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DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 November 1998

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Wednesday, 18 November 1998

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.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1998

MR HARGREAVES (10.31): I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HARGREAVES: I move:

> That this Bill be agreed to in principle.

Mr Speaker, section 10A was inserted into the Act in the early 1980s at a time when the random breath testing (RBT) process was introduced. It required police to issue a certificate to all drivers, whether they tested positive or negative. Since that time the Act has been amended to include provisions governing the taking of more scientifically accurate testing back at the police station. Currently, police only issue a section 10A certificate when a test at the roadside returns positive and the driver is to be taken to the police station for further testing.

The certificate is a simple form containing the following details: Date, time and location of the test; result of the test, whether it is positive or negative, but not the reading; the name of the police officer involved; and particulars of the driver, only when a positive test is returned or the driver refuses to undergo a roadside test. When the driver arrives at the police station a series of forms are completed to ensure proper record keeping of proceedings. A computer printout of the blood alcohol test is filed and given to the driver and, indeed, the courts require significant information when addressing a charge. Even when a charge is uncontested and the brief is handed up, the magistrate requires a significant amount of proof that the offence actually occurred. The section 10A certificate adds no additional value to the amount of evidence provided to the court.

The information compiled at the police station includes: The alcotest printout; summons/voluntary agreement to attend court; the statement of the informant or the operator report; a brief statement of facts to the court; the Australian Federal Police RBT statistics sheet; the AFP RBT vehicle record. In addition to this information, the officer's notebook entry is provided to the court if requested, and the communications centre report of an alleged offender being brought to the station is also available.

The information on the statement of the informant/operator report contains the same information as the section 10A certificate and, in fact, provides greater detail. Mr Speaker, no-one is disadvantaged with the repeal of this section. All protections necessary for the driver are related to the process at the police station when more scientific testing takes place. Further, the courts will not proceed to a conviction unless the information compiled at the police station is complete.

I considered initially that the section 10A certificate was prima facie evidence that there had been a breach of the Act - that is, that the driver had exceeded the prescribed alcohol limit. The provision of the certificate to the driver was evidence and written proof of suspicion by the officer sufficient to require the driver to attend the police station. In essence, it was protection for the driver against wrongful detention and protection for the officer against vexatious complaint.

Mr Speaker, I was convinced that this was not necessary when realising that no other suspected criminal activity, requiring the suspect to be taken for questioning or further testing, requires written evidence of police suspicion. Murder or robbery suspects other than those arrested by warrant are not given a piece of paper before being taken into custody.

Some of the advantages if this section is repealed are: The removal of superfluous paperwork; a reduction in unnecessary expenditure on stationery; a saving of about 47 hours of police time per annum; an accent on drivers' rights protection on the process at the station, not at the roadside; and, lastly, removal of unnecessary bureaucracy. Mr Speaker, I commend the Bill to the Assembly.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1998

MR RUGENDYKE (10.37): Mr Speaker, I seek leave to present the Motor Traffic (Amendment) Bill (No. 4) 1998.

Leave granted.

MR RUGENDYKE: Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1998.

Title read by Clerk.

MR RUGENDYKE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present the Motor Traffic (Amendment) Bill (No. 4) 1998. Firstly, I would like to apologise to the Assembly for not having prepared an explanatory memorandum as yet. The Bill turned up only a short time ago. I will present the explanatory memorandum as soon as possible.

The Bill primarily addresses two glaring weak links in the Act as it stands today. Firstly, it aims to strengthen the laws in regard to drag racing on Canberra streets. Secondly, it introduces new provisions to outlaw burnouts on our public roads.

Over the past decade Canberra has been a focal point for motor vehicle enthusiasts, mainly due to the success of the annual Summernats event. I would like to say from the outset, Mr Speaker, that this Bill does not set out to throw a wet blanket over this nationally recognised competition. Summernats has proved to be an asset to the Territory in terms of drawing tourists, and at the same time it has put the spotlight on Canberra as an ideal venue to host such events. The exposure has attracted other car shows which, as a rule, are well conducted within the confines of the event.

As most of us can testify, within these groups there is always the irresponsible minority who smear the hoodlum image over all participants. Talk to anyone from North Canberra or suburbs closer to the city and they will have a story of vehicles utilising their streets as a stage for incessant drag racing or burnouts. I know that the organisers of car events do not encourage this sort of behaviour, but, more importantly, the community should not have to tolerate it. Unfortunately, this has been going on for too long, Mr Speaker, and the time has come to say enough is enough.

What goes on within the boundaries of a sanctioned event should be allowed to continue; but once drivers take their vehicles onto our public streets that is not a green light to pretend it is Mount Panorama or Daytona. When it comes to drag racing and burnouts, these drivers should be staring at a permanent red light. It concerns me particularly that interstate drivers can enter the ACT with an attitude which displays contempt for the safety of other motorists. For example, I am aware of regulars to these car events who actually budget up to $1,000 to pay for fines during their stay here in Canberra. This is a clear indication that the present Act is not working sufficiently. It is not a deterrent. It is time to look at measures which will weed the hoons from our streets.

New South Wales has laws proscribing drag racing and the deliberate, extended spinning of car wheels on public streets. The law also allows for the cars of offenders to be impounded for a time or, for a second or subsequent offence, forfeited. I propose to introduce similar laws to the ACT, not just for the interstate visitors but also for locals who look upon their licence as some sort of pass to impersonate Evel Knievel.

Mr Speaker, the thrust of this Bill is to strengthen the laws to impress safer attitudes on our roads and also to eliminate pollution problems associated with the practice of drag racing and burnouts. Presently the Motor Traffic Act simply states that the driver of a motor vehicle on a public street shall not race with another motor vehicle. This Bill will expand on this offence. It stipulates that drivers on public streets shall not race with another vehicle, attempt to break any motor vehicle speed record, trial the speed of a motor vehicle, or compete in a trial designed to test the skill of a driver.

The other addition to the Act relates specifically to burnouts. If accepted by the Assembly, Mr Speaker, it will become an offence for a person to knowingly burn out a motor vehicle on a public street. It will also be an offence for a person to knowingly burn out a motor vehicle on a public street where any petrol, oil, diesel fuel or other

inflammable liquid has been placed on the street surface beneath or near a tyre of the vehicle. Under the guidelines in the Bill, it would be possible to obtain permits from the Chief Police Officer to conduct or compete in events incorporating such activities, but, if the conditions are broken, penalties would be imposed.

Mr Speaker, I have mentioned that our present laws do not serve as a deterrent. I am advocating a double-edged sword for these offences which would certainly fill this void. I am urging the Assembly to introduce an amendment to the Act which targets lifting the louts off the road as well as confiscating their vehicles if necessary. Where the court convicts a person of one of these offences their licence could be cancelled for up to 12 months and the vehicle impounded for a period of three months. In the case of second and subsequent offences the vehicle could be forfeited to the Territory. Police would also have the discretionary option of seizing vehicles where there is a suspicion on reasonable grounds that it has been driven in contravention of the Act. Instances where a burnout was not deliberate could not result in a person being charged. There are provisions to protect people from having their vehicles impounded or confiscated when they did not give consent or did not know their car was being used for such an offence.

There were two instances in the last six months which come to mind where this Bill would have benefited the community and greatly assisted the police in restoring order to risky situations. In May there was an incident on Parkwood Road in my electorate where 15 vehicles and at least 40 people were involved in burnouts which blocked the road for at least another 20 vehicles belonging to innocent bystanders. When the police intervened, Mr Speaker, the situation turned hostile when the mob mentality kicked in. The police were never in a position to arrest or detain anybody because of the absence of laws against burnouts. In September, Mr Speaker, there were widely publicised problems in Lonsdale Street, Braddon, and other parts of the city throughout the weekend of a national car show. The conduct on the streets was not only a painful nuisance but also a sheer hazard. No driver is entitled to impose this behaviour on the rest of the community.

Mr Speaker, I believe we need to introduce protection for people who do the right thing when they are behind the wheel. I would encourage the Assembly to send a clear message to the hooligans on the streets. In a sense, Mr Speaker, if you are prepared to smoke them up, be prepared to saddle up for a spell on shanks's pony. I commend the Bill to the Assembly.

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

HEALTH REGULATION (MATERNAL HEALTH INFORMATION) BILL 1998

MR OSBORNE: Mr Speaker, I ask for leave to present the Health Regulation (Maternal Health Information) Bill 1998.

Leave not granted.

Suspension of Standing and Temporary Orders

MR OSBORNE (10.47): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Osborne presenting the Health Regulation (Maternal Health Information) Bill 1998.

MR BERRY (10.47): Mr Speaker, I understand that this will only be a 15-minute debate.

MR SPEAKER: Yes, that is correct.

MR BERRY: Mr Speaker, this is another example of this member's refusal to talk to other members about his strategies for dealing with important Bills which affect a significant proportion of the community. It is quite clear that this member has been stung by the opposition to the appalling legislation which was brought before this Assembly. It was introduced in the most suspicious manner when it was first brought forward last time. Here again we have an example of this member refusing to consult with other members in relation to private members business on such an important Bill.

Yesterday, this member, Mr Osborne, had the opportunity to raise at the Administration and Procedure Committee meeting his intentions in relation to the Health Regulation (Abortions) Bill. Instead, Mr Osborne sneakily gave the impression that the Bill was going to be debated today. It appears that overnight there has been some sort of a cook-up to ensure that Mr Osborne has the support of the Executive to withdraw his Bill, and to suspend standing orders in order that that can occur. Of course, this will save Mrs Carnell having to vote on the Bill, and I suspect that that is more to the point than most of us realise.

Mr Humphries: It is all about Mrs Carnell, isn't it. Forget abortion; it is Mrs Carnell.

MR BERRY: This is a clear example of sneaky tactics. Look at them laughing at the circumstances which give rise to this member's moves on this issue. From the very first moment that this member attempted to introduce his original Bill it has been done with stealth. It has been about taking the heat off himself. He has been badly burnt. He has been badly burnt by his actions in the past. There has been a significant public outcry about his behaviour and the effect of his legislation, and now he attempts to take the focus off himself.

I heard Mr Osborne lamenting the fact that people had said nasty things about him in relation to his original Bill, and that was why he was withdrawing it. I did not hear Mr Osborne say a word of sympathy for those 1,700 women who would be forced interstate to seek terminations.

MR SPEAKER: Order, Mr Berry! We are not debating the substance of the Bill. We are debating the suspension of standing and temporary orders.

MR BERRY: Indeed, Mr Speaker, and I am going to the reasons why the suspension is occurring.

MR SPEAKER: Just be careful.

MR BERRY: Mr Speaker, we did not hear Mr Osborne express one jot of sympathy for those 1,700 women who would be forced to go interstate for the termination of a pregnancy if this Bill was carried by this Assembly, not one bit of sympathy. That is the appalling part of it. Mr Speaker, we never heard Mr Osborne mention a young woman who might be a high school student who is forced to go to Sydney, up and back in the one day, who has to borrow money from friends, keep it a secret, have a termination and return to the ACT in a shocked state as a result of his legislation. He has no sympathy at all for those people. He has no sympathy at all for the person whose financial circumstances are such that they cannot afford to go interstate for these sorts of procedures, none at all. No, Mr Osborne is just concerned for himself. That is why he has used stealth all the way along with this legislation. It has been an outrageous performance, an appalling performance. It is one that the community has the right to be deeply concerned about and ashamed of.

MR STANHOPE (Leader of the Opposition) (10.52): I wish to make a very short contribution to the debate on the motion to suspend standing orders. As I think all members in this place know, I have indicated from the outset that I would be opposing Mr Osborne's original Bill. I at all times have respected Mr Osborne's right to introduce legislation on any matter that he wishes, and I remain of that view. The point I make in relation to my opposition to the suspension of standing orders is the concern that I have consistently expressed since this matter was first raised months ago, and that is the faulty processes that have been used from the outset in relation to this debate. It seems to me that by agreeing to the suspension of standing orders today we simply compound the fact that the process in relation to this debate that this community is currently having on abortion will continue to be flawed. The process does not allow appropriate consideration by members of this place of what is intended or what is going on. It has not allowed appropriate community participation or debate.

The daily program for today lists as order of the day, No. 1, Mr Osborne's Bill, the Health Regulation (Abortions) Bill. Mr Osborne, when he stood and spoke this morning, sought leave to introduce a different Bill and to initiate a debate on a different set of proposals. This process has been flawed from the outset. Agreeing to the suspension of standing orders today to allow Mr Osborne to introduce a Bill distinct from that which has been on the notice paper for the last few months seems to me to compound the problem that we have had from the outset - namely, a lack of process, a lack of opportunity for members to be lobbied and educated on the implications of all these things, and a lack of opportunity for the community to be appropriately involved in one of the most serious issues to confront a community.

We should not agree to the suspension of standing orders today to allow this faulty, flawed and unacceptable process to be maintained and continued. The daily program has on it for debate today the Health Regulation (Abortions) Bill. If Mr Osborne does not wish to proceed with that he should withdraw it.

Mr Humphries: He will.

MR STANHOPE: That should have been done at the outset rather than moving for a suspension of standing orders in order to introduce a separate Bill. Let us get the processes straight.

MR MOORE (Minister for Health and Community Care) (10.55): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent debate on this motion being extended until the Assembly suspends for lunch.

MR SPEAKER: You are referring to this motion for the suspension of standing orders, Mr Moore?

MR MOORE: I am seeking to extend the time limit for debate on the motion to suspend standing orders.

MR SPEAKER: Thank you. It is normally 15 minutes, members. Is everybody clear? Thank you.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MR MOORE (Minister for Health and Community Care) (10.56): Mr Speaker, this attempt by Mr Osborne to suspend standing orders is an admission of the failure of his Bill. It is an admission that his Bill is a disaster. Not too long after it was introduced, Mr Speaker, I drew attention to 13 major problems with his Bill and said there were many more. That is what this suspension motion is about, Mr Speaker; it is about the admission that there are problems with that piece of legislation. The most significant thing is that Mr Osborne is now admitting the Bill was fatally flawed because he is going to withdraw it and introduce an alternative. It is fatally flawed because it attacks the rights of women.

Mr Kaine: I raise a point of order, Mr Speaker. We have just adopted a motion to extend the debate on the motion for the suspension of standing orders. I would request, Mr Speaker, that you make people speak to that subject and not the content of the Bill that we are arguing about.

MR MOORE: It is a shame that Mr Kaine is not listening, Mr Speaker, because what I was saying was that the suspension of standing orders - - -

MR SPEAKER: Just a moment, Mr Moore, please. I will not allow a wide-ranging debate on the issue of abortion. We are dealing with the question of the suspension of standing orders. I would ask members, as I asked Mr Berry earlier, to confine their remarks to that point.

MR MOORE: The very thing, Mr Speaker. The logic of my argument is that Mr Osborne, in seeking to suspend standing orders, is admitting that his Bill is an absolute failure. He is admitting it for these following reasons. That is the logic of my argument. I would like to take you through that. The failure of this piece of legislation, Mr Speaker, is fundamental. It is fundamental because it is about attacking the rights of individual people.

What the debate is about, Mr Speaker, is a difference of opinion. There are those who believe that abortion ought to be illegal because they believe that the foetus is a child, and therefore the child is murdered. There are those who believe that the foetus is part of a woman and therefore should be part of their decision.

In this debate we have sought to respect each other's beliefs, and we ought to respect each other's beliefs, Mr Speaker. I respect Mr Osborne's right to put up a piece of legislation, but what we should also say is that the decision as to whether we are talking about a baby or about a foetus is a belief. It is not a matter of fact; it is a belief. That is the fundamental issue that we are talking about, and the problem that Mr Osborne has in seeking to suspend these standing orders. We are talking about that fundamental issue of belief and respect for each other's belief.

Mr Osborne's need to suspend standing orders is an admission of failure. It is an admission that his Bill is going to interfere with other people's beliefs. It is not going to allow the rest of us to respect a woman's right to believe that this is a foetus and therefore she can take whatever action she perceives as appropriate.

It seems to me that there is another major factor involved in this motion to suspend standing orders in order to introduce a piece of legislation. It is exactly the same problem we had when Mr Osborne introduced this Bill four or five weeks ago. And what was that? It was not on the daily program. Mr Rugendyke introduced a Bill this morning by leave. It was there on the daily program so we knew it was going to happen. We said, "Yes, Mr Rugendyke, that is a perfectly reasonable thing". But, no, Mr Osborne comes through again, after taking all the flak that he took a few weeks ago about using the processes properly. If he wants to do this he should use proper processes. Instead, Mr Speaker, he seeks to suspend standing orders and to seek leave again without his Bill being on the daily program. Why? Why did not Mr Osborne say, "Okay, I ran out of time."? He has the numbers, clearly. Why doesn't he say, "Let us use the process properly. I will give notice today so it is on the daily program and I will seek leave to introduce it as part of executive members business."? He has the numbers to do that. But, no; instead, he uses inappropriate processes again.

It makes us all question, Mr Speaker, what is going on. Of course, the answer is to do with manipulation to get numbers; to try to get people onside. *(Extension of time granted)* Thank you, Mr Speaker, and thank you members. This is purely about numbers. It is about trying to win people over. Recognising that his Bill was flawed in the first place - there are 13 things wrong with it - Mr Osborne is trying to suspend standing orders and bring on a new piece of legislation which I hear, over the grapevine,

is basically made up of the amendments circulated by Mr Humphries which Mr Osborne and Mr Humphries presented as doing two things. They said all they would do is provide for a 72-hour cooling-off period. That is the first thing. The second thing is that they would ensure the provision of information prepared by two doctors and so on.

Of course, that is not true, Mr Speaker. It is untrue because it goes much further than that. It is not as totally and completely appalling as Mr Osborne's first Bill, but it is not far off it. It will still mean that there will be a restriction on the way abortion is done. Do not be mistaken, Mr Speaker. In moving to suspend standing orders, what Mr Osborne is doing is seeking to introduce this piece of legislation that will mean that there is a restriction on how people go about abortion.

Abortions will still occur in this Territory no matter what piece of legislation we pass here. The only question that members have to ask themselves is: Will they be conducted safely, will women's choices be recognised, and will women die because they make this choice and they go to somebody who is not qualified to carry out the abortion? That is what the debate is about in this Assembly. That is what suspending standing orders is going to lead us into.

It seems to me, Mr Speaker, that we ought not suspend the standing orders because we should ensure that our processes are right. I have to say that, once again, Mr Osborne's processes in this Assembly are inadequate. He only had to copy his colleague sitting next to him, Mr Rugendyke, and seek leave to introduce a Bill like that on the daily program. It is much more likely that leave would have been given.

