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DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 October 1998

Tuesday, 27 October 1998

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

PETITION

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

By **Mr Berry,** from 1,278 residents, requesting that the Assembly call on Mr Osborne to withdraw the Health Regulation (Abortions) Bill 1998 and, if the Bill is considered, to vote "No" to the Bill and show respect for women's abilities to make informed decisions about reproductive health matters.

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

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 Regulations (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.

Petition received.

URBAN SERVICES - STANDING COMMITTEE
Inquiry into School Bus Services - Alteration to Reporting Date

MR HIRD (10.32): Mr Speaker, I seek leave to move a motion to alter the reporting date for the inquiry by the Standing Committee on Urban Services into school bus services.

Leave granted.

MR HIRD: I move:

> That the resolution of the Assembly of 20 May 1998 referring school bus services to the Standing Committee on Urban Services for inquiry and report be amended by omitting "27 October 1998" and substituting "29 October 1998".

Mr Speaker, this motion is a formality. On 20 May this year, the parliament directed the Standing Committee on Urban Services to inquire into and report on ACTION bus services for school children. The committee has received 27 submissions and has conducted two public hearings. We are nearly ready to report.

The parliament asked us to report today, but there are a couple of outstanding matters we need to finalise. We expect to complete those tomorrow. This means that we will be able to table our report in the parliament on this coming Thursday.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Environment Protection (Amendment) Legislation - Exposure Draft

MR HIRD (10.33): Pursuant to order of the Assembly of 25 June 1998, as amended on 27 August and 22 September 1998, I present Report No. 10 of the Standing Committee on Urban Services, entitled "Environment Protection (Amendment) Bill 1998: Exposure Draft", together with extracts from the minutes of proceedings. I move:

> That the report be noted.

Mr Speaker, it is with pleasure that I table the committee's report on the exposure draft of the Environment Protection (Amendment) Bill 1998. The exposure draft was referred to us by the Minister for Urban Services on 25 June this year. The committee called for public comment on the exposure draft. We received six submissions, each of them important. We conducted one public hearing on the Bill. Our report summarises each submission and adds a comment by the committee where appropriate.

We have very carefully considered the exposure draft. We have unanimously come to the view that the proposed Bill is desirable. It builds on the Environment Protection Act, which was passed by the parliament last year. It will enable the preparation of a contaminated sites register. It will enable the Environment Management Authority to investigate land that might be contaminated and to establish a process for its assessment and remediation. It will facilitate the recovery of costs from the polluter.

One of my colleagues on the committee, Mr Corbell, has added some comments about two specific matters. One is in relation to the information that should be placed on the register of contaminated sites. The other is in relation to open standing. But we all agree on the detailed list of changes outlined at the front of the report. These are too detailed to go into before the parliament today, but they demonstrate the care and attention to detail that the committee has shown in examining the exposure draft.

I would like to thank those who assisted the committee in its deliberations for their evidence, both written and verbal; our secretary, Mr Rod Power; and also the other two members. I commend the report to the parliament.

MR CORBELL (10.37): Mr Speaker, I would like to start by thanking my colleagues on the committee considering the exposure draft of this Bill, Mr Hird and Mr Rugendyke, and also our committee secretary, Mr Rod Power, for his efforts. He has been very busy in the last few days preparing not only this report but a number of other reports from the committee. I thank him for his patient efforts.

This is report No. 10 of the Standing Committee on Urban Services, which demonstrates the workload that this committee has. This particular report focuses on the very important issue of contaminated sites. As Mr Hird indicated, there were two concerns that I raised in some additional comments as part of the report. Whilst endorsing fully the majority report, I felt it was appropriate to make a number of additional comments that I thought should be drawn to the Government's attention.

The first was in relation to the register of contaminated lands. The majority report in this case has accepted the Government's position on what information should be available through that register. I have a somewhat different view from my colleagues. I believe that there is the capacity to include, and the Government should consider including, in the register of contaminated lands, lands that have been remediated and are no longer contaminated.

There obviously is a fine line to be drawn between what information should be included in the register and what should not, and that was certainly made clear to us by officials of Environment ACT and other officers. But I do believe that, first of all, we must maintain the public's right to know what land has been contaminated and remediated; and, secondly, we must pay some attention to the precautionary principle in looking at land that has been contaminated and remediated.

Whilst we may feel confident in this day and age that land that has been contaminated in some way has been effectively remediated, there will always remain, I believe, the risk that in some future years it may be found that the land has not been remediated to a state where it could be seen as safe. I believe that it is appropriate that, when making decisions about living on land or living close to land that has been contaminated and remediated, residents and citizens know the history of that land. I think that is an appropriate course of action. That was my first additional comment.

The second additional comment was in relation to the issue of open standing to allow citizens, community organisations, residents groups and indeed any other person in our community to seek to appeal a decision of the Environment Protection Authority where they believe that that decision has not been made correctly. As a matter of principle, as I outlined in my additional comments, I believe that it is appropriate that, as a community, we allow citizens to appeal the decisions of government authorities where they believe that the law has been interpreted incorrectly.

As I pointed out, this does provide an additional watchdog role over the actions of government departments and other agencies. This is a vexed issue. I recognise that it is a vexed issue. But, on balance, I believe that in this case it is appropriate that open standing be provided for. That was certainly the submission made to the committee by the Environmental Defenders Office, and it was a position which was objected to by other bodies putting forward evidence at the committee's hearings. But, when we sought some evidence as to the effect of open standing and the vexatious elements that some people believe it creates, that evidence was not forthcoming.

So, Mr Speaker, on balance, I believe it is appropriate that those additional comments are made as part of the report. I hope that the Minister and the Government will take those comments on board in their consideration of the committee's report on the exposure draft. Overall, this is an important piece of legislation. It is a piece of legislation which should be welcomed. It is vital in this day and age that we have an effective regime for managing the remediation and allocation and knowing where contaminated sites are. I commend the report to the Assembly.

Question resolved in the affirmative.

EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL 1998

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer)(10.41): Mr Speaker, I seek leave to present the Evidence (Closed-Circuit Television) (Amendment) Bill 1998.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Evidence (Closed-Circuit Television) (Amendment) Bill, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

This Bill makes amendments to the Evidence (Closed-Circuit Television) Act 1991 to ensure that complainants in sexual offence matters are able to utilise closed-circuit television facilities to give evidence in ACT courts. It may assist the Assembly if I can give some of the history of the Act.

It is an Act which enables evidence in proceedings before an ACT court to be given by certain classes of witnesses by closed-circuit television. When it was enacted in 1991, it gave effect to recommendations of the Australian Law Reform Commission, which had done - - -

Ms Tucker: Can you speak up, Gary? Are you sick?

MR HUMPHRIES: I have a sore throat. I am sorry. I will speak a bit closer to the microphone. It is an Act which enables evidence in proceedings before an ACT court to be given by certain classes of witnesses by closed-circuit television. When it was enacted in 1991, it gave effect to recommendations of the Australian Law Reform Commission, which had done a considerable amount of work looking at children as witnesses. The Act was initially limited in its operation to child witnesses, other than where the child is the accused. The ALRC research strongly supported use of closed-circuit television for child witnesses to reduce stress and improve the quality of evidence given by child witnesses.

After the legislation was enacted in the ACT, further work was undertaken by the ALRC to evaluate its impact and effectiveness. The evaluation study suggested that the use of closed-circuit television lowered anxiety in child witnesses and found that children who used it found testifying easier. In 1994, the former Labor Government amended the Act, pursuant to a recommendation of the then ACT Community Law Reform Committee, to extend the operation of the Act to complainants in sexual offence matters. This was done on the basis that complainants in sexual offence matters routinely experience trauma and stress in appearing in court.

It is important to note that the ACT provisions differ from those elsewhere, in that in the ACT complainants in sexual offence matters, as well as child witnesses, were able to use CCTV to give their evidence without having to establish that giving evidence in court would cause trauma, distress or fear. I will return to this later in my remarks as I think there is a need for further consideration of this approach.

The extension of the Act to complainants in sexual offence matters was expressed to be for a trial period of 18 months, during which the impact of the technology on trials was to be evaluated under the auspices of what has since become the Law Reform Commission. The evaluation was intended to look at issues including whether the use of CCTV disadvantaged an accused person or diminished the impact of a complainant's evidence.

In June 1996, at the expiration of the trial period, the application of the Act to complainants in sexual assault matters was extended for a further two years, expiring on 15 June this year, because it had not been possible to evaluate the impact of the technology in trials. No trials had been conducted using CCTV at that stage; that is, as of June 1996. In addition, it was considered that amendments were necessary to the Juries Act 1967 to facilitate an evaluation, by enabling jurors to disclose to researchers information which would identify the impact of CCTV. Relevant amendments to the Juries Act were introduced in May 1997 and passed last November.

I am informed that, since the passage of the amendments, there have been about three trials where complainants utilised CCTV to give evidence. Delays in the passage of the amendments to the Juries Act, together with the small number of trials where CCTV is used, have meant that the evaluation envisaged has been unable to be carried out before the expiry of the provisions of the Act which applied it to complainants in sexual offence cases. As of 15 June 1998, complainants in sexual offence matters, other than those in respect of whom a court had made an order permitting the use of CCTV before that date, ceased to be able to give evidence using CCTV. Notwithstanding that the evaluation which had been envisaged has not been carried out, I propose that the Assembly support the restoration of the application of the Act to complainants in sexual offence matters. This course has the support of key stakeholders, including the Director of Public Prosecutions, Legal Aid and the Australian Federal Police. I would expect that organisations supporting victims of sexual assault would wish to see the option of using CCTV remain available to those victims.

While it might be said that when the use of CCTV was introduced, in 1991 for child witnesses and then in 1994 for complainants in sexual assault matters, the use of the technology for these types of witnesses was novel and concerns about its impact on the proper operation of the criminal justice system justified calls for assessment, that is no longer the case. The use of CCTV by particular categories of witnesses is now an accepted feature of the criminal justice systems of many Australian jurisdictions.

It is also important to note that the ACT legislation, like its interstate counterparts, enables the court to require that evidence be given in the courtroom, rather than by CCTV, if this is necessary to ensure the fair conduct of the proceedings. A jury warning that no adverse inference is to be drawn from the use of CCTV by a witness is also a requirement of the Act. These provisions are intended to avoid an accused suffering any disadvantage from the use of CCTV by witnesses.

Concerns from the prosecution perspective that the use of CCTV by complainants in sexual assault matters would have a negative impact on a prosecution case have also been dispelled to some extent. It was thought when this legislation came into force that the "remoteness" of an alleged victim who appears to the jury only via CCTV could diminish the impact of the victim's evidence and therefore adversely affect the prosecution case. While I understand that some prosecutors continue to have that concern in relation to trials, there is an acknowledgment that this potential disadvantage must be weighed against the possibility that a complainant will be unwilling to give evidence at all if required to do so in the presence of the alleged perpetrator. It is, of course, open to a prosecutor to attempt to persuade a complainant that his or her evidence should be given in court.

So far as committal proceedings are concerned - where jury impact is not an issue - my advice is that the availability of CCTV is important to protect complainants from excessive cross-examination intended to discourage the complaint from being tried.

The availability of CCTV to enable complainants in sexual assault matters to give evidence:

- is supported by agencies representing both prosecution and defence interests, as well as bodies that are advocates for victims of sexual assault;

- is important for use in committal proceedings where it can provide a measure of protection to alleged victims from cross-examination intended to damage the victim or discourage the complaint being tried;

- to the extent that it has been used in trials, has apparently not given rise to any adverse reports concerning its use; and

- is now an established feature of the criminal justice process of a number of Australian jurisdictions.

I therefore propose that the Assembly support the Bill for the purpose of ensuring that CCTV is available for use by complainants in sexual assault matters. If that support is forthcoming, the legislation, once enacted, will be promptly gazetted.

However, I do think there is a need in the longer term to consider some reform of the Act. I mentioned earlier that the ACT legislation differs somewhat from that in place in other jurisdictions. I recall that when the 1994 amendments were debated in this place I expressed some concerns about why we had chosen to single out two categories of witnesses - children and complainants in sexual assault matters - as being able to give evidence via CCTV when there are, arguably, other categories or particular witnesses who in certain circumstances ought to be able to avail themselves of CCTV to give their evidence. For example, very elderly victims of assaults or bag snatching could well be as traumatised, by having to appear in court in the presence of an alleged offender, as alleged victims of sexual assault.

I am also somewhat concerned that the ACT legislation does not require any criteria to be satisfied before a witness is able to give evidence via closed-circuit television. While I think it can be argued that children are a special case and we recognise that the inexperience of children does affect their capacity to deal with the environment of the courtroom and this calls for special treatment, the same cannot be said of all adult witnesses. Some are more robust than others, irrespective of the offence of which they are a witness or victim.

I am aware that other jurisdictions - South Australia, for example - permit not only children and complainants in sexual assault matters, but also persons with an intellectual disability or other witnesses whose circumstances merit it, to give evidence via CCTV if they satisfy the court as to specified criteria; namely, that it is desirable that evidence

be given in that way to protect the witnesses from embarrassment, distress or intimidation by the courtroom atmosphere or for any other proper reason. The South Australian provisions appear to provide a more cogent and logical basis for permitting the use of CCTV by a range of witnesses than the ACT's provisions provide in respect of the classes of witnesses to which our Act applies.

While I am satisfied that it is appropriate to quickly restore the operation of the provisions of the Act which will assist complainants in sexual assault matters, in the longer term I have asked that the Law Reform Commission consider whether the Act should be amended to provide a clearer understanding of the basis upon which evidence may be given by way of CCTV. I commend the Bill to the Assembly.

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

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Scrutiny Report No. 9 of 1998 and Statements

MR OSBORNE: Mr Speaker, I present Scrutiny Report No. 9 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 9 of 1998 contains the committee's comments on 11 Bills, 40 pieces of subordinate legislation and eight government responses. I commend the report to the Assembly.

MR STANHOPE: I seek leave to make a short statement on the scrutiny of Bills report.

Leave granted.

MR STANHOPE: I just want to make the point, Mr Speaker, that I have some concerns about the timing of the tabling of the scrutiny of Bills report in the context of some of the legislation that is listed for debate today. In my efforts to brief myself on a couple of the Bills that we are dealing with today - notably, the Domestic Violence (Amendment) Bill and the Health (Amendment) Bill - my office actually discussed with both the Attorneys office and the Minister for Health's office certain aspects of the legislation. The scrutiny of Bills report has just now been tabled. I understand - - -

Mr Humphries: But it was available to look at.

MR STANHOPE: I have not had a copy of the Scrutiny of Bills Committee report. It has just this second been tabled. I have not had it, nor have I had the benefit of the wisdom contained within it. It is very difficult for me to prepare myself and be in a position to debate those two pieces of legislation today, not having had the advantage of the scrutiny of Bills report. I will perhaps have to move to have debate on those two Bills adjourned, because I am just not in a position to actually comment intelligently on them.

I just wonder whether there is some other basis on which we might deal with the tabling of the scrutiny of Bills report. I feel that, particularly today, it will have a severe impact on the work of the Assembly.

MS TUCKER: I seek leave to make a statement as well.

Leave granted.

MS TUCKER: I am also concerned, because I have just had a look particularly at the Domestic Violence Bill. I would certainly be supportive of what Mr Stanhope had to say about that. I would also like to raise concerns at this point about the timing of this presentation, because I think it is very important that we have an opportunity to look in detail at comments on legislation from the Scrutiny of Bills Committee before we are asked to vote.

MR MOORE (Minister for Health and Community Care): Mr Speaker, I seek leave to make a statement.

Leave granted.

MR MOORE: Mr Speaker, I take Mr Stanhope's point. The normal process has been that, when the Scrutiny of Bills Committee brings down a report out of sitting, they circulate it and that gives us time to consider it. I understand that this particular report has not been circulated. I thought it had been. That does mean that members will need time to look at it. I have just had a quick discussion with Mr Humphries, who concedes that that is an appropriate thing.

However, Mr Stanhope did mention the Health (Amendment) Bill. Page 12 of the report just tabled states that the committee has received responses to comments made concerning a range of matters, one of which was the Health (Amendment) Bill 1998. Report No. 5 of the Scrutiny of Bills Committee quite some time ago identified exactly what the problems were with the Health (Amendment) Bill. In fact, what I have done is prepare a set of amendments consistent with the Scrutiny of Bills Committee report, which I provided to your office perhaps yesterday and have now circulated to members.

I still hope that we can debate the Health (Amendment) Bill. That is the first thing. The second thing is that, in each of the cases you have mentioned, I think at the very least it would be entirely appropriate to debate the issues in principle, because the scrutiny of Bills issues are about detail in the Bill rather than about the principle. I would still be very keen to debate the Health (Amendment) Bill today - it is likely to come on this afternoon - because there are issues of health that we are dealing with that could be improved.

It is not a matter of such concern that we would want to consider it an urgent Bill, but the amendments are, I think, fairly easy to look at. They are simply consistent with the recommendations of the Scrutiny of Bills Committee and deliver what the Scrutiny of Bills Committee has requested. But we can certainly discuss that further at lunchtime and you can check that they do that.

MR KAINE: Mr Speaker, I seek leave to make a short statement on this matter.

Leave granted.

MR KAINE: Mr Speaker, as a member of the Scrutiny of Bills Committee, or the Justice and Community Safety Committee - whichever title you want to give it - I share the concern expressed by Mr Stanhope and Ms Tucker. As a member of the committee, I saw this draft report only late last night. If you read the detail of the committee's comments, particularly in connection with the Domestic Violence Bill but also in connection with the series of Bills that relate to the building industry, you will see that there is some quite considerable comment in there.

I believe that the members of this place, before they vote on a Bill, have a right to understand it. There is a necessity for people to read what the Scrutiny of Bills Committee report says about a Bill and then go and have a look at it and see what it all means. To simply table a thing and then expect members to debate and vote on a significant Bill like the Domestic Violence Bill, in the light of the comments that are made about it in this report, I think is asking too much.

In connection with the Health (Amendment) Bill, Mr Moore tables an amendment to it this morning, but I have a letter addressed to the chair of the committee - dated only 1 October - from Mr Moore in connection with this Bill, in which he says that he cannot respond in the time scale and that he will be in a position to give us a comment by the end of November. What am I to do? I have got a letter advising me, as a member of the committee, that Mr Moore cannot respond to the questions raised by the committee until the end of November, but he tables amendments today. Am I to assume that, at the end of November or early December, Mr Moore will produce further amendments to make good further discrepancies in the Bill?

Mr Moore is stretching my credulity a bit if, on 1 October, he says that he cannot give us a response until the end of November - that is nearly 2½ months after he was advised by the committee of our concerns - but he comes in here this morning, puts amendments on the table and says, "I want you to support the Bill today". Mr Speaker, I am afraid not. Mr Moore is going to have to do a lot more clarification on these matters before I will support his Bill today.

MR OSBORNE: Mr Speaker, I seek leave to make a further statement.

Leave granted.

MR OSBORNE: Mr Speaker, I must let the Assembly know that the reason why this report was not tabled while we were away was that our legal adviser was on leave for three weeks. It is an unfortunate situation that we have here today, but normally the reports would be circulated. I do agree that there are some very significant issues raised for domestic violence and, Mr Speaker, I think it only sensible that we give the Opposition and other members time to look at the report. I do apologise. Our legal adviser was away, but the report normally is circulated well before the day on which it is to be debated.

FOOD (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 24 September 1998, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MS TUCKER (11.02): I am disappointed with this Bill, because it delays part of a significant reform to the way we treat farm animals. Just over a year ago this Assembly passed the first legislation of its type in Australia to ban the production and sale in the ACT of eggs from hens kept in battery cage conditions. This was done because of the considerable concern in the community that the battery cage system is inherently cruel to hens.

The other, less publicised side of that legislation is that it introduced a requirement that egg cartons be labelled with a conspicuous label that indicates by means of a prescribed expression the conditions under which the hens that produced the eggs are kept, that is, whether it was a battery cage, aviary, barn or free-range system. The purpose of the labelling was to make consumers more aware of what types of eggs they were buying and to encourage them to steer away from battery cage eggs, particularly during the six-year phase-in period for the outright ban on the battery cage system.

The Greens knew that there were difficult implementation issues that had to be dealt with, particularly how to address the egg producers who import eggs into the ACT from other States, but we thought it was important that we pursue this legislation even if other States did not agree with it. We recognised that there were national agreements relating to the sale of food, but the Greens have always believed that if we are to get any national reforms then one State or Territory has to take the lead to make changes; otherwise, we will just end up with the lowest common denominator standards.

I am therefore concerned that the ACT Government has chosen not to take action until a national agreement can be reached regarding the labelling of egg cartons. I am also disappointed that the Government seems to have acted very slowly on this issue. It had a whole year to sort out the implementation of the labelling, yet we had this Bill being tabled a week after the original amendments came into effect. I cannot see why labelling of egg cartons is such a hard issue. We have labelling on a whole range of products. Labelling of products to give relevant information to customers is regarded as a standard consumer right. Why should eggs be any different? Why do governments and the egg industry not want consumers to know the conditions under which the hens that produce our eggs are kept?

