



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

16 February 1999

## Tuesday, 16 February 1999

Justice and Community Safety - standing committee.....	95
Racing Bill 1998 .....	95
Milk Authority (Amendment) Bill 1999.....	96
Rates and Land Tax (Amendment) Bill (No. 2) 1998.....	117
Urban Services - standing committee.....	119
Taxation Administration Bill 1998.....	120
Taxation Administration (Consequential and Transitional Provisions) Bill 1998.....	126
Questions without notice:	
Occupational health and safety legislation .....	127
Injecting rooms .....	131
ACTION buses - Melba High School.....	137
Rural residential development.....	138
Government schools - enrolments .....	138
Young carers.....	141
School closures .....	142
Employment.....	143
School buses - McMillan Crescent.....	146
ACTTAB .....	147
Erindale police station .....	147
ACTION buses - Melba High School.....	150
Belconnen Remand Centre .....	150
Occupational health and safety legislation .....	151
Personal explanation .....	151
Privilege (Statement by Speaker) .....	152
Authority to broadcast proceedings.....	156
Legislative Assembly - quarterly performance report .....	156
Legislation program - autumn sittings 1999 (Ministerial statement) .....	156
Chief Minister's Portfolio - standing committee.....	159
Legislation program - autumn sittings 1999.....	160
Subordinate legislation.....	160
Cultural Facilities Corporation .....	161
National Crime Authority.....	161
Departmental performance reports .....	161
Chief Minister's Portfolio - standing committee.....	161
Youth services (Matter of public importance).....	162
Transplantation and Anatomy (Amendment) Bill 1998 .....	178
Adjournment: Buddhist community of Canberra.....	179

**Tuesday, 16 February 1999**

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

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE  
Scrutiny Report No. 1 of 1999 and Statement**

**MR HARGREAVES:** Mr Speaker, I seek leave to present Scrutiny Report No. 1 of 1999.

Leave granted.

**MR HARGREAVES:** I present Scrutiny Report No. 1 of 1999 of the Standing Committee on Justice and Community Safety, performing the duties of a scrutiny of Bills and subordinate legislation committee. I ask for leave to make a brief statement on the report.

Leave granted.

**MR HARGREAVES:** Scrutiny Report No. 1 of 1999 contains the committee's comments on one Bill, 37 pieces of subordinate legislation and six government responses. I commend the report to the Assembly.

**RACING BILL 1998**

Debate resumed from 10 December 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR QUINLAN** (10.33): Mr Speaker, the Opposition supports this Bill. It is a legal framework for the regulation and administration of the racing industry within the ACT. It enables the established racing clubs to become controlling bodies and therefore qualify for membership of the peak racing bodies within Australia. It also provides for a Racing Appeals Tribunal. Some of our members will be pleased to know that the president and the vice-president will be members of the legal profession, so the racing industry can look forward to some interesting hearings from time to time. Mr Speaker, we support the Bill.

**MR KAINE** (10.34): Mr Speaker, first of all, I want to indicate that I support this Bill, but I would also like to commend the Government for bringing this Bill forward and for putting in place the program that it has done in order to have the Bill examined by those people who will be affected by it. The exposure draft of this Bill has been on the table for some months. People have been given ample opportunity to look at it and consider its implications for all of the stakeholders in the racing industry. I believe that in many ways it is a Bill that is long overdue. It is replacing a Bill that was enacted in 1935 - I am quite sure a lot of changes have been made to the racing industry since then - and it does provide a proper framework for the conduct of racing in all of its forms in the Territory. It sets up a proper tribunal system to deal with difficulties that people might experience. I believe that it is a good Bill and I commend the Government for it.

**MS CARNELL** (Chief Minister and Treasurer) (10.35), in reply: Mr Speaker, the Racing Bill is a significant milestone in the history of the ACT racing industry and I certainly would like to thank all members of the Assembly for the support for this Bill. The evolution to principal club status for the ACT Racing Club will mean a huge change. It is something that many people within the racing industry have worked long and hard to achieve. I commend all of them for their determination. Becoming a principal club gives our racing club an opportunity for self-determination. For the first time, ACT race clubs will have the ability to have an independent voice in the administration and future development of racing in Australia. I think that is pretty exciting and pretty important. The racing industry in the ACT is a big industry. It employs a large number of people; in fact, significantly more than the community generally would think. There have been significant changes over the last few years and even more changes are planned for the next few years.

I would like to finish by commending Brian Gordon, who is here, Damien Foley and all of the other people, both inside and outside government, who put a lot of time and effort into the preparation of the Bill. I am sure that it is now full steam ahead to principal club status and to having a racing club that is standing on its own two feet and has its own voice.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **MILK AUTHORITY (AMENDMENT) BILL 1999**

Debate resumed from 2 February 1999, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

**MR HARGREAVES (10.37):** Mr Speaker, the destruction of the milk supply industry as we used to know it began last June. It began with this Government's determination to do away with the Milk Authority. The Government hid behind the national competition policy and it hid behind the anti-competitive clauses contained within the Trade Practices Act; but, in reality, it just wanted to rid itself of a piece of the framework. In June 1994, I think it was, Mrs Carnell was quoted as saying, "It is not the Government's business to provide services". It appears that the current Minister for deregulation follows in her footsteps, dicey as that may be.

The Government commissioned one of its own officers to do a review of the milk industry and, lo and behold, a recommendation came forth to deregulate the market. What happened? There was outcry, public demonstration against the very thought. Why do you think this happened? It happened because there was fear out there, Mr Speaker. That fear revolved around the likelihood of lost jobs, increased prices to the consumer and the loss of businesses in the home vendor market. It was predicted that the home deliveries would go the same way as home delivered bread. Does anyone here remember that time? Why were these predictions made? Because, Mr Speaker, this was the interstate experience at the time.

These interstate predictions have become even more obvious in the way in which they have detrimentally affected the industry. Victorians now pay a lot more for their milk than we do. But the Government told us that the New South Wales marketplace would be okay and that we needed to be the same as New South Wales - after all, we are an island within New South Wales and cannot go it alone against the tide of deregulation. What happened in New South Wales? It was revealed in October last year that, as a result of deregulation on 1 July, prices in New South Wales had risen 3c a litre to the consumer. It forced the farm gate price down by 3.3c a litre, cut vendor margins by 5.5c a litre and reduced margins for processors.

So far, there has been no good reason for this deregulation. But, Mr Speaker, there was a winner. Guess who it was? You guessed it: The supermarkets actually put up their prices. I quote from an article about the New South Wales experience:

... deregulation was a disaster for everyone except the supermarkets, who had reaped an extra \$60m profit since July 1.

In New South Wales, supermarkets reaped a profit of \$60m in three months. That equates to \$240m a year. Do we really want to be the same as New South Wales? I do not think so.

Mr Speaker, are we stuck with it? We are if you believe this Government. They say that the bad guys from the ACCC will withhold our tranche payments under the national competition policy. They say that our home vendors need protection from prosecution under the Trade Practices Act for monopolistic trading. Both the TPA and the NCP have exemption clauses contained within them. Has this Government applied for such exemptions? Of course not. The exemptions contained in the competition policy agreement allow for exemptions on the ground of public interest. Similar exemptions apply in the Trade Practices Act.

We need to examine the concept of public interest because this side of the chamber has been urging the scientific testing of the public benefit since the debate first happened. It is also appropriate that we think about the standpoint from which the test should be made. This Government is saying in the Sheen report that the public benefit should be proved to say why competition should not be introduced. We say that the opposite is true. The implementation of competition policy should be dependent on its being in the public interest. They say, "Tell us why we should not do something" and we say, "Tell us why we should do something".

An example of this approach is Dr Sheen's statement on page 17 that no compelling arguments have been advanced for maintaining these provisions in the public interest. Essentially, Mr Speaker, they have got it the wrong way round. We maintain that the loss of jobs, increase in prices and reduced profit margins for all except the supermarkets are clearly against the public interest. We maintain that the Government should have tested these by applying for exemptions to the TPA and the NCP, but the Government has not. Indeed, every time I have mentioned this aspect, the Government has said absolutely nothing.

Mr Speaker, this Bill contains a protection under the TPA which should be extended to the period recommended by Dr Sheen - 30 June 2000. It is interesting that the Government has picked out the preferred parts of the Sheen report and has said how concerned it is with the future of vendors' businesses, but was only going to put in temporary protections. Do not talk to me about being on the side of small businesses, Minister: You could have put in the original period - to 30 June 2000 - but chose not to. These protections are necessary to protect the vendors from the Government's inaction. Had the Government applied for exemption under the provisions of the TPA on the basis of public interest, proven by interstate examples to hand, none of this would be necessary, but now we have to fix it. Mr Speaker, after the Assembly voted against a similar Bill last year, I sought to have some of our objections addressed in order to assist the milk industry. I asked the Minister to institute a rescue regime for those in the industry who are to be detrimentally affected. He refused. This Government is responsible for the confusion and has walked away from developing any rescue package for those businesses it has wrecked.

I sought a scheme which would have been at no long-term cost to the Government's bottom line, a scheme in which the values of the businesses affected would be returned to the investor, the guy who had put so many hours of his own labour into it but who looked like going out backwards. I wanted to have a scheme where fairness was the important issue, not predation, and where the folk could exit with dignity and with some recompense and not be victims awaiting slaughter. Did I receive much in the way of comfort? Not a bit. There is no way this side of the chamber is going to go along with this crash through or crash approach to deregulation, and we are not going to cop the blame for a deregulated market.

There was no reason advanced as to why things needed to change, but this Government had to wreck the industry. We had a monopoly in which vendors worked a reasonable sized patch; we had the processor chosen through open tender; we had sound health regulations governing standard of product; we had reliability of supply; and we had the cheapest prices in the country. But things cannot be allowed to be like that. We must be

the same as the rest of the country. This means that we have to reduce the size of the work force. We have to reduce the number of vendors in the marketplace even if it means eliminating them altogether. We must increase the prices, decrease sponsorships and increase the profit margins of large supermarkets. It makes a lot of sense, does it not?

Mr Speaker, this Bill will be supported in the in-principle stage only because it contains protections for vendors. We will not be supporting the rest of the Bill.

An interesting sidelight is that the Bill dismantles the Milk Authority. It allows the functions to be shared between the Chief Minister's office and the Department of Urban Services. But this Government has not waited for the successful passage of this Bill. It has already done it; the changes have been made. The Opposition agrees that the government of the day can structure its administrative framework in such a way as to deliver its programs. In this sense, what it does to the administrative and managerial framework of the Milk Authority is up to the Government. But, Mr Speaker, when this action is coupled with such blind determination to deregulate at the expense of the ordinary family and to the profit of large business, we have difficulty in going along with it.

**MR KAINE (10.47):** Mr Speaker, I am pleased that the Government has persisted with this Bill. I supported it last year and I still support it. Like Mr Hargreaves and others, I very much lament the passing of the Milk Authority as it has been for years because there is no question that, through that authority, the interests of this community were well served; but, regrettably, life changes and with the adoption by all States and Territories, including this Territory, of the commitment to competition policy, some of the good things that we enjoyed in the past cannot continue in that form.

The Minister assured us in his tabling speech that he is addressing, through this Bill or in other ways, all of the things that I thought were necessary to prop up a reasonable milk industry in this Territory in the future, even though the constitution of the Milk Authority has to change. He outlined those things at the end of his speech. They were, firstly, that the Government will retain the Canberra Milk trademark, that it has no intention of selling that brand, although it might consider licensing it. I think that that is useful. Secondly, the Government is continuing to support local jobs for Canberrans through the processing of milk at the ACT-based plant, and I think that that is an important commitment because without that commitment we could easily have lost the milk processing facility. I think that it is incumbent upon the Government, having made that statement, to do more than pay lip-service to it.