MR KAINE (11.03): Mr Speaker, I will say up front that I support the suspension of standing orders in this instance and I do so because that will remove from the notice paper of this place a Bill that almost everybody finds objectionable. That seems to me to be a pretty good case.

Mr Berry: No, you are wrong. I think Mr Kaine is mistaken.

MR KAINE: My Labor colleagues, who I presume in a minute are going to vote against the suspension of standing orders, although they have made it - - -

Mr Berry: I take a point of order. I think Mr Kaine is mistaken. This is about the introduction of a Bill, not a withdrawal.

Mr Moore: This is about introducing a new Bill. He said he will do the other one later, and none of us are going to object to that.

MR SPEAKER: Mr Kaine, you know you can address the suspension of standing orders.

MR KAINE: Mr Speaker, we are talking about the suspension of standing orders to allow a process to take place. Mr Moore spent a great deal of time saying just that, and he was concerned about the process. Well, I am concerned about the fact that certain people get to their feet in this place and present themselves as being self-righteous people

and criticise others. Mr Moore said that Mr Osborne was only doing this as part of some process to get together the numbers. How many times in the last 10 years have we seen Mr Moore do just that - manipulate, use the system, use the standing orders, anything at all, to get the numbers?

Mr Moore: You have never seen me do anything like this.

MR KAINE: Yes, we have, Mr Moore, and we can get some details if you want them. When people get to their feet and object to the suspension of standing orders because there is some manipulation of the process, I think the people who throw rocks should not live in glass houses. Mr Speaker, I think the situation is pretty straightforward. There is a Bill that has been almost universally rejected as having some aspects to it that people find objectionable for one reason or another. The process that Mr Osborne is seeking to go through gets that Bill off the agenda. What is the problem?

Mr Berry: A big problem. I will explain it to you.

MR KAINE: There may well be a consequential problem, Mr Berry, but that is one that the place can deal with when it comes. They are two separate matters.

Mr Berry: If you do not mind being tricked, that is fine.

MR SPEAKER: Order, Mr Berry!

MR KAINE: Mr Berry has been known to use the standing orders in the past too, Mr Speaker. In fact, Mr Berry, after Mr Moore, is probably the second-best expert at doing it in this place, so I do not understand this strange holier-than-thou attitude that suddenly emerged that you may not use the standing orders of this place to achieve your objective. That is what the standing orders are there for. There is provision for the suspension of standing orders so that certain things can be done. We do it time and time again, but suddenly this morning it is not an acceptable process.

I have some difficulty with Mr Osborne's original Bill and I also have some difficulty with the Bill which will replace it, but I think there is a due process to get one off the agenda and the other one on so that the flaws and defects of the second Bill can be dealt with on their merits and in due course. I would suggest that we curtail the one-hour debate that the Assembly has just approved on this matter, vote on it, suspend the standing orders, and get on with the business for which we are here.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.07): Mr Speaker, members of the Liberal Party will certainly support the suspension of standing orders. Members need to be thinking about the consistency they bring to this debate. I assume that members who have opposed the suspension of standing orders are concerned at the idea of withdrawing the present Bill and substituting a new Bill, but it was only a few weeks ago that we had a motion from the Labor Party urging Mr Osborne to withdraw his Bill. What they are getting today is just that. They are getting today the withdrawal of the Bill which they consider obnoxious - - -

Mr Berry: I take a point of order, Mr Speaker.

MR SPEAKER: There is no point - - -

Mr Berry: You have not heard it yet.

MR HUMPHRIES: You will get your chance in a minute, Mr Berry. Sit down.

Mr Berry: On a point of order, Mr Speaker: Mr Humphries is not speaking to the substantive matter before the chamber, the suspension of the standing orders to introduce a Bill. He is talking about the withdrawal. There is no motion for the suspension of standing orders in relation to withdrawal. This is about the introduction.

MR SPEAKER: There is no point of order. I will not allow a debate on abortion, but I accept - - -

Mr Berry: It is a bit hard not to, Mr Speaker.

MR SPEAKER: Well, I will watch that.

Mr Hargreaves: I raise a point of order, Mr Speaker. I seek your guidance on this because it seems to me that there is an awful lot of flak flying around here. Would you be kind enough to advise the Assembly of the exact wording of the motion before us, please?

MR SPEAKER: It is that so much of the standing and temporary orders be suspended as would prevent Mr Osborne presenting the Health Regulation (Maternal Health Information) Bill 1998. I would remind all members of that.

MR HUMPHRIES: Thank you, Mr Speaker. In bringing forward this Bill today, Mr Osborne is addressing a range of concerns that have been expressed by members in this place. He is addressing - - -

Ms Tucker: I take a point of order, Mr Speaker. I also would like clarification. What you just read out, as far as I can understand, does not speak at all about withdrawing any Bill. As far as I am concerned, I have not heard that mentioned, so why is that part of this debate?

MR SPEAKER: Thank you. I uphold the point of order.

MR HUMPHRIES: I am not talking about withdrawal. I am talking about the introduction of this new Bill. In introducing this Bill, Mr Osborne is addressing a range of concerns that members have raised in this place, including, particularly, Ms Tucker. Ms Tucker in particular - - -

Ms Tucker: How do we know it is addressing anything? It has not come up. No-one has told me anyone is withdrawing anything.

MR SPEAKER: Order, please! Mr Humphries is addressing the Chair, and the Assembly through the Chair. We are not having a private debate across the chamber, thank you.

MR HUMPHRIES: Ms Tucker and others will not know whether it addresses the concerns unless they agree to suspend the standing orders and allow Mr Osborne to present to the chamber the Bill which he has in his hands. This Bill - I can say this to the chamber because I have seen the Bill - is a consolidation of the amendments to Mr Osborne's existing Bill which I tabled in the last 48 hours. This will allow members of the Assembly to consider afresh the issues which were raised in his original Bill as amended by my amendments, which I think all members of the chamber have now seen.

Mr Speaker, it addresses concerns Ms Tucker raised yesterday about having to debate these amendments to a Bill today because it allows members at least one week in which to consider the amendments which are being put forward by me, not in the form of amendments to a Bill which is a separate piece of paper but in the form of a consolidated Bill. It also addresses the concerns being raised by members, including Ms Tucker, that the amendments I had presented or I was going to present to Mr Osborne's original Bill constituted a fresh Bill. If Ms Tucker was right in that view then the issue will be answered if standing orders are suspended to allow the presentation of a new Bill which takes on board the concerns Ms Tucker raised. I hope Ms Tucker, in particular, will support this suspension of standing orders because it amounts to the addressing of the concerns that she raised in this place.

Mr Speaker, rather than have me speak at length about what Mr Osborne has done, I understand that Mr Osborne was able to get a Bill only late last night which he now proposes to present to the chamber today. That is why the Bill does not appear on the daily program. Members are seeing a Bill being introduced by means of the suspension of standing orders rather than appearing on the daily program, but it is not the first time they have agreed to Bills appearing in that way, nor will it be the last time. I remind members that they have only just agreed to give leave to Mr Rugendyke to present a Bill of which they have had no advance notice either, and this ought to constitute no different case. Mr Speaker, this is a logical and reasonable motion, and I urge members of the Assembly to support it for that reason.

MR CORBELL (11.12): Mr Speaker, the question before the Assembly today is whether or not we should allow Mr Osborne to introduce his new Bill. This is a Bill that has not been considered by the Administration and Procedure Committee and, as previous members have pointed out, we have a process in this place.

Mr Humphries: Nor was the previous Bill.

MR CORBELL: Contrary to the views of the Attorney-General, it was indicated at the meeting yesterday that Mr Rugendyke would be introducing a Bill and, as Mr Moore has quite rightly pointed out, it appears on the daily program. In contrast, Mr Osborne did no such thing, even though he was present at the meeting. He had every opportunity, Mr Speaker, to indicate that there was at least even the possibility that he would be introducing a Bill, as he did on behalf of Mr Rugendyke, but he did no such thing.

He is a member who goes on and on in this place about the excesses of executive power over a parliament, and he is exercising just the sorts of abuses of process that he criticises executives for doing in other places. He is abusing the process of this place.

Yes, technically, what he is doing under the standing orders can occur, but parliaments work with practice and procedure. Parliaments work so that all members, and, indeed, the people they represent, have an opportunity to know what is going to occur, have an opportunity to consider the information that is presented, and have an opportunity to consult with their colleagues and others who would be interested; but that has not occurred on this occasion. We have not seen that process happen. We have not seen Mr Osborne act in good faith in this place, and it is not as though it is for the first time, Mr Speaker. This is the second time it has occurred.

If Mr Osborne wants to introduce this Bill he should do what every other member in this place does - present it to the business meeting that occurs every Tuesday, put it on the notice paper, and introduce it. It is not a hard process, Mr Speaker. It is not a complex process. It is not a difficult thing to understand. It is a straightforward process that allows all members in this place to know what is going to occur in the way of business on any particular day.

Mr Speaker, what we have seen today is what we saw a couple of months ago - an attempt to push through a piece of legislation which Mr Osborne knows is unpopular, is not supported by a majority of members, and is not supported by a majority in the community.

Mr Osborne: Are we going to vote on it today? You idiot.

MR CORBELL: Mr Speaker, Mr Osborne can be abusive. Mr Osborne can lash across the chamber if he wishes. He can do that, but he should understand more than most members in this place what the processes are. He should understand that in this place there is a process that stops the place descending into a pit of infighting and complete confusion.

Mr Speaker, parliaments are hard enough bodies to manage as it is, but when members deliberately ignore the processes that are put in place to allow some sense of order and cohesion to come out of the busyness of this place, then not only does he bring himself into disrepute, he also brings this Assembly into disrepute. For that reason we should not allow this suspension today.

MS CARNELL (Chief Minister and Treasurer) (11.16): Mr Speaker, quite simply, what we are debating is whether Mr Osborne tables this Bill today or tomorrow. Mr Moore said he had no problems with it happening tomorrow. Those opposite have said they have no problems with it being tomorrow. I have not seen this Bill, Mr Speaker. My position on abortion is very clear. From my perspective though, Mr Speaker, every day that I, and the community, can have to see Mr Osborne's new Bill is in the best interests of community consultation.

MS TUCKER (11.16): Mr Speaker, I will not be supporting the suspension of standing orders. It is not simply about whether or not we are allowing a member to table a Bill in this place without having given notice. It is not just about that one event. You have to see what is happening today in the context of the overall process from the beginning when Mr Osborne introduced his original Bill. It is about cloak-and-dagger stuff. It is about extraordinary processes and secrecy that do not make sense. I do not understand why Mr Osborne, and now Mr Humphries - and it appears with the support of the Liberal Party - are continuing to support this process. We have already condemned Mr Osborne for the way that he introduced his Bill initially.

I have been trying to get from Mr Osborne's office for some time, for the community as well as for the information of members of this place, some information about when he would be bringing his Bill back on for debate. That has been impossible to get information on. Finally, I was told last week. No, sorry, it was not last week, it was Monday. I said, "I would like to know whether I have to write a speech. Are we going to be debating it this week?". I was told, yes, maybe I should write my speech. It appears I need not have written that speech if the Bill is going to be withdrawn, but it took that much time to find out that.

Then there was talk about amendments, so I was asking, "What are the amendments? Who is doing the amendments?". No, I was not able to be told that, not even who was doing the amendments. It was actually about a month ago at least, probably longer, that I heard that possibly there were amendments.

Why are not members of this place and the community allowed to know if someone is producing amendments? Why has Mr Humphries not been talking about the amendments? If Mr Humphries had in his mind that long ago an idea that he might like to change Mr Osborne's Bill, why not bring it up for consultation? Why not talk about the issue? We did not get that information either until we got 10 pages the night before we apparently would have been asked to debate them because they were presented to us as amendments to a Bill which Mr Osborne had presented and which was due for a debate today. That is very disappointing from the Attorney-General, particularly. It is very disappointing from the Liberal Party and the Government and anyone else who is supporting this process.

What we have here today is another extension of this kind of very strange process. Now, suddenly, they are not Mr Humphries' amendments; it is a new Bill. I heard Mr Humphries say that Mr Osborne could not have done it before because he did not have the Bill until last night. Why not? Why did Mr Humphries decide last night to give his amendments to Mr Osborne?

Mr Osborne: You wanted to adjourn it for a week, so we listened to you.

MS TUCKER: Mr Osborne says it was because I was seeking an adjournment. Of course we were seeking for appropriate process. It is absurd to present 10 pages of amendments to people the night before we have to debate them. So that is the rationale, is it? Okay, let us have good process.

Mr Osborne: We will listen to you.

MS TUCKER: Mr Osborne says he wants to listen to what we are saying. Okay. He now has decided, apparently, to seek the right to withdraw his Bill, although we still do not particularly know that. Mr Humphries tells us that that possibly is what will happen. Mr Osborne can table this Bill. He can give notice that he will table this Bill.

It is a new piece of legislation, obviously. I will not be asking for a week's adjournment necessarily. We need to look at this Bill. The community needs time to look at this Bill. We have an entirely new process apparently that has just been thrust upon the Assembly and the community once again. I absolutely support whoever said - Mr Stanhope, I think, or Mr Corbell - that in fact this is an absolute scandal for this Assembly. What will the community think, particularly about Mr Osborne who has a committee to look at how to make processes credible in the ACT Assembly? He is making a total joke of it. I just heard him, across the chamber, saying to Mr Corbell, "Sit down, you idiot". I heard Mr Humphries say, "Oh, but other people are being abusive". I am sorry; other people are criticising the process here. They are not abusing people and calling people idiots. It is another example of why I think this Assembly is losing credibility and it is totally unacceptable.

If we are going to be presented with a new Bill, we can be presented with a new Bill with appropriate process. I accept that on some occasions this has happened in the past, but you cannot possibly see what has happened today on its own. It must be seen in the context of the overall process which I have just explained. *(Extension of time granted)* If members support the suspension of standing orders and allow this, then be it on their heads at the next election.

MR STEFANIAK (Minister for Education) (11.22): Mr Speaker, I seem to recall that in the First Assembly, and at some other times too, Bills were withdrawn and replaced with other Bills. Other Bills were introduced at short notice. There are a number of pretty salient facts here which also assist Mr Osborne in bringing in this particular Bill. Firstly, there is the issue. The Bill he has on the table at present has been around now for close to three months. The substantive issue is one that has been debated in this place on a number of occasions. I heard Mr Humphries interject to Ms Tucker that she had made up her mind. This is certainly an issue on which many members have largely made up their minds. This particular issue is in fact before us at present in the form a Bill, and Mr Osborne now wants to bring in another Bill.

There are three very relevant facts. Firstly, there is precedent for a new Bill to be brought in and an old Bill to be replaced. I seem to recall doing that myself in the First Assembly with the first move-on powers Bill as a result of a committee which caused a new Bill to be introduced and the old one sitting on the table to be replaced.

Mr Berry: That was a brilliant success.

MR STEFANIAK: It was a very good Bill, too. I am glad to see it back, Mr Berry. Also, Ms Carnell made the point that Mr Osborne could simply bring this in again tomorrow. I think the issue has been around for three months. People, I think, are fairly well aware of what Mr Humphries' amendments are proposing. I understand they are the

substance of Mr Osborne's new Bill. They are fairly well aware of that. I really do not think it makes any great difference in the circumstances of this case whether this Bill is introduced now or not because, as Ms Carnell indicated, it can be introduced tomorrow, especially given the fact that it was impossible for Mr Osborne, as far as I understand it, to put it before the Administration and Procedure Committee yesterday because he only had his Bill finalised last night. When you add up all those facts, it is just commonsense that he be allowed to bring the Bill in now.

MR HARGREAVES (11.24): Mr Speaker, the reason why I asked for your interpretation before about the actual wording of the motion was to shed some light in my own mind about exactly what we are talking about. I had hoped sincerely that I would have heard the words: "I withdraw the Bill".

Mr Humphries: You will in a minute.

Ms Carnell: You will.

Mr Osborne: Hold your breath, John. It is coming.

MR HARGREAVES: Mr Speaker, those enlightened folk across the chamber are saying to me, "Trust me". Well, quite frankly, Mr Speaker, I do not. I do not because I have ample evidence before me here to prove that they are an untrustworthy bunch. I have to say, Mr Speaker, that I am really disappointed not to see that thing there. If that was the intention, Mr Speaker, it should have appeared in the motion.

Ms Carnell: But he cannot do both at the same time. He has to do them separately.

MR HARGREAVES: Mr Speaker, can I have a ruling, please? Do I take my directions from your chair or from the Chief Minister's?

MR SPEAKER: You take them from my chair, please.

MR HARGREAVES: Thank you very much, Mr Speaker. I was confused for a second. What we are being asked to do here is to put up with another sneaky introduction of a Bill. That is something we could put a little bit of thought to, perhaps. One of the big problems I had with the original Bill was the speed with which it hit. I agreed, and I still do, with a lot of Mr Osborne's motives and philosophies, but I do not agree with what I saw manifested in the Bill that he produced.

One of the things that really upset me at the time was having to decide in 48 hours or less on something people had been talking about for lifetimes. What we are asked to do now is to take this Bill in a hurry. It is going to be presented in a hurry. There is a process. Mr Speaker, I presented a Bill this morning and it went through the normal process but - - -

Mr Humphries: You had the Bill ready in time.

MR HARGREAVES: Okay. You have to ask, Mr Speaker: Why would you not want to go through the process? I put it to you, Mr Speaker, that the reason why this happened was that this in fact is Mr Humphries' Bill. He has done a bit of a trade with Mr Osborne to get Mr Osborne off the hook here. What we are talking about here is collusion, absolute collusion. We talk about trust. "Trust me", he says. Yesterday I must admit that I was particularly grateful to discuss with Mr Humphries the content of the amendments which will manifest themselves in this Bill.

Mr Berry: I want to know why he did not come to see me.

Mr Humphries: If you have half an hour I will tell you.

MR SPEAKER: Mr Berry, I think that is probably obvious from your interjections.

MR HARGREAVES: However, there was not sufficient time to consider this thing. There was, however, enough time to enable publication in the *Chronicle* of 90 per cent of what Mr Humphries was proposing which now manifests itself in Mr Osborne's hopeful Bill. I read it last night. It was in the *Chronicle*. It was also in the *Canberra Times* yesterday morning. Excuse me, Mr Speaker; there has been barrow-loads of time to have this stuff brought forward. If these two colluders cannot get their act together and have to sit up there until midnight and then drop it on us today, well, that is their bad luck. There is a process to be gone through and they should do it.