I am appalled at the Minister's report of the recent decision of the Australia New Zealand Food Standards Council not to support a national standard on egg labelling, on the grounds that it is not a public health issue or a consumer deception issue. Labelling is obviously important for public health reasons, but why can there not also be labelling for animal welfare reasons? I am also very surprised that they say it is not a consumer deception issue. Consumers buying cartons of eggs produced in a battery cage system are being deceived every day, because they are not being given any idea of the appalling conditions under which the hens that laid those eggs are kept.

In fact, I understand that a case was brought to the Australian Competition and Consumer Commission in 1996 regarding misleading claims and pictures on egg cartons. The commission received complaints that cartons of eggs produced by battery caged hens were labelled that the eggs were laid "under an intensive animal care system", as if the animals were really cared for, and also that some egg cartons had pictures on them of hens in open barn situations, when the eggs had been produced from hens in battery cages. The ACCC decided that this representation is apt to mislead or deceive customers as to the type of egg production method involved, and the ACCC required the relevant egg producers to phase out the use of such representations on egg cartons entirely by the end of 1997. Even now we still see cartons of battery cage eggs labelled with expressions like "farm fresh eggs", as if the eggs came from hens happily scratching around a farm and not in the confined, factory-like conditions that they really are in. So there are certainly consumer deception issues involved in egg packaging, issues which governments are ignoring.

I am also disappointed that the Government has chosen not to implement the egg labelling requirements within the ACT, even if it cannot get agreement from other States. The Government could impose the labelling requirement on Parkwood Eggs, which supplies at least 80 per cent of the ACT market. This would make a significant impact on egg marketing in the ACT, even if there were still some interstate eggs not labelled. I note that the Minister said that this action may be in breach of the Commonwealth Mutual Recognition Act. The advice I have received, however, is that the ACT could still impose the labelling requirement on local egg producers but that it would not be able to prosecute against eggs imported from interstate without the labelling until an exemption is obtained under the Mutual Recognition Act. In that respect we are still waiting to see the report of the Productivity Commission on the banning of the battery cage system. The Government commissioned that report some time after the legislation was passed.

I wonder how long the Assembly will have to wait before that exemption is obtained and the battery hen legislation can be finally implemented. The Government does not seem to have much commitment to implementing this legislation.

MR STANHOPE (Leader of the Opposition) (11.08): I will speak quite briefly to the Bill, Mr Speaker. The Labor Party will support the Bill but I would like to draw attention to the fact that we think it is important that the Minister and the ACT Government continue to seek seriously to address the issues raised in the legislation and that the Minister, in his discussions with his State and Territory colleagues, continue to genuinely seek to advance the position that this Assembly, in its wisdom, has decided should be the situation in the ACT, if not in the rest of Australia.

I think there is a real concern that the perception created by a lack of progress in relation to the labelling of battery produced eggs indicates perhaps a lack of will or determination on the part of the Government to pursue the issue as vigorously as it might. Let us hope that that is not the reality. I accept the Minister's assurances that he has pursued this issue at his ministerial council meetings and that he will continue to do so.

The Labor Party is prepared to accept the extension by a year of the period for the introduction of labelling of eggs as proposed by the legislation, to give the Minister that much additional time in which to work to seek to convince his State and Territory colleagues that the ACT approach to the labelling of eggs is appropriate; that this Assembly, to the extent that it has represented the will and the desires of the people of the ACT, is not being all that radical or dramatic; and that there is a genuine concern within the Australian community about the methods used in egg production. It is a legitimate concern of the community, and the community has a right to know whether or not food being presented to it is prepared in a way that is not acceptable to them. That is a debate that we have had here. This Assembly has accepted the wisdom of that. It is for the Minister to continue to use all the avenues available to him to advance the debate and to continue to work to ensure that ACT produced eggs are labelled in a way that this Assembly and the people of the ACT desire.

The Labor Party will support the Bill. It is happy on this occasion to extend the Minister an additional opportunity to seek to implement the will of this Assembly, but it believes that the Minister must make genuine attempts, as I am sure he will, to advance the position of the Assembly.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.11): Mr Speaker, I want to put on the record some comments about this particular Bill in defence of Mr Moore's role in all of this. I thought Ms Tucker's comments were a little bit churlish as far as Mr Moore's support for the legislation is concerned. Mr Moore has very fully briefed the Government on progress of the matter. I know that he has raised with the Australia New Zealand Food Standards Council, of which he is a member, the issues which the Assembly put on the table through its Food Act last year. He has fully argued the case there. He has argued it passionately and strongly, as is his wont in many forums. The fact remains that, as was foreshadowed by members of the Liberal Party in the debate last year, there was a lack of support for that position from other jurisdictions. I might say that that appears to be the unanimous view of other jurisdictions, including the Labor Government of New South Wales.

Mr Speaker, I think it is quite unfair to suggest, as I think Ms Tucker might have been suggesting, that some lack of will on the part of the ACT Government has led us to the position where we have to amend the legislation that was passed last year. I have not changed my view about that original piece of legislation. I put that very clearly on the table here. But I acknowledge that Mr Moore has taken the position he held in the debate last year to the appropriate authority, to the Australia New Zealand Food Standards Council, and has argued that case strongly. It is no reflection on him that other jurisdictions took the view that they should not alter the labelling standard for the sake of the ACT's position.

MR MOORE (Minister for Health and Community Care) (11.13), in reply: Mr Speaker, the facts are that I share Ms Tucker's disappointment. That is the reality. When the legislation passed through this Assembly, I supported it. As Mr Humphries said, I have argued strongly in favour of this legislation. To illustrate that I have vigorously supported it, I will just explain to Mr Stanhope and others the sorts of methods I used to do that. In the initial instance, when the Australia New Zealand Food Standards Council was meeting I had dinner with other Ministers who had these responsibilities. I raised the issue with them. I argued the case with them on an informal basis. I went through that lobbying process.

I also set up a system and asked for modification of the agenda at the Australia New Zealand Food Standards Council so that we could deal with the issue of in-principle labelling of food. A series of principles were adopted because of the work that had been done in my office in the Department of Health here and because of the work that I had done. They were not just about egg labelling. They were also about labelling genetically modified food. I wanted to ensure that we had the principles in place in the initial instance.

I should also point out, Mr Speaker, that I was concerned also about appropriate labelling of citrus fruit covered in polyethylene. It seems to me that when we had the principles set up we should also have been able to get agreement from the Australia New Zealand Food Standards Council on the labelling of citrus fruit covered with polyethylene. Polyethylene, by the way, is best known to most people as gladwrap. It is, in other words, a plastic. As far as I am concerned, we should be describing citrus fruit wrapped in polyethylene as plasticised or plastic coated. That would be a fair, plain English description. Instead, the food council agreed that plastic-coated food could be described as waxed. It seems to me that a normal understanding of "waxed" would be that it referred to something that can be washed off with warm water. If you now see fruit with a label on it that says "waxed", and you are going to use it for your lemon souffle or your marmalade, be aware that you may also be eating small amounts of plastic. The decision probably does not have great health ramifications, but I think it is important to understand the principle that we should be labelling appropriately. That was the argument I put very strongly at the food council. I argued first and foremost that we should have good, accurate descriptions on labels. There was a divided vote, as I recall, on that particular issue.

When we got to genetically modified food, the food council was divided fifty-fifty and therefore the debate was put off until our next meeting, which is likely to be held in mid-December, although a final date has not been set. I am conscious that Ms Tucker has tabled legislation about genetically modified food. Therefore, I am happy to talk to members about the best way to advocate that matter in the food council.

By the way, I specifically put the motion that supported the ACT position. As Mr Humphries correctly points out, the ACT was the only jurisdiction that supported it. There is not just a challenge for me to continue lobbying vigorously as I have been doing. I would say to Mr Stanhope and members of the Labor Party that there are now three Labor jurisdictions in Australia - New South Wales, Tasmania and Queensland - that may well have different views. Certainly, I would encourage

Labor members to lobby their colleagues in Tasmania and Queensland to assist in this labelling area, particularly the labelling of genetically modified food, to make sure we get fair, plain English labelling. My understanding - and I would be happy to be corrected on this - is that the Labor Party has a national policy on that issue, but I will leave that for you to double-check.

I would also urge colleagues on the crossbenches to lobby their counterparts in other States to make sure that we get a sensible approach to the labelling at the Australia New Zealand Food Standards Council. It seems to me, though, Mr Speaker, that there is a broader issue that we have to consider. Do we want to have consistent food labelling across Australia or not? Are we part of a process that decides, through the Australia New Zealand Food Standards Council, that we are going to get a consistent way of dealing with food in Australia? Certainly, governments over the last decade or so have decided that that is the most appropriate way to go. I believe it is the most appropriate thing to do. Even when we lose our particular view, I think the majority view should still carry the day and that we ought not then to have legislation within the ACT that is inconsistent with a national decision. Sometimes it is very difficult to make those decisions when we as a parliament see things differently. Sometimes, I suppose, there will be issues of such high order principle that we will say that we are going to separate ourselves, and that would be a position that I would then be bound to take to the council. We have some important food issues to deal with in the next little while.

I would say just one other thing. Although I share Ms Tucker's disappointment, had it been my intention to undermine or to go in a different direction, then this legislation would not be to defer for a year; this legislation would be to remove that part of the Act. I believe, from both a consumer point of view and a public health point of view, that consumers are entitled to know what it is they are purchasing. I think that is the fundamental issue in this case. Whether it is plastic-coated citrus fruit, whether it is eggs or whether it is genetically modified food, consumers should be able to make their decisions. It is not good enough for a ministerial council or others to say, "There is no harm in this. We are sure there is no harm, because that is the scientific evidence at the moment. Therefore, we do not have to tell people what is in it". I think they are entitled to know, and some people will make a risk assessment and decide that they do not want to take that kind of risk. The vast majority of us will say, "It is plastic-coated citrus fruit. I peel it anyway. Who cares?". But at least people are entitled to know. That is the approach we have taken and that is the approach that this Government will continue to take - to make sure that people are aware of their rights and that as consumers and from a public health perspective their rights are protected.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BOARD OF SENIOR SECONDARY STUDIES (AMENDMENT) BILL 1998

Debate resumed from 24 September 1998, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MR BERRY (11.22): Mr Speaker, Labor will be opposing many, but not all, of the proposals set out in this Bill. The first issue which is of concern is the provision to delete the executive officer. The executive officer is a person within the department or within the bureaucracy who is charged with the responsibility of carrying out the decisions of the board. The Government's proposal here is to strike that position out and have the chairman of the board responsible for those duties previously carried out by the executive officer. It argues that one of the reasons is that it will reduce the numbers on the board. It will not reduce them by much. There are a large number of people on the board, a dozen or so. It strikes me that there is no argument in support of striking out the executive officer's position on the logic that it would reduce the numbers on the board, because the reduction would be insignificant. An important thing to consider when looking at this matter is the role of the executive officer to carry out the decisions of the board and to give the board more independence in the implementation of its decisions. So clause 5 of the Bill will be opposed by the Labor Party.

Clause 6 of the Bill adopts a curious proposal. It is the Minister's job to appoint all the members of the Board of Senior Secondary Studies, including the chief executive. But clause 6 sets out to allow the chief executive to appoint a representative to attend meetings of the board in her stead. If it is important enough for the Minister to appoint the chief executive, it strikes me that it is important enough for the Minister to appoint delegates of the chief executive or proxies of the chief executive, however they might be described, to ensure that the approach to appointing members to the board is standardised. In my view, the board has to be seen to be separate from the department. That is the way it has been set up.

I will just read through the representatives on the board. One person is appointed after consultation with each of the following bodies: The Canberra Institute of Technology, the Vocational Education and Training Authority, the Australian National University, the University of Canberra, the Association of Independent Schools, the Australian Capital Territory branch of the Australian Education Union, the Catholic Education Commission, the Secondary College Principals Association, the ACT Council of Parents and Citizens Associations, the Association of Parents and Friends of ACT Schools, the Chamber of Commerce and Industry, and the Trades and Labour Council. The Minister appoints the chief executive and the executive officer.

Why would the chief executive be given similar powers to the Minister? I think that is an inappropriate course of action. I cannot see a reasonable explanation for it. It would seem to me that the constant theme is that the Minister appoints people and their delegates, if I can describe them in that way. "Alternates" is the proper title. The Minister appoints the alternates. I cannot see why there should be a change in that approach in respect of the alternate to the chief executive.

Clause 7 of the Bill deals with disclosure of interest. That replaces a similar provision at section 13 of the Act. I have no difficulty with that, and that will be supported. It seems to me to be a finetuning of the approach that will be taken in relation to disclosure of interest. The provisions which prevent members from being present at any deliberation of the board and so on as a result of a conflict of interest are retained. Paragraph (b) of clause 7 of the Bill proposes to omit the definition of "member" and substitute another definition which includes the alternate appointed by the chief executive. That will be opposed.

Clause 8 of the Bill, "Procedures of the Board", also relates to the alternate appointed by the chief executive and will be opposed. Clause 9 of the Bill sets out to repeal section 18 of the Act. Section 18 goes to the powers of the executive. I quote from the legislation:

> (1) The Chief Executive shall maintain an office in the Government Service the duties of which include performing the functions of the office of Executive Officer of the Board.
>
> (2) The Executive Officer shall be the public servant for the time being performing the duties of the Government Service office referred to in subsection (1).
>
> (3) The Executive Officer shall perform such functions as the Board directs.

This is the point that I want to emphasise: The executive officer is a functionary for the board. He or she is a voting member of the board but also carries out the decisions of the board, as set out earlier in the legislation, in the functions of the board. Mr Speaker, in my view it is important that that independent standing of the board be maintained. If this Bill were to be passed, it would be quite easy and open to form the view that the independence of the board had been somewhat undermined. In any event, the proposed amendment to the structure of the board does not make any sense. If it argues that the only reason for doing it is to reduce the number on quite a large board by one person, then it is a very thin argument, in my view. Against that argument is the argument that the independence of the board is being undermined. I think that is a far stronger argument.

I think the approach that is taken in respect of other members of the board - that is, the Minister appoints them - should be pursued in relation to the alternate the chief executive officer would appoint to the board. If this Bill were to pass, all of the board members, including the chief executive, may be appointed by the Minister, except for the one that might replace her. None of the other board members are empowered to replace themselves or to endorse a particular alternate. Neither should they be able to do that, because this is a board with statutory powers and it is quite appropriate for the Minister to appoint all of the members. It is quite inappropriate for members of the board to appoint their own alternates.

That summarises our opposition to parts of the Bill and our support for parts of the Bill.

MR STEFANIAK (Minister for Education) (11.32), in reply: From that, I take it that Mr Berry is opposing about three clauses and not the others, so I will just address my remarks to those concerns he raised. I have had several discussions with Mr Berry in an attempt to alleviate some of the concerns he has. Firstly, Mr Berry voiced concern in relation to section 18. The position of executive officer is certainly not abolished; it is only removed from the board. It is a little bit akin to the role of a secretary-manager of a licensed club. A licensed club may elect 10 directors as members of the board, and the secretary-manager has a role to play at meetings but he is not formally one of the directors.

In no way does anything in this Bill dilute, nor is it intended to dilute, the independence of the board. As indicated in my speech when I introduced this Bill, the Bill seeks to remove all references to the executive officer. Mr Berry referred to the relevant clauses. When we debated this legislation last year, the size of the proposed board was questioned by Mr Moore and, as indicated in my presentation speech, it was not necessary for the executive officer to be a formal member of the board. The executive officer will be at all the board meetings and have a very important role to play there, but not as a formal member of the board. The amendment achieves this.

Whilst the power of the board to direct the executive officer is no longer enshrined in the legislation, especially in relation to section 18, this does not result in any diminution at all of the board's power and functions. They remain unchanged, as outlined in section 5, which deals with functions, and section 6, which deals with powers. There is no reference to those sections in the amendment. In addition, Mr Speaker, section 19 provides ample provision for public servants to implement the decisions of the board and this renders section 18 redundant.

I want to make a point abundantly clear, in case anyone has any doubt about it. As Mr Stanhope and Mr Humphries are well aware, a principle of statutory interpretation is that if there is any doubt a court goes back to the debate in the Assembly. I make it absolutely clear that in terms of section 19 of the principal Act public servants, when working on board matters, will perform their functions as the board directs. Any suggestion that this amendment produces a diminution in the board's capacity to carry out its functions, or that there is a reduction in its powers to make decisions which will be implemented by an executive officer, is completely fatuous. That is not the intent at all. These amendments are in no way to be seen as any diminution in the board's independence, its powers or its ability to direct and for the department to respond to its needs and its wishes. This amendment has no effect on the functions or powers of the board, or on its capacity to have its decisions implemented by an executive officer.

Mr Berry mentioned a couple of other amendments in this Bill. He mentioned opposition to clause 5, which deals with membership of the board. I think I have dealt with that. He also mentioned the representative of the chief executive officer. He has indicated a number of positions where a person is nominated to be a delegate, or a stakeholder. A number of stakeholders are on this board. They nominate a person to attend, plus a proxy.

I think the case of the chief executive officer is a little bit different. That is a person who from time to time will hold that office in the Department of Education. That person will not always be able to go to board meetings, by the very nature of the department. There is nothing strange or devious or nothing to be read between the lines here. That person will need to have someone attend. It is somewhat more difficult for a department to have any one particular named individual attend. I see the change in this Bill as a sensible amendment that will assist the department to have someone represent it. If the chief executive officer cannot attend, his or her proxy can attend. Naturally, the chief executive would attempt to get there as often as possible. There is nothing strange or suspicious in that. It is merely a matter of greater convenience and, I would say, commonsense. I think that is an important point to make. Mr Berry mentioned that he is opposing clause 7(b) and several other clauses related to that particular provision.

There are a number of important things in this Bill. The amendment regarding the definition of an educational institution is important. It expands the definition in the Act to include the CIT. As members are aware, the CIT delivers Year 11 and Year 12 courses for mature-age students. Allowing the board to accredit or register those courses adds a very valuable dimension to the range of course options covered by the board. This strengthens the role of the board. It enhances its capacity to ensure that a broad range of courses are offered to Year 11 and Year 12 students.

The current organisation of the BSSS is something new to the ACT. This amendment tightens the responsibility of board members to disclose pecuniary interests. That is a reflection of the commitment to getting these new arrangements right, as is indeed the finetuning in relation to the delegate of the chief executive officer.

I would commend these amendments to the Assembly and I would stress that it is certainly this Government's intention - we introduced the legislation last year, after all - that the BSSS have its independence. That is why it is a statutory body. That is absolutely essential. Quite clearly, that Act gives it more independence than it ever had in the past. It removes it from government. These amendments are commonsense amendments which will assist in the smooth running of the board. It is certainly the intention of this Government that these amendments in no way take away the independence of the board or take away the requirement for the department to action decisions of the board. Only in late January the chief executive of the department wrote to the chair of the board, Dr Cornish, assuring him of that fact and making arrangements to welcome anything the board would put before the department. I reiterate the commitment of the Government and the department to maintaining the independence of the board, actioning decisions taken by the board and putting at the board's disposal the resources of the department, as required, to implement the decisions of the board.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4

MR BERRY (11.41): Clause 4(a) proposes to omit the definition of executive officer. It is my intention to oppose that particular part of the clause. During his speech at the in-principle stage, Mr Stefaniak said that the executive officer was not being struck out. In fact, that is not the case. Specifically, clause 9 repeals section 18 of the legislation. It says:

> Section 18 of the Principal Act is repealed.

Section 18 of the principal Act deals with the executive officer, so it is the intention of the Bill to strike out the executive officer's role. Part of the executive officer's role has been transferred to the chairperson. I refer to clause 11 of the Bill as it relates to section 29 of the principal Act. It transfers the role of the executive officer to the chairperson in respect of the register.

I will be opposing the omission of the definition of executive officer, for the very reasons which I described earlier. The executive officer has an important function in the preservation of the independence of the board in respect of its own functions, and that position ought to be retained as it is prescribed in section 18 of the principal Act. To strike it out would make no sense if the Assembly is minded to maintain the independence of the board. Mr Speaker, we will have to divide this clause into paragraph (a) and paragraph (b). The explanatory memorandum states:

> A broader definition of a recognised education institution has been substituted in recognition that senior secondary education is becoming more flexible.

On the face of it, Mr Speaker, paragraph (b) of the clause would achieve that aim, but paragraph (a), which relates to the executive officer, will be opposed.

MR STEFANIAK (Minister for Education) (11.44): I reiterate what I said earlier, Mr Speaker. The executive officer will still attend board meetings. He will simply no longer be a formal member of the board as set out in the legislation last year.

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

> That the question be divided.

Question put:

That paragraph 4(a) be agreed to.

The Assembly voted -

AYES, 9	*NOES, 6*
Mr Cornwell	Mr Berry
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Kaine	Mr Stanhope
Mr Moore	Ms Tucker
Mr Osborne	Mr Wood
Mr Rugendyke	
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

Paragraph 4(b) agreed to.

Clause agreed to.

Clause 5

MR BERRY (11.49): Mr Speaker, I oppose clause 5 for the reasons I have already outlined.

