proposed new section 13A, insert the following section:

“ ‘13AA. **Registered financial institutions — deemed registration as agents**

A financial institution that is registered under section 12 and that acts as an agent of an interstate financial institution is to be taken to be registered as an agent under section 13D for the purposes of this Part.’.’.

Page 13, line 30, clause 24, after proposed new paragraph 25(1)(b), insert the following paragraphs:

- “(ba) a receipt of money by a short-term dealer that is taken into account in calculating the average daily liability of the dealer, where duty is payable in respect of that liability under section 13H or 15;
- (bb) a receipt of money by a certified short-term dealer in respect of a short-term investment;”.

Mr Speaker, I circulated these amendments to members out of session a couple of days ago so that members could look at them. They are technical; they do not change the intent of the Bill in any way. They came about as a result of consultation with various interested parties. For the interest of members, I present a supplementary explanatory memorandum.

Amendments agreed to.

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

Bill, as amended, agreed to.

DOMESTIC VIOLENCE (AMENDMENT) BILL 1998

[COGNATE BILLS:

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1998
BAIL (AMENDMENT) BILL 1998
PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (AMENDMENT)
BILL 1998]

Debate resumed from 28 May 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 Magistrates Court (Amendment) Bill (No. 2) 1998, the Bail (Amendment) Bill 1998 and the Protection Orders (Reciprocal Arrangements) (Amendment) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4 they may also address their remarks to orders of the day Nos 5, 6 and 7.

MR MOORE (Minister for Health and Community Care) (11.09): Mr Speaker, these pieces of legislation are about ensuring that we deal in an appropriate way with domestic violence. The definition of domestic violence that has been inserted into this legislation will ensure that the range of conduct covered by domestic violence is clear and understood. We often have the opportunity to deal with the issue of domestic violence in this Assembly. When we deal with domestic violence, we invariably feel that we are infringing on some of the civil liberties of those involved. The issue of domestic violence is always so difficult. I am sure that, as former police officers who have had to deal with domestic violence, Mr Osborne and Mr Rugendyke understand how difficult it often is to make a judgment about the issues in front of you.

In making that judgment in the past, I have always believed that we have to tip the balance in favour of those who are most vulnerable. Invariably, that is the women and children involved. Sometimes, perhaps in one per cent or 2 per cent, even 3 per cent, of cases the balance should go the other way, but I have yet to come across anybody who can explain to me a way we can deal with domestic violence when the victim is a man. The laws are set up so that we should be able to, but if there is a weakness in our laws that is where the weakness is. We should recognise that, but at the same time I think we have to opt for domestic violence legislation that favours women and children.

This package of legislation we are dealing with broadens the scope of restrictions and prohibitions that can be imposed by the courts. Each step we take down this path is a step that flies in the face of what much of our legislative systems were based on in past centuries, that is, on a notion of property. Every time we move to broaden our domestic violence legislation we challenge that notion. We look more at relationships, evening up the balance of power and making sure that people do not see ownership as applying to domestic relations. Mr Speaker, these are difficult issues. It is always difficult to get the balance exactly right, on the one hand protecting women and children in our society but on the other hand ensuring that we also protect the civil liberties of all those involved.

Through the next three years members should expect that we will revisit the issue of domestic violence on a number of occasions. The reason we should expect this is that all the time we should be testing the waters to see whether we have got this right. It is such a difficult issue and such a sensitive issue that we should proceed carefully and slowly, assessing how changes take effect.

Mr Speaker, I congratulate Mr Humphries for bringing this group of laws into place. I believe that these Bills will enhance the ability of our citizens to live in an appropriate way. I think it is also appropriate to congratulate the Community Law Reform Committee on the work it has done in this area. It is on that work that this piece of legislation is based.

MR STANHOPE (Leader of the Opposition) (11.14): Mr Speaker, as I have previously indicated to the Attorney, the Opposition will be supporting this suite of legislation. It is sometimes difficult to get the right balance between the rights of a respondent and an applicant in relation to the very difficult issue of violence and/or apprehended violence or the relationship between men and women or between other members of the community.

I will briefly mention the representations which I think each member of the Assembly has received from the Lone Fathers Association, which has made its views on the legislation known. I do not necessarily endorse the representations made by the Lone Fathers Association but I respect the fact that they do have a view. The scrutiny of Bills committee commented that meeting an appropriate balance between the rights of an applicant for an order under this legislation and those of a respondent does on occasions involve a fine judgment. In that respect I think it important that, in passing this legislation, we are mindful of the need to keep under review the effectiveness and operation of legislation in this area.

I have also consulted widely with other groups within the community, such as the Women's Legal Centre, the ALP status of women policy committee, groups which endorse this legislation and believe it fully appropriate, necessary and deserving of the full support of the Assembly. It is in that context that the ALP is pleased to support the legislation and to acknowledge the needs of those within the community who face violence, who face intimidation or who are threatened in their capacity to lead lives free of the prospect of violence, intimidation or threat. It is the absolute right of everybody within the community to be free at all times from violence, an apprehension of violence or a fear of violence. So many people, and regrettably so many women, live with a constant fear of violence, a fear which inhibits their quality of life and then impacts on the lives of so many young people.

Violence at all levels, not violence just within domestic relationships, is a scourge. Violence is never acceptable, should never be condoned, should never be explained away. This legislation sends an absolute message that this community does not accept the legitimacy of violence in any relationship, whether it is a relationship between a cohabiting man and woman, a relationship between parents and children, a relationship between individuals of the same gender or a relationship between children at school.

In the interregnum between taking my leave of the Commonwealth Public Service and taking this position, I worked for a month as the duty solicitor in the domestic violence unit in the Magistrates Court as an attached solicitor to the Legal Aid Office. I worked in the unit representing applicants for domestic violence orders. That experience was very interesting and gave me a significant insight into the issues facing victims of violence who suffer from intimidation and threat. It was very worrying too to me when I discovered the number of instances of children seeking orders against other children. It was of deep concern to me. I have to confess that in my protected innocence I was not aware of the significant number of children who present before the courts seeking orders against other children or of the number of parents of children seeking orders against other children on behalf of their children.

I was concerned when I was working in that office, and I was there for only a month. It was a fairly small window of insight that I had. I represented the mother of a six-year-old child seeking an order against another child who was persistently bullying and beating her child at school, to the point where the child had been so traumatised that she could no longer induce him to attend school. This legislation was sought to be used in that instance.

There is a very significant problem in relation to violence, intimidation and threat within our community. That leads us to acknowledge that we must take whatever steps we can to eradicate that and to continue to educate all parts of our community, men and boys in particular, that violence in all its emanations is completely unacceptable.

I note that this legislation is the result of significant community consultation; that it results from report No. 11 of the ACT Community Law Reform Committee. I note that the legislation follows very closely that report and those recommendations, which were made following significant community consultation. We endorse that. I foreshadow, however, the need for this legislation to be monitored to determine whether or not it is effective and whether or not it does achieve the sorts of aims that we would hope it will.

We have all received advice from the Lone Fathers Association raising certain issues that we must always be mindful of. The scrutiny of Bills committee raised certain issues in relation to this legislation on which we should at least stop, pause and give consideration to. I have received other advice from practising lawyers within Canberra suggesting that the rejigging of the balance in this legislation needs to be monitored to determine whether or not the legal rights of all parties appearing before the legal system, rights which we are also required to acknowledge and protect, are maintained in an appropriate balance.

I think that is all I need to say, Mr Speaker. The Opposition supports this legislation. The Opposition notes that it is legislation which very closely follows broad-based community support. We believe the legislation is an enhancement to the powers of the courts in dealing with relationships between human beings. The law has the greatest difficulty in seeking to adjudicate in situations where relationships between people break down. There are real problems, particularly where there is a significant, noticeable and accepted imbalance in the power relationships between the parties in relation to whom the violence has occurred or the threat of violence has occurred.

The Labor Party endorses and accepts any steps this Assembly or any parliament or legislature can take to indicate that violence is never acceptable and never to be condoned and that we have an obligation to do what we can wherever we can to eradicate it.

MS TUCKER (11.25): Mr Speaker, the Greens are supporting the amendments being made to the domestic violence legislation. They will enhance the protection afforded to all victims of domestic violence and are in line with report No. 11 of the Community Law Reform Committee. The definition of domestic violence allows those who are victims of threatening behaviour to fall within the definition of domestic violence. Covert behaviour that results in the victim being fearful and feeling constantly threatened can be very damaging, especially when the victim feels that because there is no physical evidence to show they may not have any recourse.

The greater freedom of the court to make orders as it sees fit is a positive step in recognising the court's authority in these matters, avoiding restrictive practices and allowing it greater flexibility to deal with the individual merits of each case. The introduction of the Community Advocate to act on behalf of the protected person and vary or revoke existing orders is positive and allows for more streamlining in the court process. Another area of greater flexibility in the court process is the extension of the timeframe for the listing of an application for hearing from two days to 21. Also the duration of protection orders could be in force for longer than 10 days where this period of time would not be sufficient to contact the respondent.

The provision for compensation to a party on the basis of frivolous and vexatious claims or those not made in good faith will hopefully allow the court to concentrate on serious matters before it by projecting a view that the court does not favour those who abuse the processes. Rehabilitation is an essential part of the process. In some cases considerable counselling and analysis are required. This is a positive direction in dealing with the issue rather than just imposing a court order. It is part of a more holistic approach that has been adopted by other courts such as the Family Court for some time now.

Mr Speaker, I support strongly directed legislation that aims to protect all victims of domestic violence and is not hampered by court administration and restrictive processes. I believe that the court process is a very important part of the process, but I also see rehabilitation and counselling as essential to a recognition of the effect of domestic violence in society. Of course, many other social factors have been linked to domestic violence. Financial pressures, including unemployment, substance abuse and addictions such as gambling bear pressure on relationships and can be a precursor to incidents of domestic violence. I hope that this is kept in mind when the Assembly debates other social issues. If we do not have a coordinated holistic approach to these discussions, I think we will continue to fail.

MR RUGENDYKE (11.28): Mr Speaker, I am pleased to rise to support this Bill, which strengthens and enhances the workability of legislation regarding domestic violence. Throughout my policing career, I had many and varied experiences with domestic violence. Of all these experiences, there were never any that were easy.

To have to walk into the privacy of someone else's home to avert a volatile situation is extremely awkward. In the perfect world we would be able to settle our private affairs in private, but in cases like these we have people in danger and there is no choice but to intervene.

It is vital to protect those under threat and to put in place every possible measure to ensure that violence will not be repeated. The scars that these situations can leave behind are sad to see. Anything that can be done to bring about a swift intervention is going to be not only beneficial for the short term but also beneficial in addressing the long-term emotional scars that these types of incidents can cause, particularly in children.

On many occasions, in my experience, the wording of the domestic violence legislation has been a barrier to police in applying the law in practice. I have been in the situation where the barriers have impeded a satisfactory resolution. It is not a pleasant feeling having to walk away from the scene of a domestic violence incident knowing that more could have been done to protect someone who was in a threatening environment. It is pleasing to consider a Bill that rectifies this situation by outlining a clear definition of what a domestic violence offence is. I have heard the arguments, those expressed by the Lone Fathers Association in particular, that this Bill is too broad. I disagree with this view, although I understand their point. I am satisfied that there are measures within the Bill to ensure that it is not abused.

I applaud the provision that enables the court to order compensation to a party if satisfied that the conduct of an applicant has been frivolous, vexatious or not in good faith. From my experience in the field, it becomes quickly evident to police officers when a complaint is frivolous. A sixth sense enables police officers to read these situations and to judge what is a dangerous situation and what is a furphy. Giving the court the power to order compensation is a reasonable backup that provides fair protection for all parties. This is a safeguard which is also a deterrent to lodging frivolous complaints.

Domestic violence is a problem in our community. It is an everyday occurrence, and we need the best possible means to ensure that families are protected, especially our children. Anything we can do to ensure that suffering is not prolonged must be supported, and that is why I will be supporting this Bill, Mr Speaker.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.32), in reply: Mr Speaker, I am very gratified to have the support of so many members of this chamber for the legislation which is before us today. It may appear on its face to be in some ways a mechanical set of Bills, technical rather than changing the substantive delivery of domestic violence protection. Some of the provisions could succumb to that definition, but other provisions in this package are quite important. They reflect the very considerable and longstanding work of the Community Law Reform Committee and are important if we are to make sure that our domestic violence laws in this Territory remain effective, ready to offer assistance to any person who may need them at any time, and keep the ACT in the vanguard of such legislative protection in this country.

Mr Speaker, it is obviously important that domestic violence legislation be a well-oiled machine capable of operating without a glitch and without technical difficulty whenever it is required. Nothing is more disturbing in this field than to see a person risk their own safety - we are talking here particularly about women and children - by seeking orders in a court, bearing in mind that very often the seeking of an order, by itself, is an escalation of a conflict between spouses or between partners and in those circumstances can constitute a risk to the person who seeks the order, and then finding that the legislation underpinning the provisions of the order is defective in some way or there is some loophole or some problem in being able to get an order. That is a situation which this legislation is designed to avoid.

A person who believes they need that support, that protection, deserves it, if the conviction is genuine and the fear is real. In those circumstances it is most important that we have legislation which is comprehensive and which does not let people down. Mr Speaker, from that point of view, the definition of domestic violence which the legislation inserts is quite significant. As has been pointed out, it widens the way in which the definition of domestic violence is couched. It includes conduct which is harassing or offensive towards a relevant person.

I think we can all think of ways in which such conduct may well constitute a threat or an implied threat to another person. For example, a person who comes at another person with a stick or a clenched fist clearly poses a direct threat of domestic violence to that person in this setting. But a person who, for example, smashes the windows of another person's car probably does not come within the present definition of committing an act of domestic violence. By the same token, such an act very clearly sends a signal to another person about what they might expect if something does not happen, if some conduct does not change or some approach or attitude does not differ. It is important to make sure that where any reasonable person, or even a person under considerable pressure, feels a genuine expectation of some adverse consequence to them of a physical nature the legislation is capable of cutting in to protect them and offer them the chance to obtain an order.

I also have received representations from the Lone Fathers Association and I have heard what they have had to say. I have written back to them setting out in detail why I am not inclined to support the view that they take about the provisions of this legislation. If members are interested, I am very happy to let them see a copy of that letter so that they can understand the Government's response to the issues the Lone Fathers Association have raised.

I do concede one point which I think in some ways the Lone Fathers Association overlooked when they prepared their response to this legislation. It is possible in a number of circumstances for the very extensive protections available in such legislation to be misused. Indeed, it is not only possible but in fact the case that the legislation is sometimes misused to obtain orders. Sometimes orders are obtained for tactical reasons within the circumstances of a deteriorating relationship. People will sometimes seek an order in order to strengthen their capacity, for example, to obtain custody of children or sometimes to obtain some advantage in other proceedings against a spouse.

I was pleased to hear Mr Rugendyke's comments in that respect. He commented about a policeman's sixth sense of when an application is vexatious or frivolous. It is unfortunately the case that vexatious or frivolous applications are made from time to time. That issue has been picked up in this legislation by inserting provisions which allow a court to compensate a party in proceedings if it is satisfied that the person seeking an order against that party has made an application that is frivolous, vexatious or not in good faith. I believe that will go some way to reassuring those who are concerned, as the Lone Fathers Association are concerned, about the misuse of the very extensive power created in this legislation.

Clearly, there is not a heavy onus of proof placed on those who seek domestic violence orders. It could be said that the onus of proof, if you like, is the lightest seen anywhere in legislation in this Territory. That is most deliberate, because it is essential that those who have a reasonable fear be able to obtain orders without being put to a high standard of proof, because the requirement of a high standard of proof may lead to a delay, and delay may lead to serious consequences. We have, unfortunately, seen such cases in the past. It is the determination of the Government and, I hope, all members of this place to ensure that such situations do not arise in the future, if the law can successfully intervene to protect individuals.