Mr Speaker, too often in my short time in this Assembly have I seen Mr Osborne sitting there with a black handkerchief on his head, not participating in the debate, and saying, "Convince me. It is not up to me. It is up to you". He does not participate in the debate. He just sits there and says, "It is your problem, convince me".

Mr Osborne: What is wrong with that?

MR HARGREAVES: What is wrong with that, Mr Speaker, is that you cannot do it in the twinkle of an eye, and Mr Osborne is asking us to do that with respect to his original Bill. He asked us to do it the last time and he is asking us to do it again. Now he wants to say, "Trust me". Okay, we do not. You do not deserve it. All you have to do is go by the process and let it emerge in the normal way, instead of trying to ramrod it through.

Ms Carnell: Tomorrow.

MR HARGREAVES: It does not have to go through tomorrow either, Chief Minister. There is no urgency. *(Extension of time granted)* We are not talking about a piece of legislation about shoving a piece of paper under somebody's windscreen-wiper.

Mr Osborne: It is illegal.

MR HARGREAVES: Yes, it is now. We are talking about issues which are very dear to people's hearts and which cause an enormous amount of pain, an enormous amount of discussion, an enormous amount of soul-searching, and an enormous amount of mud-slinging and invective. You have to wear these sorts of things in the process of

coming to a conclusion on what is essentially a life-and-death matter. It is not another litter Bill. Mr Speaker, I am fed up with having 20 seconds to make up my mind about this thing. If these people are honest and really sure about it, why do they not go through the process and consult properly instead of trying to dry-gulch us into it?

Mr Osborne: We are not asking you to decide, John.

MR HARGREAVES: You have consistently attempted to dry-gulch this thing, to con us. It is one big con job after another.

Mr Osborne: I raise a point of order, Mr Speaker. I can only take so much of it when he has got it so wrong, Mr Speaker.

MR HARGREAVES: What is the point of order?

Mr Osborne: Mr Speaker, we are not asking Mr Hargreaves to make up his mind on the Bill.

MR SPEAKER: You will have your opportunity shortly.

MR HARGREAVES: Thank you, Mr Speaker. The point that I make here is that there has been one con job after the other, and I do not believe that this is not just another one. I am urging this Assembly to vote for the process. The process is the only thing we have here to protect us from these con jobs. These people here, with their black handkerchiefs on their heads, are becoming very adept at it. I do not think we should let them do it.

MR SPEAKER: Mr Berry, are you seeking leave to speak again?

MR BERRY: Yes, I am seeking leave, Mr Speaker.

Leave not granted.

MR BERRY: Mr Speaker, I move:

> That so much of the standing orders - - -

MR SPEAKER: It is getting complicated here. Could I appeal to members? This has been a pretty free-ranging but reasonable debate. Could I put the question again? Is leave granted for Mr Berry to speak again?

Leave granted.

MR BERRY (11.32): Thank you. Mr Speaker, I wish to explain. Earlier in the debate we were caught in another timeframe which normally applies to a motion to suspend standing orders. That has been changed and that is why I sought leave to speak again. I know Mr Osborne will not like what I say but that should not be the guide to whether one gets leave or not.

Mr Speaker, I would like to try to summarise my perception of what has happened here. We have heard enough about the sneaky way in which the Bill was introduced by Mr Osborne in the first place, and it was due for debate this week. Mr Osborne, of course, has not been served well by that proposed legislation. It has caused him some damage. Of course, he is keen to get it out of the way. Yesterday it became clear that his Bill would probably fail. It is part of the plan, of course, to get the debate about this issue out of the way in this sitting period so that Mr Osborne can get some clear air for other political purposes. The Government, of course, then came forward with some amendments to help him out.

Ms Carnell: No, sorry; Gary Humphries did.

MR BERRY: Well, you speak as one, except for Mr Moore. You speak as one. Mr Speaker, they came forward with some amendments which Mrs Carnell was all over the radio yesterday agreeing with; so the Government came forward with some amendments to help Mr Osborne out. Then they discovered that Mr Osborne's Bill might fail and their amendments would be of no import. They would not even be debated today. One can understand how distraught they might have felt then about not being able to help Mr Osborne out, knowing that in a short time they will want his help in relation to ACTEW.

We then have a situation where they discover that this might be dragged out more than they expected, so the strategy was quite plain. They had to get Mr Osborne to withdraw his Bill and introduce another Bill so that we could get the debate out of the way in this sitting period. So, together, they moved to do this, ignoring everybody else in the Assembly.

The proper procedure, as we know, would have been for notice to have been given by the private member of a new Bill to be introduced at the next private members sitting day, which is next Wednesday. That would have been considered next Tuesday and would have been given an orderly priority in accordance with the procedure of this place. There is nothing unusual about that. The problem with that, of course, is that there would have been a greater delay in getting the matter out of the way. The debate would have ensued. Those in the community who are concerned about this issue would have had more time to think about it and express a view about it, and that is not what they wanted.

This is about ramming this planned legislation through next week. That is what this is about. It is about stopping the community debate because it is harmful to Mr Osborne politically, and it is harmful to others in this place. This is about heading off the community debate - putting it to bed - with a range of amendments which will have a serious effect on the provision of women's health services here in the ACT. It is the work of zealots working together to bail each other out in relation to a matter. There is no concern, particularly about women. There is a great deal of concern about their own conscience and how they can make other people exercise their conscience according to the directions of this place. That is what this is about. This is about taking over the consciences of other people.

Mr Speaker, this move has been another shameful example of the balance of power situation that Mr Osborne finds himself in. He has been prepared to avoid the reasonable approaches which have been taken in relation to matters of this import in the past. This is important legislation for the community. *(Extension of time granted)* Mr Speaker, the community needs to be fully aware of the modus operandi of Mr Osborne and his cohort. They are prepared to do anything. They are prepared to do anything to impose their will on other people, including the abuse of the usual and normal practices of this place when it comes to important legislation. They think it is important that they move quickly to limit the rights of women to certain procedures.

Ms Carnell: How do you know what is in the legislation? I do not.

MR BERRY: Mrs Carnell interjects that she does not know what is in the legislation. Stop trying to kid us.

Mr Corbell: Mr Humphries just stood up and said that it had been made available to everyone.

Ms Carnell: No, I have not seen the new Bill.

MR SPEAKER: Order!

Mr Hargreaves: Have you seen Mr Humphries' amendments?

Ms Carnell: Yes, but I have not seen the new Bill.

MR BERRY: Stop. Pull the other leg. Pull the other leg, Mrs Carnell. It yodels. The fact is that this has been an attempt to short-circuit the process and to short-circuit community debate which is harmful to some members of the Government. It was also a process devised to prevent Mr Osborne's Bill from going down, for the reasons I have described - because I think they are going to need his help later on. That troubles me. That process, I think, will be worried about by many in the community.

This is a shameful performance. Leave aside Mr Osborne for a moment. He will do anything to get his way, but the Executive should behave in a better way. We expect more of the Government of the Territory. People with the balance of power in the past have exercised more power than they are entitled to, but it is quite inappropriate for the Executive, and you, Chief Minister, to support a member in this process and help him ram through legislation which affects a great number of your constituents. He might be able to wrap you around his finger for future benefit, but you should not give in to these demands. It is a bad procedure and an abusive procedure which should never have been agreed to by your Government.

MR SPEAKER: The member's time has expired.

MR WOOD (11.39): Mr Speaker, on the basis that a member has the right to control private members legislation, I was initially inclined to support the suspension of standing orders, but my view has been changed during the debate. Mr Osborne knows that I am one who is most concerned about the high number of abortions in our community.

On that basis he talks to me about his views and, in a sense, I have been privy to news that is not available to every member of the Assembly. I appreciate talking, but it is also disconcerting when I have information or news and advice that is not available to all members. That is the point I would like to make here; that all members deserve to know what is happening as soon as possible, not just selected members. When Mr Corbell indicated in his speech that at yesterday's business meeting Mr Rugendyke's proposal was brought forward but Mr Osborne's was not, that convinced me, with the other arguments of my colleagues, that the process has not been good enough. On that basis, I will not support the suspension of standing orders.

MR QUINLAN (11.41): Mr Speaker, I will be very brief because I think some of the points have been well made already. I have heard references to other occasions when legislation has been introduced by leave, but I think there are not many issues as serious as this one, not just serious to this place but also in respect of the impact upon the community generally.

What we have seen with the introduction of the original abortion Bill and what we see now are collective tactics to curtail the public debate. I think that is a massive insult to the people who have come out and voiced their opinions publicly and organised events so that their opinions can be made known to us and so that the full debate is teased out. I believe that must happen.

When I look at what I understand to be the amendments or the new Bill I am very concerned as to the potential of the Crimes Act and I want to know the full ramifications of that. This is a very serious matter that impacts upon so many people's lives very directly. We are all on the crossbenches on this one. In this particular case I want the time to be convinced. Even if this new legislation is a watering down of what was previously proposed, it must be debated and we must have the best legal opinion on every word. We need the time to do that. That time should have been provided by the observance of due process.

MR SMYTH (Minister for Urban Services) (11.43): Mr Speaker, so much that has been stated here is about the content of a Bill that we are yet to see.

Mr Berry: I will give you a copy.

MR SMYTH: I have not got a copy. The standing orders tell us that Mr Osborne is entitled to do this. Indeed, Mr Stefaniak quoted examples of when this has happened before. If those who oppose this suspect that they do not like the contents of the Bill then let us address that when the Bill is brought forward for debate. That is not the purpose of this motion. The purpose of this motion is to get the Bill onto the table so that we may consider it. I understand it is not intended to debate the Bill immediately, so all this will do is set the scene. If, as Mr Humphries has stated - I am sure Mr Osborne will confirm this - the Bill was not ready until late last evening, I see no dilemma in tabling it now so that we all might look at it. Indeed, Mr Rugendyke's Bill has come forward without an explanatory memorandum and we will get that when that is ready.

We have here, I think, a certain amount of piousness. We are often not told, for instance, when amendments are coming forward. Ms Tucker, in her words, conceded that this has been done before. I am not sure why we waste so much time about this. If people are concerned about the content of this Bill, the best way to find out and have a reasonable debate is by allowing Mr Osborne to table the Bill and for all of us to have a reasonable look at it. I think the introduction of this Bill today will foster debate, and when Mr Osborne chooses to bring it forward we can have the substantive debate.

I can assure Mr Berry that the amendments he refers to as the Government's amendments have not been through Cabinet. They should not be considered as the Government's amendments. Indeed, the flaw in his argument is that Mr Moore, who is part of the Government, opposes them. Ms Carnell was on the radio yesterday or out in the public arena stating that she had difficulties with some of the then Gary Humphries' amendments, and I understand that Ms Carnell has not even seen Mr Osborne's Bill. I have not seen it. Mr Stefaniak tells me he has not seen it. We are all keen to see it.

Mr Hird: I have not seen it.

MR WOOD: Mr Hird confirms that he has not seen it. The best way for all of us to see it, Mr Speaker, in a reasonable way, is for standing orders to be suspended and for Mr Osborne to be given permission to bring forward his Bill. Let it be tabled for consideration and let us get on with business.

MR OSBORNE (11.46), in reply: Mr Speaker, I would like to start by apologising to Mr Corbell and withdrawing that remark that Ms Tucker put into *Hansard*. I do apologise for that, Simon. It was said in the heat of the moment. Mr Speaker, I am a little bit amazed at some of the arguments that have been put up here. Yes, I did not raise this matter at yesterday's Administration and Procedure Committee meeting because it was not my intention to withdraw my Bill and put a new Bill on the table. It was not decided until late last night. That is why the matter was not brought up yesterday at the Administration and Procedure Committee meeting.

I am not asking members to vote on the Bill today. I am just seeking leave, which I think is the proper process, from the Assembly. I am seeking a majority vote from members of the Assembly to table my Bill. That is it, Mr Speaker. I accept the will of the Assembly in relation to the original Bill and I will be withdrawing it immediately after I table my new Bill. I think reasonable people would have no problem with what we are trying to do here.

Mr Speaker, as I said, I have accepted that a majority of members will not be supporting my original Bill and that is why we decided late last night to follow this process. I understand that Mr Hargreaves and Mr Wood have had many sleepless nights in the last couple of months, as have many of us over this issue. I would encourage them to have a good look at this new Bill. I think it is quite a sensible alternative. I really do not know how anyone could object to this revised version.

I thank members for their support in allowing me to follow this process. As I have said, I am seeking leave. I am following the standing orders of the Assembly in relation to this, Mr Speaker. I might just add that the Bill was commissioned at about 7 o'clock last night. The draft was emailed late last night and I did not see a copy of it until 10.00 this morning. That is the reason why it is being brought on in this way. As I said, I do apologise for that. I am attempting to put it on the table, but not for debate today, so that members can go away and have a look at the issues and hopefully come back with some positive input. I thank members for their support.

Question put:

That the motion (**Mr Osborne's**) be agreed to.

The Assembly voted -

AYES, 9	*NOES, 8*
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Moore
Mr Kaine	Mr Quinlan
Mr Osborne	Mr Stanhope
Mr Rugendyke	Ms Tucker
Mr Smyth	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

In-Principle Stage

MR OSBORNE (11.51): I present the Health Regulation (Maternal Health Information) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, on 19 November 1992 the High Court delivered a judgment in the landmark case of Rogers v. Whitaker. It concerned whether a specialist medical practitioner was under a legal duty to inform his patient about a risk assessed at one in 14,000. The court held that he was under such a duty. In the course of the two judgments the court spelt out the nature of the duty to provide information. Similar principles concerning disclosure were applied in the very recent High Court decision in Chappel v. Hart, 2 September 1998. This case concerned the disclosure of a risk of perforation of the oesophagus.

Mr Speaker, I would like now to quote from the Australian Law Reports paper in relation to the Rogers v. Whitaker case. I quote:

> There is a fundamental difference between, on the one hand, diagnosis and treatment and, on the other hand, the provision of advice or information to a patient. In diagnosis and treatment, the patient's contribution is limited to the narration of symptoms and relevant history; the medical practitioner provides diagnosis and treatment according to his or her level of skill. However, except in cases of emergency or necessity, all medical treatment is preceded by the patient's choice to undergo it. In legal terms, the patient's consent to the treatment may be valid once he or she is informed in broad terms of the nature of the procedure which is intended. But the choice is, in reality, meaningless unless it is made on the basis of relevant information and advice. Because the choice to be made calls for a decision by the patient on information known to the medical practitioner but not to the patient, it would be illogical to hold that the amount of information to be provided by the medical practitioner can be determined from the perspective of the practitioner alone or, for that matter, of the medical profession. Whether a medical practitioner carries out a particular form of treatment in accordance with the appropriate standard of care is a question in the resolution of which responsible professional opinion will have an influential, often a decisive, role to play; whether the patient has been given all the relevant information to choose between undergoing and not undergoing the treatment is a question of a different order. Generally speaking, it is not a question the answer to which depends upon medical standards or practices. Except in those cases where there is a particular danger that the provision of all relevant information will harm an unusually nervous, disturbed or volatile patient, no special medical skill is involved in disclosing the information, including the risks attending the proposed treatment. Rather, the skill is in communicating the relevant information to the patient in terms which are reasonably adequate for that purpose having regard to the patient's apprehended capacity to understand that information.

I will go on further, Mr Speaker:

> ... a doctor has a duty to warn a patient of a material risk inherent in the proposed treatment; ...

I will repeat that, Mr Speaker:

> ... a doctor has a duty to warn a patient of a material risk inherent in the proposed treatment; a risk is material if, in the circumstances of the particular case, a reasonable person in the patient's position, if warned of the risk, would be likely to attach significance to it or if the

> medical practitioner is or should reasonably be aware that the particular patient, if warned of the risk, would be likely to attach significance to it. This duty is subject to the therapeutic privilege.

That is what my Bill is primarily about, Mr Speaker. It is about adequate information being provided to women who are going to undertake an abortion.

Mr Speaker, my personal view is totally different from what I think is achievable in this place and I hope that members who are and who will be considering this new Bill will try to look through the emotion and try to look at what, in reality, this Bill is about. This Bill is about informed choice, Mr Speaker. It is about women being empowered, Mr Speaker. It is about providing them with relevant information. So, Mr Speaker, I hope that members will look seriously at this Bill.

I accept, as I said, the will of the parliament in relation to my original Bill and shortly will be withdrawing it. I would encourage members of the Labor Party to sit down and have a look at what this does, and I am sure that they will be more than comfortable with the outcome. I commend the Bill to the Assembly.

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

HEALTH REGULATION (ABORTIONS) BILL 1998
Discharge from Notice Paper

MR OSBORNE (11.57): In accordance with standing order 152, I move:

> That order of the day No. 1, private Members' business, relating to the Health Regulation (Abortions) Bill 1998 be discharged from the notice paper.

Question resolved in the affirmative.

Sitting suspended from 11.57 am to 2.30 pm

VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of a seniors group from the Gungahlin Community Service. Welcome to your Assembly.

REFERENCES TO PUBLIC SERVANTS AND SENIOR OFFICIALS
Statement by Speaker

MR SPEAKER: Yesterday we had a little problem about references to public servants. I would remind members that in the back of your standing orders is a statement of May 1997 which sets out the situation if anybody has any doubts about it.

QUESTIONS WITHOUT NOTICE

Stamp Duty - Property Development

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. In answers to questions raised at Estimates Committee hearings, the Government revealed that it had agreed, under the inner city revitalisation program, to waive stamp duty on the FAI Property Management development, the Waldorf Apartments. Given that the development proposes to put onto the market 133 apartments, varying in price from $135,000 to $265,000, at an average price of $190,000, can the Chief Minister confirm that the stamp duty forgone would amount to about $710,000?

MS CARNELL: I do not have my calculator with me, Mr Speaker. I think the information was provided to members at the Estimates Committee. If the actual figures were not provided, then we are very happy to provide the exact figures. I think it is really important that those opposite, indeed all Canberrans, support this approach from the ACT Government, simply because I am sure all of us agree that empty office blocks are not something that - - -

Mr Wood: Why are they empty?

MS CARNELL: Because the Commonwealth Government over the last 15 years, especially the last three years, has downsized quite significantly in the ACT. Both former governments have downsized in the ACT. It is certainly not something that this side of the house supports. Obviously the approach of those opposite would be to sit on their hands and say, "The Federal Government did it. It is not our problem". The fact is that empty office blocks are a problem. There is no indication in the foreseeable future that the amount of office space, particularly C and D grade office space, that is currently available in the Civic area is going to be used. It is that simple.