Clause agreed to.

Clause 6

MR BERRY (11.50): I oppose clause 6 for the reasons outlined.

Clause agreed to.

Clause 7 agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 agreed to.

Clause 11 agreed to.

Title agreed to.

Bill agreed to.

CONSUMER CREDIT (ADMINISTRATION) (AMENDMENT) BILL 1998

Debate resumed from 24 September 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.51): Mr Speaker, the Labor Party will support this Bill. The Consumer Credit Act and the accompanying Consumer Credit Code were in fact Labor Party initiatives in 1994. Following that, each jurisdiction in Australia adopted legislation similar to the ACT legislation after fairly lengthy deliberations by consumer affairs Ministers which were designed to significantly advance consumer protection. The Consumer Credit (Administration) Act was machinery legislation to implement the provisions of the parent Act.

This Bill, as has been outlined, essentially makes three amendments to the Consumer Credit (Administration) Act designed to improve the regulation of consumer credit. The first is an amendment to subsection 121(5) of the Act to remove uncertainty surrounding the ability of the Director of Consumer Affairs to use as evidence in any proceedings information or documents obtained under a notice to produce. That brings the ACT legislation into line with that operating in New South Wales, and we have no difficulty supporting that provision.

There are two other amendments of some significance that insert provisions into the Act essentially to remove the liability of a debtor to pay any amount owing under a contract signed with a credit provider or finance broker whose registration is cancelled or suspended and enabling a debtor to recover any such amounts paid during a period of suspension or cancellation. These amendments not only bring the ACT legislation into line with that operating in other jurisdictions, including the Commonwealth's Corporations Law and Trade Practices Act, but seem to me to be eminently sensible and a real signal to rogue credit providers or finance brokers that as well as facing potential criminal action as a result of their actions they may perhaps suffer the potentially greater penalty of losing the money that they sought to provide whilst not registered. It is a fairly significant stick with which to hit rogue unregistered credit providers or finance brokers. The Labor Party is happy to support this Bill, Mr Speaker.

MS TUCKER (11.53): The Greens will also be supporting this Bill. It seems to be basically affording consumers greater protection, which is obviously always desirable. This amendment helps individuals in Consumer Credit Act and Fair Trading Act matters. It will safeguard them by ensuring that the finance provider has complied with credit legislation.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.54), in reply: Mr Speaker, I thank members for their support for this Bill, which does tidy up provisions in the now moderately well-established consumer credit regime around Australia. I think these sorts of provisions are important to make sure that this operates in an effective way.

Members can see that this kind of regime has been long overdue. It has been good to see it operating effectively. I thank members for their support. I foreshadow that I will be moving amendments in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.55): Mr Speaker, I seek leave to move two amendments together.

Leave granted.

MR HUMPHRIES: I move:

> Page 2, line 11, clause 4, proposed new subsection 24A(1), omit 'any amount under the credit contract', substitute ', at any time, any amount under the credit contract that would, but for this subsection, have been payable during the period of suspension or cancellation'.
>
> Page 2, line 12, clause 4, proposed new subsection 24A(2), omit 'any', substitute 'an'.

I present a supplementary explanatory memorandum for the amendments. The problem which is being addressed here was raised by the Law Society in consultations we had with them about this legislation. They suggested that in proposed new subsection 24A(1) of the Bill the words "the debtor is not liable to pay any amount under the credit contract" could enable the avoidance by debtors of all payments under a credit contract and not just those arising in relation to credit provided during the suspension or cancellation of the credit provider's licence. That, of course, is not what is intended, and that would amount to an excessive penalty. We believe that that is not what the legislation should suggest. Therefore, the amendments make it clear that the debtor is not liable to pay any amount under the credit contract that, but for the new subsection 24A(1), would have been payable during the period of suspension or cancellation.

The amendments mean that a debtor who enters into a credit contract with a credit provider whilst the provider's licence is suspended or cancelled will not have to repay amounts under the credit contract that fall due during the period of cancellation or suspension only. In practical terms, for example, this means that where a credit provider whose licence is suspended for four months enters into a credit contract involving monthly repayments of $400 of principal and interest over two years the debtor will have no obligation to pay the $1,600, that is four payments of $400, due during the period

of the suspension. After reinstatement of the credit provider's licence at the end of the four months, however, the debtor will be required to continue making any payments due after that date. Incidentally, an amendment is not required to the equivalent penalty provision for finance brokers - that is, proposed new section 55A - as there is not an ongoing payment regime between the broker and the debtor. I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

DOMESTIC VIOLENCE (AMENDMENT) BILL NO. 2) 1998

Debate resumed from 24 September 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

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

HEALTH (AMENDMENT) BILL 1998

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

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.58): Mr Speaker, the Health (Amendment) Bill is the Bill I alluded to earlier this morning when the report of the scrutiny of Bills committee was tabled. This Bill is a Bill which, on the face of it, the Labor Party supports. It provides for the establishment and operation of quality assurance committees in private hospitals and private day hospitals. The intention of the legislation is that those committees will match those in public hospitals, including Calvary Hospital.

The aim of the committees is to assess and evaluate the health services provided in those institutions and to conduct research and investigations into things such as morbidity and mortality in those facilities. The committees have the power to investigate individual incidents. The Bills, therefore, contain a number of clauses designed to match the existing quality assurance committees in the public sector with quality assurance committees in the private sector. As I said, that is a laudable aim and an aim which the Labor Party is prepared to support and encourage.

There are a number of provisions within the Bill, however, which did raise comment from the scrutiny of Bills committee. It was in relation to those that the Labor Party did have some hesitation. It was particularly interested to discover what the scrutiny of Bills committee's response might be to the Government's response to an earlier report of the scrutiny of Bills committee. In fact, the Labor Party was keen to study the Government's draft legislation in relation to those particular issues.

The scrutiny of Bills committee, in particular, expressed concern about the Bill to the extent that the provisions that match those currently applying to quality assurance committees in the public sector confer a qualified privilege for defamation which may limit a person's right to protect their reputation. The scrutiny of Bills committee also commented that granting legal immunity to committee members may affect a person's right to privacy and other legal rights such as copyright. They further commented that by not allowing a person to compel others to give evidence the Bill may diminish a person's right to a fair hearing. The scrutiny of Bills committee also commented that the provisions may immunise from production in court as evidence material that came into being for a reason independent of the work of the committee. As I said, these provisions do mirror the existing provisions, and the Bill is designed simply to mirror provisions for the private sector.

The Government has now responded with the amendments tabled today. I acknowledge that the Minister made them available to my office yesterday. They deal with just the fourth of those concerns expressed by the scrutiny of Bills committee, the issue of the immunisation from production in court as evidence extraneous material that came into being. I am not entirely sure of the process here in terms of the comment which Mr Kaine made, which I was not aware of, about Mr Moore's suggestion to the scrutiny of Bills committee that the Government would respond to the committee's earlier report by the end of November.

Mr Moore: I will clarify that.

MR STANHOPE: I am interested in that clarification, because I do not quite understand. I am assuming that the amendments tabled today - I would be grateful if Mr Moore would clarify this - are in fact the Government's response to the concerns of the scrutiny of Bills committee. I will be interested in listening to the Minister explain why the Government chose to respond to that fourth concern of the scrutiny of Bills committee and believes that the issues raised in the other three points perhaps do not warrant or demand a response; that the concerns raised in relation to defamation, right to privacy and the compulsion to give evidence in the context of the aims of the Bill perhaps are issues that we need not be concerned about. It may be that the Minister, in his discussion on those issues, can satisfy me and perhaps my colleagues that this is a Bill that we would be happy to support in totality.

As I said, the Labor Party certainly supports the aims of this Bill. Anything that we can do to address issues going to quality assurance and anything that we can do to make our health providers more accountable and open and transparent we endorse absolutely. Research into morbidity and mortality in our health facilities is something we embrace and support absolutely. We will listen to the Minister's explanation of the reasons for the Government's limited response to the issues raised by the scrutiny of Bills committee.

In balancing those rights which the scrutiny of Bills committee saw fit to make some reference to against the greater good of quality assurance scrutiny of our private sector health providers, we may accept that a limited diminution of those rights is appropriate.

MR MOORE (Minister for Health and Community Care) (12.05), in reply: I would like to begin by responding to the issues that Mr Stanhope has raised. The first one concerns the letter from my office to the scrutiny of Bills committee on 1 October saying that the end of November or mid-November was when we would see a response. I looked at the issues that had come from the scrutiny of Bills committee and decided with my staff that in fact we could do much better than that. We put pressure on the department and asked them for a more effective response, and that was forthcoming. I certainly appreciate the effort that the officers from the Department of Health and from the Department of Justice and Community Safety put in to ensure a response as quickly as possible.

Traditionally, there have been two ways to respond to scrutiny of Bills committee reports. One is to prepare the amendments where that is entirely appropriate and the other is to use the Assembly as the forum for your response. Additionally, I have written a letter to Mr Osborne - he probably does not have it yet as I signed it off only a few minutes ago - dealing with this range of issues.

I will now deal specifically with the fourth issue, in respect of which we have put up amendments, and deal generally with the other three issues. On the other three issues, Mr Stanhope, you put your finger exactly on the problem. They are about balance. They are about balancing the individual's rights against broader health concerns. It was my personal decision - and I was able to persuade Cabinet - that in this case the broader health issues, the broader good that would come out of very careful scrutiny of what went on where a medical procedure had failed or where there was some criticism, outweighed the individual's rights. It is a shift in balance and it is something that members have to make their own mind up about. I must say that I could understand why somebody would oppose those issues.

I have often argued in here in favour of protecting individual rights, but we all know that there is a balance in achieving the best outcome. I believe the individual rights of medical practitioners or health professionals within a hospital system will not be put so much in jeopardy by a committee that is looking very carefully at a set of issues, even though they have lost their right to sue for defamation and so on. It will allow a freer discussion of what went wrong, what happened and whether there was negligence. We are only talking about a private hospital. A committee looking at these issues will allow a hospital to change its practices to ensure that we get the best possible health outcomes for individuals who are in private hospitals. This already exists in public hospitals.

I will now give some more detail. I would like to thank the Standing Committee on Justice and Community Safety for its comments on the Bill. I think they provided a particularly good insight. They have allowed us to improve the legislation so that it leads to the more effective operation of quality assurance committees in ACT hospitals.

I think Mr Stanhope's request this morning for a little bit more time to look at the detail of the Bill and what we have proposed is also entirely appropriate. If other members agree, after the in-principle stage today we can adjourn debate on the Bill and bring it back for detailed debate, if that is necessary, next Thursday.

The proposed amendments to the Bill follow comment by the scrutiny of Bills committee that it was not fully clear which statements and disclosures produced before quality assurance committees were protected from being admissible in other proceedings and that there was uncertainty about the types of proceedings to which such protection applies. The amendments to the Bill that I have circulated apply to proposed section 11 and proposed section 13AG.

The Bill, as amended, will clarify that no oral statement made in proceedings before an approved public or private quality assurance committee or document prepared solely for the purposes of such committees and given to those committees is admissible as evidence in proceedings before a court, tribunal, board or person. It makes it clear that other documents which may be used by approved public or private quality assurance committees are not, by this legislation, exempt from admissibility in other proceedings.

The committee also raised the broader question of whether the Bill, and therefore the Act, might unduly trespass on an individual's rights and liberties. This is the question of balance that Mr Stanhope was referring to and which I have already made some comments on. As the 1993 Health Act did, the Bill has a central role to play in promoting quality assurance activities in hospitals. The legislation provides protection from litigation to members of hospital quality assurance committees in relation to their conduct as members of those committees. It is very limited in its application. It applies only to members of the committee and only insofar as they are doing the work of those committees. Immunity is the very essence of the legislation, as it facilitates full and frank disclosure and discussion of the issues before a quality assurance committee. That already exists in public hospitals now. The legislation extends it to private hospitals.

Private hospitals regard the lack of immunity and protection similar to those in public hospitals as a most significant obstacle to proper performance of the role of quality assurance committees in their hospitals. To ensure continuous improvement in the quality and safety of health care, it is critical that our hospitals maintain effective quality assurance committees. Without this legislation, the committees cannot be as effective as they would be otherwise. At both the national and local levels there is considerable activity in the area of patient safety, incident monitoring and the development and use of reliable performance indicators to inform on quality improvement. Members may recall that in this area I appointed Ms Fiona Tito to look at our hospitals and see what we can do in order to improve patient safety and to look at this range of issues. It may be appropriate to revisit the issue of the role and responsibility of quality assurance committees as these issues develop further. If that is indeed the case, then I will certainly discuss that with members and bring back modifications to the legislation should that be appropriate.

The goal of the legislation, the fundamental behind the legislation, is to ensure that we get better and better patient safety records, that we get better and better quality assurance and that we give the committees the tools to be able to do that in an open and frank way. It is an unusual move in the way it deals with civil liberties. There is no question about that. But it is in such a restricted way. On balance, I believe the health outcomes that can be gained warrant an appropriate restriction on civil liberties. It is really a challenge for members to see whether they agree with that or believe the balance should be the other way.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

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

Sitting suspended from 12.14 to 2.30 pm

MINISTERIAL ARRANGEMENTS

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, in the absence of the Chief Minister, I will field any questions for her.

QUESTIONS WITHOUT NOTICE

ACTEW - Sale

MR STANHOPE: Mr Speaker, my question is to the Acting Chief Minister. I refer to a media release issued by the Chief Minister on 14 October 1998 headed, "What Competition is Doing to ACTEW - 175 major customers already lost". In relation to that media release, my question to the Acting Chief Minister is: Do you consider the manager's flat at the Australian Institute of Sport to be a major contract? If you do not, why do you think the Chief Minister does?

MR HUMPHRIES: I thank Mr Stanhope for his question. Mr Speaker, I do not consider and I do not think anyone considers that outlet to be a major customer, but there is no doubt that the 175 organisations and locations on that list constitute a very serious indication that the future of ACTEW as the pre-eminent supplier of electricity services to this city is not guaranteed whatsoever.

Mr Speaker, members will be aware that the market for the commercial supply of electricity is now open, that a number of suppliers are operating in the ACT marketplace and that further deregulation is due to occur, I think, in November of this year. Mr Speaker, I understand that in the year 2000 we can expect residential purchasers of electricity also to have an option available to them to purchase outside ACTEW. What that means is that, like Telstra and countless other government monopolies before it, ACTEW will have to demonstrate that it can provide better, cheaper, more reliable services than its competitors in order to remain capable of delivering those services and retaining those customers.

The 175 different sites which have already been lost by ACTEW are simply a taste of the future unless we, as a community, are prepared to give ACTEW the necessary tools to allow it to compete in that new marketplace. Mr Speaker, the Government's contention that it does not have those tools under government ownership has been very clear.

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

MR STANHOPE: Yes, thank you, Mr Speaker. Acknowledging that the Acting Chief Minister does disagree with the Chief Minister's description of the nature of the contracts or the sites lost, can the Acting Chief Minister say why the Government has chosen to issue media releases which are so obviously loose with the truth on an issue as important as the possible sale of our biggest asset?

MR HUMPHRIES: Mr Speaker, I think this is a case of he who is without sin should cast the first stone. In this debate, Mr Speaker, I think members of the Labor Opposition have a great deal to answer for when it comes to issuing untruthful press releases, and I will be saying something more on that later in question time.

ACTEW - Sale

MR HIRD: Mr Speaker, I will follow on from the theme of the Leader of the Opposition. I have a question for the Acting Chief Minister, Mr Humphries. I heard in the media assertions that consumers will face massive changes to power and water services and pay more for them when ACTEW is sold. What can you say about these reports, and are they accurate, Acting Chief Minister?

MR HUMPHRIES: Mr Speaker, this follows very neatly on from the previous question, and I thank Mr Hird for it. Mr Speaker, at the beginning of this debate when the Government put on the table the scoping study from ABN AMRO we had a call from one member of the Opposition that we should have an open and honest debate about ACTEW's privatisation. Mr Speaker, I think that that was a reasonable call to make, but it was not a call that was heeded almost as soon as it was made by the very side of politics from which it came. It is important, Mr Speaker, that we do not engage in half-truths, scaremongering and intellectual dishonesty in this process as we move to decide what the future of ACTEW should be. This is, perhaps, the most important financial decision that this Territory is likely ever to make. If we are not able to make that decision on the basis of full possession of the facts, then we place ourselves in the difficult position of being unable to make the right decision.

The fact is that the statements made by Mr Corbell in the last few days, in particular, have been totally inaccurate. It is important that we strive to maintain the high standards that have set ACTEW apart from other utilities in this country. The Productivity Commission showed recently that ACTEW had a high level of service quality and low prices. It said, in part:

> In general, price reductions have been achieved without loss of service quality.

Mr Corbell, in particular, has made alarmist claims that services and competitive price structures will be under threat if ACTEW is sold. That is not true. He has claimed that privatisation will push up the price of water and power. He is wrong.

Mr Corbell: Look at what happened in South Australia. Look at what happened in Victoria.

MR HUMPHRIES: There is real evidence that private ownership has actually brought prices down in other places where it has been effected. It has not pushed them up, but brought them down. Mr Corbell obviously knows nothing about the dynamics of competition.

Let me take particularly the claim he made, which he has repeated just now on the floor of the chamber, that in Victoria prices went up because of privatisation. He repeated that just now in the chamber - privatisation caused prices to go up in Victoria. When electricity in Victoria was almost completely privatised the price, the real price, of power for domestic customers fell, not rose, by 9 per cent between July 1993 and June 1996. They have fallen, Mr Corbell, not risen. That is the truth.

Mr Corbell: You know those figures are disputed. You know they are disputed. You know the Office of the Regulator-General in Victoria refuses to release all the information. You know it is incorrect.

MR HUMPHRIES: Obviously, Mr Corbell is not convinced. Let me quote for him in a moment some of the comments by the Productivity Commission, which has also commented on these things at great length. If he does not believe me, he can believe what the Productivity Commission has had to say. That body reported just a few weeks ago that taxpayers generally were getting more for their money and paying less for services under a regime of corporatisation and revamping of government trading enterprises. According to a spokesman for the Productivity Commission, consumers had benefited from real reductions in prices for most GTE services, particularly electricity, ports, telecommunications, and air traffic services. He said that, by adopting a more commercial approach to their operation, most GTEs - government trading enterprises - had also been able to provide a dividend return to their governments and the community from increased profits.

Mr Corbell: In public ownership, yes.

MR HUMPHRIES: No, these are, very often, privately-operated services, Mr Speaker. He said that, at the same time as generating these profits and dividends, Telstra's real prices have fallen by an average of 23 per cent, while access to services has increased. The fact is that prices in Victoria between 1993 and 1996 for domestic customers fell by 9 per cent. Our prices, of course, are regulated at the moment by the Independent Pricing and Regulatory Commissioner, and maximum prices will continue to be under the regime proposed by the ACT Government. The commissioner's role will be widened to enforce strict new standards as part of that arrangement. This will happen regardless of whether ACTEW is sold. Consumer codes of practice will be written for electricity supply, water and sewerage services. They will protect the consumers' right of supply and control quality standards.

Mr Corbell went on to claim that service standards had fallen under private control in other States, notably in Victoria. That is also untrue. Mr Speaker, I quote in this case Mr Keith Orchison, the managing director of the Electricity Supply Association of Australia.

Mr Corbell: He represents privatised electricity companies. Of course he would.

MR HUMPHRIES: It appears that there is no authority on this subject which is acceptable to the Labor Party. We have had Fay Richwhite; we have had ABN AMRO; we have had the Electricity Supply Association of Australia; we have had the Productivity Commission; we have had David Hughes - we have had a string of experts providing a considered comment to the ACT community.

Mr Corbell: Mr Orchison represents the interests of privately-owned electricity companies. Do you think he is going to talk it down?

MR HUMPHRIES: Mr Speaker, I am really not concerned with speaking over Mr Corbell all the time.

MR SPEAKER: I would remind members that Mr Humphries' voice is not all that good today. I would ask you, please, to allow him to speak without having to shout.

MR HUMPHRIES: Mr Orchison said, and I quote from a letter he wrote to the *Canberra Times*:

> A report released by the Victorian Office of the Regulator-General in July this year showed that the businesses' service to customers had generally been improved or maintained.
>
> The Regulator-General said there was an overall improvement in supply reliability from 1996 to 1997 and that improved profitability of the businesses was coupled with improved or maintained service performance.

I repeat that:

> ... improved profitability of the businesses was coupled with improved or maintained service performance.

Mr Speaker, service to customers and profitability are not mutually exclusive concepts. It is about time that the ALP sorted out whether they are more interested in the ideology of not selling government enterprises than in improving the quality of services to people in this community, whether they are in the way of electricity, water or sewerage services. Mr Speaker, the regime we have proposed is a very tight regime with control over prices, with control over environmental and public health standards and with monitoring by an independent body, including input from bodies such as ACTCOSS. The disadvantaged will be no worse off and they will have greater rights of appeal than they currently do. The consumers' rights will be enhanced and extended indeed under this regime.