The third one is through retaining existing price control arrangements. Price is one of the big issues. We know that elsewhere in Australia, when the milk industry has been deregulated, milk prices and dairy product prices have gone up considerably. It was one of the great achievements of the Milk Authority that it was able to keep prices at a very reasonable level compared to other parts of Australia. It is necessary that the Government ensure that we do not lose all of those benefits simply because competition policy comes on the scene. There are steps that the Government can take, and it has indicated here that it will do that through the price control mechanisms.

The fourth one is an important one, that is, that it will retain the current licensing and exclusive zoning arrangements for home vendors, although it notes that that cannot continue indefinitely because it is, in effect, a continuation of a non-competitive policy. But I believe that the vendors had rights that needed to be protected to give them an opportunity to restructure, to come to some new arrangements as to the way they operate, to preserve the goodwill of business that they had operated, either created or purchased. I think that there needs to be an adjustment period so that those people can adapt to the new world that some of us enter reluctantly with this so-called competition policy. I am not at all convinced that competition policy in all its aspects is necessarily a good thing for the Territory or for the consumer; but, whether we believe it is or it is not, it is with us and we have to adapt to it.

The fifth point that the Minister made was that he would maintain support for the sole ACT-based dairy, Goldenholm. That is a very important matter because, without some sort of support from the Government, that dairy, the only Canberra dairy, in my view will simply cease to exist. I think that would be a very great loss because it is not just an operating dairy; it is in many ways a community facility. I know that the owners take schoolkids there and show them how the industry works. I have been invited there to see their operation, not that I am unfamiliar with dairy farms as I grew up on one. It is more than just an operating dairy farm, and I think that it is something that we need to retain for as long as we can.

The final one, of course, is that, although the role of the Milk Authority will be reduced somewhat, it will still exist. I think that it is important that we keep that body in existence because it has served a useful purpose and I am sure that it will continue to do so, even in a reduced form.

Those objectives of the Government which the Minister assures us he will attend to cover what I thought were the essential features of the old system - reasonable price, assured supply, security of employment, maintenance of the existing ACT dairy - and I am prepared to accept the assurances of the Minister that he will maintain those aspects of the milk supply and dairy product supply industry in Canberra. For those reasons, I support the Bill.

**MR RUGENDYKE (10.53):** Mr Speaker, I rise in support of this Bill. Last year I had reservations about the Bill; however, my concerns have subsequently been allayed. A case in point is the milk vendors, who had previously voiced their opposition. Their main concern is the immediate protection of their zones and their licences. I have since had representations from milk vendors that this will be best achieved under the proposed legislation. The other measures in the Bill are a sensible approach to the transitional phase of the local milk industry. Therefore, I will be supporting the Bill.

**MS TUCKER (10.54):** Mr Speaker, this Bill extends the Trade Practices Act authorisation for the contracts between the Milk Authority and the local processor and distributor of Canberra Milk products until 31 December 1999. The Bill maintains price setting on milk, but transfers these activities to the Treasurer for referral to the Independent Pricing and Regulatory Commissioner. The Bill also transfers responsibility for regulation of milk vending to the Minister for Urban Services. It will now allow milk vendors to sell other brands of milk.



In some ways the Bill is really just setting the framework for further deregulation of the ACT milk industry and defers that deregulation for a year. Unfortunately, the Bill does not tell us what is really going to happen to the milk industry in a future deregulated environment in terms of what happens to milk prices and how the market opportunities for milk vendors may alter.

I can understand the logic behind wanting to separate the regulation of milk supply from the commercial activities of the Milk Authority and its promotion of the Canberra Milk brand, given that we now have other brands of milk being sold in the ACT. While I have concerns about interstate milk suppliers undercutting Canberra milk, unfortunately, with the lack of restrictions on interstate trade enshrined in the Constitution and the mutual recognition legislation, I cannot see how this can be legally stopped. I am, however, concerned that the Milk Authority will be reduced to virtually just a shell, with possibly just one person being a member of the authority and its staff being transferred to the Chief Minister's Department or the Urban Services Department.

I am glad, though, that the Government is allowing the existing price control arrangements for milk and the licensing and exclusive zoning arrangements for home vendors to continue - for the moment, anyway. The amendment that will allow milk vendors to sell other brands of milk apart from Canberra Milk appears to be good for the vendors as it will broaden their range and improve their viability, although what impact this will have on sales of Canberra Milk products is uncertain.

The Greens have always supported local businesses in the ACT in their competition against the big businesses from interstate and will continue to do so for the local milk suppliers and vendors. I am pleased that the Government has not supported all the recommendations in the much criticised Sheen report, but it still seems to have adopted the general direction advocated in that report. The future of the local milk industry is anything but certain with the continuing moves towards deregulation contained in this Bill and the lack of strategic direction being given to the industry by government.

The question arises whether this Bill is an improvement on the existing legislation. The extension of the Trade Practices Act exemption for another year is obviously good in that it will maintain some of the status quo for a bit longer. The rest of the Bill, however, contains some good and bad points. I find it difficult to support this Bill when the future of the milk industry is still so uncertain. I have great concerns about the Government's relentless drive towards deregulation, fuelled by national competition policy, without a full assessment of the human and environmental costs of this deregulation. The Sheen report on which this legislation is based has been broadly criticised as being an inadequate assessment of the public benefit of deregulation of the industry, yet I have not seen any evidence of the Government undertaking any further work to address the inadequacies in this report.

Those were the reasons why I voted against this Bill when it was first debated in the Assembly last December. I would have preferred that the Government go away and think through its handling of the local milk industry more thoroughly and come back with a fuller plan for the future direction of the industry, rather than passing this legislation which seems just to continue the uncertainty that people in the industry are facing.

However, it seems that the Assembly has been put in a difficult situation because the exemption for the Milk Authority under the Trade Practices Act has now run out and the industry is under even more uncertainty than it was before. It looks like we have no alternative but to pass this Bill, even though it is not the best solution to the milk industry's concerns.

I note that the Labor Party will be putting up some amendments to the Bill basically to allow the Trade Practices Act exemption to be extended to 30 June 2000 but not to allow any other changes to the legislation governing the milk industry at this stage. That seems a sensible approach as it will allow some breathing space for further work to be done by the Government on developing a more comprehensive plan for the ACT milk industry that protects local jobs and prevents unjustified price increases for milk.

**MR OSBORNE (10.58):** This is one of those pieces of legislation that we are increasingly being faced with as a result of that wonderful thing, competition policy. It is another example, Mr Speaker, of us as an Assembly, as a parliament, being forced to change situations which, quite clearly, have served the people of the ACT quite well in the past. In consultations with the industry over the last couple of months in relation to this piece of legislation it became quite clear that something did need to be done to stabilise the future for people in the industry. That is why I will be supporting now legislation I voted against last year.

There are two key issues for me, Mr Speaker. One is the issue of price. Quite clearly, the role of the Independent Pricing and Regulatory Commissioner in the utilities market has been a very positive one, something of which I am very proud, having been involved in process which saw the appointment of Mr Baxter. To have him involved in the setting of the price of milk in the future, formerly the role of the Government, is certainly a very positive thing. The second issue, Mr Speaker, is the future of the vendors. Quite clearly, all of us have concerns about what the future holds for them. I feel that this is a way forward, that there is some uncertainty in the current environment and, by enacting this legislation, some steps can be taken to give them a more secure future. Obviously, it is going to be a very difficult period for the industry. Unfortunately, Mr Speaker, it is one of those things where we as a parliament have been forced to act, given that wonderful competition policy issue.

The ALP's answer to keeping the vendors was to put a levy on milk sales so that we could buy them out, thereby reducing their numbers and giving the remainder a larger area and making them more viable. I do not know whether that is the answer, Mr Speaker. I certainly do not support an increase in the price of milk to do so but, quite clearly, this industry needs to be addressed somehow.

There has been some talk about the issue of the Canberra Milk brand. I want it on the record that I would like to see that brand stay locally to ensure the survival of the local industry. A number of people are employed by the Canberra Milk organisation and I hope that any way forward will ensure that the brand stays in the hands of the local industry.

I will be listening with interest to the amendments put up by Mr Hargreaves. I think both he and I have done a fair amount of tossing and turning over this piece of legislation. I am always more than happy to make life easier for other members of this Assembly.

Mr Speaker, supporting the legislation takes a little bit of the pressure off my good friend. The extension from 1999 to 2000 is something that I do not have a problem with in principle. I would be interested to hear the Government's attitude to that, whether we are allowed to do that or whether that would place us at risk. Obviously, that is something we will have to listen to when Mr Hargreaves and Mr Smyth speak.

As I said, my office has consulted with the industry - with the employers and with the vendors - and there is some uncertainty about what this piece of legislation will actually do; but, on balance, I think that in the current climate we do need to go forward. I think that the future of the vendors, their viability, is better served by having this piece of legislation in place rather than just doing nothing. I will be supporting the legislation and will be listening to the amendments with interest, Mr Speaker.

**MR STANHOPE** (Leader of the Opposition) (11.03): Mr Speaker, in choosing to speak to the Bill today I had proposed to concentrate significantly on the process by which we got to this point, particularly in terms of the application of the national competition principles which Mr Osborne has referred to in his speech. Of course, Mr Speaker, as you are aware and I am sure all members are aware, there is a significant level of cynicism within the community about the benefits of the application of national competition principles. The agreement that governments have signed up to in relation to competition does apply a very serious test for governments and for communities. Our willingness to embrace the changes that it is suggested we should embrace as a result of our need to be more competitive do challenge local institutions and local ways of doing business and do present real challenges to the community.

The national competition structure has around it a whole range of arrangements. The national competition principles do not involve just the pointing of a gun at governments and at communities with a suggestion that there are some national competition rules writ in stone that must be obeyed absolutely. The national competition principles do allow for significant scope in determining whether their application is appropriate in given circumstances. Most significantly, of course, the national competition policy principles embrace the need for the application of a public interest test.

There are some very difficult questions to be asked in relation to public interest and its interpretation and governments throughout Australia, including the ACT, have established mechanisms to allow us to be advised on whether competition principles should apply to the regulation of particular industries. The process adopted in the ACT in relation to the milk industry and the potential application of competition principles to the milk industry involved commissioning by the Minister of a report from Ms Sheen - the Sheen report. As Ms Tucker said, whilst the Government has not implemented the Sheen report in its entirety, it has based its decisions and the policy it proposes to implement in relation to the milk industry in the ACT on the structure advanced principally by Ms Sheen.

That is what it has done. That is where we are at today and, in effect, that is what we are debating today. But there was an intermediate step - and a vital intermediate step - and that was an investigation on whether or not the Sheen report actually did appropriately or properly embrace the national competition principles, whether or not it did deal with all the aspects of national competition and its application that we as an Assembly or as a community should be aware of.

After the Sheen report was delivered to the Minister, the ACT Competition Policy Forum reviewed the report. The Competition Policy Forum, as each of us knows, is a forum which was established as a result of an exercise of the will of this Assembly. It was established by the Government following an Assembly resolution that we establish in the ACT a forum to advise the Assembly on the application of competition principles. The Competition Policy Forum is a forum comprised of significant members of this community expert in the application and implications of competition policy. It is an extremely important body. Unfortunately, it is a body that, I believe, has only ever reported once. I think the only report that it has ever delivered is its report into the Sheen report.

It is a body of leading ACT experts on competition policy, a body established by this Assembly to advise this Assembly on competition issues, and it delivered a report which can only, with great respect to Ms Sheen, be described as damning of the Sheen report. It is damning of that report. I am not aware that the Government has responded to the Competition Policy Forum's report on the milk industry. I do not believe it has. The Minister may be able to correct me, but I have seen no response by this Government to the Competition Policy Forum's review of the Sheen report and its implications for the milk industry.

That is a major failing in the Government's position. It is an expression of the flawed processes that we, as an Assembly and as a community, have adopted in relation to issues around competition policy that the body which we established, the body which this Assembly established to look at competition issues, reports on something as vital as this and the Government does not even deign to respond to the raft of criticisms which the report of that forum makes of the Sheen report's approach to this issue.