If we do nothing, as those opposite obviously advocate, we will see ageing office blocks just sitting there. If we are going to have a city that attracts tourists, that attracts business and that attracts development we have to have the heart of the city working well. That means that we need to get more people living in our city centre. There is also a safety perspective. A number of pieces of work have been done with regard to safety in the city area. One of the things that have been said is that we need more people living there, more people there all the time. The Government is doing two things - getting more people to live in the central parts of Canberra for safety purposes - - -

Mr Wood: It will be a hotel.

MS CARNELL: People do not usually live in hotels; they live in apartments. At the same time we are encouraging the redevelopment of ageing office blocks that are sitting there vacant. If those opposite suggest that that is a bad policy, I would like them to say it categorically, because I have to say that the community does not agree with them.

MR STANHOPE: I ask a supplementary question. Mr Speaker, I thank the Chief Minister for her offer to provide the stamp duty figures for the Waldorf to the Assembly. My supplementary question is: Can the Chief Minister indicate to the Assembly whether the Government's stamp duty waiver was conditional on an obligation for the developer to complete the project within an agreed timeframe? If so, what was the timeframe? Can the Chief Minister say whether a similar stamp duty waiver will be offered as an incentive to a new developer should FAI Property Management abandon or sell the project?

MS CARNELL: Mr Speaker, I do not have a copy of the contract. Is that a surprise to everyone in the Assembly? Surprising as this may seem, I also did not sign the contractual arrangement with FAI or, for that matter, the contractual arrangements for the other two developments that we provided the waiver for as part of announced policy of about two years ago. The other two properties that have been part of this approach are the Northbourne Avenue property that has become the Holiday Inn and the Melbourne Building, both of which have been refurbished quite significantly. I do not know, and nor would a Minister know, what the actual details of a contractual arrangement are. If those opposite are interested in getting those details in question time, then they should give notice of the question or alternatively put the question on notice. That is the normal parliamentary approach to detailed questions of this sort.

000 Emergency Telephone Service

MR OSBORNE: Mr Speaker, I have given notice of this question to Mr Humphries. I hope I get a good answer. Minister, my office has been made aware of several recent problems with the Telstra 000 telephone system, and it is something that I know that you have had concerns about. One of those concerns relates to a call which was directed to the ACT Fire Brigade from a person in Perth seeking emergency assistance. Minister, I know that you have been seeking to get some assurance from Telstra that the 000 system is fail-safe. I am also aware that your officials were to meet with Telstra or have met with Telstra to discuss these concerns. Can you advise this Assembly whether a meeting has taken place and whether or not your concerns - and I imagine all our concerns - have been adequately dealt with by Telstra?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for that question, because it is a matter that is of quite serious concern. The process of reorganising and rationalising the 000 emergency network began way back in 1991. Telstra's aim since that time has been to rationalise the number of call centres from 48, as it then stood, to just two - I gather one in Sydney and one in Melbourne.

I am not opposed to a major corporation like Telstra undertaking activities which will reduce its overheads and in turn presumably lead to lower prices for their customers, but when it comes to a matter as serious as the 000 emergency system we have to be absolutely certain that any reductions in outlay are not occurring at the expense of quality of service to people, in this case, in extremely serious emergency situations.

A national emergency call-taking working group has been in dialogue with Telstra about this process of restructuring, to make sure that we do not end up with a serious problem in individual cases. The ACT has been the home of a call centre. The proposal is to move from a centre in Canberra to redirecting calls to a centre presumably in Sydney or Melbourne. The concern about that is that the loss of local knowledge by a local operator answering an emergency call may be critical in being able to address that call properly when it is made. Mr Osborne, in his question, referred to the problem of someone in Perth ringing up and asking for emergency assistance and having the call directed to Canberra. I imagine the ambulance would take rather a long time to reach somebody in Perth if it was dispatched from somewhere in Canberra.

Mr Speaker, I have also heard of another case more recently in the ACT. I have not confirmed the details of this, but I understand that a call came through about a road accident close to Black Mountain and the call was directed to the Fire Brigade at somewhere like Dickson here in the ACT. Other information associated with that call led the Fire Brigade person in Canberra to query the nature of the call. It turned out that the call was in fact being made in respect of an accident that had taken place near Black Mountain near Tamworth. So you can see that the local knowledge that was applied by the Fire Brigade officer might have saved an ambulance or a fire engine from being dispatched quite pointlessly to somewhere near Black Mountain in the ACT. Even though it was detected at that early stage in this case, probably valuable minutes were lost while particulars were being ascertained and the matter referred back to the call-taking centre somewhere else. I am concerned about that.

Meetings have been taking place, I understand, with officials from Telstra to develop a way out of these problems, in particular focusing on what happens with the use of mobile telephones when it comes to making 000 calls. With a fixed telephone, Telstra know where the call is coming from, because it is a part of the information which apparently comes up on the screen. But with a mobile telephone I gather that the information that comes to Telstra is information about the nearest telephone tower through which the call is being directed. It is possible in those circumstances for a call being made, say, in Queanbeyan to be directed through a call tower that might be on a hill somewhere in the ACT, or vice versa. I am even told that it is possible that calls being made from mobile phones in northern Tasmania can be directed through towers in southern Victoria. Clearly, it is not much use to an emergency service if the call is going through entirely the wrong jurisdiction or the wrong location.

Mr Speaker, we have made it clear that we do not consider the present arrangements, at least as far as we can ascertain at this point, to be satisfactory. We have commenced a discussion with Telstra and we will press Telstra not to proceed with any changes unless they are demonstrably not going to threaten the efficiency and quality of service which is available to people who are unfortunate enough to need an emergency service based on a 000 call at any time in this jurisdiction or, for that matter, anywhere else.

Australian Football Facilities

MR QUINLAN: Mr Speaker, my question is directed to the Minister for sport and recreation. Now that ACTAFL, the ACT Australian Football League, has handed over its primary administrative responsibilities to the AFL, can the Minister say whether there has been any meaningful negotiations with the AFL on the upgrading of facilities at Football Park, Phillip, or at Manuka Oval?

MR STEFANIAK: I thank the member for the question. I do not know whether it is quite true to say that ACTAFL has handed over all its responsibilities to the AFL. ACTAFL, of course, has a large number of responsibilities in relation to the code of Australian football in Canberra and will continue to do so. However, they are working in with the AFL, as local cricket is working with the Australian Cricket Board, on upgrading facilities. As you are well aware, Mr Quinlan - I think we might have done this to an extent in estimates, but I do not have any real problem in giving you an update - the 1998-99 budget provides a total of some $8m to cricket and ACTAFL to enable them to upgrade facilities. That is to ensure that ACTAFL can provide TV-standard lighting and other things at Phillip and to enable certain things to be done at Manuka.

As you are well aware, Mr Quinlan, since just after the Port Adelaide game here, since early August, a committee led by Mr John Livy from the AFL and involving members of ACTAFL and cricket has been looking at an upgrade of facilities. They have done a fair amount of work on that. I was hopeful, as they were too - I think I have indicated this to you earlier - of bringing a report back to government on how they would like to see a staged development of those two grounds. We were hopeful of getting that in October. Unfortunately, that did not come to pass, but I do not think that necessarily is too much of a problem. It is important that they get it right and that when they do come to government with their plan it is an agreed plan and they have worked out all the possibilities and all the obstacles and have agreed on a way ahead. I am quite confident that that will in fact be the case.

I hope that they will be in a position to report shortly. I know they have had a number of meetings. Whether they are at a final draft stage I am not absolutely certain, but certainly they will come to government when they are ready and able to do so. It is important that we do get it right for both codes. You are well aware of discussions being held as to what would be the best venues and what can be done at each venue. It is not exactly a simple task. I think they might have been optimistic when they said six to eight weeks initially. I think it is more important that they get it right.

MR QUINLAN: I thank the Minister. He has pretty well covered my supplementary question. Do we presume that no commitments have been made to any group about upgrades at this stage?

MR STEFANIAK: No. The Government was happy to indicate, "That is the bucket of money which we will provide for those upgrades and it is up to you, the sports. If you think there is a better way of doing it than what has been proposed in the past, you tell us". That is the basis they are proceeding on. They are agreeable to that. I think that is a sensible arrangement, and they are obviously doing a lot of work on it. I am hopeful that they will report soon. At the Rams presentation dinner I spoke with John Livy. Certainly they are hopeful of bringing something to government as soon as they can. Obviously the initial timeframe was way too short. I do think it is important that they get it right.

Ainslie After-school Care

MS TUCKER: My question to the Chief Minister relates to the relocation of Ainslie after-school care. When I asked you questions on this in September, you were confident that replacement facilities could be of a high standard. Could you confirm to the Assembly that the costs are now estimated to be between $100,000 and $150,000, and could you inform the Assembly where this money is coming from?

MS CARNELL: I told the Assembly that, as part of the relocation of Craft ACT to Ainslie public school, both Ainslie after-school care and an English as a second language program would be relocated and would be found new homes. The reason for the delay till the end of the year in moving Craft ACT was to ensure that the timeframes were appropriate and that Ainslie after-school care would not have to move until the beginning of the new school year. I also undertook that wherever they went it would be a place that did reach appropriate standards. I do not know what the cost of relocation will be, but minor capital works budgets are used for these sorts of purposes all the time. As I am sure Ms Tucker would know, there is a minor capital works budget which handles relocations and those sorts of things during the year.

MS TUCKER: Mr Speaker, I ask a supplementary question. So the money is coming from minor capital works. That is good. That is an answer. Thank you. You also stated in September, in answer to my question, that the reason that you were feeling the need to move Craft ACT was that it was an election promise, so I am interested to know also whether it was envisaged that far in advance. I have not actually been aware of this or heard this, but I believe that this is the case if you say so. If it was envisaged that early that you would in fact be doing this, did you account in the budget for the costs of relocating Ainslie after-school care and the cost of refurbishment of the buildings for Craft ACT? If so, where would I find that?

MS CARNELL: I think I have just said that there are two costs. One is the cost of the relocation of the current people who are in the Ainslie public school. As I said, they will be funded probably out of minor capital works. Those sorts of amounts of money are available in various parts of the budget. I think I also indicated previously that the staged refurbishment of the building would be funded also from minor capital works or capital works programs over the next few years. Ms Tucker asked whether it was an election promise. Mr Humphries, who was the Minister, put out a media release on the issue.

Mr Humphries: And it was in our arts policy.

MS CARNELL: And it was in our arts policy, as Mr Humphries reminds me. I am sure Ms Tucker would have seen in the *Canberra Times* a very large picture of Mr Wood urging the Government to do exactly what we did and relocate Craft ACT to Ainslie public school. Thank you very much, Mr Wood.

Independent Living Centre

MR HARGREAVES: My question is to the Minister for Health and Community Care. Can the Minister confirm that the Government has imposed an entry charge for people wanting to visit the Independent Living Centre, the showroom of medical and support equipment for the disabled?

MR MOORE: To the best of my knowledge, the Government certainly has not done anything at the Independent Living Centre. It is at arm's length from government. If they have determined that they wish to put a charge on people entering - I presume they have their reasons for doing it - it certainly is an interesting concept. Mr Hargreaves, I am quite happy to check whether that is the case and get back to you. It is at arm's length from government. I find it surprising that that would be the case. It would be interesting to hear what their reasons are.

MR HARGREAVES: I ask a supplementary question. Thank you, Minister, for that response. I had some responsibility in the past and was not aware that it had been sold off. I appreciate that response very much. While you are at it, Minister, would you please also check out, just for the completeness of both our pictures, when the charge was imposed. You might verify that the charge in fact is $5 for most people to attend the centre and $2 for pensioners. Could you determine who decided on it, what the rationale for it was and also whether - - -

Ms Carnell: How could we do that? It is not ours.

MR HARGREAVES: Mr Speaker, I beg your indulgence. I am asking a question of the Minister for Health and Community Care, not the acting Speaker of this Assembly.

MR SPEAKER: Please proceed.

Mr Humphries: Do not be so sensitive, John. You have got your facts wrong. It is not the Government's - - -

Mr Hird: What is unusual?

MR HARGREAVES: Mr Speaker, do I have to put up with this garbage?

MR SPEAKER: Continue. Mr Moore will answer as he sees fit.

MR HARGREAVES: Thank you very much, Mr Speaker. I appreciate it very much. Can the Minister also please find out whether disabled people who require the services of that centre are now required to make an appointment to visit the centre? For the Minister's information, I am concerned that we had a service which was essentially for the benefit of these people and now, because of things unbeknownst to me, it is not being an effective centre.

MR MOORE: Mr Hargreaves, I will ask those questions and I will come back to the Assembly. But I have to say to you that the Independent Living Centre is at arm's length from government. If it chooses not to answer those questions, that of course will be its choice. It is something that we can certainly look at in our dealings with the Independent Living Centre. I will ask those questions and get a response as quickly as I can, which I would presume would be Tuesday or Wednesday next week. I will try to have the information by then.

Rural Residential Development

MR KAINE: Mr Speaker, my question is to Mr Smyth as Minister responsible for planning and land management. Minister, yesterday I asked you a question about the report on rural residential development. My question was aimed at determining whether you thought you would get more positive outcomes now that the discussion paper on rural residential development was on the table than you did in connection with Kinlyside, and your answer bluntly was no. Minister, if you do not expect more positive outcomes as a result of the commissioning of this report, which no doubt cost a considerable amount of public money, what was your purpose in commissioning it in the first place?

MR SMYTH: Mr Speaker, I thank the member for his question. I recall that you couched the question: "Would the Government have benefited had it had such a report when it made its decision?".

Mr Kaine: That was not my question. I suggest you reread the *Hansard*.

MR SMYTH: I will have to recheck the *Hansard*. Perhaps I misunderstood. What I thought you asked - - -

Mr Kaine: You should have listened to my question yesterday, which you obviously did not do.

MR SMYTH: What I thought you asked was whether the Government would have benefited had it had such a report before it when the Kinlyside proposal came forward. The answer to that is no, because the Kinlyside proposal that it had before it at the time, to the best of my knowledge, covered all of the information that has come forward in our report. The proposal that was put forward to the Government at that time addressed all those considerations, everything from bushfire management to heritage issues.

Indeed, I believe that some of the initial work that Mr Whitcombe did in the Kinlyside area covered some of the remains of the historic buildings up there, including the well. Does the report assist the Government? Of course it does. We will use it as a management tool to progress the provision of rural residential leases in the ACT.

MR KAINE: I am still not clear why the Government spent the money, Mr Speaker, but my supplementary question relates to the land areas that have been identified. In the preamble to this report it is noted that the ACT Rural Policy Taskforce had already advised the Government that rural residential development was inappropriate on productive agricultural lands. This report identifies three sites where residential rural development might take place. One of them is the Melrose Valley. Do you agree, Minister, that the Melrose Valley is non-productive agricultural land? If you do, you are in disagreement with the current lessee.

MR SMYTH: Mr Speaker, the Government, in its response to the Rural Policy Taskforce, said quite clearly that it rejected that recommendation of the task force as the Government felt that there was the desire and the need to offer the people of Canberra the choice of rural residential leases. Mr Humphries made that quite clear when he rejected that recommendation of the task force. He said that the Government would continue with its research into rural residential development.

ACTEW - Projected Income

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Will she agree to request ACTEW Corporation to release to the Assembly its most recent submission to the Independent Pricing and Regulatory Commission so that the community can see what projections ACTEW itself is making in relation to expected income over the next five years?

MS CARNELL: Mr Speaker, I have not seen that report. ACTEW puts forward its own submissions to the independent regulatory commissioner, Paul Baxter. They do not come through the shareholders, nor would you expect them to. But I do understand that the information provided is of a commercial-in-confidence nature - in other words, information that could be used by competitors to impact upon ACTEW's operations. Contrary to obviously what those opposite would do, I have no ambition, no intention whatsoever, of undermining ACTEW's commercial position.

MR CORBELL: I would like to point out to the Chief Minister that the report was not commercial-in-confidence a week ago when Mr Mackay and the Chief Minister indicated that there would be no problem in providing it to the Estimates Committee. I ask the Chief Minister: Will she indicate whether she has had any discussions with the chief executive of ACTEW, Mr Mackay, following his and her own commitment at the recent Estimates Committee hearings to release this document? Did she instruct Mr Mackay not to release the document? Further, how can she credibly claim that the Canberra community can believe her claims about the future profitability of ACTEW if the most recent evidence available on profitability from ACTEW itself, as outlined in its IPARC submission, is not available for open examination?

MS CARNELL: The most recent information available to taxpayers on ACTEW's performance is the quarterly report. The quarterly report shows quite categorically - - -

Mr Berry: That is not the question he asked.

MS CARNELL: It was exactly the question. He asked what the most recent information was. The most recent information is the quarterly report. The quarterly report shows quite clearly that ACTEW's electricity revenue is falling quite quickly, that ACTEW - - -

Mr Berry: Not falling as quickly as predicted.

MR SPEAKER: Mr Berry, would you like to have a chance to ask a question a little later, or would you like to be removed before you have that opportunity?

Mr Berry: I would like to stay.

MR SPEAKER: Well, stop interjecting.

MS CARNELL: Mr Speaker, the latest quarterly report shows that ACTEW's profitability from electricity sales is falling quite rapidly. That is the most recent information. Did I give any direction to Mr Mackay or make any suggestions to Mr Mackay with regard to the release of this particular document? The answer is no.

I'Anson Coronial Inquest

MR RUGENDYKE: Mr Speaker, my question is to the Minister for Justice and Community Safety, Mr Humphries. I advise the Assembly that Mr Humphries' office is aware of this question. The question relates to the coronial inquest into the death of Mr Warren I'Anson, which was completed, I believe, some time last year. Minister, could you please advise the Assembly when we might expect the coroner to announce his findings?

MR HUMPHRIES: Mr Speaker, I thank Mr Rugendyke for the question. I have to indicate that I have no particular estimate of when the coroner is likely to report on his findings in respect of this particular inquest. I indicate my concern that it has taken quite some time since the inquest was completed last year. It must be at least 12 months since it was completed and there has still been no report in the matter.