I think that the balance we strike is the right one. It is in favour of the early grant of interim orders, with a relatively low standard of proof, but the legislation before the house today does offer those against whom such powers are used in a vexatious or frivolous way some redress in the form of compensation at the end of the process for misuse of the process. Nonetheless, it does not detract from the relative ease with which a person may obtain an order under this legislation. That is deliberate. It is essential to retain that in such settings.

I want to thank again members of this place for their comments. Obviously, all the people who have spoken in this debate have thoughtfully and carefully prepared their remarks to contribute to this debate. I think they have contributed also to the strong bipartisan approach we have taken in this place over a number of years to the issue of domestic violence. I think we need to continue to do that, because that will ensure that we send a signal to the community that there are no circumstances where domestic violence is a suitable solution to a problem and that those who decide to use it as some sort of solution to their particular position or problem will find that the law is entirely unsympathetic and that those who make the law are equally unsympathetic to their position.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.41): Mr Speaker, I move:

Page 8, lines 29 and 21, clause 20, omit “not exceeding 6 months, or both”, substitute the following:

“not exceeding -

- (a) in the case of a first offence - 2 years; or
- (b) in any other case - 5 years;

or both a fine and imprisonment”.

In the May sittings I reintroduced a package of legislation that included the Domestic Violence (Amendment) Bill, which is a replication of the Bill which was presented in December of last year. There was a drafting error. The penalty which applied in an earlier version of the Domestic Violence Act for breach of a protection order was included in the Bill before the Assembly now. The Bill does not therefore reflect the amendment made to the Act in 1996 significantly increasing the penalty for breach of a protection order. Mr Speaker, I think it would be clear to members that the penalty for breaching such a provision should be higher than it is in the Bill. You will see in the amendment that it has increased significantly. It was never the Government’s intention to modify the most recently enacted penalty for a breach of a domestic violence order. The Government is of the view that the breach of such orders is a serious offence and warrants a substantial penalty. I therefore seek the Assembly’s agreement to the amendment which has been circulated in the chamber.

For the interest of members, I table my letter to Mr Barry Williams, the president of the Lone Fathers Association, in which I respond to a number of issues they raised about this legislation. I hope members will be able to see that the arguments have been considered fully, notwithstanding that we do not agree with any of them.

Amendment agreed to.

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

Bill, as amended, agreed to.

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

Debate resumed from 28 May 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.

BAIL (AMENDMENT) BILL 1998

Debate resumed from 28 May 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.

**PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS)
(AMENDMENT) BILL 1998**

Debate resumed from 28 May 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.

URBAN SERVICES - STANDING COMMITTEE
Report on Draft Variations to the Territory Plan - Heritage Places Register

MR HIRD (11.45): Mr Speaker, I present Report No. 6 of the Standing Committee on Urban Services entitled "Draft Variations to the Territory Plan No. 66 and No. 79 relating to the Heritage Places Register (Fourth and Fifth Variation)", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

The two draft variations, the subject of this report, Mr Speaker, were referred to the Urban Services Committee by the Minister on 3 July and 6 July this year. They deal with additions to the Territory's Heritage Places Register. The committee was briefed by officials on the two draft variations on 28 August this year and, on 4 September this year, the committee resolved to endorse the two draft variations and hence this report. On behalf of the committee, I commend the report to the house.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Canberra Nature Park - Final Draft Management Plan

MR HIRD (11.47): Mr Speaker, I present Report No. 7 of the Standing Committee on Urban Services entitled "Final Draft Management Plan for Canberra Nature Park", together with a copy of the extracts of the minutes of proceedings. I ask for leave to move a motion authorising the publication of that report.

Leave granted.

MR HIRD: I move:

That the Assembly authorises the publication of Report No. 7 of the Standing Committee on Urban Services entitled "Final Draft Management Plan for Canberra Nature Park".

Question resolved in the affirmative.

MR HIRD: Mr Speaker, I move:

That the report be noted.

Mr Speaker, in tabling the report and the minutes, it should be placed on the record that there are two recommendations that I dissented from. The minutes will clearly identify those two areas. Mr Speaker, it is with pleasure that I table this report by the Urban Services Committee on the final draft management plan for Canberra Nature Park.

I want to say two things at the outset: First, I commend my two colleagues on the committee, Mr Dave Rugendyke and Mr Simon Corbell, for their care and diligence in all phases of this inquiry; and, second, I emphasise that the production of the management plan for Canberra Nature Park is a major achievement. It has been years in the making; it follows extensive consultation; it contains a wealth of valuable material; and the final plan will provide a sound basis for planning, management and community guidance.

I now turn to the report itself, Mr Speaker. The report deals with contentious issues in our community. The most obvious is whether horses should be allowed into three parts of Canberra nature parks where they have not been allowed to date - namely, Aranda bushland, the Pinnacle and Mount Painter. The committee has recommended that this not happen for reasons set out in the report. Another contentious issue relates to the resources available to run Canberra Nature Park. The committee came to the conclusion, after a lot of serious study and after an ongoing inspection, that the existing resources are not adequate. That is the basis of one of our recommendations. A further recommendation deals with the position of Conservator of Fauna and Flora and the position of executive director of Environment ACT. At present they are one and the same person, but the committee believes the position should be split.

In all, the committee has made 20 recommendations. They are set out at the front of the report. Their range and detail show that the committee system is working at its best. The report contains six chapters. Chapter 1 sets out the background to the inquiry; chapters 2 to 4 set out some key points in the written and oral evidence presented to the committee; chapter 5 summarises a decision of the Administrative Appeals Tribunal that deals with horses in Aranda bushland; and the final chapter sets out the 13 issues that the committee chose to address specifically.

The committee has deliberately chosen to structure the report in this way. It means that the reader can see the diversity of opinion that we encountered in the course of the inquiry, and perhaps can appreciate the passionate nature of these different viewpoints. The committee looks forward to the Government's response to this very detailed report. On behalf of the committee, I thank those who appeared before us and I thank Mr Rod Power, our secretary. I commend the report to the house.

MR CORBELL (11.50): Mr Speaker, I begin by commending both my chairman, Mr Hird, and also my colleague Mr Rugendyke on the very effective way in which I believe this report has been produced. This report shows very strongly the ability of the committee system to work in a unanimous way and to produce some very important recommendations, which may not be entirely to any particular government's liking. Nevertheless, the report does make a series of very important recommendations about the management of an aspect of our city which is integral to what Canberra is all about as the bush capital.

Canberra Nature Park is a significant part of the national capital. It covers approximately 6,000 hectares of land. I understand it has 6,000 neighbours - that is, residents who abut onto the back of nature reserves all around the city - and it is a complex management task, with approximately 27 separate units to manage.

As my colleague Mr Hird has indicated, there are a number of significant recommendations in this report and the most contentious are in relation to the access for horses in Canberra Nature Park. The Government and Environment ACT presented our committee with a recommendation as part of the draft management plan that access for equestrian use be granted in the Aranda bushland, in the Pinnacle and in Mount Painter. Those recommendations were very strongly contested by the park care groups associated with the management of those areas and they were also, I must say, strongly contested by people within Environment ACT and, most notably, the senior plant ecologist employed by Environment ACT.

What was remarkable about the recommendation from Environment ACT was that horse access should be allowed into Aranda and the Pinnacle without any assessment having been made of exactly what the impact of that access would be. No assessment had been made of that. In fact, it was not even drawn to our attention by officials of Environment ACT, and notably the conservator, that no assessment had been made even though access for equestrian use was granted in other parts of Canberra Nature Park.

It is therefore no surprise that my colleagues and I felt that we had no alternative - no alternative at all - but to suggest that the actions of the conservator in this regard were bordering on negligence. Now, that is a very, very strong recommendation, but we certainly do not make it lightly, because the Conservator of Flora and Fauna has a statutory responsibility to ensure that the conservation of Canberra Nature Park is utmost in decisions that he makes. Yet when he made his recommendation that equestrian access be allowed into Aranda bushland, he went against the advice and the statement provided by his own senior plant ecologist of the Wildlife Research Unit of Environment ACT that he "would not consider equestrian usage as appropriate to Aranda bushland on the grounds that horses spread undesirable species in manure and feed that may be brought with them". That is a pretty clear statement. For the conservator to override that advice and to recommend that equestrian access be allowed into Aranda bushland can only be classified as bordering on negligence.

As a result of this issue, the committee has made some very, I believe, sensible recommendations. The first is that the precautionary principle must be uppermost in the conservator's mind and in the mind of Environment ACT in managing Canberra Nature Park. The legislation under which the management of Canberra Nature Park is undertaken states that the conservation measures must be imperative and are the first priority in the management of the reserve.

For that reason we have recommended that horse riding not take place in the Aranda bushland, that equestrian access not be allowed in the Pinnacle either, except along the current access route of the Bicentennial National Trail, and that equestrian access be granted on only the lower slopes of Mount Painter. Quite clearly, each of these areas is distinct and has different elements of conservation value attached to it. For that reason we felt it was appropriate that on Mount Painter, which is already heavily degraded, that access be allowed. But in areas like Aranda and the Pinnacle, where on Environment ACT's own advice there are issues to do with conservation that must be addressed and which could be threatened by equestrian access, we have recommended that that not proceed.

Mr Speaker, it was striking to the committee that there was no incontrovertible evidence about the effect of horses in Canberra Nature Park. For that reason we were astounded that the conservator was prepared to take the risk of allowing equestrian access into an area where there could well have been damage resulting from that use by horses. So we have asked in one of our recommendations that the Government go out there and get some serious advice on exactly what the impact of horses is; for, as long as it is ambiguous, the precautionary principle must apply, and that is why the committee has made the recommendation that it has - that equestrian access not be allowed in the areas I have previously mentioned.

Mr Speaker, the other two recommendations I want to highlight this morning relate to the role of the conservator himself - in this case, himself - or the position itself. The position of the conservator is a statutory one, and the conservator has certain responsibilities that he or she must undertake independently in the assessment of conservation values and the protection of areas like Canberra Nature Park.

It became quite clear to the committee during its hearings that the conservator was choosing to balance conservation imperatives against other imperatives to do with the use of Canberra Nature Park, whether by equestrians, mountain bike riders, people walking their dogs - whoever it might be. We were quite concerned when it became clear that budget imperatives - that is, restraints placed upon the finances of Environment ACT to manage Canberra Nature Park - were interfering with the judgment of the conservator in his making an assessment about the conservation measures that must be adopted and put in place for the management of Canberra Nature Park.

We believe that is why the conservator has ended up with the recommendation he has made, which is that equestrian access should be allowed into Aranda and the Pinnacle. That has been made not because he has put conservation measures as his first priority but because he has attempted to balance those, we believe unevenly, with the financial imperatives he faces as the executive director of Environment ACT - a public servant responsible to his Minister - and also the other measures that he believes he should be adopting in relation to balanced use of Canberra Nature Park in allowing a greater range of people to use the area.

Mr Speaker, there is no doubt that this is impinging on the ability of the conservator to undertake his role independently and properly. That is why the committee has made the unanimous recommendation that the position of Conservator of Flora and Fauna be separated from the position of executive director of Environment ACT. Only by doing that can the Government ensure that the independence of the conservator is protected and that the conservator is making judgments about the management of reserves like Canberra Nature Park on conservation values uppermost and foremost rather than budget imperatives or other political imperatives that may come to bear. The fact that the positions are currently combined means that the conservator is subject directly or indirectly to other pressures that he should not be as an independent statutory office-holder.

Mr Speaker, the final point that I want to turn to in my comments on this report relates to the resources for Canberra Nature Park. There is no doubt that the management of Canberra Nature Park is an enormous task. It is a task that we saw first-hand, thanks to the aid of officers and rangers of Environment ACT. We saw first-hand the magnitude of the task that rangers face in managing this park, even doing simple things like making sure that people walk their dogs on a lead. When my colleague Mr Rugendyke and I undertook an inspection with the manager of Canberra Nature Park North, we came across about half-a-dozen people all walking their dogs off-lead, even though they had their leads with them. When they were stopped by the ranger, they promptly put their dog onto a lead.

It is quite clear that the task faced by Environment ACT in managing Canberra Nature Park is extraordinary. We questioned the executive director of Environment ACT as to whether or not he thought he had sufficient resources both to manage the current uses of Canberra Nature Park and also to manage future use, such as equestrian access in Aranda, the Pinnacle and Mount Painter. His answer was: "Yes, I believe that we can do it". He said he believed that he had the resources "to deliver the outcomes and objectives that are specified in this draft plan of management".

Every submission we received, Mr Speaker, whether from equestrian groups, park care groups or individuals, stated that they did not believe the Government was putting enough resources into Environment ACT to make sure Canberra Nature Park could be managed properly. So we have made a very important recommendation that the Government seriously consider increasing the resources available to the Parks and Conservation Service to ensure that Canberra Nature Park is managed efficiently and effectively. You cannot continue to allow greater and greater demand on the use of this resource without a commensurate increase in the resources for managing that use.

The Government putting forward a proposition that increased use can occur without increased resources threatens the very nature of that asset as a key element of our bush capital and as a key element in the design of Canberra. That recommendation, along with all the others, is one I hope that the Government very seriously considers. I urge it today to implement these recommendations because they are sensible, unanimous recommendations which will ensure a better management of Canberra Nature Park.

Mr Speaker, in conclusion, the most striking thing about this inquiry was the enormous effort that was put in by ordinary members of the community in looking after a valuable resource for all Canberrans. Without the volunteer work of park care and land care groups, of water watch groups, of individuals, this asset would continue to deteriorate. Instead, what we have seen, through financing from Federal governments of both persuasions and the activities and volunteer work of individuals and groups, is a dedicated effort to restore elements of Canberra Nature Park that have become degraded over time and, more importantly, a strong sense of ownership over the community's asset. That was very striking in our deliberations also.

I commend this report to the Assembly and to the Minister. I urge the Minister to consider these recommendations very seriously and to address them because, in addressing them, he will ensure that Canberra Nature Park is properly managed and that conflicts over conservation and other use are addressed in an appropriate framework, which is certainly not the case, as we discovered, in relation to equestrian access.

MR RUGENDYKE (12.04): Mr Speaker, I simply rise to support and endorse the comments of both Mr Hird and Mr Corbell, my colleagues on this committee, and commend this report to the house.

MS TUCKER (12.05): This looks like a very strong report. From first readings of the recommendations, I congratulate the committee. They have probably made some very important recommendations. I can only support what has been said - that there has been a diminishing of the understanding within government of the importance of the conservation of our nature parks. The very first priority in any management decision about the use, or any proposed use, of those parks must be that it is absolutely compatible with that conservation.

The issue of horse riding, for example, has been one that has put a lot of concern and alarm into those people who are interested in conserving and valuing these really important parts of Canberra and the ACT. I know that there is a very strong lobby group associated with the horse-riding people in the ACT. Of course, it is a legitimate and a very pleasurable activity. I am glad to see that the committee has recommended that government does plan safe and attractive equestrian trails outside the park reserve system, but has taken a strong position on the fact that it is not appropriate for the horses to be in the nature parks to the degree that some of these groups want access.

It is obviously an issue which brings up strong feelings from both horse-riding groups and the people who care for the nature parks, the land care groups - those people who have put so much work into those areas, who love them, care for them and work as volunteers to repair them to give them an even higher conservation value. Sometimes, I believe, government does not actually appreciate or acknowledge that work enough and understand the incredible money that they are saving by volunteering to do this work.

I notice the issue of mountain bikes has also been the subject of a recommendation. Obviously the issues are similar. That is a more recent issue in Canberra because of the growth of that sport. Once again, it is a great sport and a legitimate recreational activity. It has other benefits as well, with the national competition being held in Canberra and certain economic spin-offs coming from that event. I am pleased to see the committee has recommended that a suitable site outside Canberra Nature Park be determined for mountain bike tracks and racing. I know that is something that is being discussed at the moment, and I hope the Government takes it on. I think we are all keen to support the sport; we just want to find a location for it that will not cause damage to the conservation values of our nature parks.