It is probably enlightening in this context, Mr Speaker, that I refer just briefly to some of the comments of the Competition Policy Forum. The Competition Policy Forum - through its chairman, Mr Brian Acworth - reports to the Assembly:

In receiving the Review of the Milk Authority Act 1971 and the Public Health (Dairy) Regulations, (hereafter referred to as "the Review"), the Forum expected a document which clearly laid out:

- . the structure of the milk industry and the regulatory arrangements that govern it;
- . a concise discussion of the implications of the Competition Principles Agreement and related requirements for the regulatory structure of the industry, including a statement of the legal requirements affecting decisions regarding existing and proposed regulation;
- . an explanation of how the public benefits test is to be applied in this case;

- . a clear assessment of the efficiency impacts and the public benefits arising from existing and proposed regulatory structures ...
- . conclusions about the overall case for public benefit arising from forms of regulation in the milk industry arrived at by applying some weights to the various factors; and
- . some recommendations about changes to the regulatory structure based on this assessment.

What did the Competition Policy Forum say in relation to the Sheen report's attention to each of those critical issues? The Competition Policy Forum advised us:

The Review does not provide this. The Forum -

the ACT's Competition Policy Forum -

believes that the Review does not present a coherent analysis of the issues in question. The evidence presented is incomplete and unpersuasive and precludes well-informed public debate about the merits of proposed reforms to the regulatory structure of the milk industry in the ACT.

That is an absolutely damning indictment of the Sheen report, an absolutely damning indictment of this Government's approach to the structure of the milk industry in the ACT. It is absolutely damning. I repeat that this is the body that we established. This is the body staffed by leading experts in relation to competition policy and industry restructuring in the ACT. That is a damning indictment of the way this Government has dealt with this issue.

There are some other quotes, and it is relevant that they be recorded in relation to this debate today. The Competition Policy Forum says:

The Review is based on an understanding about the legal impediments to the current regulatory arrangements provided by Section 69 of the Self-Government Act, Section 92 of the Australian Constitution, and Part IV of the Trade Practices Act ... The Review makes the serious implication that the current arrangements are illegal ... This raises a significant economic question: If the current arrangements have been contrary to the law then why have they not been challenged in the past? The Review provides no answer to this question.

More importantly, the Review does not provide any support for the opinion that the current arrangements are contrary to the Self-Government Act, the TPA or the Constitution. The Review indicates that legal advice was obtained ... but the reader is not informed of the nature or source of this advice. As the legal basis for

reform is critical to proper decisions, the Review should in its opening sections contain a clear statement of the legal opinion on which the rest of the Review is based. As it stands the legal situation is confused.

It is of major concern to me that in the debate we have had in the community over a range of issues we have used the spectre of national competition policy and our responsibilities under it to justify government decisions. I know that members opposite will blush every time they think of the spurious way national competition policy was used to justify not keeping the decision to build the Belconnen pool. It really does traduce national competition policy and the debate we have in relation to these very significant issues that governments use competition policy principles to allow significant electoral promises, such as the Belconnen pool, simply to be trashed out of convenience but supposedly in relation to the application of those rules.

A similar process was adopted in relation to the milk industry question. The Competition Policy Forum deals with that by saying that the review appeared to misunderstand. We have in relation to the Belconnen pool not just an apparent misunderstanding but an absolutely cynical application of so-called rules to that decision. We can be more generous in relation to this one, and I think the Competition Policy Forum was when it said that the Sheen review appears to have misunderstood the competition policy arrangements with respect to the role of public benefit. It said:

The Review seems to be based on the belief that all anti-competitive practices are contrary to the CPA -

competitive policy arrangements -

Anti-competitive practices are not illegal under the CPA. They are only contrary ... if it is determined that the public benefits of the anti-competitive practices are inadequate to justify continuation of the practices.

The next part is vital and it should be regarded in the context of the debate we are having:

The purpose of the Review -

it is a review which this Government relied on almost exclusively -

was to determine whether the public benefits of the existing arrangements are adequate to justify their continuation.

The report goes into some detail on the public interest test, and this is vital to all our considerations in relation to the application of national competition principles. We must have regard to the public interest test. In a late lament Mr Acworth, in delivering this report, says:

The Forum expected the core of the Review to be a careful and detailed assessment of the impacts of proposed changes on each of these potential public benefits. The Review claims that: "The benefits to the

community as a whole were the key tests in examining these arrangements ... [and] the report provides substantial detail on the weighing-up of the costs and benefits (the public benefit test)".

That is what the report claims. The Competition Policy Forum found:

In fact, the Review neither provides detail on the costs and benefits nor weighs them up. There is no application of the public benefit test to the changes proposed.

Changes proposed by this Government to the Milk Authority in the ACT. That is the finding of the Competition Policy Forum - that in this legislation, in this Government's attitude to the Milk Authority in the ACT, the Competition Policy Forum of the ACT, the body which this Assembly charged with responsibility for advising it on competition policy issues, finds there is no application of the public benefit test to the proposed changes. Mr Acworth concludes:

This is the most serious failing of the Review.

To the extent that this Government has simply blindly decided to crash through these amendments to the Milk Authority without responding to that report, without doing Mr Acworth and those members of the Competition Policy Forum the courtesy of responding to their damning indictment of the report and of the Government's later acceptance of it, it is an indictment of this Government and the way that it does business. It also is an insult to this Assembly, in my view, that it is prepared to treat the application of competition policy principles in this cavalier way. It is cavalier. It is without process and it is without principle. To that extent this legislation will always suffer, and this Government's application of these principles to this industry will always be affected by the way in which it proceeded with this so-called reform.

**MR SMYTH** (Minister for Urban Services) (11.19), in reply: Mr Speaker, I thank the Assembly for this opportunity to debate this Bill a second time. I thank them for the opportunity because, yet again, we have from the Labor Party a display of arrogance over this whole issue. During the Christmas break, Mr Stanhope took the opportunity to go in and attempt to clean up after all of Mr Hargreaves' mistakes by saying that the real reason the Labor Party had rejected this legislation at the last sitting day was that we tried to rush it through - that they did not have time to consider it; perhaps they did not understand it. I think the record will show that there were briefings, there was consideration and there was public consultation; that it was out there to be discussed and the reason that it ended up on the last sitting day was that, in fact, the Assembly had moved it to that last day.

It is curious that Mr Stanhope, during the Christmas break, would accuse us seemingly of being arrogant by not allowing proper discussion of this issue. As soon as the Bill was rejected last December I was out there saying that the Government would reintroduce this Bill and we believed that it was the right thing to do. For some two months, I have been saying, on behalf of the Government, that we would reintroduce the Bill. You would think Labor would then have had time to discuss it and would also, hopefully, have had time to put their amendments on the table, and yet at 10.37 am, not even an hour ago, I -

the one accused of rushing things through - was faced with these amendments. It is a very arrogant thing to say in public, on television, that the Government rushed the legislation through and then to drop your own amendments on the table after the debate has been rejoined.

Labor has shown itself in all of this to have a very huge lack of understanding of what this debate is about, and then to blame the Government is the arrogance of ignorance. To drop amendments here that members really should have time to consider properly is, again, just another indication of their arrogance. It is arrogance because, for all Mr Hargreaves' words, he actually had an opportunity to protect the milk industry last December and the Labor Party turned it down. They voted against protecting the status quo. I thank Mr Kaine. Last time he supported this legislation and he has just re-read into *Hansard* the last page of my speech where we clearly outlined that we would retain the Canberra Milk brand, that we would continue to support local jobs, that we would retain the existing price controls, that we would retain the current licensing zones, that we would maintain support for Goldenholm, and that there would be a role, albeit on a reduced scale, for the Milk Authority.

Mr Kaine put quite nicely that sometimes you do have to move forward. I think he has shown himself as understanding this issue, whereas the true conservatives in this place sitting on the benches opposite just have their heads in the sand and have put political gain and beat-up before the true interests of the milk industry in the ACT. How do we know that? We know that because Mr Hargreaves owns up to it. He fesses up. He said that we have had public outcry and we have had demonstrations. He should know because he helped organise them. He brought the milk trucks in. He had them out there. He went out and addressed the masses and said, "We will save you". But when the Labor Party had an opportunity to give these people certainty in their industry, when it had an opportunity to look after the milk vendors, the consumers, the producers, the Goldenholm Dairy and anybody else with an interest in the ACT milk industry, they rejected it. They rejected it out of hand. They did not even take the opportunity to amend it; they just said no. How is that for arrogance? "Can we save the milk industry?" "No, we won't save them at all". Not an attempt; not a thought; not an inkling of what they were doing.

Mr Stanhope goes on that the Government has not responded to the Competition Policy Forum's report. I would have thought that any reasonable person would consider the legislation that we have put forward and our explanation of it to be quite clearly an indication that we have taken on board people's views and what we have put together is a path forward for the milk industry. There are factors beyond the control of this place that will influence our industry. We know that. Labor may choose to ignore that, but we do know it, and we take it very seriously. What we have put forward here, what we have put in place, is a package that gives the industry not only a path forward but also the opportunity to expand. In Mr Moore's portfolio, there are requirements which limit what vendors can do in terms of timing and articles that they can carry. We will look at removing those. We will give them the opportunity to broaden their base, to build better businesses, so that they can continue to support the ACT, as the ACT deserves.

It is funny, Mr Speaker, that much is made of this public interest test. I sought advice on the public interest test. It would seem that, as the Government is neither introducing nor withdrawing regulation, there has been no need to conduct a public benefit test. In fact,



Mr Speaker, a full public benefit test of the type that Labor continues to harp on needing to be done may well find that the retention of the regulations for the vendor zones and the licences actually do restrict competition and may suggest that they be removed. That, Mr Speaker, would remove all protection for our home vendors. Instead, what we have is a package. We have a path forward for our vendors.

Initially, Labor's path forward for the vendors was: "We would actually bump up the price of milk. We would put a levy on it. We would make our milk more expensive", so that the consumers could pay for Labor's mistakes in not understanding that this legislation offers a path forward. Mr Speaker, I think it is quite sad that we are still hearing from Labor that they do not understand, that they still have not done their homework, that they will still persist, that they know better. We will see further examples of the arrogance of Labor on an issue that they claim to regard as very important - protecting local jobs, protecting the price of milk - when they drop amendments before this place, claiming that they want to have a reasonable debate but in reality not understanding what the debate is about.

Mr Speaker, what is this debate about? This debate is about protecting the participants in the ACT milk market. It is about protecting milk vendors. We have just heard from Mr Rugendyke, who said that the vendors have approached him and said that they are happy with this package because they believe it offers a path forward for them. With that in mind, Mr Rugendyke and Mr Osborne will be supporting the package. The vendors understand that this is the way forward.

What about the consumers? Labor's answer to the consumers is that they should pay a levy, perhaps an excise. We would have to question whether that is legal and legitimate. Labor's answer is that the consumers should pay more. If that is an indication of Labor's budget strategy in the long term, Mr Speaker, it is a sad thing. I suspect that they will not be participating in any pre-budget debates because they do not want to reveal that their answer to everything is to bung on a levy, bung on an excise, bump up the price and make somebody else pay for it.

Mr Speaker, we have a number of producers who have an interest in the ACT. We have one who has a processing plant in the ACT. We have some other distributors that now bring product into the ACT. They want to know with certainty where this market is going and how they can participate in it. We need to give them that. Mr Speaker, Goldenholm, the ACT's only dairy, is quite a special place. Mr Kaine spoke of it. It does serve more functions than just producing milk. The only way that we can protect Goldenholm is to roll over the milk supply contracts. That ensures a role for them, and this legislation does that.

Mr Speaker, we have thought about this issue. We have taken into consideration what has been said to us. We have come up with a package that is a way forward. We have not rushed this matter. It has been going on for many months. I have seen things rushed through this place a lot quicker than the milk legislation, I can assure you. What we have given Labor is an opportunity to protect the milk industry and they threw it away. They betrayed the milk industry so that, effectively, from 1 January this year Labor has deregulated the milk industry in the ACT, and they still try to pin that tag on us.