I have discussed the matter with an officer of the Magistrates Court in the last few days. I understand that the intention is to try to make some time available for the Chief Coroner, for it is he who is the coroner in this particular matter, to put aside a block of time to allow him to focus on the delivering of a report and a finding in that particular inquest. I think the court official is aware of the Government's concern about the delay in this matter. Given the separation of powers, there is not much I can do beyond that.

Sharps Collection - City Hill

MR HIRD: I have a serious question, Mr Speaker, for the Minister for Urban Services, Brendan Smyth. This is of some concern to me. Minister, are you aware of a media release put out by Labor member for Brindabella Mr John Hargreaves, MLA, that government had got its priorities wrong, as sharps were not being picked up on a regular basis by your staff, sir, in particular at City Hill? Mr Hargreaves stated that used syringes were picked up only if a complaint was received on the sharps hotline. Is this correct?

Mr Berry: Just say yes.

MR SMYTH: There is more to it than a simple yes. I thank the member for his question. Mr Hargreaves did put out a media release. I think all on this side of the house take the issue of drugs, particularly sharps, very seriously. When I saw Mr Hargreaves' press release, I asked the department to check out these claims. The staff's version of events is somewhat different to Mr Hargreaves'. Mr Hargreaves' comments were that we do not regularly clean up City Hill. He is wrong. It is not surprising that he would be wrong, given his history of getting the facts incorrect. For the record, particularly for Mr Hargreaves' benefit, City Hill is cleaned regularly. In fact, it is cleaned daily. On top of that, if the sharps hotline receives reports about syringes on the hill in between the daily cleans, we go out again and we pick up the sharps.

Mr Speaker, can I explain how Mr Hargreaves came to issue his press release. It says something interesting about just who got their priorities wrong on these issues. I am told that Mr Hargreaves called the sharps hotline on two occasions some weeks ago. Neither time did he identify himself as an MLA, although he was using his office phone during work time. The first time he called the hotline was several days after being told by somebody that there were syringes on City Hill. He did not give any details on how the syringes were found or where they were exactly. Mr Hargreaves called, wanting to know how often we cleaned the area. The staff told him that the sharps hotline did not actually sweep the area but went out every time there was a report of sharps which needed to be picked up. Mr Hargreaves was also informed that, as well as this, CityScape cleaners regularly cleaned the area and removed any syringes that they found. It is curious that Mr Hargreaves, despite having this information, still continued in the *Chronicle* to call for a regular clean-up of the area. Once again, Mr Speaker, the area is cleaned daily.

The other issue that worries me here is one raised after Mr Hargreaves' second call to the sharps hotline, about 45 minutes after his first. I am told that he made this call to report that he had found another five sharps for the sharps staff to go out and collect. Thank you for using our service. My staff tell me that he would not tell them the exact location of the sharps so that they could be removed quickly. It took the ranger a much longer search to find them and then to remove them than if Mr Hargreaves had cooperated. Mr Speaker, this lack of help by Mr Hargreaves is disappointing, as it not only wasted the time of the ranger but also ensured that it took extra time to find the sharps, which of course puts the public at greater risk.

Mr Stanhope: How many do you pick up a year, Minister?

MR SMYTH: Let me get to that. I am glad you asked that, because I know that you at least take this seriously. I would compliment you for your efforts in raising the awareness in the community on this, unlike some of your peers. The sharps hotline relies on the community helping to locate potentially dangerous syringes so that they can be removed quickly. I would like to congratulate the staff that go out and do that work and the public, who make it much easier for us through their assistance. The most recent sharps statistics, those from 1997-98, show that more and more people are using our needle chutes and fewer and fewer are leaving them in public places.

Mr Speaker, there has been a 43 per cent increase in the number of sharps being appropriately disposed of and a 15 per cent decrease in the number left in public places. The number of sharps picked up in public places by the city rangers was 5,314 on call-out, and CityScape picked up another 2,197 in the course of their duties. However, like all in this place, I would hope that whatever that figure comes to and how far it drops we never become complacent about sharps found in public places. Through you, Mr Speaker, I would urge anyone who finds needles or certain wastes to call the sharps hotline on 6207 5959.

Mr Speaker, finally I would like to say that it is not the Government who has got its priorities wrong here. People who do not give the hotline specific details about needle locations make it harder for us to collect these needles quickly and safely. I hope everybody would put community safety ahead of any other issue on any day.

MR HIRD: Mr Speaker, I am horrified to learn that Mr Hargreaves would not tell the hotline where these sharps were located.

MR SPEAKER: Just a moment. Is this a supplementary question?

MR HIRD: Minister, does this sort of behaviour - that is, wasting Public Service time - happen very often?

MR SMYTH: Mr Speaker, I am not suggesting that Mr Hargreaves acted this way to deliberately waste public servants' time. I would advise Mr Hargreaves, and indeed all Canberrans, when calling the sharps hotline simply to note the surroundings so that we get a detailed location for these sharps. In answer to the question, I am pleased to say that the majority of the calls to the hotline are quite specific about where sharps can be found. That does not waste the staff's time. It minimises the exposure, the time that the public may have to stumble on these, and it assists us greatly in our efforts. The community efforts in locating these needles are totally invaluable, and I would thank them.

I am told - and I think we will all be amazed to hear this - that on one occasion another MLA, then a candidate, used the hotline during the recent election to test whether it worked. He called the hotline to report that sharps had been found. When the staff arrived quite promptly to collect them, the then candidate told them that there were no sharps; that he was simply testing whether the service worked. How ridiculous!

Mr Moore: Did it work?

MR SMYTH: Of course it worked. We got there promptly and the then candidate was still there. The member should now be ashamed of himself for wasting public resources on nothing more than a ridiculous stunt that backfired on him in the course of an election campaign.

Mr Hird: Who was it?

MR SMYTH: He knows who it is.

MR SPEAKER: There is no need to identify the person. Under standing order 117(b)(i) questions shall not contain statements of fact or names of persons unless they are strictly necessary to render the question intelligible and the facts can be authenticated.

Hospitals - Privatisation

MR BERRY: My question is to the Minister for Health and Community Care. Noting the Minister's recent refusal to rule out the privatisation of our public hospitals and further noting that the Northern Territory is flirting with the privatisation of its public hospital, will the Minister unequivocally rule out any contact by him or his officials or discussions with anyone in relation to privatisation of all or part of our hospital system?

MR MOORE: Mr Speaker, with the wisdom of hindsight some of us can always think of ways we could have done things better. When I answered the question in Estimates Committee, I refused to rule that out. I think what I should have said was that I will not play your rule-out games. I am not going to start saying, "I am not doing rule-out on this. I am not doing rule-out on that".

Mr Corbell: I take a point of order, Mr Speaker. The question was not asking the Minister to rule anything in or out. It was asking the Minister whether he had had any discussions with anyone relating to the privatisation of the hospital system. He has not answered the question.

Mr Humphries: On the point of order: That was not what the question was. Mr Berry said, "Will you rule out any future discussions?". Watch your script, Mr Corbell. You are reading the same script that Mr Berry read. Read the question out again, Mr Berry.

MR SPEAKER: Order! There is no point of order. I would ask Mr Berry, who asked the question, whether he would like to ask a supplementary question.

MR BERRY: Has there been any contact by the Minister or any of his officials with anybody in relation to privatisation of our hospital system?

MR MOORE: Mr Berry, let me reiterate my position. I will not play any rule-out games.

Mr Berry: I take a point of order. I asked a specific question. Has there been any contact?

MR SPEAKER: Just a moment. The Minister is answering.

MR MOORE: I was going to give you your answer. Now you miss out.

MR SPEAKER: When you say "any contact", it sounds like an infectious disease, but go on.

MR MOORE: Following the Estimates Committee situation and my failure to rule that out, a single person asked me whether it was actually on the agenda to privatise the Canberra Hospital. That was at a meeting at which we discussed a whole range of other things. At that meeting I gave the same answer that I have just given here to the Assembly - that what it was really about is that I will not play your rule-out games.

Government Vehicle Fleet - Leasing Cost

MR WOOD: My question is to the Chief Minister. It concerns the additional cost of leasing vehicles in the government fleet should the GST be introduced. Leasing companies claim that costs under one type of leasing arrangement will rise for a time because the value of used cars will fall. That is what they say. Has the Government assessed the likely additional cost of leasing its vehicles? If so, what is that cost? Indeed, have government agencies been approached on this matter as new leases are drawn up?

MS CARNELL: The Federal Government's proposal to introduce a GST is having no effect on current ACT Public Service fleet lease rates. Contrary to what Mr Wood has been saying, quite regularly over the last few days, and certainly in some comments you have made to the *Canberra Times,* under the leasing arrangements currently in place - - -

Mr Stanhope: Yes, he has done well.

MS CARNELL: He has done well by giving wrong information to the *Canberra Times*, Mr Stanhope? That is a very interesting approach.

MR SPEAKER: The Chief Minister is answering a question, not giving a critique.

MS CARNELL: Under the leasing arrangements currently in place for ACT PS vehicles, lease rates are based primarily on the purchase price of vehicles, the period of the lease and the anticipated residual value at the time of disposal. While it is true that current fleet rates are increasing, it is not as a result of the GST proposal. The key factors which are influencing current ACT PS lease rates are an increase in the purchase price of new vehicles, for example, the cost of a new Falcon has recently increased by some $2,500;

a further decline in residual values of vehicles, which have fallen over the past two years from around 95 per cent of new car prices to around 81 per cent on a typical four-cylinder vehicle; an increase in the cost of vehicle registration from 1 September 1998; and an increase in the cost of vehicle insurance from 28 September 1998.

Over the past two years the average lease rates for small sedans, which make up 36 per cent of the total fleet, have increased by approximately 3 per cent. The average lease rates on large sedans, which make up 17 per cent of the fleet, increased over the same period by approximately 21 per cent. Fluctuations in the residual or resale value of vehicles has the largest impact on lease rates, accounting for over 50 per cent. The residual rates are set on a six-monthly basis, based upon the resale value of similar cars over the past 24 months weighted to the last six months. The residual values therefore reflect current market conditions, not ones that might exist in a couple of years' time.

Record new vehicle sales and oversupply of used vehicles are the key market forces which are influencing the current decline in residual values. To date the possible effect of a GST has not been factored into lease payments for ACT vehicles. The Government is committed to reducing overall vehicle fleet costs, and has done so very consistently over its time in office. If Mr Wood had bothered with facts in this situation, he should have thought about it seriously. Mr Speaker, under a GST the reason that residual prices will come down is simply that the cost of new cars will come down. If the cost of new cars comes down and the cost of second-hand cars comes down, there will be a dual effect of GST which of course, in the overall situation, will not affect the leasing prices once the whole situation plateaus. What does affect leasing prices is what is happening right now - the price of new cars going up and the price of second-hand cars going down. It leaves a gap. That is what is occurring right now. Again, it is a great pity that those opposite did not bother with the facts.

MR WOOD: I ask a supplementary question, Mr Speaker. Next time, I might take as long to ask the question and then I might not be told some of the things I already know. In asking my supplementary question I will save myself having to use standing order 46 or 47 later to explain wrong facts. The fact is that today is the first time I have mentioned government fleets. I have not mentioned government fleets before today.

Mr Humphries: Mr Speaker, I take a point of order. You have made rulings about preambles before. There is a very long preamble to this question.

MR SPEAKER: No preamble, Mr Wood. You know the rules.

MR WOOD: I am just saving you time, Mr Humphries. I can stand up in another few minutes and do it under standing order 46.

MR SPEAKER: You can indeed.

MR WOOD: In fact, the statement I made was about vehicles operated by community-based bodies. I am relaying what they are saying to me and what their leasing companies are saying to them. Chief Minister, obviously you have been assessing the potential impact in the future on government fleets. If there emerges, as is feared, a problem with the community agencies, would you look at any case they would bring to you, because it could have an impact on the way they attend to people in the community?

MS CARNELL: Mr Speaker, I would not have thought it took a genius to work out that if the prices of used cars were coming down for the government fleet they would also be coming down for cars leased by community groups.

Mr Stanhope: So they are all wrong, are they?

Mr Wood: That is not what they are being told.

MS CARNELL: That happens to be the case. Mr Speaker, I think I explained very lucidly how leasing companies work out leases on cars, not just government cars but cars generally. They look at the cost of new cars, the cost of second-hand cars, the residual value of cars going back into the market and what it costs to maintain those cars - insurance and registration. The same thing occurs for both community-based groups and government groups.

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

ACTEW - Projected Income

MS CARNELL: Mr Speaker, I have some further information on a question that Mr Corbell asked in question time, which, I have to say, shows but again the fact that those opposite are a little tiny bit loose with the facts.

Mr Kaine: That's calling the kettle black!

Mr Corbell: People in glass houses - - -

MR SPEAKER: Please come to order; otherwise the information will have to be repeated.

MS CARNELL: Mr Speaker, I am advised by Mr Mackay that he wrote to the chair of the Estimates Committee earlier this week. So, contrary to what was said in question time, that did not indicate that there was any information from Mr Mackay at all.

Mr Stanhope: In estimates he did.

MS CARNELL: No; he wrote earlier - - -

MR SPEAKER: Just a moment. Order, please! The Chief Minister is providing some additional information. That, I understood, was earlier this week. Is that correct?

MS CARNELL: Mr Speaker, I am advised that Mr Mackay wrote to the chair of the Estimates Committee earlier this week and indicated that ACTEW's submission to the Independent Pricing and Regulatory Commissioner did contain information that would be of commercial advantage to competitors. I am advised that in this letter Mr Mackay offered to provide the Estimates Committee with a copy of ACTEW's submission, on the understanding that it remained confidential within that committee. This was to ensure that confidential information, such as ACTEW's margins and the actual price that it pays for its electricity, was not disclosed publicly. As members would realise, the release of this information would place ACTEW at a commercial disadvantage. Mr Speaker, I would like to repeat that there was no direction by me to ACTEW not to release the submission. That is the reason why I did not know that this letter had gone out, Mr Speaker.

Mr Corbell: You had no discussion with John Mackay?

MS CARNELL: That is right, no discussion. That is the reason why I did not know that this letter had gone out. But Mr Corbell did. Mr Corbell knew when he asked that question that Mr Mackay had already offered a confidential briefing.

Mr Stanhope: What exactly is the point here?

MR SPEAKER: I have no idea, Mr Stanhope; that is the point.

MS CARNELL: I have no idea what they are talking about, Mr Speaker. The fact is that the committee has already been offered a briefing on that particular submission, on the basis that it stays confidential.

Sharps Collection - City Hill

MR SMYTH: I have some information for Mr Hird. Mr Moore has now informed me that there were some 500,000 needles issued last year, 66 per cent of which were returned to the distribution outlets. So, if my staff are picking up about 7,500 of those issued, it means that about 1½ per cent of needles issued are discarded, which would indicate that the rest are being disposed of in an appropriate manner. I think that is a tremendous outcome for some of the education programs that we have had.

Housing Maintenance

MR SMYTH: Mr Speaker, Mr Wood asked yesterday about urgent repairs to government properties, and I have some information for him. ACT Housing has a set budget for repairs and maintenance in 1998-99 and receives a large number of requests. There will never be sufficient funds available to meet the expectation of amenity by our tenants. Consequently, maintenance requests are evaluated and prioritised against the criteria of health, safety and security. Funds are allocated to urgent repairs that meet the criteria, and the work is arranged to be carried out as soon as possible.

At this stage, ACT Housing is able to pay for urgent and minor maintenance. If, however, the demand for urgent and minor maintenance exceeds the funds available during the period 1998-99, ACT Housing would review other programs, such as upgrading and planned maintenance, with a view to identifying funds that could be transferred. Forward estimates for the years 1999-2000 provide a similar budget to this financial year's.

Mr Speaker, contracts let for urgent and minor maintenance are for a minimum period of two years. Tenders are to be called in October 1999. Particular attention is paid to past performances of contractors who previously held contracts with ACT Housing and who re-tender. Mr Speaker, if ACT Housing receives complaints about the standard of work carried out by contractors, they are investigated and, if substantiated, the contractor is required to make good his work. Should repeated complaints be received about a contractor, ACT Housing issues a warning to the contractor that he could be in breach of his contract and advises him of the consequences if further complaints are received. Mr Speaker, I am pleased to say, however, that the latest Ombudsman's report noted that the number of complaints about ACT Housing's delivery of services has, in fact, declined.

Mental Illness

MR MOORE: Mr Speaker, yesterday Mr Rugendyke asked me a question about the Work Resources Centre in relationship, my recollection is, with Michelle's. In fact, as it turns out, it is with Annabelle's; but we will get our Michelles and Annabelles sorted out as I provide my answer to the question.

In March 1998 Work Resources Centre Inc. was awarded a contract for the provision for supported accommodation services for people with mental illness. They are funded to provide accommodation support for a minimum of 13 clients at any one time. Work Resources Centre Inc's original submission and subsequent contract specified the working arrangement and alliance between Annabelle's Home Services, normally called Annabelle's, and Work Resources Centre Inc. The Work Resources Centre is responsible for the administration and acquittal of the contract, of professional advice, backup and/or support to Annabelle's and the support workers on issues relating to mental illness. This is in conjunction with Mental Health Services and case managers.

Work Resources Centre Inc. is involved in the recruitment and training of support workers. Currently Annabelle's supplies the Work Resources Centre with the same, regular, seven support workers, two of whom have been trained by the Work Resources Centre Inc. It also is involved in negotiating and meeting with Mental Health Services and establishing a memorandum of understanding; negotiating with ACT Housing and others to obtain houses; establishing protocols and quality system reporting, ongoing monitoring and evaluation; initial screening of referrals to the service and first meeting between the client and the case manager to discuss what services can be provided and how the client's needs are met.

Annabelle's is responsible for the day-to-day administration and ensuring that support workers are implementing the individual support plans. This includes linking the support worker with the client and finalising the individual support plan with time, days, et cetera.

Support staff are employed on a casual basis to match specific needs of the clients. This allows flexibility in matching the support workers with the client - for example, gender, geographical areas, hours and days, need requirements and so on. Currently Work Resources Centre Inc. has four males and four females in group supported housing, two supported clients in individual accommodation and a further two clients to be placed in individual accommodation following final assessment by Mental Health Services.

To our knowledge, there is no contractual, financial or any other type of arrangement between Michelle's Nursing Service and Work Resources Centre Inc. There was probably a confusion in names there. There is a working financial arrangement between Work Resources Centre Inc. and Annabelle's Home Services. This is recognised in and has been agreed to in the current purchaser-provider agreement. The financial details of any subcontracting arrangements which Work Resources Centre Inc. may have would be held as commercial-in-confidence.