This report also has highlighted difficulties and concerns that have been expressed about the role of the conservator and some of the decisions that he has made. I would have to read the full text of the report to actually see what the committee is recommending in terms of who has the power. I am not quite sure how the responsibilities of the executive

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director of Environment ACT and the conservator will actually work together. Mr Corbell did say that the committee is interested in the independence of the conservator. I notice he is nodding in agreement. If that is the case, I would be very supportive of this. I believe that independence is important and that the values of conservation must be the ultimate concern of the conservator. This is not about a balancing act; it is not about giving equal weight to competing uses for these natural areas, because conservation clearly has been the main priority and that has been expressed in previous assessments of how we value those areas.

The independent environmental audit of the management of Canberra Nature Park takes place on a three-year basis - the last recommendation to be reported both to the Minister and to the Assembly and, where appropriate, considered by an appropriate Assembly committee and, possibly, the audit would be performed by the Commissioner for the Environment. That is important as well because it is about keeping track of what is happening in our nature parks and actually showing that it matters by having these processes put in place.

I agree with Mr Corbell that there has been a lot of concern about the slightly gung-ho attitude to this matter by the relevant officers and government, particularly with the horse-riding issue where we have not seen an evaluation or assessment of the impact. Yet there has been a willingness to extend to horses access to the nature parks, and obviously that has been of grave concern. I congratulate the committee on this report. I think it looks like a very good report. I encourage government to pick up the recommendations because we can only benefit from this report's recommendations being implemented.

MR SMYTH (Minister for Urban Services) (12.11): Mr Speaker, I thank the committee for its report. I will consider it and respond in due course.

Question resolved in the affirmative.

Sitting suspended from 12.12 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Australian Public Service

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. A report in this morning's *Canberra Times* reveals that the Department of the Prime Minister and Cabinet has judged the release, under freedom of information legislation, of details and information about cuts to the Federal Public Service would not be in the public interest. Can the Chief Minister say whether she also regards information about cuts to the Public Service as not being in the public interest?

MS CARNELL: I cannot make any comments, Mr Speaker, about a decision made by a Federal department or by Federal government. In the ACT we have probably the most transparent form of government. In fact, this week we will be tabling annual reports which will contain full workplace statistics. I think in the last Assembly sitting I also tabled the last two quarters of last year's workplace statistics. So we can see they are right on the table in the ACT.

MR STANHOPE: I ask a supplementary question, Mr Speaker. Given the obvious concern in the Canberra community about job cuts and the Chief Minister's admission now that this is a very open government, will the Chief Minister agree to table copies of representations by the ACT Government to the Commonwealth and correspondence between the two governments in relation to Federal Public Service cuts or relocation of Federal agencies from and within Canberra?

Ms Carnell: Which documents, Mr Speaker?

MR STANHOPE: All correspondence between the ACT and Commonwealth governments on job cuts to the Federal Public Service under the Howard Government. Will the Chief Minister table all correspondence between the two governments on that subject?

MR SPEAKER: I must caution you that it has to be relevant to the ACT and this Government.

MS CARNELL: Mr Speaker, I would like to think that those opposite would have better questions to ask in question time and that when they ask a question they would know what information they are after and could spell it out in a much more definite fashion.

Insurance Levy - Motor Vehicles

MR KAINE: Mr Speaker, I have a question for the Attorney-General in connection with the Insurance Levy Act that was passed on 1 September. Minister, you were quoted this week in the *Tuggeranong Chronicle* as saying:

The Government's Insurance Levy Act does not require them to levy the policy on motor vehicle policy-holders.

When we go to the Act, Mr Humphries, it defines "general insurance" as being insurance in respect of property situated in the Territory when the insurance was effective. Minister, if motor vehicles are not considered to be property, can you tell us what other forms of property are not encompassed by this Act?

MR HUMPHRIES: I thank Mr Kaine for the question. I think Mr Kaine has misread the legislation. What the legislation says - I do not think the legislation refers to \$10m - is that there is a \$10m levy which is coming from the whole of the insurance industry in the ACT; that is, all those insurance companies which sell insurance within the ACT.

The amount that each insurance company contributes towards that \$10m is based on the number of policies it writes, in effect, or the proportion of the market that it has in the ACT. I think that explains the reference Mr Kaine made to property within the ACT.

But there is no requirement in the legislation, as I last read it, to suggest that you have to necessarily translate the levy on the insurance companies into a levy on a particular property that might be retained in the ACT, upon which a calculation is based, as to the share of each insurance company of that \$10m.

Now, if the insurance companies decide not to levy motor vehicles or any other part of their enterprise, that is entirely up to them. The amount of \$10m spread across an entire industry could be a relatively small amount for each particular player in the industry. In some cases they could well decide to simply pass on the cost to their shareholders, take it out of their annual profits, or rest it on one particular area of business that they might happen to write. I think Mr Kaine should go back and read the legislation. I do not believe it requires anywhere that a particular part of their business, a particular part of their policy writing, should bear any burden of this insurance levy.

MR KAINE: Mr Speaker, I ask a supplementary question. I am sure I am no clearer on what is encompassed with this Act than the insurance companies are, because Mr Humphries says - and I am coming to my question - that motor vehicles are not included and the insurance companies believe that they are. Will the Minister take steps to make sure that all of those affected by this new Act know clearly and without any equivocation whatsoever what they are expected to pay this levy on - because I do not think I know and the Minister's answer does not help me?

MR HUMPHRIES: Mr Speaker, my answer is not what Mr Kaine needs to rely on. He has to rely on the legislation which he saw, like everybody else in this chamber, which he read and which is perfectly clear. Indeed, it is based almost entirely on the New South Wales legislation which has been in force now for some years. So if you or the insurance companies are in any doubt about the way it operates, I suggest that someone is closing their eyes deliberately to what is the reality of a system which is not only quite clear but also operational just across the border and has been for a number of years.

The insurance industry has been mounting a campaign against this levy based on misinformation. I can understand why members of the public might be sucked in by that, why they might be misled by the sort of campaign that the insurance industry is running, but there is no excuse really for members of the Assembly to be similarly misled about that. The legislation is quite clear. It makes it clear what the obligations are. I go back to the comment by Mr Quinlan just after the budget was brought down that it is only fair that we make sure our revenue effort in the ACT replicates that in New South Wales and is of the same standard as that in New South Wales. Once we get that clear I think the insurance industry ought to simply sit down and shoulder its burden in exactly the same way as it does in New South Wales.

Australian Public Service

MR WOOD: Mr Speaker, my question is to the Chief Minister. The *Canberra Times* of 19 September reported the Deputy Prime Minister, Mr Fischer, as saying:

Canberrans should thank the Federal Government for the thousands of jobs axed from the Australian Public Service.

Chief Minister, do you back up Mr Fischer?

MS CARNELL: No.

MR WOOD: I have a supplementary question, Mr Speaker. Following on that comment from Mr Fischer, figures have been released showing that there are more people leaving than arriving in the ACT and that the population growth, small as it is, is due only to a surplus of births over deaths. Chief Minister, how is it that your policies, combined with Mr Fischer's policies, cannot do better for the ACT than this?

MS CARNELL: I am happy to hand over to my colleague.

MR SMYTH: Demographics ACT, which is the unit that does the analysis of the figures, has recently released a report which still shows that we expect growth, all-up growth, of 0.9 per cent per year between now and 2008 and that the population of the ACT will continue to grow. The manner in which it is growing has changed somewhat. Some people are leaving and this is offset by the natural birth rate.

Ainslie Primary School

MS TUCKER: My question is to the Chief Minister. Is the Chief Minister aware that the site proposed for the Ainslie Primary after-school care program, the Ainslie Primary School assembly hall, has the following problems for such a purpose: No wet weather access to toilets and handbasins; no access to toilets and handbasins secure from possible outside intruders; no adequate storage for program materials, including sensitive personal records; insufficient kitchen facilities, including space for a dedicated refrigerator and craft activities; insufficient staff facilities, including staff toilets and secure storage for personal possessions of staff; stairs only hall access; no fenced outdoor playing area in the vicinity of the hall; grounds and hall periodically used for other purposes with no adequate alternative venue available; no clear view of all outside play areas from within the hall; and inadequate external lighting? Therefore, this does not match existing standards of Ainslie after-school facilities. Considering the unsuitability of the proposed new location for the after-school care service, what other alternatives were investigated for Craft ACT? Why was this decision made in the first place and when was the Minister for Education consulted?

MS CARNELL: Mr Speaker, I am advised that the Ainslie Primary School hall will be able to be accredited for the purposes of after-school care, and I suppose that is the bottom line. We are aware that there are some issues that need to be addressed. That is the reason that we determined not to move Craft ACT into the Ainslie public school till the end of this school year, to give everyone an opportunity to address some of the issues that need to be addressed and to ensure that the new premises are accredited for the purpose of after-school care. The reason that we decided to move Craft ACT to Ainslie public school was that was an election promise by Mr Humphries, and Mr Wood asked me to.

MS TUCKER: I also asked what other alternatives were investigated, but the Chief Minister did not answer that. I ask a supplementary question: If government proceeds with this relocation, will you guarantee that no conditions of licensing will be waived in order to accommodate the Ainslie after-school program in the Ainslie Primary School assembly hall? I seek that guarantee.

MS CARNELL: Mr Speaker, as I said in my earlier answer, I am advised that the new premises will be accredited for the purpose. Accreditation is accreditation. Mr Speaker, those issues will be addressed. I have to say that sometimes I get very frustrated in this place when efforts are made to make a reasonable change and a reasonable use of a public asset - a public asset that is being chronically under-utilised at this stage. It is a building that, I am sure we would all agree - - -

Ms Tucker: What about a reasonable process for the after-school care program?

MR SPEAKER: Order, please, Ms Tucker! You have asked your question. The Chief Minister is answering it.

Ms Tucker: No, she is not; she is having a rave.

MR SPEAKER: That is a matter of debate, but we are not going to conduct it now.

MS CARNELL: Mr Speaker, I have taken a shorter period to answer the question than Ms Tucker took to ask it. The old Ainslie public school is a heritage listed building. It is a very important building to the history of Canberra and it is a building that we on this side of the house believe - and obviously Mr Wood agrees with us - should be used in a much more appropriate fashion than it has been used in the past.

Mr Humphries did make a commitment prior to the election that we would relocate Craft ACT, preferably to Ainslie public school. We did some more work on that. Craft ACT has been very supportive. I have to say, Mr Speaker, that I have had a number of letters from, I think, very eminent people in the arts right around Australia and all were in support of and congratulated the Government on moving Craft ACT to somewhere more central where it can more be part of the very important cultural life of Canberra.

Methadone Program

MR CORBELL: Mr Speaker, my question is to the Minister for Health and Community Care in his new location. On 21 January this year the Minister was reported in the *Canberra Times* as saying that when people decide they want out of the heroin cycle the health system should bend over backwards to help them, and that a four-week wait for placement on the methadone program was too long. The most recent Department of Health and Community Care activity report reveals that the number of methadone treatments per year has dropped from 350 in 1996-97 to 270 in 1997-98. Further, as at 5 August this year there were 45 people registered on the public program waiting list for methadone treatment, and the waiting period for placement on the program has blown out from 17 days to seven weeks. Can the Minister explain how the health system he administers is bending over backwards to assist addicts onto the methadone program?

MR MOORE: Mr Speaker, there is no doubt that the methadone program is not working as effectively as it should. I must say it is an embarrassment to me that we have a six- to seven-week waiting list at the moment. Currently there are 432 people receiving methadone treatment in the ACT and there is no doubt that there is further need. What I am doing about this is the critical question, I think, from Mr Corbell. You are probably aware that Dr James Bell from the Langton Centre in Sydney came down to review methadone use in the ACT. From that time on, Mr Corbell, I have been following a process and it is a process, I must say, that I find particularly frustrating because, where possible, I would like to see outcomes delivered in a much faster manner. However, because we are dealing with a range of very difficult situations I thought it appropriate to follow appropriate process.

While that was going on I funded some extra places in the methadone program on the basis that people also moved into the community program. The emphasis for change was to move people to the community program. My advice, as of today, is that 53 people are waiting to get on the methadone program. This is what creates the six- to seven-week waiting list. We are looking at this process to ensure that we get people involved in the community program.

If we simply continue to fund the public program, I believe we will have a continued increase in the waiting list. One of the ironies of a system like this is that, when you reduce the waiting list, more people see the opportunity and come on it, and I think that is a good thing. We have to make sure that we do not simply say, "We will fund more places and pour more and more money into it without getting better outcomes". I think we can get better outcomes if we involve more and more people in the community process. One of the suggestions has been that we must ensure there is no motivation to keep people on the public program instead of the community program.

Mr Berry: You get better outcomes when you give them access to methadone, Michael.

MR MOORE: Mr Speaker, it is very difficult to concentrate and answer the question.

MR SPEAKER: It is. I am just wondering why Mr Berry insists on interjecting when Mr Corbell is trying to listen to your reply. I think it is very discourteous.

MR MOORE: I imagine it is embarrassment over his management of the methadone program.

Mr Berry: It is an insulting answer.

MR MOORE: We are considering putting the same charges on the public program as are currently applied to the community program - that is, \$15 per week for somebody using the program other than in the first six months of being involved in the program. So when they come on the program, for the first six months there is no charge. From then on, whether they are in the public program or the private program, there will be a charge.

Mr Berry: You have picked up the dogma pretty quickly, mate.

Ms Carnell: I raise a point of order, Mr Speaker. Mr Berry continues to interject.

MR SPEAKER: Yes, Mr Berry continues to interject. If he would like to have a private conversation on this matter outside, we can oblige him.

MR MOORE: We are talking about an equivalent funding of the public program after six months, which is the sort of time you would normally expect somebody to move towards the community program anyway. There are considerable spaces available on the community program. We could transfer people now from the public program to the community program; there are more than 53 spaces available. That would resolve the specific problem that we have at the time. In suggesting that we go through this process, we are also suggesting there be a two-month transition period for people who are currently on the public program, because they have already been on the program for six months.

A final decision has not been made on this issue, Mr Corbell, because I considered it appropriate that the methadone advisory group have an opportunity to consider this and suggest modifications to the program that has come out of the review by Dr Bell. But I do take it seriously. I am embarrassed that it is taking so long, but I will continue to do what I can to improve the situation.

MR CORBELL: I thank the Minister for his answer. By way of a supplementary question, I ask: Minister, do you still stand by your statement that four weeks is too long to wait, and when do you anticipate a decision being made to reduce the seven-week waiting period? I realise you outlined the processes, but when will the decision be made?

MR MOORE: The optimum time, as I see it, for a waiting list is about two weeks. I am seeking to match that goal with a waiting time of around two weeks. That means that people do not just suddenly decide, "Yes, I am on methadone now" - there is time for them to think about it - but, on the other hand, they do not have the problem they have at the moment where six weeks seems too long to try to cope.

Mr Stanhope: When are you going to meet that target, Minister?

MR MOORE: I will be doing that as soon as I possibly can.

Business Incentive Scheme

MR QUINLAN: Mr Speaker, my question is to the Chief Minister and Treasurer. I refer to the very embarrassing case of Capital Plastics Australia, which received a large amount of public money - about \$100,000 - under the business incentive scheme some time ago, and then we saw the principal of the enterprise abscond without doing any real business. Have we abandoned all hope of recovery of the funds and/or bringing the perpetrator of this sting on the Government to book or has the person in question got away scot-free because of very lax controls within the system?

MR SPEAKER: Be careful of the legal opinion question. I am just cautioning, that is all.

MS CARNELL: I may have to seek advice on this. My understanding is that it is subject to a police investigation.

MR QUINLAN: I ask a supplementary question, Mr Speaker. Has the Government taken remedial action to protect public funds against such losses and, indeed, to ensure that the promises of successful applicants under the business incentive scheme are realised beyond the photo opportunities provided?

MS CARNELL: Mr Speaker, had Mr Quinlan bothered to look at the work that was done after the Capital Plastics - I agree - fiasco, he would have seen that we revamped the whole business incentive scheme at that stage. We brought on Derek Volker. He did a report into the way the business incentive scheme applications were vetted and given out. Derek, as we would all agree, is a very capable ex-senior Federal Public Service officer who is now chairing that committee after doing a full review. That was all done after this situation occurred in the last Assembly a couple of years ago and since then we have not had a problem.