They must take responsibility for what they have done. What they should do today is tell the milk industry that they understand their actions, that they are sorry for those actions - they should actually apologise - and they should vote for this legislation, but they will not.

What we get is a last-minute raft of amendments which, having looked at them and having asked my staff to look at them, I do not believe we can support. These amendments do not offer anything. This is dross; this is their way out; this is their cover-up. They say that they are going to amend the Bill to make it more reasonable or whatever. That is just an excuse. The amendments are excuse amendments to cover up their shame, they are excuse amendments to cover up their arrogance in rejecting the milk industry and deregulating it in December. They should be ashamed of themselves.

Mr Stanhope accuses us of always crashing through. I think the Labor Party and their spokesman are the ones who have crashed and burned here. The fact that Mr Stanhope had to come out and attempt to clean up the mess, somewhat sadly, in January is, I think, an indication of how badly they have handled this issue. As we have heard from other speakers - not from me, from other speakers - the vendors are in favour of this Bill. They see it as a path forward, Mr Speaker. I think it is time we just passed this Bill. I think it is time that we offered certainty to the milk industry in the ACT. I certainly think it is time that we got on with the job of allowing these small business men and women to get out there to serve the consumers, to provide a livelihood for their families and to get on with the job of delivering Canberra milk.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 4, by leave, taken together, and agreed to.

Clauses 5 to 7, by leave, taken together

**MR HARGREAVES** (11.31): Firstly, I draw the attention of members to the revised amendments which have been circulated in my name. Thanks very much to the Clerk, some cosmetic changes have been made to them. Mr Speaker, the Opposition is opposed to these clauses. Curiously, this Government is actually changing the constitution of the Milk Authority and at the same time giving its functions to two government departments, Urban Services and Chief Minister's. There is an inconsistency here, Mr Speaker. In fact, we want to go back to the original Milk Authority. We want to restore the powers of the original Milk Authority and protect them. We want the Government to go back and seek exemptions under the TPA and NCP, which they have not done yet. We believe that clause 5 only pays lip-service to having the Milk Authority and clauses 6 and 7 actually dismantle it. They allow the Government to have a Milk Authority of one person.

I know that my learned colleague on my right was the Gas Authority, and he did a magnificent job because he was an apolitical public servant. But in recent times we have seen the politicisation of the Public Service quite heavily under this Government and I am afraid that a similar thing will occur if we do that.

Mr Speaker, these clauses actually emasculate the Milk Authority and I think that we should oppose them, so the Opposition will be opposing those clauses.

**MR SMYTH** (Minister for Urban Services) (11.32): Mr Speaker, the Government will oppose these amendments. In Mr Hargreaves' words, they are just cosmetic changes. This is part of their apology. We will oppose them.

Clauses agreed to.

Clause 8

**MR HARGREAVES** (11.33): I move:

Page 3, line 12, omit the clause, substitute the following clause:

**“7. Fixing of prices**

Section 16A of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

“(4) Subsection (3) ceases to have effect at the expiration of 30 June 2000.”.

Mr Speaker, we cannot possibly agree to having the price fixed by the Treasurer when we disagree with the dismantling of the Milk Authority. What we seek to do is to amend section 16A of the principal Act by omitting subsection (4) and substituting the following subsection (4):

Subsection 3 ceases to have effect at the expiration of 30 June 2000.

Our amendment is, essentially, about the exemptions in the TPA which protect zoning for vendors. What we are seeking to do is replace the year 1999 with the year 2000. Whilst we disagree with the whole thing in principle, we accept the fact that this is a piece of insurance for those people out there in the industry. Whilst I appreciate the Minister's advice earlier that all hell is going to break loose in New South Wales in March, I might suggest that all hell has already broken loose in New South Wales if the prices to the consumer have gone up everywhere and gone down for everybody else except the big supermarkets with their \$60m worth of profit.

Mr Speaker, what we do have, of course, is uncertainty in the industry. Everybody is scared witless. We would merely seek, if our amendments go down, to extend the insurance for the vendors so that they can have their zones restructured within a timeframe which ensures that the existing arrangements continue. The Government has indicated that that is what it is trying to do by putting December 1999. Dr Sheen actually recommended June 2000 in her report. Mr Speaker, we will be moving amendments so that whenever we see 1999 we should change it to June 2000 and we seek the crossbenchers' support for that.

**MR SMYTH** (Minister for Urban Services) (11.36): Mr Speaker, the Government will be opposing this amendment. Mr Hargreaves either does not understand or deliberately misrepresents the position. I hope it is that he does not understand. The fixing of the price of milk will go to IPARC. It is not the Treasurer that will do that.

Amendment negatived.

Clause agreed to.

Clause 9

**MR HARGREAVES** (11.37): The Opposition will be opposing this clause. Basically, this clause is the central piece of the whole Bill. The one word that this Government is actually committed to is “repeal”. Basically, it just wants to do away with the Milk Authority. It wants to do away with protections and it wants to do away with any confidence in the industry. Mr Speaker, in my view it has been particularly successful in doing so. People have come to my office wondering what on earth is going on. If this Government had not started this thing in the first place, it would not have occurred.

Nobody would argue that a government has the right to change its administrative arrangements around to suit itself. In fact, the Department of Health and Community Care, under the obviously incompetent charge of Mr Moore, has suffered an enormous number of changes - from statutory authority to departmental status, to sectional status and many things in between. All of these sorts of changes could have occurred without actually doing what they are doing at the moment, without the havoc that they are wreaking in the industry.

From the discussions I have had with members of the crossbench it is apparent that there is so much confusion out there that the people themselves do not know. I am getting representations saying, “This is the worst thing that has ever happened”. Mr Rugendyke, I know, has received representations saying that it is not. Half the time you would not know. It has not been explained properly to the people in the industry. It has not been explained properly to me. It certainly has not been explained to my satisfaction. I do not see the necessity to go through all of this procedure. A lot of the changes that the Government needed to make should have been done a lot more simply and a lot more leisurely; and they could have been a lot more easily explained. Mr Speaker, I urge the Assembly to reject this clause.

**MR SMYTH** (Minister for Urban Services) (11.39): Mr Hargreaves says that the Government did not have to do what it has done and that it has confused people. First and foremost, Mr Speaker, I would like to remind all present that a copy of the incoming brief for the Labor Minister of the day in 1989 revealed that even then there were concerns. Mr Hargreaves is right: This Government should not have to be doing this. The previous Labor government should have done it a decade ago. As to his exemptions, the effect of what will occur in New South Wales after the New South Wales election has some impact on that. We believe that we need to see what happens in New South Wales and Victoria. The exemption as it stands is fine because it will have to be revisited later in the year.

Clause agreed to.

Proposed new clauses 9A and 9B

**MR HARGREAVES** (11.40): Mr Speaker, I am completely amazed at Mr Smyth's command of history, given that 10 years ago, unless my memory is incorrect or the date of his birth has been reported incorrectly in the paper, he was still in school. I might also mention, Mr Speaker, that this Government has been in power in this town for four years. Those opposite should not talk to me about history. If you have been here for four years and you reckon it was broke four years ago, you have been derelict in your duty in not fixing it. You did not need to go to these sorts of methods to fix it. You could have gone through any other way of doing it without creating havoc in the industry.

**Mr Moore:** The process of consultation takes some time.

**MR HARGREAVES:** Mr Moore, that is stretching it a long way.

**MR SPEAKER:** Mr Hargreaves, there is no question before the Assembly at the moment, I am reminded by the Clerk. Would you mind moving proposed new clauses 9A and 9B.

**MR HARGREAVES:** I move:

That the following new clauses be inserted in the Bill:

Page 3, line 30:

**“9A. Authorisation of licences and permits**

Section 41A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

‘(2) This section ceases to have effect at the expiration of 30 June 2000.’.

**9B Zoning authorisation**

Section 48 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

‘(2) This section ceases to have effect at the expiration of 30 June 2000.’.”.

Mr Speaker, this is the protection that I talked about a moment ago and I am sad that the crossbenchers are not prepared to extend protection to the industry for that six months. I would welcome any change that they may have. The bottom line here is that there are people out there, the vendors, who have been misinformed or have a lack of

understanding, as the Minister is wont to create. Indeed, Mr Speaker, I think the Minister is a perfect champion at creating a lack of understanding. He is probably the best at it in this chamber.

I implore this Assembly to remember that, whatever the result of this Bill, there will not be any more certainty in the industry tomorrow than exists today. We need to make sure that the changes that are being put forward are conveyed to the people in the industry in such a way that they understand them and that, if there is not any room in the industry for them, they have a chance to remove themselves and to restructure the industry at no detriment. My proposition gives another six months' protection for those people in enabling them to get out later. Mr Speaker, I am not suggesting that there will be some people who will sit there and wait till the last minute to do it, but having this extra six months of security for these people will enable their families to feel a little bit better about the whole process. It will enable a certainty in the industry such that, when the ACT is portrayed in New South Wales, we will be acting responsibly for the people in the market, particularly the home vending market. This is merely extending what the Government has already said. I am absolutely floored by the Minister saying that these things are not necessary. I am floored by the Minister saying that we do not have an understanding of the situation. Indeed, Mr Speaker, what I do understand about it is the pain on the faces of those people out there at the very demonstrations the Minister accused me of organising. I did no such thing. I did not organise any of those things. I merely went out there and spoke to the people there.

**Mr Berry:** Why not?

**MR HARGREAVES:** Indeed, I should have but did not. I went out there and looked into the faces of the women whose livelihoods depended on it. I looked into the faces of men who said, "My business is going down the gurgler. What are you going to do about it?". Mr Speaker, I was moved by that and I would like to see this Government moved just a little bit to extend protection to the year 2000. I pose this question to the Government: What have you got to lose? You have absolutely nothing to lose and everything to gain from doing so. What you are handing out to these people is an insurance policy. They may or may not need it. Failure to pass my amendment will just prove to me that the crowd opposite has the callous nature that I have been hearing, and I sincerely hope it has not.

**MR SMYTH (Minister for Urban Services) (11.45):** Mr Speaker, the Government will oppose this amendment, for the reasons put before. Again, Mr Hargreaves does not understand that the factors that we need to address now are outside the control of the ACT. We need to see what happens in New South Wales and Victoria. Mr Hargreaves says, "Thank you for the history lesson". The reason I can give the history lesson is that I can read. I was not in school in 1989, although the thought is kind of nice. That would have meant that I was married in about sixth grade and had my daughters in about Year 8. Mr Speaker, the history is on the record. Labor knew; Labor did nothing about it. We are progressing through a way forward for the milk industry. In Mr Rugendyke's words, the vendors are happy with this proposal and they want to see this Bill passed today. We should pass it as it is.

**MR OSBORNE** (11.46): I have no problem with extending the date to 30 June 2000, so I will be supporting the amendment. I must admit, though, that I sit here in amazement at the Labor Party, given that the competition policy nightmare was started by Mr Keating and, I believe, signed off by Ms Follett. My recollection of history, Mr Speaker, is that they were Labor leaders, so the crocodile tears of the Labor Party are very interesting. I will be supporting the extension sought by Mr Hargreaves.

Amendment agreed to.

Proposed new clauses agreed to.

Clause 10

**MR HARGREAVES** (11.48): Clause 10 actually fits the blade to the guillotine for the Milk Authority, Mr Speaker. The most common word in all of the subclauses is “omitting”. Down comes the blade, blam, it is gone! Why, I ask those members who are going to vote on this clause, would you have a Milk Authority consisting of one, two, three or four members, which is provided for in clause 5, and then in clause 10 take away all of their powers? Why would you have it? Why would you have a clause 5 when you have the Urban Services Department doing half of it and the Chief Minister’s Department doing the other half? The reason why they can do that, Mr Speaker, is that clause 10 takes away all the powers of the Milk Authority. Mr Speaker, we just do not see the sense in it. Therefore, I move:

Page 3, line 21, paragraph (a), omit the paragraph.