The existing service contract expires, according to my advice here, in June 1998. I think that might be a typing error; so I will double-check that. Annabelle's, if it wishes, is certainly entitled to make a submission independent of Work Resources Centre Inc. for any future service arrangement. It is a partnership relationship. It is a sensible relationship, which delivers our service in an effective way. The department was aware of it. It is not something that I think we should be concerned about or worried about, provided - and this is the critical issue - that there are good services being delivered to the clients, the people who need support in the Mental Health Services area. One of the changes I seek to make - and I put this up in setting the agenda - is that our services be focused on the client - - -

MR SPEAKER: Excuse me, Mr Minister, but are you giving an answer to a question taken on notice or are you making a ministerial statement?

MR MOORE: No. I am just about finished, Mr Speaker. Mr Rugendyke asked me a question on this yesterday, and I think it is important. My final comment is that, in setting the agenda, I made it very clear that we are interested in client focused work. Sometimes that will be to the disadvantage of a particular interest group; but our prime focus is going to be the client, whether that is a patient or whatever. That is part of the process that has been used here.

PERSONAL EXPLANATIONS

MR HARGREAVES: Pursuant to standing order 46, I seek leave to make a personal explanation, Mr Speaker.

MR SPEAKER: Proceed.

MR HARGREAVES: I make this personal explanation for the benefit of Mr Hird, who I know is absolutely beside himself seeking accurate information regarding the clear-up or lack thereof of sharps on City Hill.

MR SPEAKER: I am still waiting.

MR HARGREAVES: What I wish to do, Mr Speaker, is to run through the chronology of events which I think have been portrayed - - -

Ms Carnell: Mr Speaker, on a point of order - - -

MR SPEAKER: A point of personal explanation.

MR HARGREAVES: A personal explanation.

Ms Carnell: But he cannot debate the topic, as we know, in any way, or, for that matter, run through chronologies of events.

Mr Berry: On a point of order, Mr Speaker: There is no debate ensuing. This is a personal explanation.

MR HARGREAVES: Mr Speaker, I do not wish to debate the issue.

MR SPEAKER: You are aware of the personal explanation provisions, Mr Hargreaves.

Ms Carnell: You can say where you have been upset, but that is all.

MR HARGREAVES: Mr Speaker, I will take the Chief Minister's advice and very gratefully accept it. I am very upset, in fact, that the Minister has advised the Assembly about events which were not, in fact, the case. I would like to make an explanation to the Assembly of what happened so as to clear up that issue. In fact, what occurred was this: On the morning of, I think, 1 November I received a call advising me that there were bags full of syringes, both unused and used, on City Hill. Indeed, I was also told that the hotline people or somebody had been and done a clear-up. I was very happy with that. However, I visited the area that afternoon, just to acquaint myself with the area, and found five - - -

Ms Carnell: You went for a bit of a walk on the hill, did you?

MR HARGREAVES: I walked on the hill, indeed. Unlike you, Chief Minister, I do not walk on water.

MR SPEAKER: Order, please! It has got nothing to do with walking on water. You visited City Hill.

MR HARGREAVES: I found five of these needles there. Mr Speaker, I did indeed contact the hotline the next day. I did not give my name instantly, and I accept this as a criticism. Initially, I did not give my name because I did not want the person there to feel in any way threatened about my call. When I satisfied myself that that was not

the case, contrary to what the Minister has said today, I did give my name. If I had not done so, he would not have known who had done it. In the next call I made, which was the next day, I did identify myself instantly when I made the call. So, the information that Mr Smyth has gleaned from either his spokeswoman or his department is incorrect.

Secondly, Mr Speaker, when I found these five needles there I asked the hotline person about the clearance and I was advised that they do it only on complaint; that there is no regular pick-up. The Minister has said that there is a regular pick-up. Mr Speaker, either the Minister has got it wrong or his department has. I merely quote what was told to me, and I do that in good faith. If, in fact, this is happening and there is a regular clear-up, I am happy about it.

MR SPEAKER: Order! The personal explanation is at an end.

MR HARGREAVES: Mr Speaker, the imputation was that I have misled people.

MR SPEAKER: You have made your personal explanation. That is perfectly all right, Mr Hargreaves.

MR HARGREAVES: I have not yet, Mr Speaker. I shall do so in the press.

MR CORBELL: Mr Speaker, pursuant to standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Proceed.

MR CORBELL: During question time today the Chief Minister suggested that I was in some way deliberately misleading, in that I was aware of a - - -

Ms Carnell: On a point of order, Mr Speaker: I did not say "deliberately misleading" or anything.

MR SPEAKER: Order, please! The Chief Minister did not use the word "misleading".

MR CORBELL: I am sorry, Mr Speaker. I am quite happy to withdraw that suggestion.

MR SPEAKER: I think the Chief Minister's words were that you knew of something, Mr Corbell.

MR CORBELL: Yes, Mr Speaker. I would just like to explain that I was aware of Mr Mackay's letter, and that was the reason why I asked the Chief Minister the question I did. I asked the Chief Minister whether she was willing to make the document public, because I was aware that Mr Mackay had indicated that he was not willing to do so. Further, Mr Speaker, contrary to claims made by the Chief Minister, the letter from Mr Mackay to Mr Berry in no way mentions the term "commercial-in-confidence", nor does it mention commercial information which could be damaging to ACTEW in light of its revelation to competitors. The letter does not mention that either.

Mr Humphries: Mr Speaker, this is not a matter of personal explanation. This is a matter of debate.

MR SPEAKER: I think we have finished that.

MR WOOD: Pursuant to standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Proceed.

MR WOOD: The Chief Minister indicated today that I had given strong support, in effect, to the Government for taking over the whole of the old Ainslie Infants School. Mr Speaker, I seek leave to table for members a media press release I put out, I believe, on that day, which indicated my interest in that building and in the part relinquished by SWOW.

Leave granted.

AUTHORITY TO BROADCAST PROCEEDINGS
Paper

MR SPEAKER: Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly for today, 18 November 1998, concerning the debate on the Health Regulation (Abortions) Bill 1998 and proceedings concerning the presentation and subsequent debate on the Health Regulation (Maternal Health Information) Bill 1998.

FINANCIAL MANAGEMENT REPORT
Paper

MR HUMPHRIES (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 30 September 1998, pursuant to section 26 of the Financial Management Act 1996. The report was circulated to members when the Assembly was not sitting.

REMUNERATION TRIBUNAL
Determinations

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I present determinations, together with statements, pursuant to section 12 of the Remuneration Tribunal Act 1995 relating to:

Chief Justice of the Supreme Court - Determination No. 37, dated 3 November 1998.

Master of the Supreme Court - Determination No. 38, dated 3 November 1998.

Chief Magistrate, Magistrates and Special Magistrates - Determination No. 39, dated 3 November 1998.

Part-time holders of public offices -

ACT Parole Board - Determination No. 40, dated 3 November 1998.

Full-time holders of public offices -

President of the Administrative Appeals Tribunal - Determination No. 41, dated 3 November 1998.

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) (AMENDMENT) BILL 1998

Debate resumed from 20 May 1998, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (3.37): Mr Speaker, this Bill proposes provisions that empower the Supreme Court to deal with applications in relation to breaches of the Land (Planning and Environment) Act 1991, the Land Act, and the Heritage Objects Act 1991, the Heritage Act. Mr Speaker, Ms Tucker's Bill is a reflection of the Bill introduced into the Legislative Assembly by Ms Lucy Horodny in April 1997, which purported to implement recommendation 95 of the Stein inquiry; that is, to entitle any person to approach the Supreme Court to civilly enforce breaches of the Land Act without being required to establish common law standing. Ms Horodny's Bill was not supported by the previous Legislative Assembly because transparent and efficient appeal mechanisms already exist. Applications for review are considered by the Administrative Appeals Tribunal.

The Government's previous position has not changed, Mr Speaker. My colleague the Deputy Chief Minister, Mr Humphries, met with the ACT Greens last year and explained the Government's reasons. The removal of the open standing provisions in the AD(JR) Act 1989 was a consequence of the major amendments to the Land Act during 1996. The amendment ensured that decisions made under the Land Act were subject to the same standing provisions as decisions made under other Territory legislation.

Mr Speaker, this was not in contradiction of recommendation 95 of the Stein inquiry, as implied by Ms Tucker. Ms Tucker fails to consider recommendation 95 in context with recommendations 88 to 91, which state that the view of the inquiry was that appeals should only be available to adjoining lessees or accredited residents associations who objected to the application. In fact, the Government went further in its response to the Stein report and provided for appeal rights where a direct interest could be demonstrated.

Mr Speaker, the Bill provides for direct recourse to the Supreme Court for the review of decisions made under the Land Act and the Heritage Act. The review of these decisions is initially a role of the AAT, not the Supreme Court, a role which the AAT fulfils competently and efficiently. The AAT provides individuals, residents groups and so on with easy access to a review process which is less formal and costly than the court system. Should direct recourse to the Supreme Court be made available for decisions under land and heritage Acts, significant procedural and resource implications for the court and high costs for the appellants would result.

Ms Tucker's Bill also opens the door for frivolous applications and applications which have no merit. The current provisions of the AD(JR) Act require an applicant to demonstrate that their interests are adversely affected by the decision. This Bill, through its open standing provisions, will enable persons without a direct interest in the matter to apply for the review of a decision. This provides potential for substantial delays in the approval process that could possibly be generated by commercial competitors or others whose main intention is simply to delay a proponent. This is a very undesirable element to introduce into the lease administration system. It would certainly stifle development in the Territory.

There is no sound reasoning for providing open standing provisions for court proceedings in relation to planning, leasing or heritage decisions, or in fact any other government decisions, without appropriate safeguards. As Ms Tucker pointed out in the presentation speech to her Bill, open standing provisions do exist in other State jurisdictions. However, these jurisdictions have related legislation that provides express safeguards for frivolous and vexatious applications of appeal by way of granting costs or requiring financial undertakings from applicants. The ACT Supreme Court does have the power to either stay or dismiss an unmeritorious claim. However, the ACT does not have specific primary legislation that provides a form of express protection.

Mr Speaker, for the reasons I have outlined, the Government does not support Ms Tucker's amendment to the AD(JR) Act. The Government does not accept that Ms Tucker has provided sufficient justification for applying separate standing requirements to decisions made under the Land Act or the Heritage Act. The current standing provisions maintain equity and fairness for all involved in the appeals process and enable the AAT to undertake that role for which it was intended.

MR MOORE (Minister for Health and Community Care) (3.42): Mr Speaker, there has been a long-running debate on this issue since the very first days of the Assembly, and we have had these sorts of appeals mechanisms in place and not in place at different times in the Assembly. When this sort of appeal mechanism was in place, if what Mr Smyth said was true, we would have expected a wide-ranging number of opponents conducting appeals as well. When I say "opponents", I am not talking about community groups

who oppose; I am talking about the area that concerns me most, and that is where other developers seek to delay a particular development because it gives them some kind of commercial advantage. I must say that that is the area where the amendment put up by Ms Tucker is probably at its weakest. However, Mr Speaker, our experience in the past is that - - -

Mr Berry: You should declare your conflict on this.

MR MOORE: Mr Berry interjects that I should declare my conflict on this. Mr Berry, as we have explained to you on a number of occasions, when issues like this come before Cabinet, I step aside from Cabinet.

Mr Berry: No; I am talking about the *Canberra Times* appeal - the Times Square one.

MR MOORE: I see; we are talking about the *Canberra Times* appeal. That was quite some years ago, when I was part of an appeals mechanism that did allow appeal on these sorts of things. You might remember that a Labor government, of which you were a member, introduced a whole new lease on the *Canberra Times* site after an appeal had been through the Supreme Court and, according to my recollection, the Federal Court. A new lease was issued, which was contrary to the spirit, as I see it, of the court's decision; but it was still a legal action. It did go to the point that ordinary citizens could use an appeal mechanism similar to the one that this legislation would allow.

Mr Speaker, there is always a fear that these things will be misused. Our experience is that they are used very sensibly. The main reason for that is that it takes a heck of a lot of work and a heck of a lot of trouble to take an appeal to this kind of level. It is not something that people do lightly. You only have to start trying to deal with the courts to realise just how difficult it is. Perhaps that is something that we should address. It is certainly something that Mr Wood, as Minister, attempted to address in setting up the Planning Appeals Board. I rue the day that it disappeared. Nevertheless, Mr Speaker, it seems to me that what we have here is a very sensible piece of legislation. It is a piece of legislation that I have supported before. I will continue to support it because I believe that ordinary citizens should have wide access to appeal rights.

MR STANHOPE (Leader of the Opposition) (3.46): Mr Speaker, the Labor Party has given very serious consideration to this particular Bill. We have had discussions with a number of interested organisations and individuals within the community. The Labor Party will be supporting the Bill. I take the points that Mr Moore has made and agree very broadly with the things that he has said. We also are very conscious of concerns that this sort of provision does have a capacity to be used frivolously, that it does have a capacity to tie up legitimate development if misused. The Labor Party is prepared, however, to accept that general and broad experience is that a general right of appeal against a planning decision, with open standing or broad standing, is something that has not generally been misused and is not generally open to frivolous abuse. We do have those concerns.

I think the history of the debate will show that the Labor Party has been very cautious in the past in its approach to this particular issue. We have made the decision now, however, that it is worth expanding the standing and the right to actually appeal to the Supreme Court against decisions under the Land (Planning and Environment) Act. We are prepared to trial the proposal. We are prepared to actually allow a broadening of standing to people who believe that they are affected or who are aggrieved. I have had discussions with concerned organisations from the community and people involved in the building and development industry in Canberra. The Labor Party has given an undertaking to those people that, if we believe on any reasonable assessment that genuine efforts at development are being subjected to frivolous, time delaying and broadly unwarranted applications for review that do tie up development unduly, then we will look very seriously at that. On the basis of that experience, we will look to removing this right if we believe that it is not being used appropriately. I make that undertaking publicly.

We are aware of those parts of the argument that are concerned about the potential frivolous use. On balance, we do not believe that that will be an experience. We are minded to accept the sorts of arguments actually advanced by Stein in his report, to the extent that he supported open standing provisions. Stein's basic position on these was that an open, democratic, accountable and transparent process should not fear open standing provisions but actually should welcome such provisions as an aid to appropriate administration of important pieces of legislation such as the Land (Planning and Environment) Act.

They are the basic considerations that the Labor Party has had. At this stage, we are prepared to accept the argument that open standing is appropriate. We have made a judgment that it will not be abused or used frivolously. We are prepared to support the legislation on that basis; but we have taken seriously the concerns of those members of the community about the need for development to be advanced without undue restriction. We are prepared to monitor closely the practical application, implementation and use of this provision. So the Labor Party will be supporting the Bill, Mr Speaker.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.50): Mr Speaker, this matter, of course, has been dealt with previously by the Legislative Assembly. The issues have been very extensively debated in the past in the Assembly. During the Third Assembly I was pleased, as the then planning Minister, to receive support from the then, and now, Labor Party Opposition to oppose provisions coming forward from the crossbenches for the widening of standing rights in the Supreme Court on appeals against planning decisions, or even non-decisions. Omissions, I think, were also included in the earlier debate, if not in the present debate.

Mr Speaker, it is disappointing, therefore, to see that the Labor Party has changed its position on this fairly significant provision and has decided that it will now, as it puts it, conduct a trial and see what happens if wider standing is provided for. Mr Speaker, I am surprised that members would feel it necessary to conduct a separate

trial in the ACT, when I understand that open standing provisions have been in place in other jurisdictions in the past and have very frequently resulted in much wider interest and involvement by parties in particular applications or proceedings than one would expect using the substantial and adversely affected test, which is being replaced by these provisions.

It is often the experience that other groups and individuals and commercial interests have become involved in places elsewhere to prevent particular applications from proceeding. We hardly need to conduct a trial, I would have thought, to realise that such involvement may well become the case in the ACT. In fact, there is absolutely no logical reason to suggest that it would not become the case in the ACT. Mr Speaker, what we do by passing this legislation is allow anybody, anywhere in the Territory, basically for any reason that comes to their mind at the time, to hold up applications for development, for particular decisions to be made under either the Land (Planning and Environment) Act or the Heritage Objects Act, and to significantly disrupt the process of decision-making on that basis. Mr Speaker, that concerns me rather considerably.

I believe that there are a number of occasions when individuals - particularly, I might say, and I will be somewhat specific here, individuals who have appointed themselves as guardians of some sacred planning principles in this Territory which apparently have been sacrificed, in their view, by successive governments, both Labor and Liberal - feel the need to come forward and intervene or involve themselves in a number of proceedings when their only standing is that they have considered themselves to be the appropriate guardians of these particular principles.

Mr Speaker, one particular person springs to mind, who was a candidate at the recent election and who very publicly indicated her view that the planning principles on which Burley Griffin designed the city of Canberra were being crassly and venally undermined by the commercially oriented governments of the Territory of both sides of the house. She stood on a platform of saying, "I will personally wind back this terrible intrusion into the integrity of the planning system and defend the rights of the citizens of Canberra". The fate of that particular candidate, I think, is well known to everybody in this place. She proved spectacularly that her views about the planning system were apparently not shared by a very considerable majority of the population of the ACT, particularly in areas such as South Canberra, mainly concentrating around the Manuka area.

Mr Speaker, the evidence of recent years is fairly clear that there is not support for a view that every person appointing themselves - anointing themselves, even - as a planning expert, as a person entitled to crusade into the courts of the Territory in defence of some particular planning principle that they feel is being adulterated by the careless and venal planning processes of the Territory, should be given standing. I think that we ought not to accede to legislation which will have the effect in some significant cases in the future, without any doubt at all, of holding up those developments and those changes in the planning status of particular parcels of the ACT merely because we take some abstract view about the desirability of allowing anybody who wants to to defend the planning principles of the Territory. Mr Speaker, in other matters before Territory courts we require a person who comes before the court to have some standing; that is, some nexus with what is being considered by the court.

Mr Berry: Well, these people will have.

MR HUMPHRIES: No, they will not. This is the point.

Mr Berry: They live here.

MR HUMPHRIES: No. Actually, it does not even say that they live in the Territory, Mr Berry. You read the Act. It says "a person who considers the decision to be contrary to law". I do not see why this amendment requires that the person who brings the action is a resident of the ACT. I might have misread that. I might have omitted something else that is in the body of the Act which touches on that subject. I look forward to Ms Tucker elucidating that. But I do not even see here what prevents a person who lives outside the ACT from acquiring standing under these provisions.