Insurance Levy - Emergency Services

MR HARGREAVES: My question is to the Minister for Justice and Community Safety. In the 1998-99 budget, existing funding for emergency services was maintained and, indeed, increased slightly by \$1m, yet it is believed that the ACT Fire Brigade has had cuts imposed. Is the Minister concerned about the impact these cuts will have on the community? How can the Minister justify these cuts when the insurance levy is forced on the ACT community and he has stated that the levy is to maintain emergency services funding?

MR HUMPHRIES: Mr Speaker, I thank Mr Hargreaves for the question. The question does proceed on the premise that there are cuts to the Emergency Services Bureau. That is not an assumption that he is entitled to make. The Government is in negotiation with the United Firefighters Union over the enterprise bargaining agreement and that involves a process of considering how wage rises and other benefits can be conferred on ACT government employees - in this case, firefighters - in terms of the Government's industrial relations policy and the current policy for this round of EBAs.

Now, it is the Government's policy to attempt to deliver wage increases to workers in the government service within the terms of the existing budgets and in particular to try to define productivity offsets to be able to fund those wage increases. But if those offsets result in expenditure in some areas being reduced, in order to be directed towards increased salaries for firefighters or some other benefits, Mr Speaker, that is a possibility which I cannot at this stage preclude - but I will say it will be a process, if that is what we end up with, which will have been arrived at through negotiation with the relevant union.

I am not going to foreshadow what the outcome of that process will be. Negotiations are still at an early stage. I want to see the product of the negotiations before a decision is made, or before I announce to the Assembly what the outcome will be in terms of the operation of the fire service or the result for the pay packets of individual firefighters.

MR HARGREAVES: I thank the Minister for his response. I wish to ask a supplementary question. The Minister undoubtedly knows that the United Firefighters Union has moved a no-confidence motion on the director of the Emergency Services Bureau. Will the Minister accept any responsibility for this lack of confidence expressed by the union?

MR HUMPHRIES: Negotiations of this kind are inevitably fairly charged events. At least they have potential to pass through such phases and - - -

Ms Carnell: I can remember when the nurses took all the blame.

MR HUMPHRIES: That is right. We have all experienced what I might call the theatrics of EBA negotiations. People can go through all sorts of extraordinary gestures in order, as they see it, to improve their case in such negotiations. It is very wrong to read into any gesture or view by a party at this early stage any particular long-term outcome. I have discussed the concerns that the union has directly with the leadership of the union, and I will continue to stay in touch with them about those issues. I pride myself on being able to talk to those unions frankly and freely and at short notice about the problems. I am confident that that process, that good working relationship, will see us through this particular round of EBA negotiations, as it has seen us through previous rounds of negotiations.

Nurses Dispute

MR OSBORNE: My question is to the Minister for Health. I must say I am a little rattled to see him moving closer to the Chief Minister's chair, Mr Speaker, but I will try to get through this question. It scared me when he got to there and he is getting closer. Anyway, my question is about the nurses dispute. You will appreciate, Mr Moore, that I did not get involved during the dispute, but there is an issue that I think needs to be clarified. Several times during the past few weeks, Minister, you have made statements to the effect that the Canberra Hospital was not only adequately staffed with nurses but also - and on more than one occasion - the hospital was overstaffed by up to 80 nurses, while at the same time the Australian Nursing Federation was claiming they were up to 50 nurses short. In spite of your continual assurances that the hospital had more than enough nurses, on Monday last week Commissioner Deegan ruled that the management of the Canberra Hospital was to close any beds that were unable to be properly staffed. As a result, the next day the hospital chief executive, Brian Johnston, announced the closure of 17 beds, which have remained closed ever since. Minister, will you now admit that you have played down the shortage of nurses at the hospital over the past four months and that the nurses union have been right all along? I am sure you will not agree with that. What action is being taken to bring the number of nurses up to the level required to reopen the beds which have been closed? I think it is an important issue, Mr Speaker.

MR MOORE: Thank you, Mr Osborne, for the question. The short answer to "Will you admit that you were wrong?" is no. I do not think I have ever actually said - in fact, I know that I have not said - that the Canberra Hospital is 80 nurses overstaffed. What I have said is that the part of the Auditor-General's report which was prepared by Debbie Piccone suggested that it was 80 nurses overstaffed. That is one piece of information that I have. On the other hand, I have had the Nursing Federation saying that it is 50 nurses understaffed. So, clearly, there is a problem.

The question was: How do we resolve that problem? What I have been saying all the way along is that the best way to resolve these problems is for management and the union to sit down and negotiate, to talk about those things. Instead, it was the approach of the union to look at an industrial dispute and to go to Commissioner Deegan. Mr Speaker, I must say that I have not yet seen figures from the Nursing Federation that would indicate to me that the hospital is understaffed by 50 nurses. There is no question that through the winter and through the time following the VMO dispute, including the VMO dispute at Calvary, there was extra pressure on the hospital. I conceded that from the beginning. I said that that is a temporary problem that we need to get through.

I think that the understanding you have of the role of Commissioner Deegan is not quite accurate, Mr Osborne. What the commissioner did was simply verify a temporary agreement between the management at the hospital and the nurses union. The nurses union went into discussions saying, "We believe that you should cut 49 beds from the hospital" - at a time when we have increasing waiting times and increasing waiting lists. That seemed to me to be entirely inappropriate. However, I was not involved directly in the specific discussions.

In order to get an appropriate outcome to try to calm the issue down, the hospital management said, "What we will do, on a temporary basis, is close 17 beds that are currently not being used". There were 10 in the medical ward, as I recall, and seven in the surgical ward. Indeed, those beds have been closed, and the hospital has been managing with those beds closed. The word we use is that they have been "contained". In other words, they are closed, waiting to be opened should they be needed.

Mr Speaker, I must say that right through this dispute there have been quite a number of situations where what Commissioner Deegan said and what she was reported as having said have been two entirely different things. Similarly, what I have said and what I have been reported as having said are two entirely different things. That has made public perception of the issue very difficult. There are, clearly, problem areas within the hospital in specific specialties, particularly in the intensive care unit, the coronary care unit and the oncology department. Management has always made it quite clear that it believed that there were problems and shortages within those areas. The hospital has advertised, seeking to find nurses in those particular areas.

To round off the answer to your question, Mr Osborne, I would say that with the closure of those 17 beds the hospital is also looking at restructuring nursing services to make sure that nurses are able to work in the most efficient way available to them through their structures. To do that, there is certainly going to be some consideration of the consolidation of a couple of wards. That will be done in conjunction with and in discussion with the union. Secondly, the Canberra Hospital management is considering today what is the best way to distribute nursing services to make sure that we get the most effective approach, considering that the Auditor-General's report - which the public accounts committee, under Mr Quinlan, has just looked at - was suggesting that it is 80 nurses overstaffed.

MR OSBORNE: I have a supplementary question. Are there any plans, Minister, to hire new nurses, or are you hanging it on the inquiry by the hospital into distributing nursing services? That is my supplementary question, but may I add a point? I find it interesting that an order of the industrial relations commissioner says that the management of the Canberra Hospital is directed to close any beds which are unable to be properly staffed. I would think that is a concession regardless of any agreement. Nevertheless, my supplementary question is: Are there any plans to hire new nurses? I think you have answered that, anyway.

MR MOORE: In fact, there was no concession about that direction from the industrial relations commissioner, because that is exactly what the Canberra Hospital always does and has done. It has never been a problem. The critical factor in what the industrial relations commissioner did was saying to the nurses that there is no ground for industrial action; that the industrial action that they have been taking was inappropriate.

I must say, Mr Osborne, as I moved around from ward to ward and talked to the nurses, I had no doubt that a number of the nurses agreed with the union on these issues, but there was also a large number of nurses that did not. That might explain why, when the industrial action was occurring, three or four nurses would go off the ward. At no stage did all the nurses go off any of the wards. A number of nurses that I am aware of either have resigned or are considering resigning from the union.

To answer the question about new nurses, yes, we are looking for new nurses in the specialty areas that I indicated, Mr Osborne; but there is no intention to increase the overall number of nurses that we have in the hospital beyond what is the appropriate establishment level. Of course, if we can get the hospital operating more efficiently, then what that will mean is that we can deal with those waiting lists. The other thing I would like to say, finally, Mr Osborne, is that so far there has been no stress from the maternity ward. That is going extremely well, and you ought to relax.

Marketing and Promotion Campaign

MR BERRY: Mr Speaker, my question, through you, is to the Chief Minister. It is about a very unhappy birthday - one about which Canberrans have expressed a strong view. I refer to the silly, second-hand Feel the Power campaign. A year ago the Chief Minister dumped this campaign on an unsuspecting public, and for a year Canberrans have rejected the silly, second-hand slogan. Within the last two weeks Grey Advertising released its publication, *Grey Matter*. If I were you, I would not confuse that with what you keep in your heads when it comes to the Feel the Power campaign. The publication reports the results of a survey conducted by Canberra Pulse, showing that 72 per cent of respondents expressed their dislike of the use of the silly, second-hand Feel the Power slogan.

Why is it, Chief Minister, that every time Canberrans read the Government's advertisements in the *Canberra Times* they see the Feel the Power slogan, paid for by the taxpayer on the basis of a percentage of the cost of the advertising? Why is it that the Canberra community, who hate this slogan, have to see it, and pay for it, day by day by day? Why are you so besotted with this silly, second-hand slogan? Will you now, after three surveys have slammed it, drop the ridiculous and silly, second-hand Feel the Power slogan?

MS CARNELL: Mr Speaker, the answer to the first part of the question - why is Feel the Power of Canberra still being used - is that we won the election and Mr Berry lost. The answer to the second part of the question - what are we doing with the Feel the Power slogan - is, as I think I have said in this place on more than one occasion, that the focus of the campaign during this financial year will be more on business attraction, in particular on the development of a direct marketing campaign targeting interstate and international businesses with the potential for relocation in Canberra. This direct marketing campaign will be linked to a familiarisation program, which will see key decision-makers invited to Canberra for detailed business discussions and to take part in high-profile events.

In relation to other initiatives, the branding of events and sponsorships, sponsorship opportunities will also be pursued as a means of promoting Canberra's success stories. Mr Speaker, I thought it was very interesting that Mr Berry should pick up on this particular issue, because one of our very successful people who have been sponsored by

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the Feel the Power campaign is Stuart Rendell. As members of this Assembly will know, recently Stuart Rendell, a 26-year-old athlete from Kambah, right here in the ACT, won a gold medal for the hammer throw - the first medal he had ever won in major competition, Mr Speaker.

Members interjected.

MR SPEAKER: Order! Everybody settle down and let the Chief Minister finish the answer.

MS CARNELL: They asked the question, and now they do not want to hear the answer. Mr Speaker, I actually think that Stuart Rendell did an absolutely great job on behalf of the people of Canberra. It is very interesting that Mr Rendell was without sponsorship, and it was looking as though it was going to be very hard for him to get to the world championships - - -

Mr Quinlan: What has that got to do with Feel the Power?

MS CARNELL: Everything, because guess who sponsors Stuart Rendell? The Feel the Power of Canberra campaign does. Mr Speaker, I cannot think of a better slogan for a world champion hammer thrower. Mr Rendell, plus many others, are out there marketing Canberra - not in the ACT, but in a world market - as a city that does have a very real power. It has not just political power, but art, culture, sport and all sorts of other things.

Mr Speaker, those opposite will also be aware that events such as the Telstra and ACT Government small business awards are sponsored by the Feel the Power campaign. The ACT and region exports awards are funded by Feel the Power, as are Canberra Day in Nara celebrations and sponsorship of the Olympic and Paralympic athletes. Peter Thompson, a Paralympic athlete, has recently been in Sweden, I think, for the world championships and did absolutely remarkably well. We should be extraordinarily proud of Peter and the work that he has done. He is certainly heading towards gold in Sydney; there is no doubt about that.

It is those sorts of programs, which I have to say I believe are very important to Canberra, that the Feel the Power campaign sponsors. If Mr Berry thinks they should all go, I have to say that I do not agree with him.

MR BERRY: I have a supplementary question. If you are so committed to this silly, second-hand slogan, Chief Minister, why did you not ask the Canberra residents whether or not they wanted it when Mr Smyth did his survey on motor vehicle registration plates? Why did you not ask them then, or were you not game?

MS CARNELL: Mr Berry, even after being briefed many times, or after being offered briefings - I suspect that he has not taken them, because he normally does not - still does not understand. Yes, Canberrans did not like Feel the Power on the numberplates, so we took it off; simple. Mr Speaker, Feel the Power is a campaign to attract businesses to Canberra; to change the view of businesses that Canberra is just a place for politicians

and not a good place to do business. Mr Speaker, the fact is that we now have private sector growth that is certainly beating that of a number of States; we have more jobs in the ACT than ever before; and we have a large number of companies that are choosing Canberra as a business destination - something that never happened under those opposite. Mr Speaker, we are certainly doing something right.

Arts Funding

MR HIRD: Mr Speaker, at the weekend I noticed an article in the *Canberra Times* referring to claims made recently by the Opposition and Ms Tucker that the ACT Government had turned Canberra into a cultural wasteland by its lack of commitment to funding for the arts. Chief Minister, are these claims true, and can you provide to this parliament any evidence that demonstrates how this Government is supporting the cultural development of Canberra?

MS CARNELL: Thank you very much, Mr Hird. I really do appreciate that question. Mr Speaker, we have certainly - - -

Mr Corbell: Mr Hird is strongly interested in the Institute of the Arts.

MS CARNELL: There goes Mr Corbell already. Mr Speaker, we can all remember Mr Corbell standing up in this place - or sitting there, interjecting - on numerous occasions, constantly accusing me, I think he would say, of, shall we say, governing by photo opportunity. I think they have been his words.

Mr Berry: Spot-on.

MS CARNELL: There you are, Mr Speaker. Although it was somewhat amusing, I am sure we were all feeling very sorry for Mr Corbell when he was obviously kidnapped by the Canberra Symphony Orchestra in the middle of the night recently and forced to stand up in front of the musicians with the baton in one hand. Do you know what happened? It was hard to believe, but television cameras and photographers turned up. It could not have been a photo opportunity!

Members interjected.

MR SPEAKER: Order, please! What was he conducting - *Gotterdammerung*, or something?

MS CARNELL: Mr Speaker, what may have happened to poor Mr Corbell is he may have been tortured by the arts revolutionaries and made to stand up there in front of those cameras, because Mr Corbell would never, ever stoop to a photo opportunity.

Mr Corbell: Mr Speaker, I raise a point of order on relevance. What has this to do with the question? I think the Chief Minister is jealous. The point is that they know which way I voted on the Institute of the Arts cuts, which was unlike the way those opposite voted.

MR SPEAKER: There is no point of order, Mr Corbell.

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MS CARNELL: Mr Speaker, seriously, for weeks the Labor Party has been telling the world that this Government has cut the guts out of arts funding and does not care about cultural life.

Mr Stanhope: It was a big backflip, Chief Minister.

MR SPEAKER: Order! Go on, Chief Minister.

MS CARNELL: They have suggested that we do not care about the cultural life of Canberra. I only wish that, for once, those opposite had had the good sense to check their facts before making a statement; but that would be impossible. I suppose that the good part is that it has allowed me to provide the Assembly with some hard evidence - that is right, hard facts - on just how committed this Government is to promoting and encouraging the arts here in the ACT. Mr Speaker, you have already suggested that - - -

Mr Berry: What a backflip!

Mr Corbell: Degree of difficulty 2.5.

MR SPEAKER: Order! If you people wish to have private discussions, please go outside and do so.

MS CARNELL: Thank you very much, Mr Speaker. These are not empty claims, like the Labor Party's; these are facts. Here is fact No. 1. The ACT Government spends more per head of population on arts and culture than any State in Australia, and is second only to the Northern Territory. They are not my calculations.