**MR SMYTH** (Minister for Urban Services) (11.49): Mr Speaker, the Government will be opposing the amendment simply because, again, it just illustrates quite graphically Labor’s lack of understanding of this issue. It is not acceptable in this day and age for a body which regulates an industry to be the body that markets that industry and to be the body that runs the commercial contracts for that industry. It is fairly fundamental; it is also fairly simple. Yet again it just illustrates quite clearly Labor’s lack of understanding on this issue.

Amendment negated.

Clause agreed to.

Clause 11

**MR HARGREAVES** (11.50): I move the amendment circulated in my name on the revised schedule:

Page 4, line 2, omit “31 December 1999”, substitute “30 June 2000”.

For the benefit of members, this amendment is just a continuation of the same thing, extending the period from 31 December 1999 to 30 June 2000. I draw Mr Rugendyke’s and Mr Osborne’s attention particularly to clause 11(c), which says:

by omitting “expires on 31 December 1998” and substituting “ceases to have effect at the expiration of 31 December 1999”.

We merely say, “Let’s go to 2000”. I do not need to say any more, Mr Speaker.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 12

**MR HARGREAVES** (11.52): Mr Speaker, this is the one that blew me away, I have to say. I found it unbelievable. Even more so, I was blown away by recent events. Mr Speaker, this clause transfers responsibility from the authority to the Minister. The Minister is saying, “I can do a better job than the authority”. He is saying that it does not need to be at arm’s length, that the supplying of milk, which is not only a very nice product but also a health food and all the rest of it, does not need to be one step removed. Under clause 5 he has an authority, but the amendments in clause 12 transfer the responsibility for regulation from the authority to the Minister; yet the same Minister did not have the courage to back up school fares under the zoning system - in fact, bus fares generally. What happened? It was the Minister’s responsibility and what did he do? He flicked the ball to the Independent Pricing and Regulatory Commission. He had the authority within his hands and did not have the courage to run with a bad decision, but he can do so with this one.

This is the exact opposite. It is unbelievable that he would take upon himself - either himself or the Chief Minister; it does not really matter - the responsibility that the authority had before, yet he will not do the same thing with other parts of the legislation. I find that absolutely unbelievable and recommend very strongly to the Assembly that it chuck this out.

**MR SMYTH** (Minister for Urban Services) (11.53): The Government will support the clause, Mr Speaker.

Clause agreed to.

Clauses 13 to 21, by leave, taken together

**MR HARGREAVES** (11.54): Mr Speaker, even though I seem to be like a drowning man with a hand out of the water, I will nonetheless have another go. For the life of me, I cannot see why you need to have transitional arrangements when there was no reason to change things in the first place. I think enough has been said on the issue, Mr Speaker, so I will just record the Opposition’s opposition to these clauses.

Clauses agreed to.



Schedule

**MR HARGREAVES** (11.55): Mr Speaker, it seems to me that it is a pointless exercise to pursue this matter, so I will not.

Schedule agreed to.

Title agreed to.

Bill, as amended, agreed to.

### **RATES AND LAND TAX (AMENDMENT) BILL (NO. 2) 1998**

Debate resumed from 19 November 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR QUINLAN** (11.56): Mr Speaker, essentially, this Bill strengthens powers in relation to the collection of land taxes, particularly entry and inspection powers, and it refines the assessment process to take out some possible incorrect assessments or overtaxing. In that regard, the Opposition is prepared to support the Bill. As an aspiring Treasurer, I have no objection to the Government collecting rates and taxes that are legally payable. I always harbour some concerns when I encounter enhanced powers, but I notice the Government's intention to bring forward a further amendment softening the Bill in relation to entry to residential premises, or premises used partially for residential purposes. I give notice that we will support that amendment.

In general, we accept the Government's assertion that these powers are similar to those available to the Australian Taxation Office and to revenue officers in most other taxation jurisdictions. The Opposition supports the Bill and the proposed amendment.

**MS CARNELL** (Chief Minister and Treasurer) (11.57), in reply: Mr Speaker, I should present the revised explanatory memorandum to the Bill at this stage. I thank Mr Quinlan for his support for the Bill. This Bill is an important piece of legislation. Obviously, protecting the revenue base of the ACT is important, while ensuring that our legislation, wherever possible, is in line with legislation in other parts of Australia. I thank members for their support and I will move the amendment a little later.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MS CARNELL** (Chief Minister and Treasurer) (11.58): I move:

Page 6, line 26, clause 9, after proposed new section 22EG insert the following section:

**“22EGA. Restriction on power of entry to partly residential premises**

‘(1) Section 22EG shall be taken not to authorise an authorised officer -

- (a) to enter business premises used partly for residential purposes; or
- (b) to exercise any powers under that section while on such premises;

unless the authorised officer does so -

- (c) with the consent of the occupier of the premises; or
- (d) in accordance with a warrant issued under subsection (2).

‘(2) Subject to this section, on the application of an authorised officer supported by an affidavit or sworn evidence, a magistrate may issue a warrant authorising the authorised officer, with such assistance of other persons as is reasonably necessary, to enter specified premises (being business premises used partly for residential purposes) and exercise all or any of the powers specified in section 22EG.

‘(3) A magistrate may, when issuing a warrant, direct that the warrant shall apply subject to such conditions or limitations as he or she thinks fit to specify, and where the magistrate so directs -

- (a) the warrant shall set out those conditions or limitations; and
- (b) the warrant shall apply accordingly.

‘(4) A magistrate shall only issue a warrant if he or she is satisfied that -

- (a) it is just and proper to do so; and

- (b) the exercise of the powers conferred by the warrant is reasonably necessary for the due administration of this Act.

‘(5) Where any power (including entry to premises) is exercised in accordance with a warrant, section 22EG applies, subject to any conditions or limitations set out in the warrant, in relation to the exercise of the power.’”.

I present the supplementary explanatory memorandum.

Mr Speaker, this amendment relates to the power of entry granted to authorised officers under the provisions of this Bill. This amendment will provide that authorised officers will be able to gain entry to premises that are used for residential purposes in addition to business purposes only with the consent of the occupant or under the powers of a warrant issued by a magistrate. This will ensure protection of homes from access by inspectors without appropriate consent and authority and is consistent with the powers available under other taxation legislation in the Territory. I commend this amendment to the Assembly.

Amendment agreed to.

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

Bill, as amended, agreed to.

## **URBAN SERVICES - STANDING COMMITTEE**

### **Report on Draft Variation to the Territory Plan - Water Use and Catchment Policies**

**MR HIRD** (12.00): Mr Speaker, I present report No. 18 of the Standing Committee on Urban Services entitled “Draft Variation to the Territory Plan No. 98 relating to water use and catchment policies”, together with a copy of the extracts of minutes of the proceedings. I move:

That the report be noted.

This report by the Urban Services Committee is a straightforward one. On 9 November last year the Minister for Urban Services referred the draft variation to the committee for examination. The committee had too many things on at that time to arrange a briefing on the variation, but we moved quickly to deal with it in this year’s program. We conducted a public briefing last Friday and were impressed with the quality of information provided by two DUS officers, Dr Liston from PALM and Mr Croston from Environment ACT. Their information was invaluable to the committee. In our private meeting after the briefing we resolved to endorse the variation, which has led to this report today. I commend the report to the parliament.

Question resolved in the affirmative.

## TAXATION ADMINISTRATION BILL 1998

[COGNATE BILL:

### TAXATION ADMINISTRATION (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998]

Debate resumed from 10 December 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Taxation Administration (Consequential and Transitional Provisions) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4 they may also address their remarks to order of the day No. 5.

**MR QUINLAN (12.02):** Mr Speaker, the Opposition will be supporting this Bill. We understand that it is the result of a considerable amount of work that has gone into trying to simplify and strengthen the provisions for taxation administration. It contains significant powers, as we just mentioned in regard to the previous piece of legislation. In supporting the Bill, I give notice that we will be seeking to remove a prohibition on the use of selfincrimination as a defence in supplying information.

**MS CARNELL (Chief Minister and Treasurer) (12.03), in reply:** Mr Speaker, with the passage of the Taxation Administration Bill 1998, the ACT will join New South Wales, Victoria, South Australia and Tasmania in providing, to a large extent, uniform taxation administration legislation.

**Mr Stanhope:** Mr Speaker, I take a point of order. Is the Chief Minister closing the debate?

**MR SPEAKER:** She is, yes.

**Mr Stanhope:** I beg your pardon, Chief Minister. I just wanted to speak on - - -

**MS CARNELL:** You can speak in the detail stage.

**Mr Stanhope:** I am happy to do that. I was not concentrating. I beg everybody's pardon. I am happy to speak later, Mr Speaker. I am sorry, Chief Minister.

**MS CARNELL:** Okay. Thank you very much. Mr Speaker, the ACT currently has a Taxation Administration Act which, like this Bill, makes general provisions with respect to the administration and enforcement of the ACT's other taxation laws. However, the structure, style and some of the policies of the existing Act are sufficiently different from the other States' Acts to warrant replacement.

The new legislation will result in a common approach to assessments, refunds, interest and penalty tax, and compliance issues such as record-keeping requirements. This will provide clear benefits to taxpayers, especially those with national businesses. Although the other jurisdictions have not adopted a general anti-avoidance provision, this Government supports the inclusion of such a provision to protect ACT revenue. Taxpayers will have rights of review of any decisions made or assessments issued by the Commissioner for ACT Revenue under this provision.

Mr Speaker, the Taxation Administration (Consequential and Transitional Provisions) Bill 1998 will ensure the smooth transition from the existing Act to the new legislation, and provide taxpayers and their representatives with certainty as to which of the Acts will govern their particular liability to tax. The Bills will take effect from 1 March 1999.

In conclusion, Mr Speaker, the Bill brings the ACT largely into line with New South Wales in relation to the administration of tax legislation, affirming the Government's commitment to uniformity with New South Wales wherever possible.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 86, by leave, taken together, and agreed to.

Clause 87

**MR QUINLAN** (12.06): Mr Speaker, the Opposition will be opposing this clause. I will defer to my learned colleague - I have been wanting to say that in this place - for argument in support of our opposition. Before I do, let me observe to the Assembly generally that the scrutiny of Bills committee and, one presumes, its expert consultant, has expressed some reservations in relation to this clause, and I think the Assembly should take note of it.

**MR STANHOPE** (Leader of the Opposition) (12.07): In speaking to clause 87, I want to make some comments about the privilege against selfincrimination. I take the work of the scrutiny of Bills committee quite seriously. I always look at its reports. Whenever the scrutiny of Bills committee presents a comment which goes to questions of individual rights or liberties, I feel it is incumbent on the Assembly to have particular regard to it.

As my colleague Mr Quinlan has said, the Labor Party is supportive of this legislation. We are very happy to support it. We do have a concern, however, over this one issue which the scrutiny of Bills committee also chose to draw to our attention. I do not think this particular provision is necessary in the context of this Bill. I do not think its removal in any way diminishes what the Government has set out to achieve with this piece of legislation.

The privilege against selfincrimination has been dealt with by the courts on a number of occasions. Probably the leading case on the issue in Australia is a 1993 case, *Environmental Protection Authority v. Caltex*. In that case Chief Justice Mason, as he then was, and Justice Toohey, in a combined judgment, gave some detail on the historical basis of the privilege and a modern rationale for the privilege. I will take a moment to refer to that judgment. They gave the background of the historical basis of the privilege. They relied on *Wigmore on Evidence* to provide an historical basis which goes back to the ecclesiastical courts in England and the Court of Star Chamber which first began to develop rules on unjust methods of interrogating accused persons. It culminated - I am sure members will be interested to know - in 1645 in a declaration that the use of the oath was unlawful. Another strand on privilege developed in common-law trials. By the second half of the seventeenth century the privilege against selfincrimination was well established at common law, which then affirmed the principle that no person is bound to accuse himself.