Mr Stanhope: The filing fee at the Supreme Court will prevent them, Minister.

MR HUMPHRIES: The what?

Mr Stanhope: The filing fee for actually initiating the action.

MR HUMPHRIES: Oh, I see.

Mr Stanhope: People are going to come down from Sydney, pay $500 to initiate an action - - -

MR HUMPHRIES: So, Mr Temporary Deputy Speaker - - -

Mr Berry: No; they will get up and read the *Canberra Times* in Yass one day.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The Attorney-General has the call.

MR HUMPHRIES: I understand. Of course; I forgot about Ms McRae's comments from last year. The poor people live in Queanbeyan. Therefore, they cannot afford to pay the filing fee. Of course; that is it.

Mr Stanhope: This is a serious debate, Mr Humphries.

MR HUMPHRIES: That was a very serious comment at the time it was being made as well. Mr Temporary Deputy Speaker, the idea that people are excluded because people outside the ACT will not be able to pay the filing fee is a concept which does the Leader of the Opposition great disservice, but it illustrates - - -

Mr Stanhope: You know what I am saying.

MR HUMPHRIES: I know what you are saying. I also know what you and your colleagues were saying this time two years ago when the same provision came forward. You were joining in these arguments that it was dangerous to allow anybody who anointed themselves as a planning expert to hold up planning processes by bringing actions in the Supreme Court. I would respectfully suggest that you go back and consider your views then. I think we will see people emerging in particular debates who have no particular standing.

Mr Temporary Deputy Speaker, in matters of other descriptions in the ACT, such as an action for defamation or an action for recovery of money or an action for personal injuries or any other kind of action, we do not see people standing merely on the basis that they believe they have a right to defend some principle of the law or the legal system or of the planning process or some other matter of public policy such as to be able to intervene into matters and hold up proceedings and occasion other parties considerable cost. Why should it be different in these matters? Why are we saying in planning matters that anybody, without any connection with a matter, ought to be able to appear in a court and hold up proceedings? I cannot see the argument for it. I have not heard the argument in this debate.

Let me make two other points in this debate and then I will sit down. First of all, there is the argument about who it is that will use these provisions. Certainly some people who, as I have said, anoint themselves as planning experts will take advantage of these provisions. I have no doubt about that whatsoever. I can name the sort of person who would be in the courts holding up important developments on the basis of these amendments. The more significant parties, I think, who will use these provisions are not, if you like, well-meaning members of the community who have an interest in the integrity of the planning system. No, no. Rather, it will be other commercial interests who will use these provisions. It will be rivals in particular activities who will use these provisions.

In the case where someone wants to develop a club in the ACT, rival clubs are quite likely to come forward and use these open standing provisions, even if they are quite some distance away, to prevent or at least hold up the application being made by a particular club. Where is the advantage in that? Why should the rival club not have to show direct substantial effect before they get into the court and start to hold up the planning process? I can well see why the proposal to develop local shops in the ACT might be opposed by rival shopkeepers in other parts of the Territory, on the basis that any shops anywhere that are redeveloped represent some loss of business to those particular operations. Mr Temporary Deputy Speaker, the examples are very numerous, and I would ask members to consider the sorts of issues where they could arise.

Finally, I want to touch on this question of a trial. The Labor Party is changing its mind; it is doing a backflip, whatever you want to say. It has now decided that it wants to support these provisions which it has previously opposed. Mr Stanhope tells the Assembly that he is willing to operate a trial and, if the trial demonstrates that people are abusing the system, then the Labor Party will consider going back on what it has already proposed to do today.

Mr Temporary Deputy Speaker, I would like to know more about what this trial entails. How many cases of abuse of the system are necessary before the Australian Labor Party will reconsider its position? Is one case of abuse enough to trigger reconsideration? Are three or four? Are a dozen, or two dozen? Or is this based on the financial value of the processes which are held up? Supposing somebody who lived in Ainslie, for argument's sake, were to protest against the Manuka Plaza development, which had the support of most members of this Assembly. Would someone like that - - -

Members interjected.

MR TEMPORARY DEPUTY SPEAKER: Order! The house will come to order.

MR HUMPHRIES: If one person was holding up a development worth $15m, would that be a large enough trigger for the Labor Party to reconsider its view about this legislation? I do not know, and I would like to hear from the Labor Party as to what they consider would be the trigger. I am certainly concerned about where the Labor Party stands on this. I would like to know what the circumstances of this trial are. How many cases of abuse of this system are necessary before the Labor Party will reconsider the matter, and what do they require? Do we need only one multimillion dollar development of a Manuka Plaza-type shopping development to be held up by somebody living in Ainslie to trigger the Labor Party's reconsideration of this proposal?

Mr Stanhope: You don't think people in Ainslie have an interest in Manuka, Minister?

MR HUMPHRIES: Under the present law, they probably do not. Under the new provisions, they most certainly would. That is the point.

Mr Stanhope: So they should. I live in Kaleen and I have got an interest in Manuka.

MR TEMPORARY DEPUTY SPEAKER: Order! I say to the Leader of the Opposition, "I know it is getting late in the afternoon. Do not get too excited". The Attorney-General has the call.

MR HUMPHRIES: I would simply, politely, invite the Labor Party to give us details of what this trial that they have talked about entails.

Members interjected.

MR HUMPHRIES: I know that it is hard to ask for information, is it not? I know that you want us to give you information; but, when it comes to your giving information, you are very much more tight lipped. But I think we are entitled to ask that question. We are about to put legislation on the books which may adversely affect the operations of the planning system in the future. I think we are interested in knowing what the circumstances are. I invite the Labor Party to provide the kind of information that they daily call on the Government to give.

MR CORBELL (4.05): Mr Temporary Deputy Speaker, this Bill before the Assembly this afternoon is a Bill which the Labor Party has decided has merit and is appropriate for us to support. Before going into some of the detail that Mr Humphries particularly raised in his speech and also some of the more technical issues of the Bill, I would like to address in general the principle behind the Labor Party's position on this Bill; that is, that people in Canberra deserve to have faith and confidence in the integrity of our planning system and they deserve to have the opportunity to participate in the planning process.

Mr Temporary Deputy Speaker, quite clearly, there is a crisis of confidence in planning in Canberra. That crisis of confidence stems partly from the issue of whether or not people feel that they are engaged in the process, whether or not they feel that they are participating and have a right to participate in the process. We take the view quite firmly that it is appropriate to restore the provisions for standing that were removed two years ago, because what has occurred is that we have seen a disenfranchising of citizens of this city in the planning process.

I think that it is an unreasonable argument, and the Labor Party believes that it is an unreasonable argument, that just because you live in one part of the city you do not have an interest in another. We are all citizens in the same community. I know that this is a principle that is difficult for the Liberal Party to understand; but we are all citizens in the same community. We all have an interest in the good development and progress of our city. One of the opportunities we have for enforcing the appropriate planning processes in our city is through open standing. For that reason, Mr Temporary Deputy Speaker, we believe that it is important to restore this provision into the Land Act.

Mr Humphries has made much play of the fact that the Labor Party has changed its mind on this issue. I would like to refer Mr Humphries to some comments made by a former Labor member in this place, Ms McRae, on 9 December last year - just under a year ago. In the debate in relation to amendments to the Land Act proposed by Ms Horodny at that stage, which included, among others, restoration of open standing for administrative decisions judicial review, Ms McRae said:

> I repeat that in opposing most of this Bill we are not opposing the idea of what is driving it, nor opposing the idea that the rights of people to appeal against decisions, to complain about decisions, to be involved in land decisions are not perfect at the moment. We are saying that, in fact, they should be reviewed. But this Bill does not offer the right mechanism.

Ms McRae made very clear in the last months of the last Assembly that the Labor Party was interested in looking at this issue more closely. Ms McRae went on to say that it was an issue that should be addressed in more detail by the Fourth Assembly. Mr Temporary Deputy Speaker, that is where we are. This is the Fourth Assembly. We have looked again at the position, prompted by Ms Tucker when she put forward her amendments, and we believe that it is appropriate to change our minds on the issue and to support it.

Mr Temporary Deputy Speaker, I would like to outline what Justice Stein said in his report into the administration of ACT leasehold. He and his colleagues made the recommendation that open standing in the Supreme Court should be available to any person. It is important to understand what rights we are actually putting in place here. The rights we are putting in place are an appeal to the Supreme Court on a question of law - not on a planning approval, not on the usual range of comments and objections which are sought in relation to development applications. We are seeking to restore a right to appeal to the Supreme Court on a question of law only. On page 313 of the Stein report, Justice Stein and his colleagues outlined what they believe should be a typical enforcement process for a breach of a lease or of the Land Act. They state as their final dot point:

> appeal to Supreme Court on question of law only, otherwise the decision of AAT is final.

Mr Temporary Deputy Speaker, that is quite clear. What it says is that, in the normal scope of events, the appeals process that we currently have in place remains. Immediate neighbours to a development are notified. They have the opportunity to object. A decision is made by the Commissioner for Land and Planning. If necessary, that decision can be appealed in the AAT. But, if a citizen, a community group, a residents group or a developer - or, indeed, any other interested individual - believes that there is a question of law that needs to be addressed, it can be appealed through the Supreme Court. It is a simple process, Mr Temporary Deputy Speaker, and it is a process - - -

Mr Humphries: Going to the Supreme Court is a simple process? It is the first time I have ever heard that said.

Mr Smyth: You cannot afford the fees, but it is a simple process!

Mr Humphries: That is right, yes.

MR TEMPORARY DEPUTY SPEAKER: Mr Corbell has the call.

MR CORBELL: It is a process which we believe is appropriate in a democratic society. Unlike those opposite, we do not believe that there is an enormous amount to fear. In fact, the opportunity for citizens to participate in the process and to appeal a decision of a government agency or authority when they believe that the law has been incorrectly interpreted is, I believe, an important watchdog role that should be available to individuals.

Mr Temporary Deputy Speaker, this Bill is a sensible Bill. In closing, I would just like to pick up on some comments of my leader, Mr Stanhope, when he indicated that we were very much aware of the concerns, particularly in the development industry, about how this provision could be abused. I think Mr Moore, in his comments earlier, outlined quite sensibly the case put forward by the Government about frivolous arguments from individuals. Indeed, the history of open standing in other jurisdictions, as well as in the Territory, overwhelmingly shows that people know that they have to have a substantial claim to go to the Supreme Court on an appeal on open standing.

In relation to developers attempting to use the provision to delay a development of an opponent, we would hope and we would expect that, as with all other laws, the laws are used sensibly and in their right context. That is why my leader, Mr Stanhope, has indicated, quite sensibly, that we will be looking closely to see that that occurs. If it does not occur, then clearly we have an open mind on the subject and welcome approaches from individuals and various sectors on whether they believe that it is being used inappropriately.

But let me say this, Mr Temporary Deputy Speaker: What is underlying our support for this Bill is the principle of allowing an individual, an organisation or a company to appeal a decision of a government authority when they believe that it is wrong at law. In the planning context, planning is a fundamental democratic process. If people cannot control the physical confines in which they live, then we really are failing them. So, if a citizen, an organisation or a company believes that a decision is wrong at law, in the interpretation of the Land Act, then they should have the opportunity to appeal it. It is a straightforward right. It is a democratic right.

Mr Humphries: Even though they live on the other side of the town, they should have a chance to appeal it?

MR CORBELL: Mr Humphries interjects, "What if they live on the other side of town?". Mr Humphries obviously did not hear my earlier comments. I do not believe and the Labor Party does not believe that, simply because you live in one part of the city, you do not have an interest in another part. That sort of disenfranchising of individuals, that sort of disenfranchising of citizens within a common community - we are all Canberrans - is, I believe, undermining people's faith in the planning process. At the end of the day, we live in a community; and our community is not just the suburb we live in, it is not even the town centre we live in, it is the city we live in. For that reason, people have a right to participate in decisions that affect what their city looks like, how their city is developed, how their city emerges over time.

It is a sensible amendment. We will certainly watch it closely to ensure that it is not abused. But the principle of allowing people this right is an important one. For that reason, as Mr Stanhope has indicated, Labor will be supporting this Bill.

MR RUGENDYKE (4.16): Mr Temporary Deputy Speaker, at this point I am satisfied, I think, that the present appeal avenues against government planning decisions are adequate. I am satisfied that parties who could be adversely affected by a development have access to the full right of appeal. I share the concerns that opening up the process to allow any person to take proceedings to the Supreme Court could create a logjam, not only in the court system but also within the building industry. It is simply a delaying tactic. It appears to me to be sensible to retain the existing system rather than to enforce changes that are likely to encourage unnecessary delays. I believe that the onus should remain on parties who are directly affected to instigate appeals.

Mr Temporary Deputy Speaker, I also question how the Labor Party might expect to be able to trial the detail of this Bill, if it is agreed to in this Assembly. I believe that a line must be drawn, and that appears to be the argument. This particular provision seems to have been in and out of legislation through various Assemblies, and it seems to be the feeling that this is where the line ought to be drawn. My own gut feeling at this stage is that it ought to be drawn by not agreeing to this Bill; but I will give Ms Tucker the courtesy of listening to her final argument.

Mr Osborne: That is nice of you, Dave, when you have said that you are not going to support it.

MR RUGENDYKE: No, I have not. Mr Osborne interjects, claiming that he believes that I have made up my mind. I will give Ms Tucker the courtesy of listening to the closing debate.

MR OSBORNE (4.18): I will not, Mr Temporary Deputy Speaker. This is an interesting one. As many members have indicated in today's debate, this proposal has been before the Assembly before, certainly in the time I have been here. I have to admit that I do not recall much of the debate when we last had it. I do recall, though, that I did vote with Ms Tucker last time; but, from memory, I think I was caught up in a wave of crossbench solidarity on the issue - - -

Ms Tucker: We can do it again, Paul. Crossbench solidarity! I will accept any rationale.

MR TEMPORARY DEPUTY SPEAKER: Order, Ms Tucker! I know that you are excited, but Mr Osborne has the call.

MR OSBORNE: Mr Temporary Deputy Speaker, when it became obvious that the Labor Party was going to support the Bill, I thought, "Perhaps we should have a really good look at it". Also, I have the added bonus of not having a planning activist sitting next to me anymore; so I might have to think independently on these planning issues. I do have some sympathy with what Ms Tucker is saying. However, the one important issue for me, and the issue that my staff have had concern about, is the issue of unfairly slowing up developments in the ACT. I think, in the current climate, we need to give developers, builders and private businesses every opportunity to generate their work. I feel that, in the current climate, Ms Tucker's legislation would be a negative step in regard to that. So I will not be supporting it - unlike Mr Rugendyke, who, I believe, has left his mind open, waiting for the summing-up speech from Ms Tucker.

MS TUCKER (4.21), in reply: I am definitely hoping that Mr Rugendyke is listening at this point. The discussion that has been generated inside and outside the Assembly as a result of this Bill indicates that there is confusion about the appeal rights available for development applications and how this Bill affects them. There are actually two processes available. The main one is to appeal against the development application to the

Administrative Appeals Tribunal. This appeal process primarily addresses a particular development proposal from a planning perspective. Being a tribunal, it is a more informal process than a court. The other process is to apply for a review of a decision to the Supreme Court under the AD(JR) Act. This process addresses whether a decision has been made in accordance with the provisions of the relevant legislation. The AD(JR) Act allows for judicial reviews of any government decision made under legislation, not just development applications.

Just about all appeals against development applications are done through the AAT because it is able to examine the appeal from a broader perspective than under the AD(JR) Act. It is also considerably cheaper, as it does not involve going to the Supreme Court and paying legal costs. A recent example of the use of the AD(JR) Act was the Supreme Court case brought by Manuka traders against the Manuka car park development. The traders could not use the AAT as the Minister had made the decision to approve the development application and no appeal rights were available under the Land Act in this instance.

The judge in the case made it quite clear that this was not a merits review of the development. He said that a judicial review is concerned only with process and compliance with law rather than the merits of the decision in question. He thus rejected affidavits from various experts in architecture, planning and urban design because he said that a judgment on whether the development would adversely alter the scale and character of the Manuka precinct was not a matter capable of judicial review. All the judge did was review whether the decision complied with the Land Act and was consistent with the specific requirements of the Territory Plan. So the AD(JR) Act is really there as an accountability mechanism. It is not used very often, but it needs to be there just in case the law has not been applied correctly and those persons concerned about the decision can challenge it in a legal forum.

This Bill merely removes one of the hurdles to allow a person to seek judicial review of a decision under the Land Act, in that they would not have to prove that they were adversely affected by the decision. They would merely have to prove that they thought that the decision was contrary to law. Mr Rugendyke, this is the really important part. Surely, if a decision is contrary to law, then it does not matter who challenges the decision. It should be the decision that is up for challenge, not the standing of the person who wishes to make the challenge.

Basically, the argument that is coming from the Liberal Party here, and it is sort of Mr Rugendyke's argument, is that self-interest has to be the main motivating factor. If your self-interest is in some way possibly going to be negatively affected by the incorrect administration of the law, only then do you have the right to challenge how that law was administered. What does that actually say about the value system that is behind that argument? It says that you can only challenge the fact that a law of our Territory is incorrectly administered by government if it hurts you. So, if you have self-interest, you can look after yourself. Why is that a noble sort of sentiment or something we should be proud of?

Why is it not possible that anyone in the community, in the interests of the community and in the interests of good governance, can challenge it if they believe that the law is not correctly administered by the Minister of the day? That is a really serious accountability issue. Why does it have to focus on whether or not you are personally hurt? I just think that is a really poor argument, and a kind of tragic one in a way too, in terms of the values of our society.

I do not expect that there will be a rush of cases to the Supreme Court after this Bill is passed. There was certainly not a great number of court cases when this provision existed before the Government amended the AD(JR) Act to delete it. I am merely reverting the AD(JR) Act to its pre-1997 form. The major hurdle to the use of the AD(JR) Act, which is the legal expense of taking a case to the Supreme Court, will still remain, and that is another very major issue in this whole debate which we could go on about. The legal expenses are an impediment to many people challenging the law. Once again, it may not necessarily be that someone who is personally adversely affected has the financial ability to challenge this law.

My Bill merely implements the recommendation of the Stein report that any person should be entitled to approach the Supreme Court to civilly enforce breaches of the Land Act without being required to establish common law standing. I believe that this is a very important legal principle. That is why I really hope that we do get the support for this and that Mr Rugendyke reconsiders, because this is really something about our Territory, our values and our society and whether we want to have accountability mechanisms so that we can challenge processes because the law has not been administered correctly. It should not be based on whether or not you are going to be personally wounded or hurt or adversely affected.