Mr Stanhope: Before or after the backflip?

MS CARNELL: No backflip. These are not my calculations but those of the Australian Bureau of Statistics. According to a recent publication for 1996-97, the latest available figures, the ACT allocated \$66.70 per person in funding for cultural facilities and services, compared with the average of just over \$40 in other States and Territories. It is very interesting because, by way of comparison, the New South Wales Labor Government allocated \$36.50 for cultural facilities and services. That is 45 per cent less than this Government's allocation. Mr Speaker, it was a very interesting comment from Mr Stanhope. We might just have a bit of a look at what ACT Labor governments did. Do you think we should do that, Mr Humphries?

Mr Humphries: Yes.

MS CARNELL: I think we should, yes. So, Mr Speaker, we get to fact No. 2. Let us look at when Labor was last in government here in the ACT. What I am about to read might just shut Mr Stanhope up. I am sorry, Mr Speaker; it might make Mr Stanhope think twice before interjecting.

Mr Stanhope: No, it will not.

MS CARNELL: It will not, but hopefully you will, Mr Speaker.

MR SPEAKER: I will.

MS CARNELL: Mr Speaker, in 1994-95, the then Labor Government, Mr Berry and his mob, spent - wait for this - \$45.70 per person on arts and culture. Again, Mr Speaker, these are not my figures but Australian Bureau of Statistics figures. Under this Government, in 1996-97, just two years later, we had increased that to \$66.70. In other words, Mr Speaker, not only does the ACT spend 60 per cent more on arts and culture than the State and Territory average, but it actually boosted funding per capita by 45 per cent compared to Labor.

Mr Hird: How much?

MS CARNELL: Forty-five per cent increase compared to that mob opposite. So much for the comments that they have been making in the media and in this place. Let me say once again, just for the record, Mr Berry: It was a 45 per cent increase under this Government. Bear in mind that all of this comes from the same government that, according to the Greens and the Labor Party, has turned Canberra into a cultural wasteland. Mr Speaker, that cultural wasteland is receiving 45 per cent more than they provided. In summary, Mr Hird, the answer to your question is that the claims by the Labor Party are wrong - and I should say embarrassingly wrong for them.

There is one other issue that I want to raise in answering the question, Mr Speaker, and it concerns the Government's record on funding capital projects in the cultural area. Mr Speaker, I read a budget handout issued by the former Labor Government in 1994-95. I think Mr Wood was the Minister for the Arts at the time. It was interesting, Mr Speaker, because under the heading "Funding of cultural activities" it listed a number of initiatives in relation to capital works. What was the first on the list? The first was the Playhouse project, Mr Speaker. Did Labor build it? Did they even plan it? No, Mr Speaker; this Government did. The next one on Mr Wood's list was the Cultural and Heritage Centre - or the Canberra Museum, as we like to call it. Mr Speaker, did Labor build it? Did they even plan it? No; this Government did. How about the performing arts complex at Hawker College, listed next on the initiative list. Did Labor build it, Mr Speaker? No; this Government built it. Then we ended up with the Tuggeranong Community Arts Centre. Mr Speaker, did they build it? No, they did not build that either, Mr Speaker.

Mr Wood: Plough on.

MS CARNELL: Oh, Mr Speaker - - -

MR SPEAKER: Ignore the interjections. You are doing very well, actually. I might have to ask you to repeat the entire answer very shortly. With all the noise, I cannot hear it.

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Mr Wood: Maybe we could get some honesty into the answer if she went back again.

MR SPEAKER: Order! You may like to make a personal explanation sometime. Please continue.

MS CARNELL: Mr Speaker, I know that it is hard for those opposite to accept this; but, of the \$17.5m listed in the cultural initiatives on this budget sheet that Mr Wood and the Labor Party put out, it was this Government that delivered - wait for this - \$16.75m of them the following year. They have a \$17.5m list of cultural initiatives that they put out in their budget, and we have to deliver on \$16.75m of it. That is more than 90 per cent of the promises that those opposite made. So much for any commitment to the arts!

This Government has invested some \$22m in arts and cultural facilities over the past three years, almost double what we have spent on Bruce Stadium, which was another great development, Mr Speaker. So much for an accurate budget statement! Mr Speaker, I do not mind intelligent debate. I am sure that everyone on this side of the Assembly accepts that. But, Mr Speaker, what I do mind - - -

Mr Wood: This is not intelligent debate; that is for sure. This is far from intelligent.

MR SPEAKER: Order! Settle down. Mr Wood, if you would like to make a personal explanation afterwards I might just allow you to do so.

Mr Wood: She is ignoring all the relevant interjections.

MS CARNELL: I am following standing orders. I am ignoring interjections.

MR SPEAKER: Thank you. You are indeed. You are a model to all others.

MS CARNELL: Mr Speaker, I think what has been a real let-down in the debates on the arts that we have had in this place is they have been based entirely on ignorance by those opposite and, I have to say, by some members of the crossbenches at times too. The fact is, Mr Speaker, that today I put on the table the actual figures. ABS statistics are not figures made up by those opposite. Mr Speaker, this Government is committed to cultural development in Canberra, as was clearly shown by our recent agreement with the Institute of the Arts and by our commitment not only to build new cultural facilities in the ACT, but to actually fund their recurrent operations as well. Mr Speaker, I am proud that we have reached an agreement with the Institute of the Arts, and I am proud that we have done it within budget, not just in this year but in forward estimates as well.

MR HIRD: I have a supplementary question, Mr Speaker. I know that you do not allow interjections, but I heard someone say, "Untrue". All I want to ask the Chief Minister, as Minister for the arts, is whether what she has just told the house is true.

MR SPEAKER: I am not sure that you can do that. Questions shall not ask Ministers for an expression of opinion.

MS CARNELL: Actually, Mr Speaker, the way I will answer it is just to quote the Australian Bureau of Statistics figures - again, not my figures, Mr Speaker. In 1994-95 the Labor Government - those opposite, with Mr Wood as Minister - spent \$45.70 per person on arts and culture. Mr Speaker, just two years later we have increased that to \$66.70, an increase of 45 per cent. These are not our figures, but Bureau of Statistics figures. I think that those opposite should be very embarrassed.

ACTION - Tender for Services

MR RUGENDYKE: Mr Speaker, my question is to Mr Smyth, the Urban Services Minister. Minister, according to ABC radio on the weekend, Mr Trevor Santi of the TWU stated that ACTION bus drivers had reached agreement with the Government pending a withdrawal of expressions of interest for the tendering of ACTION services. Minister, is that the case, and where are negotiations up to at the moment?

MR SMYTH: Mr Speaker, I thank the member for his question. It is quite curious. Not only on Friday but I believe on Sunday and possibly even on Monday Mr Santi did claim that he put options to the Government that they would like to negotiate on. I have checked with Mr Thurston, the head of ACTION, and as yet we have received no firm offers from the TWU at all.

MR RUGENDYKE: I have a quick supplementary question. Minister, are you expecting any such agreement based on those conditions?

MR SMYTH: Mr Speaker, it is quite interesting. I have said right from the start that I would prefer that we settle this through negotiation. Under the previous Minister, Mr Guy Thurston was employed to head up ACTION. After 14 months of negotiations, I believed, and I think Mr Thurston believed, that we actually had a position that we had reached with the TWU. Indeed, Mr Santi, Mr Thurston and I met in my office, and Mr Santi told me that basically we had a deal. That was totally rejected by the TWU several weeks later. I said the other day, when I announced that the Government would be seeking expressions of interest for the tendering out of the management of ACTION, that of course we would negotiate with the TWU. We believe that negotiations should continue, but I am yet to hear from the TWU.

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

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I would like to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Proceed.

MR BERRY: During her answer to the last question, the Chief Minister mentioned my name in the context of the last Labor Government and arts funding, and in particular in relation to the Playhouse project and the cultural centre.

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Ms Carnell: I did not mention Mr Berry's name in relation to anything, Mr Speaker, apart from saying Mr Berry was part of the previous Government.

MR BERRY: That is what I just said.

MR SPEAKER: That is true.

MR BERRY: Mrs Carnell is suffering from selective oversight, I think, in referring to these matters. Had she reflected the facts fairly she would have drawn attention to the fact that it was a Labor government which put aside \$19m from the casino premium.

MR SPEAKER: Where is the personal explanation, Mr Berry?

MR BERRY: Mrs Carnell referred to me as part of that Labor Government, Mr Speaker. She should have been more honest and told the people that the Labor Party even put in place the process to establish the Playhouse and the cultural centre. They would not have been there if it were not for Labor.

PAPER

MS CARNELL (Chief Minister and Treasurer): For the information of members and pursuant to subsection 19(3) of the Territory Owned Corporations Act 1990, I present ACTEW Corporation Ltd's statement of corporate intent for 1998-99. Mr Speaker, I would like a situation where we could just say we allocated money and not put it aside, like they did.

SUBORDINATE LEGISLATION

Papers

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

The schedule read as follows:

Board of Senior Secondary Studies Act - Appointment of Alternate Member to Board of Senior Secondary Studies until 31 December 2000 - No. 195 of 1998 (No. 35, dated 2 September 1998).

Land (Planning and Environment) Act - Determination of criteria for the direct grant of block 13, Paddys River - No. 196 of 1998 (S187, dated 24 August 1998).

Mediation Act - Mediation Regulations - Subordinate Law No. 29 of 1998
(No. 35, dated 2 September 1998).

Motor Traffic Act - Motor Traffic Regulations (Amendment) - Subordinate
Law No. 28 of 1998 (S187, dated 24 August 1998).

Nature Conservation Act - Declaration of special protection status - No. 197
of 1998 (No. 35, dated 2 September 1998).

Tenancy Tribunal Act - Variation to the Commercial and Retail Leases Code
of Practice - No. 194 of 1998 (S187, dated 24 August 1998).

LAND (PLANNING AND ENVIRONMENT) ACT
Variations Nos 66 and 79 to the Territory Plan - Papers

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, variations Nos 66 and 79 to the Territory Plan relating to the Heritage Places Register, the fourth and fifth variations respectively. In accordance with the provisions of the Act, these variations are presented with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, the Heritage Register is a very important part of the Territory Plan. Variation No. 66 seeks to add three additional places. These are the Lennox House complex, the Uniting Church in Reid and the Tharwa Bridge.

The Lennox House complex remains as a surviving element of the Acton site of early Canberra public administration and as an integral part of the broader cultural landscape that we now know as the Acton Peninsula. It is important for its association with the earliest developments of Canberra as the nation's capital and with the successive development of Canberra and the ANU. Lennox House has social significance because of strong associations across the generations. The complex demonstrates the importance of accommodation, particularly that at low cost, in Canberra. As student accommodation, Lennox House has been a focus for increasing opportunities for women and the poor to study at the university. Lennox House is highly valued by the students and the community for its use as a high-quality, low-cost accommodation establishment which allows autonomy and lifestyle diversity for its users.

Mr Speaker, the Uniting Church in Reid has a strong association with the formative social development and early life of Canberra. It was Canberra's first church built specifically to service the needs of an urban congregation. It has been a focus for the religious and social life of the Uniting Church community of the Canberra urban area. The church is valued by the local Methodist congregation and is seen by others as a feature of the Reid landscape. The remaining original plantings contribute significantly to the landscape

value of the place and help to unify the church and associated building complex by providing a leafy backdrop within the suburb of Reid. It is an important townscape element in the Reid housing precinct. The church is associated with its architect, J.C.R. Mills, who was a prolific designer of churches in New South Wales and an eminent architect of his time. Important features of his work in this church are the Norman tower and its Gothic arches.

The Tharwa Bridge and its site are historically and technically significant because of the Allan truss structure, having form and structural integrity which have survived virtually intact. It is the oldest standing bridge structure in the ACT. It is the archetypal example of the application of the new technology by Percy Allan to the construction of timber road bridges in New South Wales during a major development phase for bridge and road construction during the last decade of the nineteenth century. Tharwa Bridge is highly valued by the local community as an integral part of the village of Tharwa. It continues to contribute in social, economic and aesthetic terms to the community. The bridge and its site have associative significance with the period of nineteenth century European settlement and development of the region. The bridge has provided a high-level crossing point adjacent to Tharwa village, allowing the Murrumbidgee River to be traversed even when in flood. The bridge is significant in its contribution to the landscape and its relationship with the river, the village of Tharwa and the hills beyond.

Mr Speaker, following the public consultation process, the draft variation was revised for the Lennox House listing in response to a submission from the Australian National University. The submission pointed out that blocks J, K and M were demolished in 1996 with the approval of the National Capital Authority and the Australian Heritage Commission. The preamble to the specific requirements for the Lennox House listing has also been clarified to reflect the arrangements for the Territory land in designated areas.

The Standing Committee on Urban Services considered the draft variation and, in report No. 6 of September 1998, endorsed it. I now table variation No. 66 to the Territory Plan for the Heritage Places Register.

Mr Speaker, variation No. 79 to the Territory Plan proposes to add seven additional places to the Heritage Places Register. These places are Aboriginal rock art sites in Namadgi National Park, Cuppacumbalong woolshed complex, the Duntroon dairy, the Duntroon woolshed, Gungahleen school, the Manuka swimming pool and the Tocumwal housing precinct in O'Connor.

The Aboriginal rock art sites in Namadgi are representative of a rare site type within the local region and are invaluable at a popular and academic level in understanding the human history and culture of the original inhabitants of this region. The art contained in these sites is crucial to any regional and national understanding of Aboriginal rock art. The art is valued by the local Aboriginal community because of its tangible and evocative connection with their ancestors.

The Cuppacumbalong woolshed complex presents a clear example of the self-contained nature of a shearing complex and illustrates the facilities provided for shearers and their way of life on a large grazing property. The woolshed construction is a good example of balloon framing and bush carpentry still retaining its original integrity. The woolshed

retains some elements of the original machinery as well as that of later technological eras. The landscape setting and scale of the woolshed serve as reminders of the times when Cuppacumbalong was the centre of a pastoral community and its owners were producers of large quantities of fine wool.

The Duntroon dairy was constructed before September 1932 and is, on the available evidence, the oldest standing structure in the ACT. The building's construction and siting are distinctive and well thought out and, at the time, were advanced in terms of technology and approach. Of particular interest is the water management system and drainage, which used an in-ground cistern to store and source cool reticulated water through the dairy. The place also retains residual evidence of a complex of buildings which once surrounded the dairy.

The Duntroon woolshed, Mr Speaker, was the first, the largest and the best constructed woolshed from the early pioneering settlement period of the Limestone Plains, now the ACT. The woolshed was the major industrial centre of the historic Duntroon estate of Robert Campbell, the first centre of wool and wheat production on the Limestone Plains. Its two-storey brick woolshed design is rare, and its fabric demonstrates changing technologies used in wool production over 50 years of use. The woolshed also played a part in the establishment of the Royal Military College Duntroon, was an early agricultural research station, and was an important social venue in the pastoral and early national capital periods of the ACT. The El Alamein steel post evidences use of the site by the El Alamein Co. The place is an important teaching site for social history and early nineteenth century construction and design methods, especially in the construction of the trussed rafter roof of the central section.

Mr Speaker, Gungahleen schoolhouse is the oldest timber school building from the period before the creation of the ACT. It has historic associations with the New South Wales public education system of the late nineteenth century.

The Manuka swimming pool is an important component of the body of Federal Capital-style public buildings associated with the establishment of Canberra as the national capital. The building design is an outstanding architectural achievement which continues to retain its integrity. Since its completion in 1930, and particularly up to the 1960s, the pool was an important social focus for the Canberra community. This position continues today through the re-emergence of community activities associated with the pool.

The Tocumwal housing precinct in O'Connor is significant as an outstanding example of how low-cost prefabricated housing was constructed in Canberra after World War II. As part of the Government's solution to the critical housing shortage being experienced in Canberra at the time, many of the houses originally constructed in Tocumwal in New South Wales for the US Army Air Corps were re-erected in the ACT. The cottages are of distinctive design types and are limited geographically to the O'Connor precinct and a small area in Ainslie. The precinct remains the most intact example of this style of housing and is unique in Canberra for its urban planning, landscaping and social history.