Mr Speaker, if Mr Corbell and others in this debate want to use misinformation, that is fine; but they can expect to be exposed in that process, because the facts speak for themselves. Deregulation and the operation of a number of these utilities in the private sector have led to substantial improvements and gains for consumers and customers in the States where they have been effected.

Superannuation

MR QUINLAN: Is the Acting Treasurer aware that the ACT's unfunded superannuation liability is, in proportional terms, among the lowest in the country? Although the superannuation liability represents a challenge to government, is it not a matter that merits rational debate rather than the scaremongering that has occurred over recent time?

MR HUMPHRIES: Mr Speaker, I am glad to see Mr Quinlan acknowledging that some scaremongering has gone on, because it has certainly been the case from Mr Quinlan's side of politics and it certainly is a matter that I think all of us in this debate who want to see the facts put upon the table view with some concern. The debt facing the ACT at the present time, that is, the debt we currently incur for superannuation, is manageable. The ACT could certainly afford to pay out liabilities that are presently arising under the normal turnover of public servants that one would expect. If our whole work force were wiped out in a plague or something, we would have a real problem on our hands; but we look forward to that not being the case. So, our present liabilities are not a major problem. But the evidence before us, from a series of reports now, is that the rising cost of that superannuation liability is going to be crippling for the ACT in future years.

Mr Speaker, the total size of that debt over the next 40 years will be $2.9 billion. That is a colossal liability which we cannot meet in any other way - other than the option put forward by the Government or something similar - than through either the massive reduction of services to the people of the ACT or a significant rise in taxes and charges paid by the people of this Territory.

Mr Speaker, we have very glib assertions from those on that side of the chamber that that will not be necessary, that they will be able to manage this problem very well, that we can move the cups around and be able to deal with this $2.9 billion problem. Mr Speaker, I want to see what their plan is to face that liability. I want to know how they would address a problem of that size. It is bigger than anything anybody in this chamber has faced before. It is almost too large to be imaginable in today's terms, but it is a real problem.

I heard Mr Corbell say on television a few weeks ago that the public does not perceive this to be a major problem; so, the Government should be able to manage it. Think about that statement. The public do not see emerging superannuation liabilities as being a big issue; therefore, it is not real.

Mr Corbell: I did not say that. Have you got a quote that has me saying that?

MR HUMPHRIES: It is not real, says Mr Corbell. Of course it is real.

Mr Corbell: Or are you just misrepresenting what I say, again?

MR HUMPHRIES: That is exactly what you said, Mr Corbell.

Mr Corbell: It is exactly what I said, is it? Is that a quote?

MR SPEAKER: Order! If you wish to make a personal explanation at the end of question time, Mr Corbell, you can do so; but do not interject.

MR HUMPHRIES: Mr Speaker, the fact is that the problem is real, it is extremely real, and before Mr Corbell, Mr Quinlan or others on that side of the chamber glibly assert that they can manage the problem, I would like to see how they are going to manage the problem. We have put a proposal on the table to address that problem, Mr Speaker, and we believe that it is a sustainable solution to that problem.

Mr Corbell: Only one solution?

MR HUMPHRIES: Mr Speaker, to answer the interjection, which I should not do but I will, the Government, in a release put out by the Chief Minister a couple of days ago, has outlined other alternatives. There are other alternatives to the proposal put forward by the Government. It is just that they are not very attractive alternatives.

One alternative is to increase annual budget payments over three years to $70m and retain that level of expenditure - that is, $70m in 1998 dollars - for the next 28 years. That would cover $1.9 billion of the $2.9 billion debt that the ACT will incur over the next four years.

Mr Speaker, $70m buys an awful lot of hospital beds, school places, police officers, bus routes and all sorts of other services vital to the people of the ACT. I do not want to be part of a government which has to cut back on all of those things in order to meet a liability which relates principally not to the generation actually paying the liability,

but to a previous generation. The great inequity, Mr Speaker, about the position put forward by the Opposition - that is, that we manage this problem by increasing taxes later or cutting services, whichever it might be - is that it means that future generations would be paying principally for the debt that we incur for our superannuation entitlements and our retirements. Mr Speaker, that is inequity.

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

MR QUINLAN: I do not know. I did not get an answer to the first question, Mr Speaker.

MR SPEAKER: That is not my affair. If you have a supplementary question, give no preamble, thank you.

MR QUINLAN: Given that the sale of ACTEW was not on the Government's agenda eight months ago, can the Acting Treasurer tell the Assembly what was the Government's preferred strategy for addressing this liability before it changed its mind on ACTEW and suddenly produced Towers Perrin, Fay Richwhite and ABN AMRO in a matter of months?

MR HUMPHRIES: Mr Quinlan says that it was not on our agenda. Apparently it was on Mr Quinlan's agenda, because an article in the *Canberra Times* of 26 February under the heading "ACTEW sale a chance under ALP" quoted Mr Quinlan as saying that he would not rule out the sale of ACTEW under a Labor government. I will quote it in full:

> One of the contenders to lead the ACT Labor Party, Ted Quinlan, conceded yesterday that he could not rule out the sale of ACTEW under a Labor government.

I am quoting you now, Mr Quinlan:

> "You just can't give those sorts of guarantees," the former ACTEW deputy chief executive said.

Again I quote:

> Any decision to sell would have to be made "before the market hits you".

Mr Speaker, that is what this Government has put very squarely on the table. We said before the last election that we wanted to see what the expert evidence was about the future of ACTEW before we made a decision. We expressly did not rule out the sale of ACTEW. Indeed, Mr Berry, as the leader of the Labor Party, made it very clear, as did Mr Corbell, that a vote for the Liberal Party at the last election was a vote for the privatisation of ACTEW. You said so in as many words. Mr Speaker, people did vote for the Liberal Government.

Mr Corbell: Are you claiming that you have a mandate?

MR HUMPHRIES: Mr Corbell and Mr Berry claimed that that was a mandate of sorts.

Mr Corbell: Are you saying that you have a mandate?

MR HUMPHRIES: They are your words, Mr Corbell.

Mr Corbell: Do you have a mandate?

MR HUMPHRIES: They are the words of Mr Corbell and Mr Berry.

Mr Corbell: Do you have a mandate?

Mr Berry: Thirty-five per cent, just over a third.

Mr Stanhope: That is a funny old mandate.

MR SPEAKER: Order, please!

MR HUMPHRIES: I think the *Hansard* will show that I have said as much as all those opposite put together. Mr Speaker, the fact remains that the party on this side of the chamber made it crystal clear that we were going to keep the issue of ACTEW's privatisation in the public eye, as part of the public debate. We made it clear that we had commissioned advice on the future of that service. Your own statements during the campaign confirmed that you believed that that was a live issue in that respect.

In any case, Mr Speaker, we have got clear evidence before us now, evidence which we have tabled in this place, which says that we cannot as a community ignore the future danger to ACTEW and the superannuation debt which is facing the Territory. Mr Speaker, an inquest is going on at the moment in the ACT Coroners Court concerning the implosion of the Royal Canberra Hospital. One of the issues in that inquest is whether the Government ignored evidence before it.

Mr Berry: Mr Speaker, is it appropriate for the Minister to stray into the area of an inquest that is proceeding?

MR SPEAKER: He has not.

Mr Berry: If you want to open up the debate about the inquest and start dragging out bits and pieces of evidence, I do not mind.

MR SPEAKER: There is no point of order, Mr Berry. The Attorney-General is well aware of what he can and cannot say in this chamber about an inquest.

Mr Berry: I am not so sure that he is.

MR SPEAKER: I am happy to hear him out.

Mr Berry: I am warning him that, if he wants to stray, there will be a bit more straying.

MR HUMPHRIES: Mr Speaker, one of the issues that are being debated in that context is the question of the Government taking notice of warnings given to it about particular matters.

Mr Berry: Mr Speaker, the very point - - -

MR HUMPHRIES: Mr Speaker, you have already ruled on this point of order.

MR SPEAKER: There is no point of order.

Mr Berry: I will raise it again.

MR SPEAKER: Mr Humphries is drawing a perfectly reasonable analogy between the inquest and the warnings that he is, I am sure, going to relate to ACTEW.

Mr Berry: May I sound a warning by way of a point of order? Mr Humphries was straying into evidence given to that inquiry. If he wants to open it up for everybody to stray into evidence in that inquiry, he is going the right way about it.

MR SPEAKER: There is no point of order. I repeat: Mr Humphries is well aware of how far he can refer to these matters as he is the Attorney-General.

MR HUMPHRIES: Mr Speaker, an issue in that context is the extent to which government heeds warnings about things that may be a problem in the future. That is a central issue in those proceedings before the court. I think a very close analogy can be drawn with these proceedings here. We have before us the clearest possible evidence of great danger to a key asset of the ACT community in the form of this scoping study and the previous study by Fay Richwhite. Mr Speaker, if we were to walk away from all this and say, "Look, we will sort it out somehow. It is 10, 15, 20 years into the future that this is going to actually hit us. We will sort it out somehow in the future. Let us ignore it at this stage. Let us ignore the warnings given to us in absolutely unequivocal terms that ACTEW's value will decline seriously in the next few years", if we ignored that advice in any other context, we would be hit like a ton of bricks in this place for having done so. Because the advice that we are getting is not particularly palatable to some members of this place, suddenly it is all right for the Government to walk away from clear warnings of that kind.

Mr Speaker, the Government will not do so. The Government will heed those warnings and it will put forward a proposal to deal with those warnings and to cope with the problems facing the future of the Territory. If we succeed in doing that, I think future generations will have something to be grateful for. If we do not succeed in doing that, we will have a serious problem that we will be handing down to other generations - a problem not of their own making.

Hospitals - Privatisation

MR KAINE: Mr Speaker, through you, I have a question to the Acting Chief Minister. Does the Liberal Party now have a policy of privatising the Canberra Hospital at Woden and the public hospital aspect of Calvary Hospital?

MR HUMPHRIES: Mr Speaker, the Government has no policy of privatising either of those public facilities; but, as the Minister for Health and Community Care made quite clear in Estimates Committee hearings and, indeed, other Ministers have made clear in response to similar fishing-exercise questions, ruling out options for better management of the Territory's resources and its public assets is not an exercise that we are going to engage in. We want to make sure that we deliver services in the best possible way. To quote the words of another study which has come along recently in a related area, we want to remain flexible and adaptable to what the future might bring for us as providers of services to the ACT community. I will quote one line from a report called "Raising the Curtain":

> Openness to new ideas and to others and flexibility in regard to ways of doing things are essential to the creation of a dynamic and progressive party.

Substitute the word "government" for "party" and you get a very good piece of advice. Mr Speaker, I am not saying that the Government is definitely going to proceed to sell those public assets or definitely not going to do so, but I will say that it has to be a case of examining what is best for this community. We will keep our options open about how to do that for the whole range of government services.

MR KAINE: Mr Speaker, I have a supplementary question. Will the Government undertake a scoping study of those facilities to see what their situation might be in the future, how much they might bring to public assets in terms of contribution to our cash reserves, and then make a decision about whether we might sell them, rather than continuing to maintain the most public operations? Surely that would make the resolution of the superannuation liability easier still.

MR HUMPHRIES: Mr Speaker, let me say that the Government has no policy of selling the Canberra Hospital or the Calvary Public Hospital; so, questions about scoping studies and other measures to put in place a sale are hypothetical. I do not rule out or rule in any particular option, Mr Speaker, but I say that I think that it is appropriate to remain flexible about these sorts of things and to ensure that we deliver services in the best, most effective way.

I know that those opposite say that they should constrain themselves by not accepting any sale of assets. In saying that, they put themselves at odds with most of the Labor Party's other jurisdictions, which either have talked about or actually have privatised major government assets where that has been in the interests of consumer service and the delivery of quality products. For the most part, I might say, those things have achieved their goals. The Opposition, or at least parts of the Opposition, remain cut off from the mainstream of thinking, not just in Liberal States, but in Labor States as well, about the way in which those services might be delivered in a more effective way.

ACTEW - Loss of Customers

MR CORBELL: Mr Speaker, can I say that it was completely disgraceful for the Acting Chief Minister to attempt to link the implosion inquest with his arguments on ACTEW. My question is to the Acting Chief Minister. The Estimates Committee asked ACTEW on 21 July 1998 about the loss of customers to other competitors. The chief executive officer of ACTEW, Mr John Mackay, told the Estimates Committee that it would not be fair or reasonable to make that information public because those customers are still ACTEW customers to the extent that they still use ACTEW's distribution network. Mr Mackay reiterated this position after the Chief Minister chose to selectively release that information in an extremely misleading form to the media on 14 October. Does the Acting Chief Minister, as a shareholder of ACTEW, support the Chief Minister's decision to ignore the stated preference of the CEO of ACTEW and release this information? If so, can the Acting Chief Minister explain how the CEO is wrong in his assertion that this information is commercially sensitive and its release is damaging to ACTEW or its customers?

MR HUMPHRIES: Mr Speaker, I do not have information about the details of discussions between the chief executive of ACTEW and the Chief Minister about this issue. I am aware that the Chief Minister stays in close contact with ACTEW about the nature of this debate in order to make sure that the position of ACTEW is not prejudiced as this particular period of debate about the future of ACTEW takes place.

Mr Corbell: I take a point of order, Mr Speaker. The Acting Chief Minister clearly does not understand the question. The question is: Why did the Chief Minister release information which the chief executive officer of ACTEW told this Assembly's Estimates Committee that it was not appropriate to release because it was commercially sensitive? Why did the Government do that?

MR SPEAKER: There is no point of order. I think that Mr Humphries is in the throes of answering it.

MR HUMPHRIES: Mr Speaker, I heard the question quite clearly and I am answering it quite clearly. Mr Corbell's question assumes that the only discussion on this subject has been what was said before the Estimates Committee. Mr Speaker, I do not know whether that is the case; neither does Mr Corbell.

Mr Corbell: So, you are saying that Mr Mackay lied to the Estimates Committee?

MR HUMPHRIES: No, Mr Speaker, I am not saying that. I am saying that I do not know what discussions have taken place about that matter. I am confident that the Chief Minister, as one of the two shareholders in ACTEW, would not go about making statements designed to damage ACTEW or act in a way which was prejudicial to its future. Mr Speaker, we have acted in this debate in such a way as to indicate that we are very concerned about how to make sure ACTEW's future is assured. We are the only party, apparently - in this chamber, at least - that appears to be concerned about that.

Mr Corbell: You wouldn't have a clue.

MR HUMPHRIES: If you want to hurl abuse across the chamber, Mr Corbell, go right ahead; but I am going to answer your question by saying that I do not know what has been the totality of discussions between the Chief Minister and the chief executive of ACTEW on that question. Your question, therefore, rests on a premise which I do not believe you can support without access to the full information.

MR CORBELL: That was a pathetic answer from the Acting Chief Minister, Mr Speaker, but I will ask a supplementary question anyway in the vain hope that I will get an answer.

MR SPEAKER: Just do that without a preamble, thank you.

MR CORBELL: Acting Chief Minister, are you aware whether the Chief Minister sought or gained permission from the customers of ACTEW before naming them publicly and releasing this detailed information about their new contracts with other electricity suppliers that the chief executive officer of ACTEW had stated was commercially sensitive and should not be released? Does the Acting Chief Minister, or indeed the Chief Minister, have any other information which might be commercial-in-confidence now but which the shareholders might decide to selectively release to the media when it becomes politically expedient to do so - for example, the currently-secret UMS benchmarking study which the Government has refused to release because to do so would be to breach commercial-in-confidence arrangements with customers?

MR SPEAKER: Some of that is hypothetical, Mr Corbell.

MR HUMPHRIES: Yes, Mr Speaker, the second half of the question is certainly hypothetical. Mr Speaker, I repeat that the Government does not intend to act in this debate in a way which is prejudicial to ACTEW. That will remain our reference point in considering this debate. On the first question about consultation with customers, as I have already said to Mr Corbell - he was not listening, obviously - I do not know what discussions have taken place between the Chief Minister and the chief executive officer or between their respective officers about the question of the release of information, but I remain confident, Mr Speaker, that the Government will continue to work closely with ACTEW to protect ACTEW's position in the course of this debate. It does puzzle me, though, that, in the course of his question, Mr Corbell suggests that it was quite wrong to release commercially-sensitive information in the form of the list of those names; yet, only three or four days ago, Mr Corbell insisted that we release the UMS study, which, of course, is highly confidential and contains not just information - - -

Mr Corbell: I am just trying to determine what the standard is here. Either it is commercial-in-confidence or it isn't.

Mr Stanhope: That's the point.

Mr Corbell: That is exactly the point, Gary.

MR HUMPHRIES: Mr Speaker, can I please be allowed to answer this question?

MR SPEAKER: Order! Settle down!

MR HUMPHRIES: How can you condemn the release of information about ACTEW's customers and, at the same time, not blush when seeking the report of the UMS study? What is the standard, Mr Speaker? Are they saying that information of this kind should remain confidential or are they not? Are they saying it should be confidential or are they not? Which is it, Mr Corbell? Should information which is commercial-in-confidence - - -

Mr Corbell: When John Mackay says it is confidential, why do you release it? Why do you release information that John Mackay says is confidential?

MR SPEAKER: Order! This is not a debate across the chamber, thank you. Mr Humphries is answering the question.

MR HUMPHRIES: Mr Speaker, I think the Opposition needs to decide what it wants to do in this debate. It is again prepared to chase an argument down a rabbit burrow because it thinks it gets a short-term bang out of it, but the reality is that it is not being consistent. If the information is commercially sensitive, then it clearly should not be released. Mr Speaker, that is why the Government has not agreed to the releasing of the UMS study. Mr Speaker, what is clear is that the information on other things is not necessarily commercially sensitive. As I say, I am confident that the Chief Minister and the chief executive will remain in touch in the future of this debate about the release of information of that kind.

Proposed ACT Prison

MR OSBORNE: My question is addressed to the Minister for Justice, Mr Humphries. Minister, on 3 September this year, the Assembly approved that the Justice and Community Safety Committee undertake an inquiry into aspects of the Territory's proposed prison. The terms of reference for the inquiry have as their starting point whether or not a prison is even justified and then they work forward from there. As chair of this committee, you can imagine my surprise when I read on the front page of Monday's newspaper a series of announcements from you, Minister, including the timeframe for building the facility, details of the tenders and consultancies that would be on offer, criteria for siting, how much the prison would cost to build and run each year, specific design details of the building, et cetera. It even stated that the committee was to pinpoint the preferred site, which I think was the only thing you mentioned which was not in the committee's terms of reference. Minister, I understand that while I was on leave you addressed the Justice Committee. My colleagues on the committee were of the opinion that you were going to write to the Justice Committee regarding the prison, so you can imagine their surprise when they too read the newspaper yesterday. Minister, I am interested in why you chose to make such an announcement, given that the Justice Committee is currently in the middle of such an inquiry.

MR HUMPHRIES: I thank Mr Osborne for that question. Mr Speaker, I did speak to the Justice Committee, I think last week, about, among other issues, the prison project. I indicated to the committee a proposed timetable for the implementation of such a project and a number of other issues related to the process whereby we would deal with that issue. I indicated I would write to the committee to put those issues on the table in a formal written sense. That letter is still being prepared, as I understand it, and should reach the committee soon.

Mr Speaker, I did not understand that in doing so I precluded the Government from also advising the community as a whole what it had already told the committee - that is, what its proposals were for the future of this project. If the committee took it that I was saying to it that in writing to the committee I would not otherwise disclose the Government's proposals - and if that was my fault - I regret having put the committee in that position. But it was certainly not my intention, Mr Speaker, to indicate that the information I was putting to the committee would remain confidential in some way. It was the intention, and always has been the intention, of the Government to involve the community in this debate as well.

The Government has made it clear - and I am not sure what media release Mr Osborne has seen - that all of these issues are effectively before the Justice and Community Safety Committee. The Government's decision on those issues will depend very largely on what the committee finds. If the committee, for example, recommends a certain site for the prison, the Government will put that site at the top of its list of sites for consideration. If the committee recommends that the prison be a public prison, rather than a private prison, the Government will seriously consider whether it can conduct a prison on a public basis rather than a private basis.

I am not saying that the Government will simply leave all those issues for the committee to determine on its behalf - I cannot do that; it would not be reasonable - but I have indicated, Mr Speaker, that all those issues are very much for the committee to resolve and recommend to government. If members of the committee believe that that precludes any discussion involving the community, I am sorry. That was not my intention. When I write to the committee I will clarify what it was I was proposing. I certainly hope to involve the community in this debate as well, because it will be a very major decision and we need to have a public debate as well as having a debate within the processes of the Assembly.

MR OSBORNE: Mr Speaker, I ask a supplementary question. I accept what you have said, Mr Humphries, but I still cannot understand, and you might need to clarify it for me again - I am reading through the terms of reference for the inquiry that the committee has - why you would make such an announcement given that nowhere in there does it say that the proposal is conditional on the report of the committee. I cannot understand, Mr Humphries, why you would make such an announcement given that the first issue in the terms of reference is the justification for the prison. It seems that in the last couple of weeks Ministers in this Government have been attempting to pre-empt things, and I see

you are looking at the vest-wearing Minister. I am a little confused as to why you chose to do that, Mr Humphries, given that we are in the middle of an inquiry. Reading through your press release, I do not think you do need to write to the committee because all of us in here are aware of what you are proposing. I am a little confused as to why you chose to do it.