The modern rationale for the privilege against selfincrimination has also received significant comment in the judgment and I think there are aspects of that which each member of this place should have regard to in determining a position on clause 87. The modern rationale for the establishment of this privilege against selfincrimination is basically the same as that which was originally proposed or posited. It goes to the protection of an individual from being confronted by what is a very cruel dilemma - the dilemma of being punished for refusing to testify on the one hand as opposed to being punished as a result of truthful testimony that may lead to a conviction, or even, in a third instance, I guess, being punished for perjury if they lie. So these issues in relation to a person charged are really serious.

We do have different methods of punishment these days, but the philosophy behind the privilege has become refined. The privilege is now generally and broadly regarded as being an internationally recognised human right. I quote Justice Murphy in the case of *Rochford v. Trade Practices Commission* in which Murphy commented:

The privilege against self-incrimination is a human right, based on the desire to protect personal freedom and human dignity.

This was a position that was echoed in the Supreme Court of Canada in the *Amway* case where it was stated that the privilege against selfincrimination “is an explicit right of a natural person, protecting the realm of human thought and expression”. The right not to be compelled to testify against oneself or to confess guilt is also embodied in article 14(3)(g) of the International Covenant on Civil and Political Rights. The language of the Covenant on Civil and Political Rights makes it very clear that the purpose of its provisions is to protect human rights. Australian courts recognise international law and its judgments. Whilst they are not binding, of course, they have great persuasive influence, and this privilege has been well developed.

The fundamental principle of the common law in relation to the privilege is that the onus of proving guilt beyond reasonable doubt rests on the Crown. That is complemented by the elementary principle that no accused person can be compelled by process of law to admit the offence with which he or she is charged. An accused person is not bound to incriminate himself.

Everybody is probably aware of the reasons for the privilege against selfincrimination; the need to protect accused persons who are required by the process of law, for instance, to produce documents which tend to implicate that person in the commission of an offence. It has basically been such an entrenched principle of common law and the rights of the individual that I do not think that we in this place should toy with it lightly. I simply do not believe it is appropriate for us to allow provisions such as this that go to basic issues of human rights; to the basic protection which we, for hundreds of years, have afforded to accused persons - not to be obliged to prove their innocence. I do not think we should lightly discard or deal with those inherent principles of the common-law system of justice.

I do not believe that the removal of this provision from this Bill impacts at all adversely on the effectiveness of this legislation. As I said, the Labor Party believes this is good legislation. The Labor Party is happy to support this Bill. We believe there are very good reasons, based on 300 years of the application of common-law principles - principles endorsed by the High Court of Australia and principles now ensconced in the International Covenant on Civil and Political Rights. I believe that we ignore that history and that practice at our cost and at the cost of every person in this community.

I would urge all members to support this Bill, but I would suggest to each member that there is no good reason for including clause 87 in this Bill. There are so many good, solid reasons going to the rights of the accused, going to the common-law system which we have embraced, going to human rights and going to individual civil liberties, that require that this provision not be accepted by the Assembly. I think history, precedent, human rights and commonsense dictate that that is the approach we take.

**MR KAINE** (12.16): Mr Speaker, this question of the impact of clause 87 was raised by the scrutiny of Bills committee of which I am a member. It is not, however, an issue which I am prepared to die in a ditch over, but I would like the Government, perhaps the Attorney-General, to explain why it is good law. The Chief Minister's response to the scrutiny of Bills committee was that it is okay because it is long established within taxation administration law in the ACT. She went on to say it is also in Victorian legislation and South Australian legislation. But that of itself does not make it good law. Now that the matter has been raised by the scrutiny of Bills committee, I think it is incumbent upon the Government to explain why is it good law, and if it is not good law we should not adopt it. I am sure the Attorney-General will be able to explain to us why this particular clause represents good law.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.17): Someone has to explain to the Assembly why the Government has proposed clause 87 of this Bill and I am happy to attempt to do so. First of all, let me agree with the proposition Mr Kaine has just stated; that the fact that certain provisions have appeared in our law, maybe for some lengthy period, maybe replicating provisions in other jurisdictions, if they have good reason to assume that those provisions should stay there, may not, in themselves, make them bad law. That is quite true. Sometimes practices have grown up in a different era, or because of inadvertence, or because members of an Assembly were not vigilant enough to spot them as they were being passed through the parliament, and those practices may not be good law and should be removed if that is the case.

However, I think that the Assembly should give consideration to passing clause 87 as it appears in this legislation. Mr Stanhope has made a very eloquent defence of the concept that parliament should not remove the right against selfincrimination. I would say that I would be very quick to agree with him that the protection against selfincrimination is a very important part of the process by which the Territory lays down laws to protect a number of things, including our revenue base. We should understand that people have the right of silence, have the right to be able to take steps to prevent them being incriminated by their own comments and their own admissions, and that is a principle which I hope that this Government does not erode.

In terms of past legislation in this place, we have worked hard to make sure it was not eroded. I am sure members of this place who have been here for a little while can recall occasions when we have removed provisions from legislation that has come forward which have not guarded against selfincrimination. But, Mr Speaker, whereas we agree that selfincrimination is not appropriate, I think what we have in this particular clause is very different from the provisions that have previously occurred with respect to selfincrimination. This is a very different provision from the ones that have occurred before.

Clause 87(1) certainly is the sort of thing which provides for a capacity for someone to selfincriminate. It says:

A person is not excused from answering a question ... on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

That is a provision by itself which removes a person's entitlement to refuse to answer a question on the ground of selfincrimination. But I particularly direct members' attention to subclause (2) because that is the let-out here against selfincrimination in a broad sense. It says:

If the person objects to answering the question, providing the information or producing a document on that ground, the answer, information or document is not admissible against the person in any criminal proceedings other than -

- (a) proceedings for an offence with respect to false or misleading statements, information or records; or
- (b) proceedings for an offence in the nature of perjury.

In other words, if the Commissioner for ACT Revenue has a taxpayer in front of her and says, "Have you breached section 25 of the Land Tax Act?", and the person says, "Yes, I have breached section 25 of the Land Tax Act; I have rorted the system", that is a statement which the commissioner cannot use to prosecute that particular taxpayer unless the statement or the document that is being provided at that time is itself false or misleading. If the taxpayer produces a forged document to produce some kind of



exoneration for himself, the forgery that he commits, the document that he provides with the forgery, is not immune from some kind of prosecution. The person can be prosecuted for having produced the false document. But the admission itself, the supplying of the document itself, is not an act which incriminates that person.

The reason for that kind of provision is that we want to protect the revenue base of the Territory. In other words, we want to be able to find out when someone has broken the law, and we invite them to answer questions or provide documents as required by the commissioner or by the court. If you refer to clause 71, this also applies to requests by the court for information. Where those things are required by the commissioner or by the court, the person is compelled to provide them, but providing them does not incriminate that person except in respect of perjury or falsifying documents. So, an admission that they have broken the law will not entitle the commissioner to launch proceedings against that person for having broken the law. If you admit that you have breached section 25, for argument's sake, of the Land Tax Act, the admission cannot be used against you in proceedings for a breach of section 25 of the Land Tax Act. What it can be used for, obviously, is to help the commissioner to recover the revenue which the knowledge of that breach would lead to.

If you have admitted in a discussion with the commissioner that you have breached the Act, the commissioner can then go in and get the revenue which is owing to the Territory which that admission in a sense has led to, but a prosecution against that person does not follow. If the commissioner wishes to prosecute that person, other evidence will need to be obtained. The admission will not be used in a court against that person, except in those two limited circumstances referred to in paragraphs (a) and (b) of subclause (2).

Mr Speaker, I would argue to this place that it is necessary to have a power to obtain documents, but not to bring prosecutions in the court. The commissioner should not be forcing admissions or obtaining documents in order to use those to launch prosecutions, but the commissioner must have that power to protect the revenue base of the Territory. That is why this variation on the selfincrimination power needs to be there, I believe, and I would strongly urge members to give consideration to passing a power in this form. Certainly, the Government wrestled hard with this issue for some time. We understood that we needed to protect the work done by the commissioner and her officers to ensure that the tax base was protected, but we were also mindful to protect people against self-incriminating statements. I believe we have found that balance with the provisions that are contained in this clause.

**MR MOORE** (Minister for Health and Community Care) (12.25): On this issue, Mr Speaker, I would say that I do have the option of exempting myself from the Cabinet on all issues of civil liberties. I chose not to, and I think that Mr Humphries' explanation as to why I did not is very good. The matter was discussed at length because the concern raised by the scrutiny of Bills committee is a concern that we all have. In fact, I think we should see this clause back the other way. It is actually a protection of the civil liberties, but at the same time it is necessary for the raising of revenue. It should be seen in the context of the previous clauses. I think it is clause 72 that it refers to. That is why I am comfortable about this having a minimal effect on civil liberties.

When it comes to issues of raising revenue, our systems are set. We give people responsibility for setting out and keeping their records at the same time. Therefore a government must have a revenue-raising prerogative to say, "We need to see your records". In demanding that, we must also protect against selfincrimination in the sense of an action that would result in a major penalty such as gaol. This clause does protect against that.

**MS TUCKER** (12.26): The Greens will not be supporting Mr Quinlan's proposition. I did want to listen to the arguments on the floor. I think it is important that we do have these issues regarding civil liberties raised in this place, and the discussion is very important. However, I am convinced that in this instance the benefits would outweigh the possible dangers.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill agreed to.

### **TAXATION ADMINISTRATION (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998**

Debate resumed from 10 December 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.28 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Occupational Health and Safety Legislation

**MR STANHOPE:** Mr Speaker, my question is to the Attorney-General. On 11 February 1999, in reference to Labor's proposal to amend occupational health and safety legislation to extend the statute of limitation period until 12 months after the report of an inquiry, inquest or royal commission, ABC radio reported the Attorney as saying the ALP had not responded to his request for comments on a possible amendment. The Attorney said on the radio:

... they -

meaning the ALP -

wouldn't indicate their view on the subject and as a result it - the current limitation - did expire ...

I ask what the Attorney has to say about my letter to him of 31 May last year on this very subject, in which I wrote:

... I would support the proposed amendment.

Given that my letter was written six weeks before the limitation period expired, why did the Attorney not act immediately to bring amending legislation to the Assembly?

**MR HUMPHRIES:** Mr Speaker, I am glad Mr Stanhope has asked that question. I am very happy to indicate why I have said what I have said. If I might explain the background to this matter, as members are aware, the coroner wrote to me last year, pointing out that there was a 12-month expiry period on the bringing of prosecutions for relatively minor offences under the Occupational Health and Safety Act which would apply to any matters that might arise out of the inquest into the Royal Canberra Hospital implosion and, in addition, that I should address my mind to that particular question. The Government was aware of the fact - indeed, this was implied by the coroner - that the duration of the inquest would go beyond the end of that limitation period.

I addressed the issues raised by the coroner. It appeared to me that it was appropriate to extend legislation so as to provide that a prosecution should be launchable at some point after a coroner has brought down a finding - that is, within six or 12 months after a coroner has brought down a finding it should be possible to launch a prosecution rather than 12 months after a particular act that might have given rise to a coronial inquiry. That is a very sound principle. Indeed, as members will see in the program to be tabled later this afternoon by the Chief Minister, the Government supports that proposal and intends to act on it.

However, the concept that we should change the law so as to affect those people who have already enjoyed the benefit or who it was proposed should enjoy the benefit of those particular provisions now in the Occupational Health and Safety Act - to affect their rights, in effect, retrospectively - was a matter about which I, as Attorney-General, had the very gravest concern. As members who have sat in this place for some years will know, the Government has always had a concern - indeed, members of this place have always had a concern - about the nature of adverse retrospectivity in legislation. This Assembly, with the greatest reluctance, has in the past moved to enact laws which have had the effect of removing people's rights, particularly after those rights had accrued.