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The eight cul-de-sacs evident in the precinct share access onto a community recreation area, with the individual identity of each street reinforced by its street plantings. Many of the cottages retain their original hedge plantings. The precinctual planning is thus significant. This variation was revised in response to issues raised during consultation.

I thank the Standing Committee on Urban Services for having considered the draft variation, and in its report No. 6 of September 1998 it endorsed the draft variation. I now table variation No. 79 to the Territory Plan for the Heritage Places Register.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1997 - Government Response

MR STEFANIAK (Minister for Education) (3.42): For the information of members, I present the Government's response to Public Accounts Committee Report No. 1 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 1, 1997 - Contracting Pool and Leisure Centres", which was presented to the Assembly on 24 June 1998. I move:

That the Assembly takes note of the paper.

I am pleased to present the Government's response to the report of the Standing Committee for the Chief Minister's Portfolio entitled "Review of Auditor-General's Report No. 1, 1997, Contracting Pool and Leisure Centres". In presenting this response, I am pleased to note that both the Auditor-General and the committee commented favourably overall on the management of the recreational facilities administered by the Department of Education and Community Services. The committee made four specific recommendations. One concerned the ACT Government Purchasing Manual, one dealt with the level of savings projected from the outsourcing arrangement, and two were in relation to the management of the Erindale Leisure Centre. The Government's response addresses these recommendations.

The Government's response reaffirms the need to ensure that government purchasing policies and arrangements promote efficiency and openness in tendering and purchasing by agencies. A review of purchasing policies and procedures is close to finality. In the course of the review it was decided to replace the ACT Purchasing Manual with the ACT Purchasing Policy Principles and Guidelines, which is being finalised. When these guidelines are available, copies will be provided to each member of the Assembly, as recommended by the committee.

The Government's response reaffirms the estimates of savings to be achieved by the outsourcing arrangements for pools and leisure centres. During this period the facilities will continue to offer a quality recreational experience for the community. The response also reports on the management arrangements in place for the Erindale Leisure Centre,

now known as the Active Leisure Centre, and continuing work to ensure transparency in the financial relationship between the centre and Erindale College. The management arrangements in place for the centre recognise the need for balance between providing access by the college to facilities normally provided in a stand-alone college, on the one hand, and, on the other, ensuring that the public continues to have access to a quality recreational facility at a reasonable price.

I thank the members of the committee for their contribution to the work of this review. I table the Government's response to the standing committee.

MR QUINLAN (3.44): Mr Speaker, this initial report goes back some way. The overall report did say that the process for the letting of these tenders was, at a minimum, a bit rough. There was some prior association between the people who eventually successfully won the contract for the Dickson pool and the department - I think their referees might have worked within the system - and their referees were people who were involved in the allocation of contracts.

There were different rules applied to awarding the contract to the Department of Education for the Erindale Leisure Centre, and there were some fairly blase moves made in terms of handing over the pools before formal contracts were awarded. The report from the PAC made a couple of recommendations which I think were not harshly termed, but it was the desire of the PAC that those recommendations be taken seriously. Obviously, I have just received this response, but it seems that we have glossed over the process. I think the recommendations of the PAC need to be restated and recognised.

There was some discussion in the report in relation to the review of purchasing manuals. Now that does not matter anymore because we have devolution of authority to departments. But it was stated that there would be a review of purchasing procedures within the department and that they would be formalised. I believe that that should still have happened.

The committee did ask for projected budgets and cash flows of the Erindale Leisure Centre. There was quite an abnormal divergence from the original intention when the tenders were let. They were let for competitive tendering. For this particular one I think there was a novel approach. Personally I am not averse to seeing at least one of the leisure centres stay within public control. However, the PAC did request full information on that. There were doubts as to the process of costing in the first place before the contracts were let. I think the Assembly is entitled to receive not just a statement that says there looks like being a cross-subsidy of a couple of hundred thousand dollars, which I gather is all that is said in here. I notice that on page 4 there are some figures and statements on the projected savings, and we will take those and absorb them. I trust that we will receive those in statement form as requested.

This project was done in a fairly devil-may-care fashion. The Assembly, as a function of this particular PAC report, should be assured that lessons have been learnt from that process and from the time of that first audit report coming down; that measures have been taken to ensure that there is not this sort of cavalier approach whereby people pretty well do what they like and then we just go through a ritual. I would like to think,

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and I am sure that other members of the PAC would like to think, that this particular exercise is not just part of a normal ritualistic process; that we have learnt that there is a certain amount of due process that must be followed. I cannot cite a better example than still negotiating contracts even though the facilities have been handed over. We will take this report and have a good look at it, but in the meantime we do not oppose it being noted.

Question resolved in the affirmative.

HEALTH MINISTERS CONFERENCES

Ministerial Statement

MR MOORE (Minister for Health and Community Care) (3.49): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Australian Health Ministers Conference, the Australian and New Zealand Food Standards Council, and the Joint Meeting of the Australian Health Ministers Conference and the Ministerial Council for Aboriginal and Torres Strait Islander Affairs.

Leave granted.

MR MOORE: Mr Speaker, I rise today to give members feedback on three ministerial conferences that I attended in July. Members will recall that I recently wrote to them advising that I was to attend the Australian Health Ministers Conference on 30 July 1998 in Sydney and the Australian and New Zealand Food Standards Council meeting on the same day. On 8 July 1998 I also attended the joint meeting of the Australian Health Ministers Conference and the Ministerial Council for Aboriginal and Torres Strait Islander Affairs, which is also known as MCATSIA. I have now received the final decisions from those meetings and I want to take this opportunity to advise you of the outcomes.

Mr Speaker, the meeting of Health Ministers on 30 July 1998 had a major focus on finding ways to enhance the quality and safety of treatment provided in our health care services. Ministers agreed to release “Commitment to Quality Enhancement”, the interim report of the National Expert Advisory Group on Safety and Quality in Australian Health Care. This report provides us with useful directions to pursue in improving our hospital system, and is being included in the current examination under way into ways to minimise adverse incidents and improve quality in the ACT’s hospitals. I might say as an aside to members that it has been my approach so far when we are dealing with documents in ministerial councils to urge Ministers to make those documents available to the public. This is one of such documents.

Ministers agreed to ensure that performance standards outlining expected safety and quality enhancement achievements are specified with boards of management and senior managers of health care organisations. We agreed that there is a need for commitment at the national level to health care safety and quality improvement, and this will be done in partnership with clinicians.

Ministers also agreed that our expert advisory group will be asked to consider ways in which national coordination of efforts to improve health care safety and quality can best be achieved within current organisational and financial frameworks. The group will report to the Australian Health Ministers Advisory Council, or AHMAC, which members would know is the council of senior officials supporting Ministers, in March 1999 with their recommendations for a national coordination mechanism, a national action plan and a budget for the next three years.

Mr Speaker, given members' concerns for mental health issues, I know you will be interested to learn that at this meeting we also agreed that the priority areas for the next stage of the national mental health strategy were promotion and prevention, partnerships in service reform and delivery, and quality and effectiveness. We endorsed the second national mental health plan as the framework for national mental health reform over the period 1 July 1998 to 30 June 2003 and agreed to its publication and release.

At this meeting Ministers also agreed to the establishment of a National Health Information Management Advisory Council which will advise us on options to promote more effective information management within the health sector. We will evaluate the contribution of the council within two years.

In my letter to all members I stated that the meeting would discuss the national registration of medical practitioners in disaster situations and that this would involve my agreeing to amend ACT legislation to ensure that there are explicit provisions for exempting practitioners responding to emergencies, including declared disasters, from the need for registration. Mr Speaker, I wish to advise members that I will be progressing this issue. I am sure that members will agree that this is a necessary reform to the ACT legislation. Members will also recall that I mentioned the national public health partnerships issue and, as expected, Ministers endorsed the legislation reform working group's work program.

With regard to the item on occupational regulation of Chinese medicine practitioners, I was keen to ensure that this be extended to all herbal practitioners who prescribe or dispense herbs that are restricted under drugs and poisons legislation. The meeting decided to establish a working group to facilitate consultation and to make recommendations to Health Ministers, and also that a set of minimum standards for conduct and safety of alternative health practitioners be developed and reported to Ministers in 1999. New South Wales will be circulating a discussion paper on this issue.

The uniform national framework for control of radiation was another issue that involved legislation, and one that I raised in my letter to members. At this meeting Ministers noted the template for uniform national regulatory controls for radiation protection and are now aiming to progress uniformity in this area. Members may know that the Commonwealth has prepared legislation consistent with the template and has introduced it into the Federal Parliament.

Mr Speaker, the meeting also discussed a number of other issues which I would be happy to discuss with members if they are interested. These issues included national health priorities; national performance indicators and targets in Aboriginal health; reuse of medical devices labelled as single use; national rural health strategy; and the Red Cross blood service. The next meeting of Health Ministers will take place in about 12 months' time. I will be the chair of that meeting and I am looking forward to the challenge.

Mr Speaker, I would also like to advise members of the outcomes of the meeting of the Australian and New Zealand Food Standards Council. Among the issues discussed, I had a particular interest in issues of food labelling to improve informed choice amongst consumers about the foods they are eating. I was pleased to receive support for this motion:

Members adopt the principle that accurate and meaningful labelling in plain English is paramount for the protection and promotion of public health and safety, and vital for consumers to make informed purchasing decisions.

Mr Speaker, having received support for this important principle, I was disappointed when the council did not support me on a proposal to have all citrus fruit coated with oxidised polyethylene labelled as "plastic coated" as a true representation of the coating. These polymer coatings are being used on citrus fruit and I was concerned that the Australia New Zealand Food Authority proposal to label these coatings as "waxed" may be deceptive to consumers. As an aside, I will say to members that polyethylene is the coating known as gladwrap that people wrap lunches and so forth in. While I was unsuccessful on this specific issue, I believe I was successful in raising awareness among members about the need to be more vigilant in decision-making.

I also proposed to the council that a national standard be introduced to require the labelling of egg cartons to indicate the method of egg production. This was in accordance with section 24B of the ACT Food (Amendment) Act 1997 which requires all egg cartons displayed or sold in the ACT to be labelled with the conditions under which the hens produced the eggs. Unfortunately, this proposal was rejected by all other members of the council. However, members would be aware that, given the national implications of the ACT legislation, the Productivity Commission is investigating the ACT legislation at the moment. I shall bring legislation into the Assembly on Thursday to deal with this issue in a temporary way.

I was more successful in the discussion on the labelling of food produced with the use of gene technology. I believe that the consumer has a right to know if a food has been produced by gene technology, and I believe that only then can they make an informed purchasing decision. Two aspects were covered at the council meeting. The first was the introduction of a regulatory system to require foods produced using gene technology to be assessed for their safety for human consumption and listed in a table before they can be sold. The second was a requirement for labelling of foods produced using gene technology.

While there was overwhelming support for the first aspect, I was concerned that the second, again involving labelling, was intended to apply only to foods that were no longer substantially equivalent to their existing conventional counterparts. This concern was shared by a number of other Ministers. Ultimately it was agreed that we would approve labelling for foods where they were substantially different, but that this would be an interim measure pending the receipt of further information about the potential for implementing a more comprehensive labelling system, drawing on the experience of countries that have already decided to use this approach.

Mr Speaker, I now turn to the joint meeting of Health Ministers and MCATSIA where we discussed a number of issues including Aboriginal health agreements and the remote communities initiative; national performance indicators and targets in Aboriginal health; intersectoral collaboration; mental health effects arising from the removal of Aboriginal children from their families; and substance abuse, diabetes, social and emotional wellbeing, and mental health. Ministers issued a joint communique, which I will table for your information, and I am happy to discuss any of these issues with you.

I think these collaborative efforts between ministerial forums are a useful way to raise awareness about these issues and to also ensure that they are progressed at the highest level. I was honoured to represent the people of the ACT as their Minister for Health and Community Care at these meetings. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

DRUG STRATEGY FUNDING **Discussion of Matter of Public Importance**

MR SPEAKER: I have received a letter from Mr Stanhope proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The widespread concern that community and non-government organisations in the ACT failed to have funding applications approved by the Commonwealth under its National Illicit Drug Strategy Community Partnerships Initiative and Non-Government Organisations Treatment Grants Program and the failure of the ACT Minister for Health and ACT Government to ensure funding for ACT organisations.

MR STANHOPE (Leader of the Opposition) (4.00): Mr Speaker, I think it is very important that we discuss this matter in this place. The treatment which we as a community are able to provide for drug abusers and drug addicts within the Canberra community is a matter of the most significant public importance. The genesis for this MPI is quite broadly understood and well understood in this place. The latest round of

Commonwealth funding for drug treatment initiatives under the Commonwealth Government's much heralded Tough on Drugs program ignores the needs of the people of the ACT. This program, much lauded at the Commonwealth level for the treatment of drug offenders, actually passes as the Commonwealth's drug strategy. On 28 August, coincidentally the day before the caretaker period started for the Federal election, the Commonwealth Government announced \$30m in grants to States and community organisations for the funding of drug programs. Not a single cent of those funds came to the ACT.

The Commonwealth found itself able to provide to New South Wales approximately \$10m for the funding of drug programs in New South Wales. The Commonwealth found itself able to provide to the Northern Territory approximately \$1.5m in funding for the drug treatment programs in the Northern Territory. The Commonwealth Government found itself able to provide about \$1.5m to the Tasmanian Government and Tasmanian community organisations for the treatment of drug abuse in Tasmania. But the Commonwealth Government - Mr Howard and Dr Wooldridge - could not find a single cent for the people of the ACT, for the drug abusers of the ACT, for the drug addicts of the ACT. Not a single cent was made available to alleviate the concerns of all those families in the ACT that suffer as a result of the drug addiction of their children or other family members.

One asks why the Federal Liberal Government did not recognise the need to fund drug programs in the ACT. Is it that we do not have a problem with drug abuse in the ACT? Is it that we in the ACT are so lucky that we do not need to be funded; that there is no drug abuse program in the ACT? Is it that we do not need the Federal Liberals to give us any funding, because we do not have a drug problem? Is that the answer, Mr Speaker?

We need to look at that. We need to rebut it absolutely and firmly and forever. The ACT has a most significant drug abuse problem. We are not talking here about the abuse of alcohol and tobacco or other issues. We are talking about the abuse of heroin and other illicit substances. It is very difficult to determine the extent of the drug abuse problem in the ACT but ADD Inc., to the extent that they keep records in relation to the activities of the needle and syringe exchange program, are able to reveal that in the last 12 months in the ACT 3,391 different people presented to the needle and syringe exchange outlets in the ACT to take possession of needles and syringes. We do not have particularly detailed statistics on the people within the ACT who abuse heroin. We do not know how many drug addicts we have. We do not really know how many people with a serious substance abuse problem there are in the ACT.

Some of the statistics are interesting, though. They give us some understanding of the extent of the problem that we are facing here in the ACT. In the last 12 months the needle exchange service distributed over 540,000 syringes to a total of 3,391 different individuals. The needle exchange program can tell us that in the last year there was a 13 per cent increase in the number of needles distributed. The number of visits to needle exchange centres increased by 32 per cent. There was an increase of 29 per cent in males accessing needle exchange outlets. There was an increase of 42 per cent in females accessing needle exchange outlets.

I mention these figures to indicate that there is indeed a serious problem in the ACT. Bald statistics do not go any way towards illustrating the extent or the depth of despair which drug abusers and the families of drug abusers suffer on a personal level, nor do they go any way to expressing the cost to us as a community in a thousand other ways of the fact that we do have a significant drug abuse problem within the ACT.

We can easily dismiss the suggestion that the reason the Commonwealth Government did not give a single cent to the ACT Government or to ACT organisations is that there is not a problem in this area in the ACT. There is a most significant problem. We will not discuss that further at the moment. We will dwell on why the Commonwealth ignored the ACT. Why was it that the ACT Government, the ACT bureaucracy, did not have the resources, the clout, the credibility or the pull to ensure that the needs of the ACT were met? How is it that the ACT Government let us down? How is it that our linkages, our credibility and our capacity could not get us that sort of attention from the Commonwealth, attention which we as a community have a right to demand? Where did we fail? Where is the failure?