Of course, the other issue is that there has been an impression given that we will have endless frivolous claims going on and on. Well, a judge will check whether or not he thinks that there is a claim against the legality of a decision before it is accepted into the court. While, of course, that process in itself will cause a delay, it is not of the huge dimensions that some people have suggested here.

In conclusion, what I would like to say is that this is a really basic accountability mechanism. It is about giving everyone in the community the opportunity to challenge the process if they think a law is not being correctly administered. I believe that it is important that we allow this process to occur.

The other final point I would like to make is that I find it interesting that the Liberals particularly, depending on the situation, have a wonderfully generous approach to human nature. I have heard it several times in this place when we talk about regulation versus a voluntary approach to particular issues, maybe environmental, and industrial issues too - OH&S and so on. I can remember so clearly Mr De Domenico, but other Liberal members since that time, saying, “There is an argument about regulation, but basically people in our community are good. They will try to do the right thing. Businesses will try to do the right thing. Let us just keep it voluntary”. Now we hear from that side,

"Do you know what will happen if you do this? We will have developers, business people, the community, flocking to make frivolous claims". What has happened to the great generous approach to human nature? Of course, it does not suit their argument, and I think it is a nonsense.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8	*NOES, 9*
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Moore	Mr Humphries
Mr Quinlan	Mr Kaine
Mr Stanhope	Mr Osborne
Ms Tucker	Mr Rugendyke
Mr Wood	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

LIMITATION (AMENDMENT) BILL 1998

Debate resumed from 26 August 1998, on motion by **Mr Osborne**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.33): Mr Speaker, I can indicate that the Government will be supporting this Bill. Mr Osborne's Bill provides that there should be a reduction from six years to one year in the period from which a cause of action in defamation might arise to the bringing of an action in the Supreme Court. Given the nature of defamation proceedings and what has been proposed by the Government, or at least what I have proposed with respect to reform of the law in respect of defamation, I think the proposed reduction in time limits is a sensible provision.

Mr Speaker, members will be aware that in recent weeks I have put on the table a proposed package of reforms for the law of defamation. My proposals stem from the failure earlier this year of the Attorneys-General of Australia to agree to any meaningful process of ongoing reform based around the concept of uniform defamation laws.

This is an issue which has been on the table for at least 20 years. At our meeting in Perth earlier this year, no substantive progress was made on the issue. Indeed, the issue was withdrawn from the agenda of the Standing Committee of Attorneys-General and it was clear that uniform defamation reform in Australia is pretty well a dead letter for the time being.

In those circumstances, Mr Speaker, it is my view that, if the ACT cannot be part of uniform defamation law, it ought to be part of good defamation law as far as the citizens of the ACT are concerned. I am therefore indicating very clearly my intention to bring forward a suite of reforms to the law of defamation. One of those proposed reforms is a reduction in the timeframe for bringing forward a complaint on which is based an action for defamation.

Mr Speaker, at the present time a person can bring an action for defamation within six years of the publication of that defamatory material. It is obvious that bringing forward an action six years after a particular defamation has occurred creates a situation where the issues are being considered by the court in an entirely different setting and possibly in a different social context to the circumstances when the original defamation was brought forward. We only need to look at what might be said about a person - at how meaning can change and context can change over a period of time - to realise that delays of that kind can quite substantially affect the way in which the court and the community see particular things being said which give rise to defamation.

The proposals I have put on the table call for the limitation period for the action for defamation to be reduced to six months. Mr Osborne's Bill provides for the reduction in the period to be from six years to one year. I repeat: The proposal from Mr Osborne is a reduction from six years to one year. My proposal originally was from six years to six months, with the capacity for the court to extend it to three years in circumstances where it was satisfied that a plaintiff might not have had reason to be aware of a cause of action arising. On reflection, Mr Speaker, I can see no reason why the Assembly should not adopt Mr Osborne's proposal for a limitation period of 12 months, with an extension to two years in the event that the court finds that there is a good reason to extend for a person who was unaware within the framework of a 12-month limit.

Mr Speaker, the reason that I have put that position is that, since putting out my own proposals, I have invited comment on these proposals and I have received a number of comments from a number of different sectors, including a number of organisations and bodies involved in some way in defamation in the ACT, and, I might say, the views of those parties have been pretty universally that a reduction in the period is appropriate. The *Canberra Times*, for example, rather traditionally associated with defendants in defamation cases, said of the proposal to reduce the limitation period, "Given the immediacy of reputation, this seems a sensible limit". A special subcommittee of the Law Society, which I think would be more often associated with plaintiffs - or sometimes associated, at least, with plaintiffs - also gave support to the reduction in the time limit.

I am advised by the *Canberra Times* that there have been occasions where, with new database collections of information from newspapers, some potential plaintiffs have been actually doing a search on national databases of what other newspapers have reported of incidents taking place in other States and discovered where a particular incident has been

misreported, perhaps by one newspaper or a news service, and picked up by a number of other news services and relayed in those newspapers. In effect, multiple defamations have been picked up years after the original defamation and writs have been issued all over the country to these newspapers, even small regional newspapers, saying, "You have defamed us in your publication five years previously. We would like you to send us a cheque to reimburse us for the pain and suffering we have suffered" - or whatever the expression is in respect of defamation - "in respect of the publication of that particular matter".

Mr Speaker, that is a silly use of the law and, in my view, we should not facilitate its being the case in the ACT. It should not be possible for people to hunt down some defamatory reference that they deduce must be somewhere else, of which they have no particular evidence in their own day-to-day lives, and then claim - - -

Mr Berry: Why not?

MR HUMPHRIES: Because the concept of defamation is to protect reputation. If a person travels for five years, say, without realising that they have had any damage to their reputation and then discovers a publication five years previously where they have been defamed and where their reputation notionally has been damaged, you would have to argue that the likelihood of there being any real damage to their reputation, no matter what might be the outcome of a court - - -

Mr Berry: But the court would take that into account.

MR HUMPHRIES: But they do not take it into account to the extent necessary.

Mr Kaine: They might be just letting it fester and be building up a good, solid hate.

MR HUMPHRIES: That is true. It is better than letting it fester. But I suspect that in these cases people have not let it fester for five years; they have simply not known about it for five years. In fact, I do not think that it would be true to say that the court would take account of that five-year period in that way. In fact, I do not believe that there is any statutory requirement to reduce the measure of damages because the plaintiff was unaware of the defamation. I am open to be corrected about that.

Mr Berry: But, if they were aware and did not do anything, they would take account of that.

MR HUMPHRIES: They would not be penalised necessarily if they were not aware the publication had occurred. If they were not aware, Mr Speaker, I doubt that they would be penalised.

Mr Berry: But if they were aware and did not take any action.

MR HUMPHRIES: Yes, that is true; but it is not what we are talking about here. We are talking about where they were unaware of the defamation and did not do anything about it. That, Mr Speaker, seems to me to be a strange and unsatisfactory state of affairs. In short, Mr Speaker, the Government's view is that if a person's reputation

has been damaged it is a matter of some immediacy, indeed even urgency, and the court ought to be able to deal in some way with that matter soon - quickly, not after extensive periods of delay. So, I think two years is a reasonable period as a maximum period after which a person ought not to be able to say, "My reputation was damaged. I was apparently unaware of that fact, but it was damaged and I now seek to be recompensed for that damage".

Mr Speaker, the period for making submissions on my initiatives closed recently and final submissions are arriving. Following consideration of those submissions, I will be proposing to my colleagues a comprehensive package of reforms. If the Assembly passes this measure today, I will not be seeking to change the time limit provided for the bringing of actions. Therefore, I see this Bill as a step towards a general opening up of the debate in this place about defamation. I hope that it will be a sound and satisfactory debate over a period of time, because I believe that the law of defamation is probably the single area of law in this Territory - indeed, in many other places in Australia - which is in most serious need of comprehensive overhaul.

There are certainly areas of the law elsewhere which are, in isolated places, out of date; but there is probably no other area of the law which is more regularly used by citizens of the Territory and, let me make this clear, by citizens outside the Territory - very often by citizens outside the Territory; witness the recent action in the ACT involving two members of the Federal Ministry - that is so urgently in need of reform. This, Mr Speaker, is a small but significant step towards effecting that kind of reform. So, Mr Speaker, I indicate that the Government will support the Bill. I hope that it will be the precursor to a wider debate on defamation law reform in the ACT.

MR STANHOPE (Leader of the Opposition) (4.44): Mr Speaker, I acknowledge, support and applaud the attitude that the Attorney-General has shown to defamation law reform in the ACT. It is most certainly an area of law that has been neglected. Legislatures around Australia have tended to avoid it. As the Attorney has indicated, over the years or decades they have tended to view it with some fright. I notice that the Attorney has decided, as a result of an inability to get the Standing Committee of Attorneys-General to take a coherent or unified approach to the issue, to move unilaterally within the ACT. I think that is a good thing. I think some recent examples of the use of the ACT as a jurisdiction in which to pursue defamation actions have had a serious impact on ACT ratepayers, to the extent that we really must, in the ACT, bear the expense of very costly defamation actions which plaintiffs from around Australia choose to pursue here.

I am very aware of and have followed with interest the Attorney's approach to defamation law reform. I notice that he has prepared a paper setting out some of his views on proposals for reform of defamation law, including reforms to the limitation period. The Attorney advises today that he has received a number of submissions on his discussion paper. The Attorney has just advised us that, generally, they do support his proposal. The Attorney's proposal was to reduce the limitation period to six months after publication, with improved exceptional circumstances. With the leave of the court, the period might be extended to three years.

In principle, I do not have any real objection to that. The difficulty I have, and that the Labor Party has, is that Mr Osborne has presented a Bill just on this one issue of the limitation period and Mr Osborne's proposal is not entirely consistent with the proposal that the Attorney has put out for public discussion and public comment. The results of that consultation are not yet with us. I do have some concern about debating today a piece of legislation with which, in principle, I am not sure that I necessarily disagree. It may be at the end of the day that I would be happy to support the sorts of proposals which Mr Osborne has made, but I am concerned about a pre-emptive approach to defamation law reform at the very time that the Attorney has out for public discussion the very same issue on which we are today legislating.

I think that we are sending an unfortunate message to those people who have made submissions to Mr Humphries in that, whilst we invite submissions on a particular issue, before the envelopes are opened, before the submissions are actually printed and disseminated, before we can actually respond to the sorts of issues that the community would seek to raise in relation to a limitation period on defence, we are actually legislating to provide for a reduction in the limitation period from six years to one year, mindful of the fact that in most civil matters the limitation period, probably for a couple of centuries, has been six years.

I am prepared to accept in relation to the defamation law that maybe that is a bit extreme, but I really would like to see the sorts of arguments that I am hoping will be presented to the Attorney in the responses to his discussion paper. To legislate today without the advantage of a single response from a single one of the respondees seems to me not to be particularly wise law-making, because there are arguments against reducing to one year the limitation period in an area such as this. One is, and I think it is legitimate, that, if one is unaware that somebody in another jurisdiction has been consistently defaming one in a most serious way, perhaps one does need an opportunity to pursue those issues.

There is another issue that we really should debate around this and that we have not had the advantage of the advice or wisdom that may be contained within the responses to the Attorney's discussion paper about whether the limitation period should be reduced to, say, a year. I think it would not be unusual at the moment in relation to defamatory matters or potential actions by a plaintiff against a defendant for an alleged defamation, to seek some constructive negotiations about it and perhaps a settlement. The Attorney and I know that, in matters of the law, 12 months is not particularly long.

One discovers a defamation, one is affronted by it, one seeks to have the defamation addressed, one seeks to be compensated for the defamation, one then engages in a round of protracted negotiations with a defendant and the matter is not settled within 12 months, so what does one do? One initiates action. It actually pushes the plaintiffs into initiating action at a time when there may have been some hope of a settlement being achieved. We really should be doing whatever we can to keep all actions out of the court. It should be the No. 1 aim of any jurisdiction. The No. 1 aim of any legislature is to keep matters out of the courts. An unforeseen consequence of a 12-month limitation period for defamation is that we will find an increase in the number of actions commenced.

It is a possibility, it seems to me, that having too short a limitation period, particularly on an action such as defamation, will generate more legal action than we might otherwise have expected. So, the Labor Party finds itself, in relation to this piece of legislation, in that difficult situation of not necessarily disagreeing in principle with what Mr Osborne seeks to achieve, but feeling that the timing is not appropriate, coming at the very time that the Government has put out a discussion paper on which it is consulting, something which we all applaud. All of us in this Assembly are constantly talking about the need to consult with our community, to actually empower our community, through our consultative mechanisms. Here we have a consultative process half finished and we are legislating on the very issue on which we are consulting. It seems to me that that is unfortunate. If this Bill were to come back in six months' time, the Labor Party might find itself happy to support it.

As I said, I applaud the approach that the Attorney has adopted in relation to defamation law reform, one in which he has put out for discussion a number of proposals for reform. The Attorney signals that he believes there is a whole raft of potential amendments which we should consider over time. The Attorney's proposed course of action is, over time, to produce a number of other papers on proposed reforms which he will then put out for community consultation and which he will come back to this place on and actually seek the support of the Assembly.

So, even in relation to this matter, there are other significant proposals for reform of the defamation law that the Attorney is pushing ahead with. We have plucked one of them out; we are ignoring the others. It might be, in relation to the Attorney's proposals and the feedback that he gets, that the Attorney would propose to refer the entire issue to Mr Osborne's committee, perhaps for review, in relation to the other issues raised in that discussion paper. I think the other issues are of very significant moment and are more testing matters in relation to defamation law reform, perhaps, than the limitation period.

The other matters on which Mr Humphries is currently consulting with the community are questions going to the defence of truth and measures designed to encourage the timely resolution of disputes, issues going to corrections, apologies and expedited orders, the limitation period and other procedural changes. They are all issues, along with the limitation period, that I would be very pleased to see this Assembly refer to Mr Osborne's committee for detailed consideration. It may be that, rather than actually taking this matter to conclusion today, there would be advantage in adjourning the matter for that further consideration of Mr Humphries' reforms.

MS TUCKER (4.55): I am also concerned that we are encroaching upon a process which is under way. We are still seeking comment from the community on this topic, so I will not be supporting the Bill. It is probably a quite sensible idea, but I do not feel comfortable with pre-empting the work that the Attorney-General has commenced on this matter. I look forward to further discussion in this place about issues around defamation. It appears that this Bill will be passed today, but I do not feel that the Greens can support it at this point.

MR OSBORNE (4.56), in reply: I thank the Government for their support of this Bill. I might just add that I think that what Mr Stanhope and Ms Tucker said was worth considering. I am not sure - perhaps we can get some indication - whether the Government will be supporting this legislation today. My understanding is that most of the people who have made contact certainly have had no problem with this Bill. As I said, I thank the Government. I am unsure of when the Government are going to complete the inquiries that they have been talking about, but I do not think that passing this Bill of mine will unsettle that process too much. I think that it is a very sensible piece of legislation. I think the arguments put up by Mr Humphries should have been enough to convince the Labor Party and I do not think that there is any need to adjourn the debate at this stage, unless the majority of members think that there is.

I respect the process that is going on; but, as I said, we were talking about this piece of legislation long before Mr Humphries had proposed his major overhaul of the whole issue of defamation. I do not particularly want to adjourn the debate. I think that there is enough validity in having it addressed now and the legislation going through today. I thank members. I do not feel that passing the Bill will place any added burden on the process that Mr Humphries has put in place.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Ngunnawal Preschool - Pedestrian Crossing

MR CORBELL (4.59): Mr Speaker, I rise in the adjournment debate this evening to raise an issue of some concern to residents of Ngunnawal. I have had some contact in recent days with the Ngunnawal Preschool Association, who are concerned about traffic issues around their preschool at Wanganeen Avenue in Ngunnawal. The issue that has been brought to my attention is that there is presently a lack of a pedestrian crossing in Wanganeen Avenue at the preschool and the primary school. I raise the issue because approximately a year ago I wrote to the former Minister for Urban Services, Mr Kaine, in relation to the potential for a crossing at the preschool at Ngunnawal and was informed that officers of his department would investigate the matter and consult with the preschool association.

Since then, we have not heard anything further - indeed, it has been a year - and we are yet to see any action for improved traffic safety at the Ngunnawal Preschool site. Obviously, there is a 40-kilometre zone in place for the preschool, because it is part of a primary school site; but, with the increasing development in the western area of Ngunnawal, there is now a higher flow of traffic than there was 12 months ago. I think it is a justified claim that the association makes that the Government should be looking again at the provision of a pedestrian crossing at the preschool site on Wanganeen Avenue.

I certainly will be writing to the Minister about this issue and asking him to address it, but I thought it was appropriate to take the opportunity in the adjournment debate tonight to raise the issue, because it highlights again the difficulty with services in a new and growing area of our city. Frequently, these sorts of issues are not addressed at the time they should be addressed, which is when facilities are put in place; when new centres, new preschools, primary schools or child-care centres are opened. Instead, residents of new areas like Gungahlin feel that they are constantly playing catch-up to get the same level of services, even with very simple things like pedestrian crossings or children's crossings, which many other schools would have in place at the time they are opened. I urge the Government, particularly the Minister for Urban Services, to look at this issue more closely. I will be writing to him about it. I hope that the Government will see fit to improve traffic safety for small children and their families who cross Wanganeen Avenue to go to the Ngunnawal Preschool by putting in place a children's crossing on that part of the road.

Ginninderra Gardens - Bus Shelters

MR HIRD (5.02): Mr Speaker, I rise to speak about a matter that I raised with the Minister for Urban Services, Brendan Smyth, concerning problems that certain aged citizens had at Ginninderra Gardens in respect of shelter from the elements when catching a bus. I have to report that it is bouquets, through the Minister, for Mr Guy Thurston, the executive director of ACTION, and his staff as some 170 aged citizens at Ginninderra Gardens will now enjoy having appropriate bus shelters on both sides of the road. It might not be a big deal to younger people within our community, but it is to the aged because of their frailty and the fact that they find it difficult to move around and the only way they can is by using public transport. Through Mr Thurston's good offices and the offices of the Minister, we will have two bus shelters, one on each side of the road. I compliment the Minister and Mr Thurston and give a large pat on the back to the officers and staff of ACTION.

Question resolved in the affirmative.

Assembly adjourned at 5.04 pm