Mr Speaker, I therefore took the precaution of writing to the Standing Committee on Justice and Community Safety, chaired by Mr Osborne, to seek the committee's view about this proposal. In that two-page letter I pointed out the difficulties inherent in legislating retrospectively, as I saw them, and asked the committee for its view. The committee, in turn, in a rather unusual move, suggested that I should speak to the Leader of the Opposition and shadow Attorney-General about the matter. They seemed to be saying that it would be guided by his view rather than having a view of its own. Fair enough. I then wrote to the shadow Attorney-General in the terms that I had written to the committee and asked Mr Stanhope to indicate his views to me. I went to lengths to explain the difficulty about the retrospective element of the legislation. Mr Stanhope wrote back a relatively short letter in response - he has referred to that letter already - in which he said, "I support the proposal" but went on to discuss only those aspects of the proposal which dealt with prospective legislation, that is, the extent of an extension on the limitation period. He made no attempt in the letter to refer to the nub of my letter, the most important part of my letter, which was retrospectivity and the effect on people's rights.

Bear in mind that I was writing not only to the Leader of the Opposition and shadow Attorney-General but also to the former chairman of the ACT Council of Civil Liberties, and I rather thought he would have something to say about the question of retrospective legislation and how it affects people's rights. No, nothing about that in his letter at all, no comment about that at all. He sidestepped the issue entirely, and rather arrogantly, I think, simply to say, "We support prospective legislation" in the detail of his comments. Not surprisingly, I felt it was appropriate to write back to the shadow Attorney-General and say, "What exactly do you mean?".

**Mr Corbell:** What part of "yes" do you not understand? It is pretty simple.

**MR HUMPHRIES:** No, it was very difficult to understand, because I had expected him to make it clear what he thought about retrospectivity and he had not done so. I wrote to him a second time and said, "What exactly do you mean? Are you supporting the retrospectivity or are you not?".

If, as Mr Stanhope now maintains, he always wanted retrospectivity, if he has always been prepared to support that, you would assume he would have written back to me saying, "No, Minister. It is perfectly clear I support everything that is in the proposal for retrospective legislation". But he did not do that. What he did was write back to me and say, "I am not going to tell you what we think about your proposal. You can wait to find out when the proposal is actually put back before the Justice and Community Safety

Committee, chaired by Mr Osborne". Flick pass extraordinaire, I would have thought. That is exactly what was said. If Mr Stanhope is happy for me to table the letters which he wrote to me, then I would be happy to do so, both here and generally in the community. I think they tell a very interesting story.

Mr Speaker, I was left without any clear indication from anybody to whom I had written about their view about retrospective legislation. I was left also with the Government's longstanding concern about not legislating retrospectively in such an area. In those circumstances, Mr Speaker, I felt entirely justified in putting into the Government's legislative program legislation which would provide for prospective amendment to the Occupational Health and Safety Act but not retrospective amendment.

**Mr Corbell:** You are ducking and weaving all over the place, Gary.

**MR HUMPHRIES:** Not at all. I have been consistent on that principle since my first day in this Assembly. Members will know that I have on occasions stepped in, both from within the Cabinet of the ACT and from the Opposition benches, to amend legislation which retrospectively affected people's rights. For example, legislation was brought forward, I think, in 1993 to remove people's rights to claim certain things in respect of lottery tickets. I amended that legislation on my own motion to make sure that people who had already begun actions in the Supreme Court of the ACT would not have their rights affected by that change. Mr Speaker, that is my position today. It has been my position every day since I have been in this place, and it will be the position I take in discussions on this matter in the future. I am sorry that others in this place have not been prepared to support that position as clearly and forthrightly as obviously some on this side of the chamber have been.

**MR STANHOPE:** I ask a supplementary question, Mr Speaker. My letter to the Attorney - - -

**Mr Humphries:** Is this a preamble, Mr Speaker?

**MR STANHOPE:** No. My letter to the Attorney of 31 May not only expressed the view that I supported the proposed amendment, namely, the amendment proposed in the correspondence provided to me by the Attorney, but actually set out the very nature of an amendment that would be supported by the Opposition. I actually set out the terms of the motion, so the Minister's answer is absolute rubbish. It is absolute obfuscation, besides the fact that it has done nothing.

**MR SPEAKER:** Your question, Mr Stanhope. Mr Stanhope, you have a question?

**MR STANHOPE:** Yes. My question is: Will the Minister confirm that the reason that he has given that long obfuscatory dissertation is that he wants to cover up the fact that his inaction has led to this unfortunate situation?

**MR HUMPHRIES:** Mr Speaker, it is the Labor Party which is sidestepping the crucial issue here, the question of retrospectivity. If the Labor Party was happy to enact retrospective legislation, why did they not say so when they wrote to me?

**Mr Quinlan:** We did.

**MR HUMPHRIES:** No, you did not say it to me. I will table the letter later. Mr Stanhope said, “I am not telling you what I am going to do. You will find out when Mr Hargreaves goes in to the Justice and Community Safety Committee”. You refused to indicate your position. You were sidestepping.

**Mr Stanhope:** I gave you the form of words we would support.

**MR HUMPHRIES:** I would be happy to table the correspondence, where it is perfectly clear that that is the case, Mr Speaker. He said, and I quote almost exactly the words that he used, “You will find out the Labor Party’s position on this subject when the matter is next discussed by the Justice and Community Safety Committee”.

**Mr Stanhope:** Nonsense! That is crap.

**MR SPEAKER:** Order! Withdraw that, please.

**MR HUMPHRIES:** Fine, okay. I will table the letters. If you give me permission to table those letters from you to me which you expressed to be confidential, then I am happy to do that. I will lay them on the table. The information is perfectly clear. The Government is prepared to face this issue and discuss it. As usual, members on the other side of this place were unwilling to come down and discuss the issues, preferring instead just to bash the Government rather than have a position of their own on those issues.

**Mr Hird:** Mr Speaker, I raise a point of order. I heard the word “crap” used by the Leader of the Opposition, which shocked me, and I would ask him to withdraw it.

**MR SPEAKER:** Whether it shocked you or not, it is unparliamentary. I heard it too. Please withdraw it, Mr Stanhope.

**Mr Stanhope:** I am happy to withdraw it. I beg everybody’s pardon, Mr Speaker.

**MR SPEAKER:** Thank you.

**MR OSBORNE:** I seek leave to make a personal explanation on behalf of the - - -

**Mr Kaine:** After question time.

**MR SPEAKER:** No. I will give him leave to make a personal explanation and then Mr Kaine has the call.

**Mr Berry:** After question time.

**MR OSBORNE:** It is in relation to this question, Mr Speaker. It is about this issue.

**MR SPEAKER:** Yes, I understand that.

**Mr Berry:** Everybody else has to wait until after question time.

**MR SPEAKER:** No, they do not.

**MR OSBORNE:** I just feel that as chair of the Justice Committee I need to give our side of the story in relation to the retelling by Mr Humphries. My recollection, Mr Speaker, is that Mr Humphries wrote to our committee, and he did have a conversation with me privately, indicating the sensitivity surrounding this issue. I feel that all members of the Justice Committee handled it quite well. We had a discussion and I said that as far as I was concerned Mr Humphries' concern with it was that he did not want to have, from memory, a political fight over the issue. I said, "The best way to do that would be if you discussed the issue with the Labor Party". Mr Hargreaves then took it up with Mr Stanhope, and the Justice Committee heard nothing more from the Minister until we received a letter.

Mr Hargreaves did inform us that Mr Stanhope and Mr Humphries were speaking. The Justice Committee did not hear back from the Minister what the outcome was until we received a letter just before Christmas or perhaps just after - - -

**Mr Hargreaves:** Months later.

**MR OSBORNE:** Months later, with the Minister complaining that we had not responded. I felt that we had taken it as far as we could. I am a little bit disappointed that the inference seems to be that the Justice Committee did not do their job in relation to this. I do apologise for interrupting question time, Mr Speaker. He did not say it, but that is the implication I have come away with.

**MR SPEAKER:** That is all right.

### **Injecting Rooms**

**MR KAINÉ:** There is nothing like a full, comprehensive explanation. It is wonderful. Mr Speaker, my question, through you, is to the Chief Minister. A spokeswoman for the Minister for Health, Mr Moore, was quoted in the *Canberra Times* of 24 January as saying that his amendment Bill to enable a heroin self-injecting room to be established in Canberra had been "put on the backburner but it is definitely not off the agenda". So far so good. I was rather intrigued by this statement because a few days before, in the *Canberra Chronicle* on 19 January, Mr Moore himself was quoted as saying that his Bill had not been withdrawn and that "injecting rooms remained on the Carnell Government's agenda". Chief Minister, is the Minister for Health correct in saying that the establishment of a heroin self-injecting room in Canberra is, as he claims, part of the Carnell Liberal Government's agenda? Is it in accord with the policies of the ACT division of the Liberal Party or is this just a case of the shaggy tail wagging the brown dog?

**MS CARNELL:** I hand the question to my Minister.

**Mr Kaine:** My question was to the Chief Minister, not to Mr Moore. Mr Speaker, I insist. My question is about Carnell Government policy, not about what Mr Moore might have to say. I insist that the question be answered by the Chief Minister, not by Mr Moore. I take it, Mr Speaker, that the Chief Minister is copping out on answering that question about Liberal Party policy.

**MR SPEAKER:** That I do not know. However, I do know that the Chief Minister may pass a question. Any Minister may pass a question to another Minister.

**Ms Carnell:** Mr Speaker, the question is within the realms of responsibility of the Minister for Health.

**Mr Kaine:** No, it is not. I take a point of order, Mr Speaker. I was asking about Liberal Party policy. Is Mr Moore now speaking for the Liberal Party? I want this on the record. Is he interpreting Liberal Party policy now?

**MR SPEAKER:** Order! The question related also to the Government's policy. Mr Moore naturally will not be mentioning any party policy, but the Chief Minister has asked him to answer the question.

**MR MOORE:** Mr Speaker, thank you for the opportunity to answer this question. I will clarify in the beginning, Mr Kaine. I actually have no idea what the Liberal Party policy on this matter is, nor do I care.

**Mr Kaine:** I raise a point of order, Mr Speaker. I suggest that the Minister refer the question back to the Chief Minister, to whom I directed it. If he cannot answer the question, he should not be on his feet.

**MR MOORE:** I can answer the question.

**Mr Berry:** I raise a point of order, Mr Speaker. I would just like to reflect on the standing orders.

**MR SPEAKER:** I hope you do not, but go on.

**Mr Berry:** They state:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

I do not think even Mr Moore would claim that he has any responsibility for the policies which the Government has committed itself to in the scheme of things, and the question is quite properly directed to the Chief Minister. If she refuses to answer it, she is merely shirking her responsibility.



**MR SPEAKER:** No, there is no point of order whatsoever. The fact is that Mr Moore has already indicated that he is not speaking for the Liberal Party. However, he is speaking as Minister for Health in this Government.

**Mr Kaine:** I take a point of order, Mr Speaker. Would you like me to restate my question? It was not to the Minister for Health. It was to the Chief Minister, and it has to do with Carnell Government Liberal Party policy. He cannot be the spokesman for either of those issues.

**Mr Humphries:** Mr Speaker, can I just be sure about Mr Kaine's point of order? If Mr Kaine is asking about Liberal Party policy, that is not a proper subject for a question to a Minister of a government in question time. Ministers are not responsible for Liberal Party policy. They do not formulate Liberal Party policy. That is formulated by the party. If the president of the Liberal Party were a member of the Government, Mr Kaine could ask that question of them. Mr Moore is the Minister in the Government responsible for policy in relation to health. Therefore, he should answer this question.