Mr Moore: My relationship with the Prime Minister.

MR STANHOPE: I am getting to that, Mr Moore. I have the cuttings here. I think it is quite serious. We must address these issues. This is a serious matter which demands to be addressed seriously. I go back one step to a matter touched on by the Minister for Health in his statement today in relation to his attendance at a ministerial council meeting on matters relating to Aboriginal and Torres Strait Islander peoples. The first worrying sign we received of the Commonwealth attitude to the ACT is the Commonwealth decision to overlook the need of indigenous people within the ACT for funding for mental health counsellors, pursuant to the Federal Government's response to the *Bringing them home* report. That set off alarm bells for me. On a pro rata basis the ACT Government should have received about a quarter of a million dollars for funding of mental health counsellors for indigenous people, but we did not. The Minister told me at the Estimates Committee that he raised this matter at the ministerial council meeting and was told by the Commonwealth, "You will just have to piggyback on the New South Wales counsellors". That is completely unacceptable.

There are over 2,000 indigenous people in the ACT. There is a significant problem in the ACT of indigenous people suffering as a result of their separation from their families through government programs in the past. This is a most serious issue, yet the Commonwealth felt emboldened back in July to ignore the needs of the ACT's indigenous population. It should have set the alarm bells ringing for all of us. It did for me. It raised for me the spectre of the payback - I raise this seriously - for the fact that the ACT Government did receive its so-called bonus funding for signing up earlier under the Medicare agreement.

I have a very strict view about these sorts of things. All the States and Territories went to the Commonwealth with a joint position on an appropriate level of funding under the Medicare arrangements for public health in Australia. The ACT Government, in the context of an election, ratted. That is what we did. We ratted. We went out on our own. We did the smart Alec thing. We signed up early and took the so-called bonus. History never treats rats kindly, Mr Speaker. It never has. It did not - - -

Mr Moore: That is a Labor Party view if ever there was one.

MR STANHOPE: Absolutely. History has not been kind to Judas, Mr Moore. History was not kind to Quisling. History certainly will not be kind to Mal Colston. History was not all that kind to Billy Hughes. History is not kind to rats of any sort. We did rat. I do not know whether you can stand up, Mr Moore, and tell us that the reason we have missed out on a quarter of a million dollars of funding for indigenous mental health and missed out on \$1½m in the first round of funding under the Commonwealth's vaunted Tough on Drugs program has nothing to do with the fact the Commonwealth thinks that we have already got our fistful of dollars and that we do not need any more.

Mr Moore, this raises a worrying question. If that is the Commonwealth's attitude, then what is the ACT Government's approach to the bonus funding? If it genuinely is the case that the Commonwealth expects us to pick up out of that bonus funding the funding for direct grants for mental health funding for indigenous people and for drug programs in the ACT, then what is your attitude to that? Are you going to find \$1½m out of the bonus funding for a genuine rehabilitation, detoxification centre for young adults in the ACT? Where is the money going to come from for the project applied for by ADD Inc.? Where are we going to get the money? Is it in the Medicare funding? Is that what the Commonwealth expects? We need some answers on that. If the Commonwealth is not going to fund ACT drug programs and the ACT is not going to fund them out of the Medicare bonus, do we just do without? Do ADD Inc. not get the residential rehabilitation centre that is so desperately needed in the ACT?

Last year, when the Chief Minister responded to the development of this fund, she was reported in the *Canberra Times* on 4 November as saying that she, together with a peak ACT body, I think ADD Inc., would bid for a share of the Federal Government's \$87m drug strategy funding to establish the ACT's first residential treatment centre for drug users under the age of 18. Mrs Carnell was speaking in the wake of a *Canberra Times* report on teenage girls prostituting themselves in Garema Place to fund their drug habits. Mrs Carnell said that the lack of a treatment centre for minors in the ACT was the most glaring gap in ACT services for drug users. We have some other glaring gaps now. We still have girls prostituting themselves in Garema Place. We still do not have a rehabilitation centre, and now we do not have any of the funding either. We are not doing too well. We still have the problems.

Mr Moore did raise an interesting point that we must genuinely consider. Why was it that the Federal Liberal Government felt that the position of Margaret Reid, Liberal senator for the ACT and a colleague of Dr Wooldridge, was just irrelevant in this pre-election announcement, this announcement made the day before the caretaker period started? Why was it that the Federal Liberals did not care about Senator Margaret Reid's position? Is it that she never makes representations? Is it that they do not listen anyway? Why did Dr Wooldridge - this is one aspect I cannot understand - ignore the claims of the Chief Minister, Mrs Carnell? It seems an amazing payback to me. Mrs Carnell was the only one of the State leaders that got into bed with Dr Wooldridge over the Medicare funding.

Mr Moore: Queensland did too.

MR STANHOPE: Queensland did later. In the first round it was the ACT and Mrs Carnell that created the first hole in the dyke. This is what I do not understand. This is why I am seriously and genuinely concerned about this. Mrs Carnell was the only State leader to get into bed with Dr Wooldridge. Mrs Carnell is the only State leader that Dr Wooldridge embarrasses in this way, ignores in this way. This is a matter of the most significant importance, Mr Speaker.

MR SPEAKER: The member's time has expired.

Mr Moore: We do not give extensions on MPIs.

MR STANHOPE: Had I realised that I would have spoken faster, Mr Speaker. I will conclude on this sentence. This is a matter of grave moment and we need some genuine answers here. We do not need beating of breasts and we do not need Ministers saying, "I have a great track record on this". We do not need Ministers standing up and saying, "You cannot doubt my credentials". On this we can, as we have on the methadone program. It is time to put up, Mr Moore. You are the Minister. This Territory needs you. We do not need pious claims. We do not need you standing on your record. We need some action on this. We have been let down. Your silence over the three weeks between the announcement by Dr Wooldridge and your first public utterance on this leaves a very worrying question mark in our minds about your capacity to deal with these issues.

MR MOORE (Minister for Health and Community Care) (4.16): Mr Speaker, I am absolutely delighted that Mr Stanhope has raised this matter of public importance today. Indeed, it is a matter of significant public importance. I suppose it is disappointing for me that these grants were announced so close to the Federal election and that this issue is seen, as Mr Stanhope has portrayed it, as an election issue. Mr Stanhope, I would hope that you would stay in the chamber, because I want to answer some of the questions you raised. (*Quorum formed*)

I am disappointed that this was done in the context of a Federal election, but I must say that it has much less effect on me than it does on either my government colleagues or those opposite. What Mr Stanhope challenged me to do is quite right. He challenged me and the Government by asking why we do not have the resources, the clout, the pull to have some impact on this area. He asked why we do not have the resources, the clout, the pull to ensure that the ACT is looked after with funds under the national illicit drugs strategy. Is that a reasonable representation or simplification of what you raised?

Mr Stanhope: And credibility.

MR MOORE: And you said that my credibility stands on that. Mr Stanhope, you will be very pleased to hear that because of the number of times I have approached Dr Wooldridge and Mrs Carnell has approached Dr Wooldridge we have good news for you. The good news is that there will be funds for a youth rehabilitation program and that

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we will be setting it up at Watson Hostel. It is going to happen this way, Mr Stanhope, if the Liberal Government is returned and therefore Dr Wooldridge is Health Minister. Because this is already under way, I am sure that you would use your pull, your clout and your resources with Michael Lee if he is the Health Minister in a Labor government.

There are three sources of funding. They are the community partnerships initiative, the first round of the treatment grants funding program - the one that applications were in for, at arm's length from government - and another round in December.

Because of the scale of the problems in the ACT, Michael Wooldridge will allow funding from those three separate sources to be put together into one program. That will give us the wherewithal to support the application by ADD Inc. and the Ted Noffs Foundation for a youth treatment and rehabilitation facility in the ACT. We will be prepared to provide at least part of Watson Hostel for that rehabilitation program. Mr Stanhope, that is an announcement that Dr Wooldridge is happy to have made public and that he has agreed to.

Mr Stanhope: He has done this in the caretaker period.

MR MOORE: In other words, Mr Stanhope, we have used our resources - - -

Mr Stanhope: Dr Wooldridge announced this in the caretaker period.

Ms Carnell: I would be embarrassed.

MR MOORE: No, I do not think anybody needs to be embarrassed about this. I think it is good news for the ACT. I know that Mr Stanhope is genuinely concerned that it appeared for some weeks that we had missed out on a rehabilitation program for young people to fill a service gap that had been identified. We all agreed that we needed such a program in the ACT. Because of the way the system had been set up and because of the way the national illicit drug strategy money had been allocated, it looked like bad news for the ACT. It is now good news, thanks to the very thing Mr Stanhope was talking about - my resources, my clout, my pull and my efforts in writing to Michael Wooldridge and approaching him personally on a number of occasions. The first time I raised this with Dr Wooldridge I had been a Minister for less than a week. It was at a ministerial council and drug strategy meeting in Melbourne. Mr Humphries was sitting next to me. I raised the scale of the problem, and we continued to push it.

I said I would give a picture of the community partnerships initiative and the treatment grants funding program. The sum of \$4.8m was allocated over three years towards the national illicit drug strategy community partnerships initiative. On 30 May 1998 advertisements were placed in the press calling for organisations to put in their submissions. An expert reference group established by the Commonwealth at national level recommended a number of projects for funding and others with potential for funding.

I understand that several proposals were sent from ACT NGOs to the Commonwealth. The Commonwealth has not formally advised the ACT of the number or nature of these proposals. However, in August this year the Commonwealth Department of Health and Family Services wrote to the Department of Health and Community Care seeking our views on an ACT project that was being considered for funding. The ACT had no part in the selection or recommendation process, and the final decision on the funding was in fact the Prime Minister's. The ACT gave its support for the project, which we understand was recommended by the expert reference group. However, the project was not funded.

The proposal was targeted at primary and secondary students to provide significant members of the community with skills and knowledge that are critical to the prevention and reduction of drug use by young people. It can only be assumed that this type of work was not considered of sufficient importance to the Prime Minister. It should also be noted that as early as June this year the department held a meeting with a drug-related non-government organisation in the ACT to inform them of the possibility of community partnerships funding and to discuss priorities. I hardly think that this approach is indicative of a government that is not committed to obtaining funding for ACT organisations from all possible sources. We are committed to that.

I have been advised that the Commonwealth is considering a second round of allocations under the community partnerships initiative, so there may yet be another chance for the ACT. Mr Stanhope, as I indicated to you, we have had information in the last 24 hours that we can put these funds together.

Mr Stanhope: Over how many years, Minister?

MR MOORE: This is a discussion that has been ongoing with Dr Wooldridge from the first week I was appointed Minister.

Mr Stanhope: We will just check that caretaker convention.

MR MOORE: Can I just respond to your comment about the caretaker period, Mr Stanhope? It is interesting to me. I have not made any public comments about the Federal election. I do not intend to make any public comments about my position on the Federal election. That has been my position pretty consistently since I was first elected to this Assembly. But leading into this election, Mr Stanhope, the Labor and Liberal parties have made many promises about what they would do. That is what I am saying to you. This is an indication of what would happen under those circumstances. It is not a decision that the money is now out - - -

Mr Stanhope: This is now a decision if he is re-elected? Is that what we are talking about?

MR MOORE: That is what I said to you. I also said to you - - -

Mr Stanhope: We will check the *Hansard* on that, Minister. You said that the funding was now forthcoming in the caretaker period.

MR MOORE: I will save you the time because - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Mr Minister, address your remarks through the Chair, please.

MR MOORE: I will save Mr Stanhope the time by reminding him that I also said that if Michael Lee was the Minister for Health then I would hope that you would pursue him and use your pooled resources, et cetera to get that outcome. What I am telling you is exactly the same. Dr Wooldridge has promised that we can put together - - -

Mr Stanhope: There is no funding. He will have a look at it if he gets re-elected.

MR MOORE: No, he will do it. He has promised that he will do it. Funds from those three sources will be put together and applied to one program for the rehabilitation of young people. It is good news, Mr Stanhope. I am amazed that you are not celebrating. I would have thought that you would be happy. You have raised this as a matter of public importance. You were kind enough to say to me last night that you would do this, so I was able to prepare a careful response rather than just dealing with this issue off the top of my head, although it is an issue that I could perhaps speak on for some time without any notes.

The treatment grants funding program was also intended to provide the ACT with \$500,000 over four financial years to establish and operate the non-government facilities for the treatment of illicit drug problems. That is the treatment area that we are talking about here. In June 1998, Mr Stanhope, I wrote to the Commonwealth Minister for Health stating that the original application was clearly insufficient to meet any of the gaps in alcohol and other drug services in the ACT and would fail to meet operational costs, let alone establishment costs. First of all I raised it at the ministerial council on the drug strategy. That must have been in early May. Then in June I wrote to him again. I also raised this matter when I spoke to Dr Wooldridge at our July meeting.

In August Dr Wooldridge indicated his willingness to consider combining the first and second instalments of the treatment grants program. The first instalment related to funding for new services and the second was to relate to improvements to existing services. Under this proposed arrangement an annual amount of \$187,500, up from \$125,000, would be made available for four years commencing in the 1998-99 financial year for the establishment of a new treatment program. In other words, that is \$750,000 in total. We still have to look at it year by year. We also have to look at the long term. I did not think it was a good enough improvement over the previous offer. Dr Wooldridge also emphasised that the proposed arrangements would require a clear commitment from the ACT Government. We also indicated in the process that we would be prepared to look at the facility and provide the Watson Hostel as an appropriate location and come to an appropriate agreement to ensure that we manage this particular treatment in the best possible way.

The proposed youth rehabilitation facility that we are talking about would, of course, be very resource intensive. It would require 24-hour staff support. It would be difficult to cut back significantly on costings that were outlined in the proposal without compromising the effectiveness of the proposed service. We would all recognise that a youth residential facility of the type proposed, whilst it is needed, would be expensive.

The total ACT budget for alcohol and other drug services at the moment is just under \$4m a year, so the budget for the proposed facility and after-care component would be almost 30 per cent of this money. We have to be very careful how we spend the money, but we have identified this gap and we have worked particularly hard to ensure that we deliver the service for the people of the ACT.

This is an important issue. I thank Mr Stanhope for raising it. I hope he appreciates the efforts the Government is making to deliver.

MR WOOD (4.31): Mr Moore said during his speech that he brought good news. The speculation is that some time down the track, if Dr Wooldridge is returned, he will provide some funding for an urgently needed program in the ACT.

Mr Berry: Maybe.

MR WOOD: Maybe. I am not sure whether it is good news for the parents of a 15-year-old lad who contacted my office last week. He has a drug problem, I think a minor drug problem at this stage, though their anxiety is that it will develop into something more significant. They are very concerned about his behaviour as well, and they find that there is no ready answer in this town to his problems.

There are two particular problems. One is the level of control that should be imposed on the lad. Secondly, if some stronger control was to be imposed, what would you do with him? He would be ideally situated in a facility such as has been discussed today, a facility for younger people who have some problem with drugs.

It is good news to him, I suppose, that maybe down the track there might be the possibility of some funding. Of course, I hope that that does eventuate, Mr Moore, whether it is through you applying further pressure to Dr Wooldridge or the Leader of the Opposition applying some pressure to an incoming Labor Minister. I hope it is not the case that the Prime Minister has shafted Michael Moore once again. I have not had an answer to why it is that announcements have been made in other States but no announcement has been made about the ACT. That concerns me. Why is it that arrangements could be put in place for everywhere else but here?

Mr Moore: When they originally announced the money a year ago, I said that it was not going to be enough for the ACT to do anything substantial.