MR HUMPHRIES: Mr Speaker, let me illustrate the point I am making by taking a further example. In the next few weeks the Government will write to the committee and provide information about a number of proposed sites for the prison. What it will do, I suspect, is say, "Here are the options that we consider are worth examining for a site of a prison. Here are the pros and cons about each site; this is how large it is; et cetera, et cetera". When it does so, the committee will have the option as to how much it ventilates that information to the rest of the community. Mr Speaker, it is certainly not my intention that, having put the information before the committee, it should be only for the committee's eyes and the rest of the community should not be able to see the information as well.

If the committee views the release of information about proposed sites as being an affront to the committee in some way, I have to say that causes us a problem because I think that the community has the right to see the information about those proposed sites. Similarly, other information about this process deserves to be in the public arena, and I simply say I think we should put it there. Mr Speaker, I am happy to work closely with the community to try to resolve these problems. I am not in any way wishing to cut across the work of the committee, but I also do not want to have a process which is not as open as possible. That means we may need to work out some compromises in the agendas of the committee and of the Government.

Preschools

MS TUCKER: My question is to Mr Moore. Mr Moore, I was interested to see in the *Canberra Times* on Friday the 23rd an article stating - you can inform the Assembly whether it is correct or not - that you have apparently intervened to orchestrate a trial of the split campus between part-time Reid and Ainslie Baker Gardens preschools, so that the teacher in your local preschool could remain a full-time teacher and that you have claimed this would be a fantastic opportunity for a trial of an innovative new model. I was interested in that because in the Education Committee's inquiry we were told by a senior public servant, and I will quote:

> It is harder for a full-time teacher to operate separately in two part-time preschools without impacting on the parents and the provision of education. That is because you need time to set up the preschool in the morning, or before the session starts, and then you need to put equipment away as well. So, if you go through that process in the morning in one preschool and then have to move to another preschool to do the same thing for another part-time group, that means that the session in the afternoon would have to start later in the day, which has an impact on the accessibility for parents.

Later the same official also said:

> The other issue is that it increases the work for the teacher in working with the parent community, because they would have to be working with two parent communities at two different schools. So there is a real issue around that.

This came up in further parts of the hearing as well. My question is: What was the process and nature of your intervention and can you please explain it to the Assembly?

MR MOORE: Mr Speaker, I do not have responsibility for this area. Therefore, it is not appropriate for me to answer the question. I will be happy to supply Ms Tucker with that either privately or in some other way. We will certainly ask Mr Stefaniak to answer the question. That article contained an accusation by Mr Berry, saying that I had acted improperly, which of course I had not, three weeks earlier, because I had intervened. Three weeks earlier there was an article in the newspaper suggesting that I had acted improperly, or words to that effect, because I had not intervened. Mr Speaker, the irony is not to be missed. I think Mr Stefaniak is the one who should be answering the question.

MR STEFANIAK: Thank you, Mr Moore. You are quite right. Ms Tucker, I understand the teacher concerned is very keen to be involved in this trial. I note what the departmental official said. I also note that there are concerns in relation to the best way of providing preschool education. One of the big problems is that we have more part-time preschools now. However, I understand that the teacher in this case is very keen to be part of this trial. She regards herself very much as being part of the community. I understand that there is significant support for this proposal. It is very much proposed as a trial and I will be looking at it closely. Ms Tucker, when my office received a phone call from a former teacher - obviously she had read the same article that you did - who taught about 20 years ago she said that she used to be in a similar position and quite enjoyed it; she did not see it as a particular problem.

The issues raised by the departmental representative and your committee are certainly issues which we look at very closely. Again, I stress that is why there are certain elements - indeed, I think the union should well be classed as one of these - who see some real problems with having too many part-time preschools, because generally you have part-time teachers. But this teacher, I am advised, is very keen to be part of this trial. Certainly, on that basis, I think it probably would be beneficial to let it go ahead to see how it operates and whether there are any problems. I have a very open mind about this. Let us see what happens. It may well be of great assistance, especially when we consider the medium- to long-term future of preschools, the issue of part-time preschools and all the various points that are raised as a result of that. Some very real concerns have been expressed by people knowledgeable in the preschool sector in that regard. I think there is considerable merit in this proceeding as a trial, especially given the attitude, which has been related to me, of the teacher concerned.

MS TUCKER: I have a supplementary question, Mr Speaker.

MR SPEAKER: Proceed.

MS TUCKER: I am still not at all clear on whose responsibility this is. Mr Moore says he has no responsibility for it. The Minister, as I understood it, has just said he is aware that the department is of a particular view that this is not advantageous for the education of students. So he is aware that his department was of that view. However, there has been a trial. Because the teacher is keen to have the trial, therefore does this mean that, for example, because members of the Downer preschool community are keen for it to stay open, you will override your department's advice? Or is it the case that you have advice which you can provide to the Assembly that shows the department said to you, "We need to trial this kind of split campus arrangement."? Mr Moore had nothing to do with it; I heard him say that. Can you show the Assembly that advice from your department? Or did you totally override it, for whatever reason - nothing to do with Mr Moore?

MR STEFANIAK: I do not think there is any doubt about the fact that Mr Moore lobbied strongly in relation to a number of things regarding preschools. Certainly, as a government we have had quite a few discussions about that, as we do about a number of issues where certain of us have very strong views.

Ms Tucker: Can we see the advice then? Can we see your department's advice to say that this is a good idea?

MR STEFANIAK: For example, Ms Tucker, I will certainly lobby any relevant Minister in my own Government on, say, law and order issues - things which I have a particular interest in as a result of my previous profession.

Ms Tucker: Can we see the advice that said it was a good idea, or was it Mr Moore's idea?

MR STEFANIAK: As to whether the department had some severe concerns about it and concerns had been expressed as a result of the current situation and its potential problems, I would stress that this worked some years ago. We have a teacher who is keen to do it. We have a very real situation of a large number of part-time preschools. I think we would be putting our heads in the sand if we were never prepared to trial anything. I am not prepared to do it on the basis of anything other than a trial, Ms Tucker, because - - -

Ms Tucker: I do not have a problem with trials. I want to know whose idea it was. Why do you employ public servants to give you advice if you ignore it?

MR STEFANIAK: I am aware of certain possible problems that could arise as a result. But a competent teacher is keen to do this. I have every confidence in the teacher's ability - and I am sure you are not saying the teacher is not competent - to have a go and do a good job. I am mindful that it is a trial. Ms Tucker, I take the advice - as do all my colleagues - of our public servants very seriously. I do not think you will find that it was

a department view that this should not happen. This is something that we were considering in the course of your inquiry. There is a very real possibility that this may well be quite a suitable arrangement for some preschool communities and preschool teachers. I think it is worth a trial. I think that is a good idea, and I am quite happy to see a trial go ahead.

ACTEW - Sale

MR WOOD: Mr Speaker, my question is to the Acting Chief Minister. In a media release issued on 15 October, the Chief Minister stated that it was "business as usual for ACTEW" and, further, that "ACTEW was not prevented from bidding" for contracts. My question is: Do you regard a corporatised organisation like ACTEW being placed in caretaker mode, as it is, for the last several months as "business as usual"?

MR HUMPHRIES: Mr Speaker, I think Mr Wood misunderstands what "caretaker mode" means. What it means is not that ACTEW cannot go out and bid for business. It means that major decisions, as I understand it, about ACTEW which might influence the debate which is being had about ACTEW's future in this place and in the broader community should be made in consultation with the shareholders - that is, the ACT Government. It does not prejudice ACTEW seeking new customers at all. In fact, I am quite certain that ACTEW is still aggressively competing in the marketplace for new customers and attempting to retain the ones it already has. Mr Speaker, I do not think there is anything that one can read into the concept of "caretaker" that in any way prevents it from being an active player in the marketplace. Indeed, that is what we expect of ACTEW.

MR WOOD: I have a supplementary question, Mr Speaker. Given that the Chief Minister has said on a number of occasions that ACTEW operates at arm's length from government, do you believe a "caretaker period" placed on a big business, which this is, is consistent with "arm's length"? Do you anticipate in the near future that ACTEW will be taken out of the imposed caretaker period?

MR HUMPHRIES: Regarding the first part of the question, Mr Speaker, I do think it is consistent to have that in these circumstances because at the moment it remains a government asset. If the Government and in turn the Assembly are considering its future - for example, as an asset which may be sold into the marketplace - it is appropriate for the shareholders, the Government, to act to protect that asset in the course of that period. Nothing that ACTEW might do is being precluded. It is simply a matter of discussion with the Government before major decisions are made about its future.

Regarding the other question that Mr Wood raised - when is this likely to end? - it is a matter for the Chief Minister, but I think it will end when the decision of the Assembly is made on the proposal by the Government for the electricity under ACTEW to be sold and the water arm given a concession.

ACTTAB - Sale

MR HARGREAVES: Mr Speaker, through you to the Acting Chief Minister: It is your day. Can the Acting Chief Minister tell the Assembly exactly what he meant when he said, as reported by the *Canberra Times* on 23 October 1998, that the sale of ACTTAB was "well and truly off the Government's agenda"? Why was it that the Acting Chief Minister announced this policy decision instead of the Chief Minister, even though he acknowledged in the same article that the sale of ACTTAB was, and is, in the hands of Mrs Carnell?

MR HUMPHRIES: Let me say, first of all, that I did not say that the decision was in the hands of Mrs Carnell. I actually said that, to a large extent, the decision was in the hands of the stakeholders. As you know, Mr Speaker, a number of parties came together with the Government some months ago to talk about the future of ACTTAB. Again, we put before those stakeholders the evidence of the PKF report that there was a problem with the future of ACTTAB unless it was to reorganise its position in the marketplace. We discussed those issues with the stakeholders. We came back for a second meeting about three weeks afterwards and, although I was not present at the second meeting, I think it is true to say that there were several reservations among the stakeholders, including the racing clubs, the unions and the bodies associated with the racing industry itself. There was a concern that the situation was unclear and that we ought not to proceed at this stage to some form of partial sale or full sale of ACTTAB.

Mr Speaker, what I said last week to the media was that, in my view, that left the situation very much in the hands of the stakeholders, that the Government was unlikely to proceed to put forward proposals for the privatisation of ACTTAB while the stakeholders were of the view that we should not move in that direction. That is an accurate description of the Government's position. I hope I have made it clear that no decision has been made about the future of ACTTAB, that it is possible we could return to that issue in the future. But, as I have said, I think that is most likely to occur, if it does occur, on the basis of urging by the stakeholders, or large parts of them, rather than by the Government itself.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. Given the Chief Minister's comments during the election campaign in February that the sale of ACTEW was "not on our agenda", can the Acting Chief Minister explain what is the difference between being off the Government's agenda, which are your words, as quoted in the *Canberra Times*, and not being on it, which were the Chief Minister's words? What is the difference?

MR HUMPHRIES: Mr Speaker, I have made it quite clear that in both cases the starting point was very similar. We have not ruled in or out any particular option about the future of ACTTAB. To give you an answer to a question you have been posing to all sorts of Ministers in the course of the last few days of Estimates Committee hearings, I am not ruling out the future possible sale of ACTTAB. It may occur. Mr Speaker, I am also making it clear in this context that it is not an issue that is likely to occupy any great amount of the Government's time and attention in the immediate future. As I have said - and I will say it again - it is most likely that a move to put that issue higher on the agenda will be initiated by the stakeholders rather than by the Government.

Gungahlin Police Station

MR RUGENDYKE: Mr Speaker, my question is to Mr Humphries, the Minister for Justice, and it relates to the adequacy of policing services for the people of Belconnen and Gungahlin. Is the Minister aware of the possibility that the AFP is considering a reduction in the provision of policing services for the people of Gungahlin by reducing the hours of operation of Gungahlin police station to day shift only, Monday to Friday?

MR HUMPHRIES: Mr Speaker, I am aware that that issue is being considered. I have also made it clear to the Federal Police that I consider any move to change the arrangements for the operation of the Gungahlin police station to be arrangements which must be fully discussed with the ACT Government. The Federal Police have made it clear to me that they will not make any decision in respect of those facilities unless and until they discuss it fully with the ACT Government and involve it fully in the decision to deal with those services. Mr Speaker, I am due to meet with the Federal Police in the next week or so to talk about the future of the service of policing to the people of Gungahlin, and foremost in my mind in those discussions will be how to maintain at least the same level of service to the people of Gungahlin that we now provide them.

Hospitals - Privatisation

MR BERRY: Through you, Mr Speaker, my question is to the Minister for Health and Community Care. Mr Moore, in the *Canberra Times* of 24 October, the respected Professor Bob Douglas, Director of the National Centre for Epidemiology and Population Health at the ANU, wrote that the "really big issues around hospital care demand public scrutiny and accountability of a kind that simple market mechanisms do not provide". Does the Minister agree with the professor and will he now rule out the future sale of Canberra Hospital?

MR MOORE: Yes; no - to both your questions.

MR BERRY: I ask a supplementary question. Can the Minister now say whether he agrees with Professor Douglas's assertion that the idea we should surrender all of our community-owned facilities is a form of ideological stupidity?

MR SPEAKER: You must not ask for an expression of opinion.

MR MOORE: The article by Professor Douglas, I think, highlighted a number of issues. Mr Speaker, as you would be aware, Professor Douglas is somebody with whom I am very familiar. To take an extreme view on whether to privatise nothing or to privatise everything is just as stupid either way, Mr Berry. That is why I will not rule out a series of options that are open to me. This Government, generally, is not going to play the game of ruling out options. If you, Mr Berry, could begin to think more broadly and ask yourself what are the - - -

Mr Berry: Mr Speaker, I raise a point of order. Mr Moore continually refers to my opinion. My question related to Professor Douglas's opinion and whether Mr Moore agreed with it.

MR SPEAKER: Yes, and I explained that questions shall not ask Ministers for an expression of opinion.

MR MOORE: Mr Speaker, I was using the opportunity to make a point to Mr Berry so that I could clarify my original answer. I said that I do agree with Professor Douglas in many ways. I was asked whether I am going to rule out the selling of any asset in the Territory. I am not going to play the rule-out game, Mr Speaker. That is what it is about. This Government is not going to play the rule-out game. That is what Mr Berry would have us do.

Mr Berry: No, that is not the supplementary question I asked.

MR SPEAKER: Well, that is the answer you are getting, so sit down, please.

Mr Berry: I asked whether it was ideological stupidity or not.

MR MOORE: Mr Berry has taken points of order on quite a number of occasions in this question time. On none of them has he identified the standing order to which he refers. He has enough experience to identify a particular standing order, if he wants to, Mr Speaker. He certainly knows that 118(a) states that a Minister's answer shall be concise and confined to the subject matter. I am trying to do that. Mr Speaker, you have also clarified exactly how we are to do that. The most important thing to understand is that I am not, and this Government is not, ideologically bound to privatising anything, just the same as we are not ideologically bound, as indeed the Labor Party seems to be, to privatising nothing. We will look at the merits of any particular situation and try to deal with it in the most pragmatic way possible in the best interests of the people of Canberra, not just for short-term - and here is a major difference - political expediency but for the long-term gains.

There are many things that I agree with Professor Douglas on. I think he has made a major contribution to public health in Australia. There is no doubt about that. He is very astute. Even while I was studying under him and he was teaching me, there were many things - Mr Berry, this will not come as a surprise - upon which I disagreed with him. That is what should happen in a healthy community. We should debate those issues in as open and as frank a way as we possibly can.

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

Wine Industry

MR HUMPHRIES: Mr Speaker, on 25 August, during question time, Mr Wood asked the Chief Minister some questions relating to the wine industry network. The answers were inadvertently not tabled at the time. I ask for leave to have the answers to those questions incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

PAPERS

MR SPEAKER: For the information of members, I present the following papers:

Nuclear Testing - Condemnation of actions of the Pakistan Government - Copy of letter from Kate Carnell, Chief Minister to The Hon John Howard MP, Prime Minister conveying the Assembly's resolution of 23 September 1998 relating to the recent nuclear testing by Pakistan, dated 8 October 1998.

Legislative Assembly (Broadcasting of Proceedings) Act - Authority to broadcast proceedings, pursuant to subsection 8(4), concerning:

Debate on the motion of 24 September 1998 relating to ECOWISE, dated 24 September 1998;

Public hearings of the Select Committee on Estimates 1998-99 in the weeks beginning 19 October 1998, 2 and 9 November 1998, dated 16 October 1998; and

Vision of the public hearing of the Standing Committee on Urban Services into the environment protection legislation for Friday, 16 October, dated 16 October 1998.

Mr Corbell: I have a question, Mr Speaker. You have tabled a letter from the Chief Minister to the Prime Minister in relation to an Assembly resolution. Did the Assembly require the Chief Minister to write that letter? If the Assembly did not, surely it would have been more appropriate for you, as Speaker, to convey that message.

MR SPEAKER: Yes, I will clarify that, Mr Corbell. The motion concluded with this request: "Further, the Assembly urges the Chief Minister to write to the Prime Minister".

AUDITOR-GENERAL - REPORT NO. 5 OF 1998
Management of Housing Assistance

MR SPEAKER: I present the Auditor-General's Report No. 5 of 1998 entitled "Management of Housing Assistance".

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

> That the Assembly authorises the publication of the Auditor-General's Report No. 5 of 1998.

GAMING MACHINE ACT - COMMISSIONER FOR A.C.T. REVENUE REPORT
Paper

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.39): Mr Speaker, for the information of members and pursuant to section 54D of the Gaming Machine Act 1987, I present the report by the Commissioner for ACT Revenue "Contributions made by Gaming Machine Licensees to Charitable and Community Organisations" for the period 1 July 1997 to 30 June 1998. I move:

> That the Assembly takes note of the paper.

Mr Speaker, this is the first report by the Commissioner for ACT Revenue on contributions made by gaming machine licensees to charitable and community organisations. The report is the culmination of some of the recommendations of the Joint Industry/Government Working Party on the Licensed Club Industry which was established by the Government in July 1996. Following the recommendations of the working party in February 1997, the Government agreed that the individual gaming machine licensees be required to provide detailed financial information on an annual basis, including a full disclosure of funding to all community groups. Mr Speaker, this measure is aimed at enhancing the accountability of the industry with respect to its revenue from gaming machines. It is also aimed at providing a sound basis for future development and analysis of government policies on gaming machines. The report compiles data on all contributions declared by gaming licensees into various categories, depending on the purpose for which each contribution was made.

All gaming licensees declared a total of $9.4m as contributions to charitable and community groups. Over 40 per cent of this total contribution, or $4.5m, went to the development and maintenance of infrastructure assets for members, and in some cases for public use. Contributions to charitable and non-profit organisations were only $1.030m, or 1.2 per cent of the total net gaming machine revenue of $86.649m received in 1997-98.

Mr Speaker, the Government recognises the valuable services that licensed clubs are providing to their members and acknowledges that there are many clubs contributing a fair share of their profits to worthwhile causes. For the club industry as a whole,

the Government, however, is very disappointed with the low level of contributions and would like to see greater commitment from the clubs to assist charitable organisations, non-profit community groups and other disadvantaged groups in the community. One would think, Mr Speaker, that from a net profit of $7m from poker machines, even before some other associated costs, the Labor Club could have contributed significantly more than a paltry $17,000 to local charity - $17,000 out of $7m. By contrast, the Labor Club donated $375,000 to the Labor Party - a very worthwhile charity indeed.

For over 20 years clubs almost exclusively have been the beneficiaries of gaming machine revenue in the ACT, which is amongst the lowest gaming taxing jurisdiction in the country. Clubs have this monopoly on gaming machines on the basis that they exist for the benefit of their members and the community at large. On the basis of information available before us, the community at large does not seem to be doing very well out of this situation.

The report from the Commissioner for ACT Revenue has facilitated the transparency and accountability of clubs with regard to the use of gaming profits, and has provided clear evidence that the level of commitment of clubs to the wider community generally should be improved. In tabling this report, Mr Speaker, I would like to call on the licensed club industry to place a higher priority on its spending of gaming profits towards helping charitable, volunteer and community groups which exist to help the needy sectors of our community. I commend the report to the Assembly.

MR QUINLAN (3.43): Mr Speaker, I want to say a few words about the report. First of all, I would have liked to have thought that it would be presented to this Assembly before it was used in the public forum by the Chief Minister for quite obvious political purposes. I am also disappointed in the quantum of the figures contained in this report. The ALP is very happy to work with government in establishing a regime that might apply to clubs in relation to their contributions to charity, community, sporting and ethnic activities.

Let me also respond to some degree in relation to the contribution of the Labor Club to the ALP. I consider that within a democracy political parties are the very essence of community, as opposed to being excluded. If those on the other side of the house wish to exclude contributions to political activity from community, they do, by the same act, define themselves as outside the boundary of that definition of community. The contributions and the funding that the ALP receive are open - they are for all to see - as opposed to the quite secretive processes that have been employed by the Liberal Party in garnering contributions to their political ends and to their campaign funds.