MR WOOD: That does not answer my question, though. It was John Howard who shafted the heroin program, regrettably. We all agree that his action was not the best action. Once again, we are not getting very far in this respect. The programs that Michael Wooldridge has put in place on behalf of Mr Howard's Liberal Government, I think, are good ones. They are pertinent; they are addressing the issues. Mind you, they are addressing only part of the problem and the larger problem still is not being attacked properly. These programs that have been mentioned today are effective and

sound programs and I am sure will be carried into effect in due course. I have confidence that if and when - I believe it is a when - a Labor government is returned those programs will continue and that there will be a more enlightened administration, Mr Moore, that you can work much more effectively with. It will not have some of the more narrow-minded views that are being purveyed.

The disappointment for me is that, although I do not believe the drug problems in Canberra are any less than the drug problems anywhere else in Australia, there has been a response from the Federal Government to some aspects of those problems in other parts of Australia, but there has not been a response to the problem in the ACT. That is a cause for concern. It suggests to me the standard Federal Government lack of interest in the ACT, and that is a particular disappointment. In the end we bring it back to particular people, as I have. The lad I mentioned was not going to be helped immediately, even if an announcement had been made. If we get that speculated money down the track, we will have lost some period of time, six months perhaps, in which programs could have been put into place.

I think Mr Moore has been fairly generous in his comments. He acknowledges that we are all concerned to get these programs up and running to counter just some of the problems that we face in the current drug epidemic. I do not think any member in this Assembly wants to ignore those problems. We all want to attend to them. The disappointment is that we cannot now start planning as we had expected we could.

MS CARNELL (Chief Minister and Treasurer) (4.38): Mr Speaker, I would hope that everybody in this Assembly was 100 per cent behind improving our services in the ACT for drug-affected young people. As I have been quoted many times as saying, I believe that the one significant hole in our service delivery at the moment is a residential facility for younger people who have problems with drugs. There is no doubt about that. I understand that when applications were sought for funding from the Prime Minister's drug funds the community in other States put forward a large number of proposals. However, in the ACT only one treatment program was put forward. That was a program put forward by the Ted Noffs Foundation and ADD Inc. for a residential facility that they were working very closely with the ACT Government on, with a view to using Watson Hostel or at some stages other facilities. We believe that that is the major hole in treatment programs in the ACT.

We have since found out - Mr Moore alluded to this problem and I have alluded to it - that the cost of running this facility and the amount of money the partnership wanted to run this new facility are significantly greater than the allocation that could be made to the ACT on a pro rata basis. It is my understanding that the Federal Government went back to the Noffs Foundation and ADD Inc. and asked them whether a smaller allocation would be appropriate. In other words, if we got our fair share, would that be the way to go? The answer was no, that would not be the way to go. It was either the total, in other words enough to run the facility, or none at all. Unfortunately, because the amount that was requested was some three times the amount that could be allocated to the ACT on a pro rata basis, the decision on that funding round was none at all.

But was it not good that Mr Moore and I continued to put pressure on the Federal Government and have got Michael Wooldridge to agree that in the December round of funding - the December round is for programs funded jointly by the government and community sectors - the ACT will be allocated our fair share of funding right across all programs? In addition to the allocations that have been made already, a new allocation will be made in December. Then there is the extra \$10m that the Prime Minister has announced during this election period.

The ACT will not miss out, contrary to what those opposite have said. I would have thought that, rather than the aggressive approach we have seen from those opposite, they would be saying that it is good news for Canberra that Dr Wooldridge has given us the undertaking that if the Coalition are re-elected we will get the money that we need to run this facility. It would appear that those opposite believe that ADD Inc. and the Ted Noffs Foundation have said, "We will take anything. It is not all or nothing". I disagree with that. I think they made the right call. One of the worst things that could happen in this area is to end up with a facility that you simply do not have the money to run. That is what was going to happen if it had been addressed the way those opposite believe that ADD Inc. and the Ted Noffs Foundation should have addressed it.

Mr Stanhope: They have now been promised what they applied for?

MS CARNELL: No, not at all. That is where you - - -

Mr Stanhope: I am trying to understand.

MS CARNELL: And I am very happy to help. In the December round - there is the December round of funding plus an extra \$10m - the ACT will be able to access the money we would have got in the previous funding rounds both in the treatment area and in the community services area, plus the money we would get on a pro rata basis out of the December funding round, which would normally be for different projects. Instead of having a number of small projects or having one large underfunded project, we will be able to move all of our funding plus our percentage of the \$10m of extra money into the one program that we believe will plug a major hole in services. It shows that the Ted Noffs Foundation did make the right decision to hold out for a better deal down the track, although not far down the track - - -

Mr Stanhope: Have we got this promise in writing?

MS CARNELL: There is no doubt that this is an absolute undertaking. I believe this is the best outcome for the people of the ACT. In other words, instead of getting a number of small projects that may not address our major service gap, we will be able to put all of our allocation into one project. Even then, it may require some ACT government funding as well. Certainly we will have to provide the facility. I would think that all members of this Assembly would be very pleased with the outcome. I know I am. I certainly hope that if by any horrible chance the Coalition is not re-elected those opposite will put the same level of pressure on a Labor Health Minister to make the money available to the ACT. That level of pressure will have to be quite high, because I know Mr Moore has regularly put pressure on the Federal Government in this area, as I have.

Mr Stanhope: It did not work too well.

MS CARNELL: The outcome, as I said, is by far the best outcome for the ACT. In this way we get our fair share, but we get it for one project, the one we need, rather than the money being spread over a number of different projects or one underfunded project. Mr Stanhope and those opposite should be saying, "That is really good news. I will make sure I get in touch with Mr Lee and make sure that he makes a similar undertaking in this election period". Then we will have an undertaking from both potential Health Ministers and we can be confident that the project will go ahead.

That would be a constructive approach from this Assembly, and one that I would like to see happen in an area where normally we all agree. This Assembly has been proactive in the areas of drug treatment and drug law reform. We have had our ups and our downs. We have had times when Mr Berry was unwilling to support the heroin trial, but overall I believe the approach that we have been taking has been innovative and very appropriate for the people of Canberra.

Let us make sure that in this case we again take an innovative approach, one that delivers the best outcome for the people of Canberra. I believe that we have from our side of the political fence. I would like to see those opposite join us in this very important project and get an undertaking from Mr Lee as the potential Labor Party Health Minister. I think this has been a very useful matter of public importance. If the outcome is that both the shadow Health Minister and the Health Minister give the undertakings we have been talking about, it must be a positive outcome for Canberra.

MS TUCKER (4.46): I am interested in a couple of comments from the Chief Minister, particularly her stressing of the big hole or the major issue that she feels needs to have funding injected into it, which is the residential facility. I would like to remind members of the reports presented in the last Assembly which made recommendations related to the issue of drugs, and particularly young people. They were the reports on services for children at risk in the ACT, mental health services and violence in schools. What came out of the inquiries into all three matters was concern about the lack of coordination between agencies in the ACT, the unmet need in the ACT and the lack of any real understanding of what that unmet need was. I have heard other members make comments about how all of us in this Assembly want to address the drug problem in a constructive and positive way. I would just like to get on the record again that I do not believe that the Government has responded in a meaningful way to a lot of the recommendations in those reports.

I am particularly concerned about the link between drug and substance abuse and mental health issues. In the Education Committee in this Assembly, I have asked for input from public servants in the Education Department about whether or not they believe students who have a mental health problem are adequately catered for by other agencies. The response I have got has been: "We do not know. It is not our job to know that". It does not appear to be anybody's job to know that, but I am hearing from the community that if a young person has a mental health problem, which so often can lead to substance abuse or drug addiction, they are not able to access assistance quickly,

and that the use of drugs is often a form of self-medication. I think this is a very disappointing and tragic lack of response from our services. Obviously, if we could get in early, not only with the mental health issues but with other drug issues, we would be able to avoid huge social and economic costs later on.

Focusing on a residential facility where addicts could come to terms with their addiction and hopefully lose it is of course a worthy cause. The committee that I chaired expressed the need for it, and I support the need for it, but it is at the sharp end or the crisis end that that institution is needed. Governments - not just this Government, but from my reading I can see that it is a characteristic common to most governments around Australia and overseas - are reluctant to put money into prevention. That is probably because they feel they have to respond to the crises, and there is electoral pressure and community pressure to do that. People who get to the end of their experience with drugs and are fully addicted can become involved in crime and dysfunction on a personal level. Families suffer and society suffers, and of course people call out for a response to deal with this. But it is equally important that government put the funding and the work into a coordinated response at the early stage of these issues, particularly for young people.

As I said, I just do not believe that is happening. If we understood better the personal issues that lead many young people to the taking of drugs, we would be able to prevent a lot. As a member of the parliamentary group for drug law reform, I know that the research material agrees that there are two types of drug-takers. Just as young people like driving fast cars or whatever, they also experiment with drugs. That is where you need harm minimisation. You need to make information available so that they do not risk their lives in that experimentation. The other group using drugs are using them for the other reasons that I have just outlined. They are the ones most likely to end up with the chronic addiction problems. The social cost to the community is very familiar to everyone in this place, whether it be social breakdown or crime. I would like to make it clear once again that I think that always has to be part of this debate about drugs in our society.

MR BERRY (4.52): A few years ago a campaign was begun in the ACT in relation to a heroin trial, and many things were said about a more progressive approach to drugs. In effect, a public campaign was mounted, headed principally by Mrs Carnell and Mr Moore. In my view the whole program was mismanaged in favour of the personal gains of Mr Moore and Mrs Carnell in the publicity stakes, in the photo opportunities and the publicity all around the country. That was all very interesting and at least it started the debate, and I suppose that was a positive. But at the end of the day what has been the result for the Territory? Nothing. We have a larger drug problem now than we had before all of this started. We have a serious problem with our methadone program, which is not working to the needs of people who are dependent on illicit drugs. We have heard being chanted time and time again the mantra that prohibition does not work. It does not work for everybody but it works for some, most indeed. There has been constant hyperbole about the issue of drugs and there has been a lot of interest in it because it is an emotional issue for many people, an issue of fear and loathing for many people and a difficult issue for politicians to deal with.

This brings me to the point that this matter could have been handled a lot better. It was hardly a secret that John Howard was a conservative on this issue, so to drag him out in the open and give him a flogging on the matter is not going to make him any more progressive. That is what you tried to do and it has not worked. On the face of it, it looks as though a heroin trial is a thing of the past and that now we have to address the issue of making heroin available by prescription to people on programs and deal with the management of that under academic studies to ensure that we get good results for the community. The days of the public campaigns against the Prime Minister and others on the issue are past. I think the Chief Minister and Mr Moore should reap as they sow. If you attack people like Howard and leave them with no alternative but to attack back, you end up with no advance at all in relation to the matter. It is not going to be easy to advance this, no matter what the flavour of the government is, but I am confident that under Labor a more sympathetic approach will be taken to dealing with the issue. I hope that they do well in the next election and we do not have to worry about John Howard's view on drugs ever again.

In relation to funding for the ACT, I think what you have attempted to do here today is nothing short of a cheap confidence trick. To say that we never received any funding but Dr Wooldridge has promised that we might if he gets elected after the next election and the process by which we will get that funding is the amalgamation of smaller programs into one so that we can deal with our major problem all smacks of a big trick to me. It does not work. What happened to the smaller programs that were so important? Are we just going to ditch them?

Ms Carnell: There were not any. There were no applications.

MR BERRY: Yes, there were. Are you going to ditch these smaller programs and roll them into one bigger one in the lead-up to the election, in the hope that you are going to convince people that you are doing something in relation to the matter and that they ought to feel warm and comfortable on the basis of a promise from Dr Wooldridge that something might be done if he gets elected and is the Health Minister? If you could sell used cars on that basis, you would be a billionaire. This is a motor car with a bad big end knock. This is not a promise that anybody out there in the community will cop.

Mr Moore has a record of prancing the world stage in relation to progressive views on drugs, but he has now got himself into an awfully deep hole where nothing has happened in the ACT as a result of all of his posturing. Yes, there has been a debate. Our drug problem is worse. Our health system is not coping with it, and the Federal Government is not giving us the sort of funding we need to deal with our particular drug problem.

I think there is an issue here that ought to be of great concern to the community. All of this self-aggrandisement over the heroin issue in the ACT has regrettably led us nowhere, and that is the great shame of it. But a message has been sent out to young people in the community in particular that heroin is not really as bad as you think. I suspect that all of this public posturing and the messages being sent with it have probably contributed to the increase in our drug problem. I am not going to be one who advocates an immediate return to the bad old days and get out there with a big stick trying to force the issue, standing up and screaming, "Say no to drugs", but we have to recognise that we have been going backwards, not forwards, despite all of the rhetoric.

I am sick and tired of the rhetoric on drugs. I want to see some results. The latest result that I have heard about is the deplorable condition of our methadone program, under a Health Minister who argues for, and who in the past has pitched most of his personal statements at, harm minimisation when it comes to illicit drug use. His record has fallen apart. It is in tatters. We have a serious situation developing in the ACT and a Minister who does not seem to be able to cope with the issue, showing either a lack of interest or an inability to cope. On either score, this Minister has proven that all of his rhetoric in the past has amounted to nothing for the people he is supposed to represent. After all, he took on this issue with both hands and he should live up to his past rhetoric.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Carnell: I require the question to be put forthwith without debate.

Question resolved in the negative.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE Scrutiny Report No. 8 of 1998 and Statement

MR OSBORNE: Mr Speaker, I present Scrutiny Report No. 8 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee and I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 8 of 1998 contains the committee's comments on three Bills, 12 pieces of subordinate legislation and seven government responses. I commend the report to the Assembly.

ADJOURNMENT

Mr Stuart Rendell

MS CARNELL (Chief Minister and Treasurer) (5.02): I move:

That the Assembly do now adjourn.

Mr Speaker, in this afternoon's adjournment debate I would like to single out one of the many Australians who achieved a significant milestone at the Commonwealth Games in Malaysia. Members may be interested to know that of the 190 medals that were awarded in Kuala Lumpur 52 went to Canberra-based athletes, which I think is pretty exciting. I would like to personally congratulate, and I hope the Assembly will join with me, Stuart Rendell, a 26-year-old athlete from Kambah, right here in the ACT.

Last Friday night Stuart won the gold medal for the hammer throw, the first medal he has ever won at a major competition. Following in the footsteps of former dual gold medallist Sean Carlin, Stuart hurled the hammer 74.71 metres to win Australia's third consecutive hammer throwing title at the Commonwealth Games. After his win, Stuart told the *Sydney Morning Herald*:

It was a great night, a celebration of all the hard work I have done. I was always considered talented but not talented enough to make it, and I suppose this proves I can.

Stuart is now the No. 1 ranked hammer thrower in the Commonwealth and is looking forward to his next two big challenges - the world championships next year and, of course, the Sydney Olympics in the year 2000. His achievement in Kuala Lumpur was all the more remarkable when you consider how difficult it has been for him to secure the sponsorship and support he needed to devote himself to his chosen sport. He has not attracted the sort of attention that Susie O'Neill and Michael Klim have received, both of whom are absolutely magnificent athletes. Getting financial backing for Stuart has been significantly more difficult - in fact, extremely tough.

Earlier this year, when Stuart was invited to travel to Germany to train with world champion Heinz Weiss immediately prior to the Commonwealth Games, he did not have the money to make the journey. That is when, Mr Speaker, the ACT Government entered with Feel the Power campaign sponsorship. The campaign, which has also supported Paralympic yachtsman Peter Thompson and also Lake Tuggeranong College's solar car entry *Spirit of Canberra 2*, provided funding to enable Stuart to get to Germany. On Friday night Stuart told the media in Kuala Lumpur that training for a month in Germany had helped him lift to a new level and was one of the reasons that he won his first gold medal.

It gave me great pleasure to send Stuart a message yesterday congratulating him on behalf of every Canberran for his amazing efforts at the games. I am delighted that the ACT Government, through the Feel the Power of Canberra campaign, was able to help Stuart Rendell in a small way, but one that provided real benefits to this champion athlete. I am sure every member of this Assembly would join with me in congratulating Stuart and every other ACT-based athlete who took part in the Commonwealth Games.

Question resolved in the affirmative.

Assembly adjourned at 5.05 pm