Mr Speaker, as I said earlier, we would be very happy to work with government and to work with the Licensed Clubs Association on a regime that ensures that the community does benefit from the operations of the clubs and the privileged position that clubs find themselves in. I hope that we can minimise the political sport that is made of it at the same time.

MR MOORE (Minister for Health and Community Care) (3.45): Mr Quinlan's speech is the first chink that I have seen in the armour of the Labor Party in terms of their protection of clubs, and I must say I welcome that. I think this is one of the few occasions on which we have seen what Mr Stanhope promised that we would see, a new and open-minded Labor Party.

This report really puts a lie to the claim that the reason for this tax holiday, this tax break, for clubs is the contribution they make to the community and the contribution they make to charity. The truth is, Mr Speaker, that businesses such as hotels and others who seek to have gaming machines actually make a far greater contribution to the community, because there is no business that runs successfully that does not pay well over 25 per cent in tax. In other words, 25 per cent of their income goes into the community. Yet, Mr Speaker, the clubs have been on a tax holiday for many, many years as far as this sort of revenue goes. So, Mr Quinlan, I welcome your offer of an approach. It is something that we ought to consider generally and say, "It simply is not good enough".

We are all significantly surprised by what we see in this report. I have been reasonably critical of clubs, but my perception was that their contribution to charity, their contribution to community and their contribution to sport was far greater than what we see here. We have an opportunity now, and I hope we can do it on a non-partisan basis, to say, "Yes, we do want a reasonable contribution to the community". A reasonable contribution to the community should be one that is on parity with the taxation level. Each and every one of us within the community pays our fair share in taxation.

Mr Berry: No, we don't; not each and every one of us.

MR MOORE: I take Mr Berry's interjection because he is right. There are some people, particularly the very wealthy, who do not pay their fair share. But, in the ACT, the vast majority of people pay their contribution. I take your point, Mr Berry. I think it is appropriate for us to work with the licensed clubs and to ask them what their contribution will be. What will they do, as a fair contribution to the community? If we do not get a sensible outcome they should be put on the same basis as any other business within the ACT.

This report also highlights for us, Mr Speaker, an issue for the select committee that is looking into gambling. I particularly draw this report to their attention because it is clear from this report that the tax breaks the clubs have had have not come back to the community. I have been saying that we need to provide a more equitable situation for hotels as far as gaming machines go. Remember, there are a number of categories of gaming machines and there was an entirely inappropriate restriction.

It is interesting, Mr Speaker, that the tax break that the clubs get is primarily from the Commonwealth. They do not pay, effectively, company tax or income tax. It seems to me that, having created this privileged monopoly, as we have in the first place, we should expect a reasonable return to the community. There is a whole series of ways of doing this. With regard to Mr Quinlan's offer, I think we can get together and say, "Okay, clubs, what is the best way to ensure that you are delivering to communities?".

It may well be entirely appropriate, instead of attempting to put a taxation regime into place, for us to encourage an approach that requires of clubs a certain percentage of their profits to go to specific charities, perhaps ones that they nominate or perhaps ones nominated from a list that is approved by the Assembly. Mr Speaker, there is a range of innovative ways that we can deal with this and ensure that the community does very well.

We have a community, Mr Speaker, that is crying out for help in many, many ways. I am aware of people who are ageing who need more respite care, of people with disabilities who need more respite care and financial support. I juggle a limited budget to try to find money to support those sorts of things, so, I must say, when I see the levels of contributions made by the clubs, I am bitterly disappointed that that is the attitude that is prevalent in Canberra. So there are two main issues. The first one is the offer from Mr Quinlan in this chamber, and it is something that I would like to work with. I would like to work with him in a non-partisan way and put aside the political point-scoring, of which I have been - - -

Mr Berry: Yours is political, and always has been from the start. It has nothing to do with the community.

MR MOORE: I have been quite blatant about it. I have been politically point-scoring on this issue of clubs mercilessly, Mr Berry.

Mr Berry: And you were wrong all the time.

MR MOORE: I have been accusing the Labor Party of it. I have done it mercilessly. I am saying that, if we can work together to get a reasonable outcome, I am happy to put that aside. Mr Speaker, you will note that I have not attempted to do any political point-scoring in this debate today. Certainly, I am capable of it, and, certainly, I have done it on many occasions in the past. In fact, I intended to do it again today, Mr Speaker. When I heard a genuine offer from Mr Quinlan I wanted to respond positively because all my dealings with Mr Quinlan have been on an aboveboard basis. So, Mr Speaker, I am very keen to see whether we can do that. That is the first thing.

The second thing is that the Select Committee on Gambling ought to look at this and say, "Is there really a valid reason for us to say that one group within the community ought to have a monopoly in this area to the exclusion of others, particularly when we make public health demands like the smoking requirements that are coming into place in November in respect of both clubs and pubs?". Mr Speaker, I think we now have an opportunity for a fresh start. I am very pleased about that, and I am very keen to work with other people and see whether we can get a better outcome.

MR STANHOPE (Leader of the Opposition) (3.53): I will make a very brief contribution to the debate, Mr Speaker. I want to pick up primarily the point that I think, regrettably, has not been made by Mr Humphries or Mr Moore, and that is the service which clubs provide to their members. To debate the enormous service provided by clubs to the community in isolation of their dollar contribution, or in-kind contribution, to charities, sporting groups and other community organisations really does distort the picture.

Clubs provide, in the first instance, a service to their membership. Clubs have assumed an incredibly important place in the lives of an enormous number of Canberrans. I hear stories that the Southern Cross Club has 60,000 members. That is staggering. It is true, but nevertheless staggering, that licensed clubs within the ACT have become the focus of the life of many Canberrans in terms of their access to entertainment, their access to a safe, friendly environment, their access to good restaurants and their access to cheap restaurants. To criticise the ACT club industry on the basis of the level of its contributions to the community without taking into account the incredible social value and the social function which clubs perform in the ACT is, in a way, to demean the role which those clubs play.

A significant issue for us here in Canberra is the extent to which we have lost a sense of community. I notice it particularly in Belconnen. The sense of community has dissipated as a result of the decline in suburban shopping centres. The sense of community has declined as a result of the closure of most of the suburban service stations in Belconnen. You have to go to a major suburban centre in Belconnen to get to a chemist or a newsagent these days. The sense of community has almost been knocked out of existence. All these things have led to a very significant decline in local communities and a sense of community.

It seems to me that clubs are fulfilling the role that in times past has been fulfilled by vibrant suburban shopping centres co-located with churches and schools. There has been a significant decline in the social fabric in some parts of Canberra, and clubs are meeting that need to a very significant extent. I think the contributions by the two Ministers do not do credit to the vital role which clubs fulfil.

I think there are other aspects of this that we need to keep in mind. The majority of members of boards of clubs are not paid officials. They are people who act for the clubs out of a sense of the contribution which they wish to make to their local community. That is certainly the case, for instance, with the Labor Club. There are people who, through a sense of determination to foster the aims that those clubs espouse, give very willingly enormous amounts of their time to make those clubs vital community assets. We must look at those aspects of this debate in isolation of the debate in terms of the dollars and cents which individual clubs might be providing to the so-called community.

There are lots of ways of contributing to the community. We do it otherwise than through donations. We do it through the range of services that those clubs provide to their communities, such as entertainment, the restaurants, the food, the safe environment, a place to meet friends, and a myriad other things. We must keep that in mind as part of this debate. To do otherwise is to simplify it, to demean it, and to miss the point and the role that clubs play in Canberra.

Question resolved in the affirmative.

FINANCIAL MANAGEMENT ACT
Paper and Statements by Minister and Member

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, and pursuant to subsection 47(3) of the Financial Management Act 1996, I present an approval of a guarantee under an agreement between the Australian Capital Territory and St George Bank Ltd. I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: I thank members. For the information of members, Mr Speaker, I stress that this is a guarantee, not a loan, grant or any other form of financial assistance. This is an extension of an existing guarantee that is due to expire on 31 October 1998. It is a guarantee under an agreement between the Australian Capital Territory and the St George Bank Ltd, and the extension is effective until 31 October 2000. Mr Speaker, this is an approval for guarantee of payment by the Canberra Cosmos Pty Ltd of $200,000.

The Government's decision to continue to provide a guarantee represents a strong commitment by this Government to soccer in Canberra. This support is particularly relevant given Canberra's role in hosting the 2000 Olympic Soccer Tournament. The Cosmos are Canberra's representatives in the national Ericsson Cup. Cup matches are televised into Asia and aid in the promotion of the teams and their home cities. There is a significant promotional spin-off for those cities, including Canberra. Soccer is the most widely played international sport, and the Cosmos and the 2000 Olympics are Canberra's opportunity to participate in the sport. The Cosmos now have Bruce Stadium as their home venue, a facility that provides a world class playing surface and the opportunity to expand their local support base. The facility and this guarantee will assist the Cosmos in their endeavours to compete nationally and to build soccer in the Canberra region.

MR QUINLAN, by leave: Mr Speaker, I want to make a couple of comments. I have asked in this house before for full detail of the support Cosmos has received, directly or indirectly. I do not think I have received it all yet. There has been quite an amount of money and guarantee flow to Cosmos. I am very happy to see sport prosper in the ACT. I am very happy to see us have elite teams that younger people can aspire to.

I notice that this relates to Cosmos Pty Ltd. I understand that the president is one Mr Ian Knop who has had a lot of association with this Government. We need to be satisfied that there is an effective plan to support this sort of funding. I very happily went on the telly to support the Cannons, and I think we should try to keep the Cannons afloat, but we still require to see plans in place that reasonably guarantee that we are working towards success. They should not be plans built on hope. They should be plans built on some program and some assessment of the future opportunities.

Some day down the track we are going to be looking back on the year 2000 and what we spent up to the year 2000. We have invested a lot of money in this particular event, when we have happily cast aside the Summer Festival of Sport which brings a lot of participants into the place. I will close by saying that I really would like to see, when something like this comes before the Assembly, that it is supported by some assessment of the future prospects of this

SUBORDINATE LEGISLATION
Papers

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and notices of commencements.

The schedule read as follows:

Adoption Act - Adoption Regulations - Determination of fees - No. 205 of 1998 (S189, dated 1 September 1998).

Associations Incorporation Act - Determination of fees - No. 202 of 1998 (S189, dated 1 September 1998).

Bail (Amendment) Act 1998 - Notice of commencement (19 October 1998) of remaining provisions (No. 41, dated 14 October 1998).

Births, Deaths and Marriages Registration Act - Determination of fees -

No. 116 of 1998 (S159, dated 18 June 1998).

No. 206 of 1998 (S189, dated 1 September 1998).

Bookmakers Act -

Amendment to the rules of sports betting - No. 209 of 1998 (S193, dated 11 September 1998).

Instrument of appointment of members of the Bookmakers Licensing Committee - No. 198 of 1998 (No. 36, dated 9 September 1998).

Instrument of appointment of Chairperson of the Bookmakers Licensing Committee - No. 199 of 1998 (No. 36, dated 9 September 1998).

Psychologists Act. See "Health Professions Boards (Procedures) Act".

Radiation Act - Determination of fees - No. 221 of 1998 (No. 38, dated 23 September 1998).

Registration of Deeds Act - Determination of fees - No. 204 of 1998 (S189, dated 1 September 1998).

Subsidies (Liquor and Diesel) Act - Determination of the rate of subsidy for low-alcohol liquor and diesel products and other related matters - No. 187 of 1998 (No. 31, dated 5 August 1998).

Supreme Court Rules Act - Supreme Court Rules (Amendment) - Subordinate Law No. 23 of 1998 (No. 25, dated 24 June 1998).

Taxation (Administration) Act - Determination of amount of stamp duty payable - No. 227 of 1998 (S200, dated 8 October 1998).

Tobacco Licensing Act - Determination of fees - No. 186 of 1998 (No. 31, dated 5 August 1998).

PAPERS

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present the Consolidated Financial Management Report for the period ending 31 August 1998, pursuant to section 26 of the Financial Management Act 1996. The report was circulated to members when the Assembly was not sitting.

I also present an out-of-order petition, pursuant to standing order 83A, lodged by Mr Berry, from 30 citizens concerning the Health Regulation (Abortions) Bill 1998.

NATIONAL ROAD TRANSPORT COMMISSION
Report

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present the report for 1997-98 of the National Road Transport Commission, in accordance with the Commonwealth's National Road Transport Commission Act 1991.

ACTEW - PRIVATISATION
Discussion of Matter of Public Importance

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

> The Liberal Government's decision to privatise ACTEW Corporation and the consequences privatisation will have for the provision of effective, efficient and reliable electricity, water and sewerage services and the Government's breach of faith with the people of Canberra for failing to openly address the question of privatisation of ACTEW during the 1998 ACT election.

MR CORBELL (4.04): Mr Speaker, this is an issue which is dominating the debate in ACT politics at the moment. It is a significant issue. Indeed, it is probably the most significant issue since self-government. I think that parties on both sides of this house recognise the enormous change that we are contemplating if we do go down the path of privatising ACTEW Corporation.

Mr Speaker, as I have stood at stalls around Canberra in the past few weeks, I have been struck by the strength of genuine community concern about the Government's proposal. It is not a concern born of ignorance; it is not a concern born of fear; it is not a concern born of a simple ideological position. It is a concern born of the fact that the citizens of Canberra have seen in other jurisdictions around Australia and overseas what it means when essential services are privatised. It is for that reason, Mr Speaker, that we are proposing for discussion the matter of public importance that appears on the notice paper today.

I hope that during this debate there will be the opportunity for the Government to present its view, but more importantly the opportunity for members of the crossbenches to present their views - not necessarily on what their final vote will be, but perhaps just on what concerns they are aware of, what issues are in their minds and what is influencing their decision in relation to the privatisation of ACTEW.

Mr Speaker, this side of the house has taken an in-principle position that ACTEW should not be privatised. Again, in doing that, we have decided that it is important to reflect the strength of community opposition to the privatisation of essential services and the fact that that privatisation process has resulted in a reduction of services where it has occurred. Earlier today in question time, we heard the Government claim that services were improved, that we had greater efficiency, that we had greater service and that we did not have to own it. That seems to be the basis of the Government's arguments in relation to privatising ACTEW.

But have they really considered what the consequences are, Mr Speaker? Have they really thought about what privatisation means, and have they openly and honestly looked at the experience in other States? Mr Speaker, the Labor Party says that they have not. The Labor Party says that they have ignored those issues, because the bottom line has been that they want to sell an asset so that they can deal with the budget problem which they have decided to blow out of proportion.

Mr Speaker, let us look at the facts. Let us look at what privatisation has meant in other jurisdictions. I will cite two clear examples. The first is in relation to Victoria. As I am sure all members are aware, Victoria has a privatised electricity retail, distribution and, indeed, generation network. It was privatised by the Kennett Government in around 1994-95. It was a staged process. Mr Speaker, in Victoria the rate of blackouts, power outages and power failures has increased under private ownership. The Office of the Regulator-General, which is the regulatory body in Victoria, has outlined the fact that the average time off supply - that is, during power failures or outages - per customer, per year in Victoria has increased from 207 minutes in 1995 to 218 minutes.

On top of this, Mr Speaker, it is interesting to look at what occurred in Melbourne. In Melbourne there are now three privately-owned power distribution and retail companies. They each share a third of the city of Melbourne. The off-supply averages - that is, the number of power failures, blackouts and times when customers were off supply - of two of the three companies that supply power in the privatised market in Melbourne have increased. They have increased, Mr Speaker, to rates of 112.5 and 170.2 minutes per customer, per year, on average in Melbourne.

What is even more illuminating, Mr Speaker, if you will excuse the pun, is that in 1993, which was the last year of public ownership, the State Electricity Commission of Victoria achieved an off-supply average of 70 minutes per customer, per year. Let us compare those figures. Under public ownership, the average amount of time that any customer in Melbourne was off supply was 70 minutes per year. Under private ownership, the average time a customer was off supply was 112.5 or 170.2 minutes per customer, per year. For a third of the city of Melbourne, the rate of power blackouts was double. In fact, it was over double. It was about 1½ times more than the rate provided by the publicly-owned State Electricity Commission of Victoria. Those are the facts, Mr Speaker. They speak for themselves and they are uncontested.

Why does this occur? Why is there this difference? We will continue to point out in this debate that the difference is that privatisation leads to one very important factor. It leads to the private owner of an organisation wanting to increase their profit margin. The most obvious way to increase their profit margin, their return on investment - which is what any private sector company is out there to do - is to reduce their overheads. Reducing overheads means reducing staffing levels. Reducing staffing levels means reducing maintenance levels. Is it any wonder that the number of power blackouts in a third of the city of Melbourne has increased 1½ times?

Mr Speaker, we need only to look at the level of employment in Melbourne under public and private ownership. Prior to privatisation, the State Electricity Commission of Victoria employed approximately 12,000 people. After privatisation, it employed 6,000 - a 50 per cent reduction. Is it any wonder that maintenance goes down? Is it any wonder that the number of blackouts goes up? We are not talking about a service which a lot of us can live without; we are talking about a service that, for a lot of people, is an essential service and needs to be provided in a reliable fashion. That has certainly not occurred in the Melbourne experience.

Mr Speaker, the other example I want to point to is Adelaide. The State Liberal Government in South Australia has franchised the Adelaide water supply and sewerage treatment facility. That is the same proposal that this Government is putting forward in relation to ACTEW - a franchise arrangement. In Adelaide, the franchise arrangement is for 15 years. In Adelaide, significant cuts occurred in the staffing levels of the water and sewerage authority. In Adelaide, their main sewage ponds died. The main sewerage plant for Adelaide collapsed - and it stank, Mr Speaker. No wonder the Adelaide people called it the "big pong", because that is what it was!

Maintenance cuts resulted in lower levels of oversight of the operation of the facility, the Bolivar sewage ponds; the biological control died; and the sewerage facility collapsed. It could not handle the amounts of sewage that it had to deal with. That was also a consequence of privatisation. That is why, Mr Speaker, we have raised this MPI today. Those facts speak for themselves. The reliability and the efficiency of the supply of these essential services are under question and are clearly demonstrated to be less effective in private ownership than they have been in public ownership. That is not an assertion. It is not an ideological position. Those are the clear and basic facts.

Mr Speaker, let me highlight another instance from Adelaide. In Adelaide, water bills have gone up; but, in a perverse kind of way, it is those people who use the least amount of water who are actually paying more. The customers in Adelaide who use 250 kilolitres a year have seen their bills go up by 25 per cent - 25 per cent for a 250-kilolitre user. That is an average household, Mr Speaker. It is not a big family; it is not a small family; it is an average family. But lower users - people who use less than 250 kilolitres of water - have seen their bills go up even higher, up to approximately 50 per cent. What sort of perverse arrangement is it where, the less water you use, the more you pay? That is exactly what has happened in South Australia. Again, it is a consequence of the privatisation of these essential services.

Mr Speaker, the other part of our MPI is in relation to the Government's failure to address this issue during the ACT election campaign. Despite what the Acting Chief Minister wanted us to believe in question time earlier today, the reality is that this Government played down its agenda in relation to privatisation. It was not on the agenda. It was not an issue. It was not there. There is this interesting comment in the *Canberra Times* today, in a letter to the editor:

> Six months ago the sale of Actew was "just not on the agenda". Today it is the Government's major policy priority ...

Does that not suggest, Mr Speaker, that, all along, this Government has decided that it is time to sell these assets because it wants the cash?

Mr Speaker, what worries me about this debate, above all else, is the number of people I have seen signing a petition who were saying, "It will not matter, though, will it? They are going to sell it". This Government's attitude towards privatisation of ACTEW is undermining people's confidence in the ACT Government, in this Assembly and in the system of democratic government we have in the Territory. The Government continually refused to deal with this issue at the time when it should have been addressing it,

which was during the election campaign, when it had an opportunity to seek the approval of the people of Canberra for a certain policy agenda. It did not do that. So, is it any wonder that people are disillusioned, that people think they cannot do anything to actually stop the sale?

I ask, not so much of the Government but of the members of the crossbenches: What are your concerns? What are your issues with privatisation? State them publicly. Let us know what you are thinking. Let us know what you are tossing around in your minds. Do not simply say, "We have an open mind". Engage in the debate. Engage in this most important of all public debates. If there is any debate which is important, this debate on privatisation must be it.

We are talking about essential services. We are talking about the provision of water, sewerage and electricity services to the people of Canberra. I think the people of Canberra believe that the members of the crossbenches owe it to them to state their views. As I said at the beginning, they do not necessarily have to reveal how they are going to vote, because we can appreciate that they may genuinely be weighing it up in their minds. But at least they can raise the issues that they have concerns about, the issues that they are wondering about and the issues that they want addressed. We want an informed debate; we want a credible debate; and we want a debate which engages all parts of this Assembly and which recognises the consequences of privatising our most valuable asset - ACTEW Corporation.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.19): Mr Speaker, let me start my remarks by addressing this question about a so-called failure to fully put a position before the Assembly and before the community before the last election. Mr Speaker, it seems to me very strange for Labor Party members to be arguing in this debate that the Government somehow promised that it was not going to sell ACTEW, when they made it perfectly clear that they considered our re-election to be a precursor for the selling of ACTEW and we ourselves made it perfectly clear that we would not rule out the sale of ACTEW.

On that second question, here is a heading from the *Canberra Times*: "Carnell refuses to rule out ACTEW sell-off". Indeed, she did, quite explicitly, and said that we would await the available evidence on ACTEW's financial position before making a decision. The second issue is what Labor itself said. Here is a release from Mr Berry as Leader of the Opposition: "Liberals to sell ACTEW". He cannot claim that the Liberals were going to sell ACTEW before the election and then claim, when they actually do get re-elected by a very significant margin over the Labor Party and actually propose to do so, that somehow they have not got a basis on which to do so.

Mr Stanhope: I hate to use the word, but that is disingenuous.

MR SPEAKER: You will not use the word at all. Mr Corbell was heard in total silence by the Government. I expect the same courtesy to be extended to Mr Humphries.

MR HUMPHRIES: Mr Speaker, the words used by Mr Corbell in relation to the Liberal Party sound very much like words Mr Corbell himself used in the course of the last election when he was asked to rule out a bed tax. "It is not on our agenda" I think were words he used, or words to that effect. I wonder really, if Labor were in government today, whether that would be on the agenda or not.

Mr Speaker, the rationale behind the Government's decision to privatise ACTEW boils down to two very simple equations. Equation number one: At the moment, the ACT's taxpayers have an asset worth around $1 billion and an unfunded superannuation liability of around $700m. Equation number two: In a few years' time, if nothing is done, that billion dollar asset - ACTEW - will be worth around $500m and our unfunded superannuation liability will be close to $1 billion. It will be a complete reversal. Quite simply, the Government and this Assembly have an opportunity to both maintain the value of the taxpayers' asset and deal with the largest single financial liability hanging over the future generations of Canberrans.

Let us break this statement down into a number of components. Should we maintain the value of this asset? Can anyone in this place seriously suggest that we should stand by and simply allow $500m of taxpayers' money to disappear? If this Assembly does not have the courage to take difficult decisions in the long-term interests of the people of Canberra, then we should rightly be condemned and we should rightly give up our seats. Secondly, should we at all be addressing the question of superannuation liability? It is quite likely that most of us - in fact, all of us - in this place will not be in this place when the real crunch comes on that superannuation liability, with the possible exception of people like Mr Corbell. Older members of this place are almost certainly not going to be here when the crunch comes.

Does that absolve us from the responsibility of taking care of this issue now, particularly given that our decisions about our Public Service and the level of retirement benefit that public servants should receive are actuating the liability which our future generations will have to bear? Mr Speaker, I have young children. By the time they go out into the work force, start to pay taxes, take out mortgages and incur other liabilities which in turn bring on a liability to pay taxes at the level of average citizens, the maximum amount of impact of the superannuation problem will be hitting.

At about that stage the ACT superannuation liability will rise to something of the order of $120m a year. That is an enormous amount of superannuation liability. It is six times the cost of superannuation today. Our liability is about $20m today. It will rise over that period to, in the year 2015 or thereabouts, something like $120m, in 1998 dollars. It, of course, would be larger by then. Mr Speaker, I do not believe it is morally responsible for members of this place to pass on a debt of that kind to future citizens, particularly when that liability is not of their own making and does not relate to services made to those particular individuals.

Should we be addressing the unfunded superannuation liability? Once again, can anyone seriously suggest that we should stick our heads in the sand and pretend that this is not a real problem? It is our problem, and we should face up to it. The Labor Opposition is suggesting that we should not deal with these problems, that they are problems for

somebody else in the future to have to face up to. They resort to their mantra: "We must not sell, we must not sell". Such mantras might be soothing, and they may even win applause in some circles, particularly when misinformation is being laid down as the path for that mantra out in the community, but they do not address the basic problems of this community.

The loss of value if ACTEW is retained in government ownership and the massive unfunded superannuation liability are separate issues, but they have a common solution - the sale of the electricity arm of ACTEW, the selling of a concession on the water arm of ACTEW and the putting of that money into a nest egg to address future superannuation liabilities of the Territory. Mr Speaker, the Opposition in this debate is pretending to some degree that the problems simply do not exist or, if they do exist, they are not nearly as bad as the Government is making them out to be. They say that they can simply fund the liability over 40 years, but they do not actually say where the money would come from to fund that liability.

Mr Speaker, the claims being made in respect of that are reminiscent of Mr Berry's ludicrous claims, during the recent election campaign, that the Government had squirreled away hundreds of millions of dollars which could simply be used to come out and fund Mr Berry's election promises. "Nuts" is how independent experts summed up Mr Berry's squirrel claim, and they were right; but we see today that Labor is once again trying a "nutty" solution to this problem.

Let us inject some facts into the debate. Over the next 40 years, the ACT Government will have to pay out close to $3 billion in superannuation payments just to members of the CSS and PSS schemes - just those two schemes. That is $3 billion, Mr Speaker, in today's dollars. So, when the Opposition blithely asserts that the solution to the superannuation problem is just to manage it over 40 years, that is what they will have to find - $3 billion. Where, Mr Speaker, will they find that money? They have no idea.

Ms Tucker, in earlier debates in this place, has said that we should build in the notion of intergenerational equity in the decisions that we make in this place. Indeed, Mr Speaker, that is a very sound principle. What could be more inequitable to future generations of this Territory than for us to incur a heavy liability and then to pass that on unfunded to future generations? What could be more inequitable than that? That is what we will be doing if we do not make the decision to deal with this issue today. If we simply propose to deal with this problem by stepping up taxes and charges or reducing services into the future to close that $70m or so annual gap between our liabilities and our revenues, then, Mr Speaker, we will be asking future generations to bear the burden of our lack of foresight, and that is not fair.

Let me quantify the kind of burden that this would impose on future generations. In the last few years, in our forward estimates, we have raised something like $600m from taxes, fees and charges. That is the amount we raise in a single year from those sources. That is, therefore, a very large amount of money. Another way of looking at it is that this year we will pay out $20m for superannuation benefits; but, as I said, in a few years' time that will rise to $120m. There is a $100m gap in the liability of the Territory in just a few years' time.

What does that equate to in terms of impact on ordinary citizens of this Territory? What it is equal to, Mr Speaker, is the doubling of rates in the Territory. It is equal to taking whatever you pay in rates each year and doubling it. That is how much extra money we will need to raise to meet that extra superannuation burden at its height - a doubling of that rates bill.

Mr Speaker, it would be easy for us at this stage to say, "Let us deal with that then and let us sort it out at that stage". That is not responsible. One hundred million dollars is the equivalent of educating 15,000 primary school students in Canberra. It is the equivalent of that amount of money, Mr Speaker. But there is no alternative to the courses of action if you do not sell a major asset like ACTEW. You can cut services or you can increase taxes. There is a third alternative: You can cut the level of superannuation benefits to those public servants whose entitlements form the bulk of this liability. You can reduce that level of liability, Mr Speaker; but that is an option which this Government rules out, and which I hope we would all rule out. It leaves, therefore, the other two alternatives - cutting services or increasing taxes.

Mr Corbell laid down a challenge for members of the crossbench in this debate: Take part; say something in this debate about this particular issue. I lay down a challenge for the Opposition in this debate as well: You tell us how you would fund those sorts of liabilities. What would you reduce in the way of government outlays; what would you increase in the way of government taxes and charges to meet that kind of liability; or would you reduce the level of superannuation entitlement of ACT government employees? If you have an alternative, put it on the table now for us to see. I have not seen those alternatives yet.

Mr Speaker, we propose to take that money - the proceeds of the sale of ACTEW - and invest it in a number of important ways. The net effect of investing the lion's share of the ACTEW sale proceeds in superannuation is that we cut the cost virtually in half over the 40 years, with only modest additional contributions from government. Instead of $3 billion, the cost is just over $1.5 billion; and, after 40 years approximately, $800m of that nest egg I am talking about remains in the investment account to cover the ongoing superannuation costs. In other words, Mr Speaker, after 40 years, that ACTEW money is still there generating returns and paying those superannuation costs.

So those who say that this is an exercise in taking the money and squandering it on short-term political gain have totally misunderstood what this is all about. It is not about that. It is about putting it into a source which will actually retain its value in a way which, according to these reports, ACTEW itself will not. ACTEW is changing now in its relationship to its marketplace. The nature of ACTEW's competitive position is deteriorating. We cannot expect into the future to get the level of dividend from ACTEW we are now getting. Do not take my word for it. Take the views of successive expert opinions to this Assembly. The Fay Richwhite report, the ABN AMRO report and, incidentally, the views of David Hughes and others in the marketplace have made similar very strong suggestions.

Mr Speaker, either you have to accept that there is some credibility behind those concerns or you have to explain why you think, notwithstanding all this evidence, that ACTEW somehow magically is capable, as a very small player in a very large marketplace, of retaining its value and retaining the level of its return to the ACT community. Again, Mr Speaker, the explanation for this magic pudding view of things is not forthcoming from the Opposition. We need to see what they would do to ACTEW's operation to somehow provide us with this bright outlook - this sunny, rosy outlook. I do not know where that is. Unless we see that from the Labor Party, the claims that they are making and the scare campaign that they are running in this community do not deserve to be taken seriously.

I come back to the simple equation I started with - an asset worth a billion dollars and superannuation liability of $700m. If we do nothing, in just a few years' time, that asset will, according to all the expert evidence available to us, be worth half - $500m - and the superannuation liability will be approaching $1 billion. The time for action is now. That asset is deteriorating, and we have to defend it, Mr Speaker.

MR STANHOPE (Leader of the Opposition) (4.34): Mr Speaker, I will be brief. I know there are other members who are keen to speak in this debate. I simply wish to reinforce the points which my colleague Mr Corbell has made. I will talk briefly on two aspects of the matter, and I think they are both important. I think we need to go to the process which the Government has adopted in relation to its proposal to sell ACTEW. I think it is very important that we do that in order that we can put the debate that we are having into a better framework and a better context.

As stated by Mr Corbell and as has been constantly stated by those of us opposed to the Government's position on this, this Government does not have a mandate to sell ACTEW. It actually went to the last election with a statement that it would not do so; that it had no plans to do so; that the sale of ACTEW was not on its agenda. It was language designed to allay concerns that may have been abroad within the community. Those opposite said that, if elected, a Liberal government would not sell ACTEW. The language was designed to create that impression. This is not a question of later seeking to conjure a mandate from the air. The situation is the reverse. The Government, in its election campaigning, in the language which it used in the election campaign, led the people of Canberra to believe that if they chose to elect a Liberal government the sale of ACTEW would not be one of the things that they would do as a government. To go from that position to a position, within a number of months, of forcing the sale of ACTEW down the throats of the people of Canberra without reasonable opportunities for public consultation on that proposal is simply untenable and unacceptable.

I reinforce the point that Mr Corbell made. Those of us who have been seeking to talk to the community about this issue, those of us who have been involved with members of the community that are engaged in collecting signatures to a petition, are very well aware of the significant level of concern and anxiety within the community about this proposal. There is no doubt that the polling which the *Canberra Times* reported earlier this year is correct. The *Canberra Times* reported in February of this year, at the time of the election, at the time that the Liberal Party was saying they had no intention of selling ACTEW, that 74 per cent of the people, according to a *Canberra Times* poll,

were against the sale of ACTEW. Seventy-four per cent were against the sale of the electricity side of ACTEW, and 83 per cent were against the sale of the water and sewerage side. I think, if anything, that the level of opposition has increased. I think everybody in this place taking part in this debate must take account of what this community wants, and this community does not want to see this asset sold.

So we go from the position of a promise not to sell to flawed claims of a mandate. Polling conducted earlier this year showed that an enormous number of Canberrans do not want this asset sold. To the knowledge of those of us who are involved in consulting with the community, the community are rigorously opposed to this proposal. We come to the situation today where the Acting Chief Minister, in defence of the Government's decision to sell, is forced to rely on a conjured-up scare campaign that our superannuation liability forces this action on us. There is no attempt to justify the sale of ACTEW other than on the basis of another issue.

I think it is relevant that in the last annual report of the Chief Minister's Department the head of the Chief Minister's Department was prepared to report to the Chief Minister, and through the Chief Minister to this Assembly, that initiatives taken in relation to the superannuation liability were well in hand; that significant progress had been made in dealing with this problem. We all acknowledge that it is a big debt. It does seem frightening at times if taken out of context, but it is not outrageous. It is actually less than what almost every other jurisdiction in Australia has in terms of an unfunded superannuation liability. The Acting Chief Minister's arguments about why we cannot manage it are simply spurious. They are actually an acknowledgment of failure. They are, to use a word I always hesitate to use, disingenuous in the extreme, as are so many of the Liberal Party's arguments in relation to this.

One other argument that is just so flawed, is just so shallow, is the intergenerational argument, the emotional argument which the Acting Chief Minister seems to put, that for the sake of his children and children of that age - I guess he is saying all our children - we need to sell ACTEW now so as not to burden them with the debt. But what about those generations who actually established and built up ACTEW, and who thought they were making a contribution to all generations in the future? What about those generations? What about the fact that those very children that the Acting Chief Minister is seeking to protect will not have an ACTEW? They will not have a publicly-owned electricity distributor or supplier, they will not have a publicly-owned water system, and they will not have a publicly-owned sewerage system. Let us talk about the generational inequity in relation to that.

As to those authorities that the Acting Chief Minister seeks to rely on, we need go no further than Saturday's paper and Professor Bob Douglas's absolutely scathing condemnation of the Government's approach to this. We have seen the very serious suggestions from eminent academics such as Professor Neutze in relation to the implications for our infrastructure and our capital of privatisation of all these assets; the indisputable fact that, under privatisation, infrastructure always runs down in pursuit of the bottom line and the holy dollar.

We know about the terrible job losses that will be suffered. We know that in Victoria, after privatisation of electricity there, half the people employed in that industry lost their jobs. Thousands of jobs went. It will happen here. Those jobs will not remain in the ACT. They will go interstate. They will travel. That is what we currently do with a lot of our unemployment. We export it, and we will do so in that case. Not only will we lose the jobs, but those people forced out of work here in the ACT will not find other work here in Canberra. We know that.

I understand that a number of other people wish to participate in this debate. I am also keen about the invitation which Mr Corbell made to members of the crossbench to contribute to this debate so that the people of Canberra have some understanding of what they feel. Whilst I could go on, Mr Speaker, I will leave it there in the interest of brevity.

MR KAINE (4.42): Mr Speaker, I will be quite brief because I do not intend to traverse the advantages and disadvantages of sale. I think Mr Corbell has outlined quite fully some of the downside of privatising public utilities like this. There are just a couple of basic questions that I want to address, and the first one is: Why are we conducting this debate today at all? It has already been pointed out that only six or eight months ago such a matter was not on the agenda at all, and now that it is on the agenda it has been resolved to a question of dollars and cents.

The Government has grasped at the possibility of selling ACTEW to solve another problem to which it is totally unrelated, in fact. We heard the Acting Chief Minister only a few minutes ago linking the superannuation funding problem with the sale of ACTEW. They are in no way related. The Government has two different problems that it should be dealing with, and we should not be allowing it to link them together, and we should not be allowing it to reduce it down to a question of how many dollars we end up with in our pockets.

As Mr Stanhope has just said, there are some very significant issues connected with this. One of them is the employment question. Another is the maintenance of standards, of supply and the like, so I think to some degree it is a spurious debate.

The second point that I wanted to deal with is: Why are we only considering the question of selling ACTEW under the terms outlined by the Government? I have to say that over three weeks ago I wrote to the Chief Minister and asked her what other options were considered and why were they rejected. I do not mean only the options that were in the scoping study. There were about seven options in there. The favoured one by the consultant was rejected by the Government in favour of another, but we have had no debate as to why all the other options that were put forward were discarded. I can conceive of one other option where the asset would be retained. It might still be used to help fund the superannuation shortfall, if that is what the Government wishes.

One of the problems at the moment is that the two voting shareholders are Ministers of the Government. Therefore there is immediately the question of ministerial accountability and responsibility. That imposes constraints, we are told, on the freedom of this entity to operate in a purely commercial market. Well, let us change that. Let us make it a pure,

arm's length statutory authority with a charter that allows it to get on with the job without ministerial involvement to the depth that there is at the moment. The Acting Chief Minister challenges the Opposition to produce an option. Well, I am producing one. Before we turn it into such a body we take some $200m out of it which the consultant says in the scoping study is there and available to be taken back by the Government, even if it is sold, or no matter what happens to it. So you have a pretty good start for a sinking fund to cover the superannuation. It is already going to start earning interest of a considerable sum. Interest on $200m would generate a pretty good income in a year. If the Government then adds to it the amounts of money that it projected in its budget, you are starting to make a pretty big hole in the superannuation liabilities. So there are other options, but the Government has not told us what they are. In fact, it has avoided telling us that it has considered any other option.

Before I endorse government action to sell off this asset under any terms, I want to know that the Government has looked at other options in terms of what it might do with ACTEW, and there are many that would need to be considered. I want to know what other options it has taken into account in dealing with its superannuation liability on the other hand. They are two different problems and I want to see what the government solutions are, other than flogging off ACTEW and applying all the money to this. As the Acting Chief Minister pointed out, it is still only going to cover about half the total liability. How are they going to solve the other half?

That raises another interesting question. Is the Government going to flog off the Canberra Hospital next month or the month after and raise the rest of the money? When I asked that question earlier it was more than in jest, because if you can flog off ACTEW you can just as easily flog off the hospital, take the money and apply it to some purpose like superannuation or some other financial problem that the Government might have. So, Mr Speaker, I am not convinced that the Government's course of action has in any way been justified by the Government, and I want to see its argument and its explanation for what it is doing.

The Acting Chief Minister talked about scaremongering. If anybody has done any of that it is the Government. They are the ones who are saying, "If we do not do it now we are in deep trouble". In other words, there is a sense of urgency about this which I believe is a manufactured sense of urgency, given the way the environment is out there, and it is not going to change significantly over the next few months. I think it is a manufactured degree of urgency. My basic question, that still remains in my mind, because the Government has not explained this, is: Do we need to do it and do we need to do it now? I have heard nothing today that convinces me on either of those points.

MR QUINLAN (4.48): As has already been said, clearly there is no justification for the sale of ACTEW other than to fund superannuation and to provide, along the way, about a $100m slush fund to balance a budget or two. There are two elements to this matter of public importance. One is the consequences of privatisation on the provision of effective, efficient and reliable services, and the second is the breach of faith by this Government. Firstly, I would like to address privatisation and the outfall.

Privatisation implies operation based on the profit motive. The profit motive implies market growth, an increase in market share, which is not too bad if you go outside the Territory for at least electricity, and just pure growth in the market, and that is undesirable within the ACT. It is undesirable in terms of consumption of energy and it is undesirable in terms of water consumption. I will not refer to trying to increase the market in the provision of sewerage services.

Growth of consumption in the energy and water markets is contrary to sound environmental management. If we want to see past our nose in this particular debate, that is our future. Our future is with a privatised ACTEW trying to sell as much water as it can and trying to sell as much energy as it can; promoting energy use by pricing at the margin - the more you use the less it costs - and correcting the so-called cross-subsidies in the market; sharpening the pencil in the commercial market and using the blunter pencil in the domestic market where most of us happen to sit.

Privatisation and a profit motive also imply cost minimisation - minimisation in customer service, and minimisation in maintenance. I will use the family sedan analogy. If you cut back on servicing your motor car the impact will not be felt immediately. It might not be felt for a few years, but you will feel it sooner or later. It will happen. Somewhere down the track you are going to pay for that lack of service. I have this vision of a bevy of consultants analysing optimum risk profiles and giving authority to a rationalisation of maintenance. We have seen plenty of examples and they have been quoted before, so I will not dwell on them. I might cut my contribution to the debate a little bit short here.

The profit motive also involves price maximisation, the maximisation of overall gross returns. We have heard in this place, and we have seen in the press, assurances that we will get a tight regulatory framework. Those assurances give me no comfort whatsoever. I quote from the Independent Pricing and Regulatory Commission Act:

> In making a decision under subsection (1), -

which relates to deciding prices -

> the Commission shall have regard to -
>
> ... ...
>
> (d) an appropriate rate of return on any investment in the regulated industry;
>
> (e) the cost of providing the regulated services; ...

What does that tell you? What we have is the prospect of some entrepreneur coming into Canberra and injecting $1.2 billion - probably, almost certainly, a mixture of debt and equity requiring a return of something up to about 10 per cent, or 8 per cent or 9 per cent these days. We are living in a time of low inflation and low interest rates. That will not continue indefinitely. Both that debt and equity are going to have to be served and,

if the regulatory framework is anything like this, which is only fair, those elements will be taken into account in the pricing of our services in the future. Mr Humphries talked about superannuation costing $120m a year. What do you reckon the debt servicing cost is on $1.2 billion from the gnomes of Zurich? It is going to be pretty close, and with the prospect of those interest rates floating up because we are at a low point in the economic cycle.

What we have as the probable outcome is this Government, if it has its way, offsetting the superannuation liability, taking the pressure off government budgets; but we will pay for that. We will pay for that through the cost of our utility services, and we will pay for it forever because we will not own the asset any more. The entrepreneur will own it. Interest rates will go up. Every year, not just $120m in the peak year - Mr Humphries chose selectively, as this Government is wont to do - we will be paying the capital servicing costs of $1.2 billion. You can garnish that with the prospect of a private operator shifting prices within the market, the sharp pencil at the commercial end and the blunt pencil down on those people who are going to be most affected.

The examples that Mr Corbell gave of Adelaide result from true economic pricing. Uneconomic clients. There are all these wires connecting you, poor little pensioner. You have a meter. You are not using it. You are going to have to pay a heavier fixed charge to meet your cost. That is economic pricing in action. Do not think for a moment that just saying that we could have a price regulator and a severe pricing regulation regime is sufficient protection. It is not going to be. The economic pressure will be such that this entrepreneur is going to have the biggest business in town. He will have tremendous economic clout.

I do not fancy our chances and our prospects of being able to sell an enterprise for $1.2 billion to somebody who is going to expect a return on it and then say, "Oh, by the way, we will regulate the prices to look after the punter out there, the pensioner, and the ordinary family". This will not work. If you model on this, and if this is any good, why has it been changed? You will take into account the cost of providing the services. Included in those costs of providing services is the cost of the money, the cost of the investment. That is the way the private sector works. If, in fact, there is a ceiling on price, you will not sell the damn thing anyway. I just do not fancy our prospects of working under that.

We certainly do have a problem with superannuation. We will have to address that. There is within the ABN AMRO report a suggestion that some of the capital in ACTEW can be repatriated. We can look at that. But, overall, I do not think we will be taking any step forward by selling it. We will be taking a step backwards. To state the bleeding obvious, if you sell it, you no longer have any control over it. You have lost it.

The other part of this MPI relates to the breach of faith by Mrs Carnell and the Government in misleading the people of Canberra during the lead-up to the election. That just says that our local Liberals rank with their Federal counterparts. I can think of no greater insult than to say that they are no more honest than John Howard with his core

and non-core promises and his never, never on the GST. History will not remember John Howard well, and it will not remember Kate Carnell and her Government well. Her "leases and blocks", "sites and contracts", "not on our agenda", are her signature and they will be her long-term epitaph.

MS TUCKER (4.58): I will speak very briefly to this matter of public importance because I am sure other members want to speak as well. I was interested in Mr Humphries' response. He only addressed the first part of this MPI, which is the Government's decision to privatise ACTEW Corporation. He spoke about their decision in terms of the unfunded liability we have related to superannuation.

The problem here is that we still have yet to hear the Government talk to the members of this Assembly or the community about all the concerns that are being raised. The studies that have been carried out for this issue have been totally inadequate in terms of the way they have addressed the issues which are of concern to the community. Those of us who are actually out and about in the community are hearing these concerns over and over again. The terms did not look, interestingly enough, at intragenerational equity issues nearly enough. They did not even look at them nearly enough in terms of the loss of revenue that can come from privatisation, let alone the issues related to the environment and society which are also, of course, always at the centre of the discussion - - -

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The member will resume her seat. It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

ACTEW - PRIVATISATION
Discussion of Matter of Public Importance

Debate resumed.

MS TUCKER: We have never seen terms of reference for either of these studies adequately address issues other than privatisation. They have both been skewed towards privatisation. Electricity-related concerns in the terms of reference have been given priority over water resource issues and direction. Basically, I believe the terms of reference studies have been at odds with the legislation-stated objectives for ACTEW related to the environment and social concerns.

I could go on with this but I want to speak briefly. I will have the opportunity on Thursday when we talk to the issue of a select committee to look at these concerns. The point I want to make really clearly today is that we need to have this discussion, and it needs to be thoughtful and it needs to be careful. We have not had that in this place, and the community has not had the benefit of it. If we do not get the opportunity to do that then I believe that this Government, and particularly any members of this Assembly who support this Government in selling ACTEW without having had the benefit of this discussion, will lose credibility in the eyes of the ACT community.

It is not much that we are asking at this point. There is a discussion that needs to be had. It is clearly a worry if we move ahead with haste now. It is clearly a worry that we are hearing from the Government this ridiculous argument that we have to do it now. It says that we have to do it now or we are going to lose $500m, I think it was. Those figures in the press release were quite skewed. We were seeing, once again, the spin doctors at work rather than a thoughtful argument. It is very disrespectful to the ACT community and to members of this Assembly to have this sort of argument presented.

MR TEMPORARY DEPUTY SPEAKER: The debate will conclude at 5.04 pm.

MR SMYTH (Minister for Urban Services) (5.01): Well, Mr Temporary Deputy Speaker, I will be brief. The MPI addresses two issues, namely, the consequences of privatisation and the Government's position on ACTEW at the last election. In relation to the first, based on the advice of independent experts and the Government's consideration of the issue, it would be obvious to any fair-minded observer that the Government's proposed sale and concession of ACTEW and the enhanced regulatory framework for the utilities which the Government is developing in consultation with the community, including bodies such as ACTCOSS, will result in an improved outcome for the ACT community. These improvements will ensure the effective, efficient and reliable provision of electricity, water and sewerage services. In terms of this aspect of Mr Corbell's MPI, the Government's proposed approach is arguably the only way to ensure the provision of effective and efficient services.

In relation to ACTEW, the Government's commitment during the election was to protect the value of the asset, an asset that independent analysis now shows is worth more than $1 billion. What is more, the Government is not locked into an ideological position on ACTEW, unlike those on the other side. We made no decision to sell any part of ACTEW until the outcomes of the rigorous investigations into the risks that ACTEW faced, as well as the pros and cons of the numerous options that were available to the Government, had been considered. Both these studies were concluded after the election. The studies were carried out by experts in their fields. The first of these by Fay Richwhite stated that, as a sole shareholder in the ACTEW business, the ACT Government is faced with a substantial dilemma in relation to the growth options available to ACTEW. While the pursuit of these growth options is the key to the enhancement of ACTEW's long-term commercial value, the pursuit of these growth options carries the risk of investment failure to varying degrees.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Carers Week

MR WOOD (5.04): Mr Temporary Deputy Speaker - - -

MR TEMPORARY DEPUTY SPEAKER: Do you wish to speak on the adjournment?

MR WOOD: On the adjournment. I was also ready to talk on health issues, Mr Moore, but I will have to leave that for another day.

Mr Moore: We adjourned the debate to another day.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Wood, would you address your remarks to the Chair.

MR WOOD: I am happy to do so, Mr Deputy Acting Part-Time Speaker. In Carers Week, I think it is appropriate to focus on the very significant needs that carers have. For example, a few weeks ago I had a phone call from an elderly constituent who, like many hundreds of Canberrans, is caring for a partner with dementia. There are also many hundreds of Canberrans, including an estimated 600 children, caring for parents, siblings and children with many and varied disabilities, both physical and mental. My constituent, as with many other carers, philosophically accepts this burden of care. However, she raised issues of access to and availability of respite care and other forms of help. Seventy-four per cent of all services to people needing care and support are provided by carers such as my constituent, and they often do this with little or no support themselves. Carers are often isolated, tired, ill and poor.

My constituent had a particular twist to the problem. She and her partner had previously lived in a large house with an extensive garden in a prime inner city location. After his dementia became more pronounced, she decided to sell the house and buy something smaller and more manageable. Until then, she had received some financial help with accessing care because her actual income was low. With the sale of the house and the move into smaller premises, she now has some funds available and is paying the full cost of any respite care or other help that she receives. When this money ends, what then? She will be in a worse financial position than when she started and could face an impoverished future. Yet the sale of the house was forced on her by her partner's condition. I do not know what the answer is. Carers are this week reflecting on answers, and the Minister and members of this Assembly will in due course get the benefit of that consideration.

Research shows that, at the end of their care-giving, carers - two-thirds of whom are women - will probably be unemployable, will have had many years of enforced poverty and will have no assets for the future. Given the cash-strapped state of our respite care services, my constituent could well be contributing to the cost if the money is available. But this is another illustration of the often unacknowledged sacrifices that carers such as this woman make every day. There is too little recognition of the huge savings made to the community because of the unpaid work of carers. Remember, only 10 per cent of assistance is provided by home and community care services; the rest comes - or, in some cases, does not come - from carers. Conservative estimates put savings to the Australian community at $16m per annum, but there has not been a proper recognition of these savings and a consequent redistribution of the money saved.

Projected changes to the demographic profile of the ACT show an increase in the next 10 years in the number of those over 60. At the same time we have a change in our culture, where more and more women are entering the work force and are expecting to be able to stay in it. These expectations will result in increased lobbying for services for carers and for those for whom they care, and will put even more pressure on groups within our community such as the Carers Association, which has continued to grow in membership and services offered through its five years of existence.

This is Carers Week. With others, I wish to acknowledge the wonderful work carers do and also to put on notice the issue that we as a community and I as a member of this Assembly have to increase the recognition and support they are given in all aspects of their lives.

Gungahlin - Transport Links

MR CORBELL (5.09): Mr Temporary Deputy Speaker, I rise in the adjournment debate to raise an issue of concern to many of my constituents living in the northern part of the electorate of Molonglo, in the area of Gungahlin. It is an issue that I have continually raised in this place and outside this place since being elected to the Assembly and it is certainly not an issue I intend to stop raising now. I refer to the lack of effective transport links for Gungahlin residents.

Mr Temporary Deputy Speaker, I was prompted to rise in this debate this afternoon by a car accident which occurred at the intersection of Kosciuszko Avenue and Gungahlin Drive in Palmerston. It was the third accident on this area of road in the past six to eight months. It is concerning that all these accidents are occurring for similar reasons. They seem to be occurring because of the narrowness of the road, because of the lack of opportunity on the road for overtaking safely and passing other vehicles safely, because of the level of congestion on the road and obviously because of the lack of a dual carriageway for that important arterial main road.

I think, Mr Temporary Deputy Speaker, it would be fair to say that Gungahlin residents are getting a bit fed up with the lack of effective transport links in their area. They have been patient. In fact, they have been more than patient. The population of Gungahlin is now approximately 15,000, yet it is serviced by two roads, which are narrow, single-lane roads in each direction. They are connected to another road, the Barton Highway, which for the last kilometre or two of its length is single carriageway, connecting to Northbourne Avenue.

It is an issue of concern for Gungahlin residents that the ACT Government has continued to refuse to seriously address the concerns of constituents in Gungahlin in relation to decent road links. I met recently with the Minister for Urban Services and told him of the concerns of Gungahlin residents and of the fact that on Gungahlin Drive there have been two head-on collisions involving fatalities in the past six months and another accident this weekend - fortunately not a fatality, but still a serious accident.

Mr Temporary Deputy Speaker, it is time for this Government, in its capital works program, to seriously address the issue of better transport links for Gungahlin. By that I am not suggesting that you go to the most expensive option, the option that this Government often likes to put forward, which is the John Dedman Parkway. There are other solutions that the Government should be looking at prior to its consideration of the long-term issue of John Dedman, and they are better arterial road links along the existing road corridors of Gungahlin Drive and Gundaroo Drive; the duplication of those roads; and the possibility of opening a third road link into the Gungahlin area off Flemington Drive, connecting into the new town centre. Apart from providing another option for the Gungahlin residents in terms of how they get out of the town centre area and into other parts of Canberra, it would also provide a good transport link directly into the town centre. I am sure that members of this place would agree that the development of a town centre is central to developing an effective new town, which Gungahlin is. Without good transport links, you simply do not have those synergies created which allow a town centre to develop and grow.

Mr Temporary Deputy Speaker, the Government must consider these issues more seriously than it is doing at the moment. It must be looking at the issue of bus services as well. I commend Mr Guy Thurston for his efforts in providing better bus routes for Gungahlin residents; but I raise concerns about the problem of zones for Gungahlin residents and the fact that, if you live at Palmerston, you will face a 100 per cent fare increase to catch a bus to Civic.

All these issues are becoming matters of extreme concern in the Gungahlin community. I will be taking every opportunity to raise them in this place and directly with the Minister and to urge the Government overall to start addressing Gungahlin's transport links seriously. The problems will only continue to compound if this lack of action we are seeing from the ACT Government continues.

Breast Cancer

MR HIRD (5.14): Mr Deputy Speaker, you may have noticed that on my lapel today I have a pink ribbon. During the last 48 hours a number of people have asked me what the pink ribbon represents. It represents awareness of breast cancer. It is an acknowledgment that breast cancer is a problem within the community and that we need to publicise breast cancer if we are going to tackle the problems facing those who are doing research into this horrid disease.

Australia's Breast Cancer Day - which was on Monday, 26 October - aims to raise awareness of breast cancer in the community. This year's national theme is "Living with Breast Cancer". A number of events have occurred in the time leading up to this week. Australia's first national breast cancer conference for women was held in Canberra from the 16th to the 18th of this month, giving women from all over Australia the opportunity to share their experiences with breast cancer. Might I add that it is not only women who suffer from this dreaded disease, but men also.

On 18 October, the Field of Women was planted at Parliament House. There are 8,000 pink silhouettes, representing every Australian woman diagnosed with breast cancer last year, and, sadly, there are 2,500 white silhouettes, representing every Australian woman who has died over that period from breast cancer. On 19 October, we enjoyed a morning tea with Sara Henderson, within the reception rooms of the parliament, hosted by the Minister for Health, Michael Moore, and a new pamphlet on information and support services was launched by the ACT Cancer Society.

Breast cancer is a major health issue for women. More Australian women die from it than from any other form of cancer. This week is a time to celebrate our achievements so far in the ACT and the south-east region. Mr Deputy Speaker, it can be seen once again that the ACT is showing leadership, not only for the community within this Territory but also for the people in the south-east region of New South Wales, which surrounds the ACT. We have an accredited, organised, high-quality mammography screening service. This is still the best method of early detection.

The quality assurance project conducted by the breast cancer treatment group has over 200 women registered. This project will assist in the development of effective treatment choices for this dreaded disease by providing accurate information to clinicians.

Canberra Hospital

MR RUGENDYKE (5.17): Mr Deputy Speaker, I rise briefly to convey to the house the satisfaction that three members of my family experienced in the last few days with the staff of the Canberra Hospital. Too often, when hospitals are mentioned in this place, it is with a degree of derogatory comment or criticism. So I think it is important also to bring to the attention of the house, and particularly of the Health Minister, the good aspects of our hospital system. I refer to the birth last night of my fifth grandchild.

Members: Hear, hear!

MR RUGENDYKE: I refer specifically to the attention given to my family by the personnel of the delivery suite there, led by midwife Fay McMullen, who carry out their work in an exceptionally professional, compassionate and, obviously, dedicated manner. It is very important, I think, to applaud the staff of our public institutions when appropriate, and this is one such occasion.

Lyneham High School - Incident

MR BERRY (5.19): Mr Temporary Deputy Speaker, I rise to express some concern about a report last evening from Capital 10 in relation to Lyneham High School. I have a release from the Government in relation to this matter. The Government has basically attacked the report from Ten Capital. I understand that there was an altercation at the school but that this, in the end, was reported as something of a riot. There was, I understand, footage of weapons being removed. I understand also that the film of these weapons was file footage from somewhere else. I see from the Government's statement that no weapons have been seized, and neither have any persons been charged.

We all once went to school, and now and then there were altercations between students in schoolyards. I do not know the extent of the altercation which took place, although the Ministers, I think, say that there were only a couple of people involved. In any event, there are often altercations at school. This example of reporting has not helped with the image of the school in question. That is not to say that people cannot make mistakes. Politicians make mistakes sometimes, although I am guilty of few of them. But journalists make mistakes too. Did I say that?

Mr Moore: A risky statement!

MR BERRY: A risky statement. I hope that, in the end, if there has been an injustice to the high school in question, there is some sort of a retraction. At the end of the day, these sorts of statements, misstatements and misinformation about high schools can be terribly damaging to the image of schools, because parents care for nothing more than the security of their children and, if violence is depicted in the evening news about a particular school, parents will worry about it and it will be damaging to the school in the end.

This report, on the face of it, had the potential to seriously damage the image of this school. It is a school that has a fairly good record, in my view. I would hate to see it damaged by these sorts of reports. Indeed, even if there were a riot at Lyneham High School - or at any other school, for that matter - and there has not been, I think the media have to be very careful about how these sorts of things are reported. There can be a damaging effect on the school in the end, because parents have really no other recourse than to take their children out if they are worried about their safety. That is your first worry with your kids.

It is a disappointing chapter. I trust that it was just an honest mistake. I hope that there is some sort of retraction. I just hope that this episode assists in alerting the media to be extremely careful about their reporting of incidents that may happen in schools because of the potential permanent damage that they can do to schools by exaggerating the incidents which occur.

It could be seen to be colourful news reporting these sorts of things; but an altercation between a couple of students, or even a few students, is not enough to blacken the image of a school. In my view, this was a very risky course for Ten Capital to have taken, so far as the school was concerned. I respect their right to report things as they see them, but I hope that they will be just a little bit more cautious in future.

Lyneham High School - Incident

MR STEFANIAK (Minister for Education) (5.24): Mr Temporary Deputy Speaker, I endorse the comments Mr Berry made and intend to speak in this adjournment debate on that subject. Mr Berry has the press release which I put out in conjunction with the Attorney-General and Minister responsible for police services, whose department also has suffered as a result of this incident. The news footage, I understand, was of weapons being in the vicinity of Lyneham High during an incident that occurred there at 3.00 pm yesterday. That is completely false. In fact, the AFP has confirmed that the scenes with a knife and a baseball bat being taken in evidence have no relationship whatsoever to the incident at Lyneham and, in fact, they related to an armed robbery. I will be tabling the press release, which contains the police Minister's statement of the events, so I will not speak to that. The reports of the incident by the police and the school authorities make no mention of any weapons at all. The footage was completely misleading and it has caused considerable distress to parents, students and the staff of Lyneham High School. A number of those parents have rung my office to express their concern about this, and I share their concern.

I would endorse what Mr Berry said, too. He is quite right in saying that Lyneham High School is an excellent high school. I have been advised by the police whom I spoke to that they were most impressed by the action of the principal in relation to this incident. They have an excellent working relationship with the principal and with the school. I commend the principal and the staff for the way they handled this matter and for running an excellent school in the ACT. I want to stress that.

I also commend the very prompt action of the Australian Federal Police in this matter. We are very lucky. Not only do we have excellent schools and excellent staff of the calibre of Lyneham High School, but we have a truly excellent police force as well.

It is somewhat incomprehensible that such a distortion should go to air. It is a very serious issue. The association of weapons of violence with the incident damages the reputation of all concerned. While violent behaviour is never to be condoned, neither is it right to overdramatise the nature and intensity of any incident. I think that is very serious. The principal and staff at Lyneham High School managed a volatile situation very effectively. They must be commended for their professional approach, as should the police. Their primary concern throughout, under difficult conditions and violent personal attack, was to protect students from aggressive, violent and abusive behaviour.

I would also point out that reports that there were some 200 students involved in the incident were incorrect. The event simply happened while students were leaving the school. Indeed, they were witnesses to the fracas, and in no sense participants. I would certainly endorse the calls by my colleague the Minister for Justice and Minister responsible for police and indeed the calls from members on the other side of the house for Channel 10 to correct this error and to correct it properly this evening.

I have further been advised that Channel 10 apparently became aware that they had used the wrong footage during their news coverage last night. In retrospect, I think they should have done something last night as well. But certainly, because of the disquiet this has caused in the community, there is a very real need for them to make the appropriate corrections tonight and then, hopefully, we can put this unfortunate incident behind us.

It just goes to show, I think, that the press need to be very careful with the facts, as we all do, because, if what is purported to be the fact is incorrect, that can lead to a lot of distress. A lot of needless distress and a lot of concern were caused here, and a lot of false impressions were given about a very good high school in the ACT.

Mr Temporary Deputy Speaker, I table the press release that the police Minister and I prepared, which Mr Berry referred to.

Carers Week : Breast Cancer : Canberra Hospital

MR MOORE (Minister for Health and Community Care) (5.28): Mr Temporary Deputy Speaker, I would like to respond to a number of issues that were raised in the adjournment debate tonight. Three of the issues raised tonight had to do with health matters. The first one, raised by Mr Wood, was about Carers Week. Indeed, Mr Wood was at the opening of Carers Week. His support for carers is already well known. I must say that I think it is an area into which we are going to have to put more and more effort.

You, Mr Temporary Deputy Speaker, raised the issue of breast cancer. It seems to me that it is yet another area in which we have to ensure that our research is appropriate and that we continue to work as hard as possible in this very difficult area.

The third issue, raised by Mr Rugendyke, was about the Canberra Hospital. It is really appreciated if members comment when they see something positive happening. That is what I found encouraging in the comments made tonight. We have a series of areas where public servants are working very hard to deliver the best possible health care, and they were given appropriate encouragement for what is going on. That does not diminish the fact that there are great challenges ahead of us, but I think it is very encouraging. Where possible, I shall pass those comments on to the public servants who are responsible for the particular areas, so that they get the appropriate recognition they deserve.

Question resolved in the affirmative.

Assembly adjourned at 5.30 pm