**MR SPEAKER:** I have no problem with this, if Mr Moore does not stray into Liberal Party policy. Proceed.

**MR MOORE:** The answer to Mr Kaine's question comes from the quote that he read. It referred to the Carnell Government. It did not use the word "Liberal". Have a look at the papers in front of you. Mr Kaine himself added the word "Liberal" to ask part of a question which would have been out of order. I will stay away from that part of the question because it would be entirely inappropriate for me to answer a part of a question that would be out of order. But I am quite happy to mention to you, Mr Kaine, that the matter of safe injecting rooms is still on the government agenda, but I think the most important part of it is that we followed a process where quite a number of members attended the - - -

**Mr Stanhope:** Are you voting for it, Bill?

**MR MOORE:** I hear an interjection from Mr Stanhope saying, "Did you vote for it, Bill?". I presume he was referring to Mr Stefaniak, not Mr Wood. I think it is important for Mr Stanhope to remember that, when decisions are taken in Cabinet, members are not required to reveal whether they voted for something or not. There are many times we could ask, "Did you vote for it, Simon?". There are many times we could ask, "Did you vote for it, Ted?". But, of course, we understand that there is a convention amongst the parties about these issues.

What I would like to say, Mr Kaine, is that quite a number of members of the Assembly attended a public forum that was held in the Canberra Theatre just last week. It was a very good and very important forum. At that forum there were - - -

**Mr Kaine:** Yes, well stacked by your supporters, I hear.

**MR MOORE:** It was not stacked at all. I must say to you, Mr Speaker, that quite a number of people commented on how well conducted and how positive the forum was, including, I might add, a person who ran for the Greens at the last election.

**Mr Kaine:** I rise on a point of order, Mr Speaker. What might have happened at some public meeting convened by Mr Moore has nothing whatsoever to do with the question that I asked.

**MR SPEAKER:** Thank you. I uphold your point of order, Mr Kaine.

**Mr Kaine:** I suggest you ask him to stick to the point.

**MR SPEAKER:** I uphold your point of order, Mr Kaine.

**MR MOORE:** Mr Speaker, the question is whether safe injecting places are still on the agenda. I think it is important for me to explain how they are on the agenda. An important part is the forum that I ran following a request from Ms Tucker. We had a difference of opinion as to whether that was the best way to go about it; nevertheless, I have had time to watch and see how the forum went and then to make sure that I extended an offer to members of the Assembly - to Mr Stanhope, to crossbench members - to brief them on exactly where we are up to with safe injecting rooms, on what my briefings are on the legal issues and on a whole range of issues that Mr Stanhope wrote to me and asked a series of quite important questions about, all of which need to have sensible answers and all of which we are going to make a decision about. I will proceed to that, but in the meantime I have released an evaluation of the previous ACT drug strategy. In that drug strategy - - -

**Mr Kaine:** I rise on a point of order, Mr Speaker. I repeat, this is nothing to do with the question that I asked. It is a good deal of propaganda for Mr Moore, but it has nothing to do with the question that I asked.

**MR MOORE:** As you know, Mr Kaine, we have had many rulings in this house from Mr Speaker that Ministers, provided they confine themselves to the subject matter, as I am - - -

**Mr Quinlan:** No, you are not.

**MR MOORE:** You asked, "Is this on the agenda?" and I am explaining how it is on the agenda.

**Mr Kaine:** No, I did not ask that question, Mr Speaker. I asked whether it was in fact Liberal Government policy. I did not ask whether it was on the agenda. Mr Moore said that.

**MR MOORE:** It is Carnell Government policy and the Liberal part I cannot answer for - and anyway it would be out of order. That is why I am answering all the other parts of the question for you. Even though you may not like the way I am answering the question, Mr Kaine, it is an important thing to explain. In that ACT drug strategy evaluation - - -

**Mr Kaine:** It is only important to you to explain. It is important to the Chief Minister that you explain. That is the point.

**Mr Humphries:** Mr Speaker, I take a point of order. I realise that Mr Kaine is opposed to Mr Moore answering the question, but he has interjected continually since the beginning of the answer.

**Mr Kaine:** Sit down, you wimp. Why don't you answer the question?

**Mr Humphries:** As he is now. I think it is appropriate that Mr Moore answer the question with some capacity for the rest of us to hear what the answer is.

**MR MOORE:** I will try to be as brief as I can, Mr Kaine, and then perhaps you will have a supplementary question that might help you. I am answering the question as to how it is still on the agenda. The ACT drug strategy evaluation had in it as part 4 a draft direction as to how we would go with our drug strategy.

**Mr Kaine:** Mr Speaker, I again have to take the point of order. I did not ask Mr Moore about his agenda. I asked him about the Government's agenda, which he attributed to the Carnell Government. I would like him to stick to the question.

**MR MOORE:** It is the Government's agenda, I assure you, Mr Speaker, and I ask you to keep Mr Kaine in order. I am speaking about the Government's agenda and how the Government is dealing with this particular matter. Mr Kaine, the way the Government is dealing with this particular matter is that we gave an indication. The evaluation was approved by Cabinet. It was made public and you have a copy. That indicated the general direction we would take for the draft ACT drug strategy. That draft strategy will be released in the middle of March and there will be further opportunity for comment.

In both the evaluation and the draft strategy, the safe injecting places will be seen in their full context. That full context will include the sorts of issues that Mr Stanhope raised about rehabilitation for young people. Mr Stanhope has correctly put his finger on a weakness in the ACT drug strategy, something that does need to be addressed. Mr Kaine, we will be doing that.

**Ms Tucker:** And a few other things.

**MR MOORE:** Ms Tucker indicates that there are a few other things as well. Of course there are, and we have outlined them in the first part. They will be out as a part of the draft drug strategy for people to comment on and say, "No, you have still missed something". We want to know the community's view of what we have missed to make sure we can get the broadest possible strategy.

I think the thing that came through in the community meeting the other night - and many members were there - was that we need to have the broadest possible strategy to meet as many needs as we can. In some ways a small injecting place is a small part of that broad strategy, but of course it is also the most controversial part. As the most controversial part, it gets much more attention than it should compared to the others in the context of having a proper, sensible drug strategy. We do have to have a full, proper drug strategy that is based on the consultation that I have described on previous occasions. It started with the Sexual Health and Blood Borne Diseases Advisory Committee, SHABBDAC, that reported six months ago.

Mr Kaine, it is on the agenda in the context of broad government policy of getting the best possible drug strategy we can and one on which we have consulted very widely with all members of the community to try to make sure that we can get the best possible strategy with the least possible concern to the majority of people.

**MR Kaine:** I ask a supplementary question. I notice that the Minister answering the question which I addressed to the Chief Minister in fact did not answer any part of my question, including the last bit about whether it is the shaggy tail wagging the brown dog. Having taken that one on board, the Minister might now like to answer the supplementary question. Minister for Health, do all members of the Government - including the backbenchers and the other Ministers and, dare I suggest, the Speaker - support this Carnell Government policy of a heroin injecting room?

**MR MOORE:** I am glad you asked that question. I am very happy to answer your question. This Chief Minister, both through the Third ACT Assembly and the Fourth ACT Assembly, has on a number of occasions been much more relaxed than those opposite about the notion of solidarity. To start off with, the fact that I am in the Cabinet is a good example that the Chief Minister does not believe that successful leadership necessarily requires solidarity on every single issue. Mr Kaine, when you were in a Liberal government, there were times when the Chief Minister said, "No, I am not going to demand solidarity on a particular issue". My understanding is that the Chief Minister is not going to demand solidarity from each member of the Liberal Party on this particular issue. It should be very clear, Mr Kaine, that the legislation that I tabled had passed through Cabinet and it is - - -

**Mr Kaine:** Shame, shame! Absolute shame!

**MR MOORE:** You may disagree with it, and you are entitled to do that, but to answer your question - - -

**Mr Kaine:** Look at you. You are supposed to be a bunch of Liberals.

**MR MOORE:** I am answering your question.

**Mr Kaine:** You are as far away from being a Liberal as Jon Stanhope is.

**MR SPEAKER:** Order! We have so far had two questions in 30 minutes.

**MR MOORE:** I am glad you interjected in that way, Mr Kaine, because I have always found it particularly fascinating to look around me and see the distinction between liberals and conservatives. Most people who look at the outside know the difference between a liberal and a conservative, both spelt with small letters.

**Mr Quinlan:** I take a point of order on the grounds of relevance, Mr Speaker.

**MR SPEAKER:** I uphold the point of order, Mr Quinlan.

**MR MOORE:** The answer to the question is that the Chief Minister is able to allow members of the Government to have a conscience vote. I emphasise that the legislation that I tabled in this Assembly went through Cabinet and was tabled by me with the approval of Cabinet, and it is something which Cabinet can be very proud of, Mr Kaine, because it is about saving lives.

### **ACTION Buses - Melba High School**

**MR QUINLAN:** My question is to the Minister for Urban Services. It relates to school buses. I am sure Mr Moore knows a hell of a lot about it but I hope the Minister does not pass the question to him. I will address it initially to the Minister for Urban Services. Last year children from the Fraser, Charnwood and Dunlop area, where the local high school was closed by the Government, were enrolled in Melba High School. These children were able to take the old 406 service, which dropped them off and picked them up in Verbrugghen Street, directly opposite Melba High School. Under the new bus arrangements, the new No. 45 service runs down Kingsford Smith Drive and drops the children off right in the middle of a designated traffic accident black spot. They must then walk down Verbrugghen Street to the school. I think there is some arrangement whereby they can get one bus, a 46A or something, directly to the school gate. But the problem arises with the return trip home. They must cross four lanes of Kingsford Smith Drive, in this traffic black spot, and there is no pedestrian crossing. Will the Minister take urgent action to rectify this situation, or has he in fact taken some action?

**Mr Moore:** Mr Speaker, this actually falls in my area as part of healthy cities.

**MR SMYTH:** Mr Speaker, I thank the Minister for Health for his assistance, because this is indeed a healthy cities issue as well, in that accessible, suable public transport contributes to the wellbeing of the city. Mr Quinlan, I am not totally aware of the circumstances that you raise but would be concerned if children were disadvantaged by the new system in the manner that you have outlined. I would simply seek more information and I will give you an answer when I can.

**MR QUINLAN:** My supplementary question is: When you are seeking information, Minister, can you check whether this problem was identified by Melba High School in the process of planning for the new bus network and was ignored?

**MR SMYTH:** Again, Mr Speaker, I will have to take that on notice and get more information for the member.

## **Rural Residential Development**

**MS TUCKER:** My question, directed to the Minister for Urban Services, relates to the Government's proposal to allow rural residential development in Melrose Valley. Minister, on the last sitting day of 1998 I asked you a question regarding how the Government, in its response to the Rural Policy Taskforce report, had determined that Melrose Valley was suitable for rural residential development, pre-empting by some nine months the release of the Government's discussion paper on rural residential development in which the assessment of suitable sites was supposed to have been undertaken. You took the question on notice but I was not provided with a response till the beginning of February, and only after some prompting. Unfortunately, the response was totally inadequate, as it only referred to the Government's discussion paper and not to the earlier Rural Policy Taskforce report, which is what I was asking about. Will you give me a direct answer to my original question now, or are you trying to hide something?

**MR SMYTH:** Mr Speaker, I thank the member for her question. I am not trying to hide anything at all. I thought the answer we had given you was in response to the question you asked. If I have answered in response to the wrong report, I would be happy to find that information. I will have to check the letter. I thought the letter had answered it, but if the letter has not answered it to your satisfaction I will certainly seek more information for you.

**MS TUCKER:** I look forward to that answer to my question. I do not mind who answers my supplementary question, although I do not think it would be Mr Moore. It could be Mr Humphries or Mrs Carnell. I want to know whether any developer has in the past spoken to the Government about the possible subdivision of Melrose Valley for rural residential development which led to its being withheld from consideration for a long-term rural lease as originally recommended by the Rural Policy Taskforce?

**MR SMYTH:** Mr Speaker, I have not spoken to Mr Moore. No developer has spoken to me about rural residential development in Melrose Valley. I would have to check to see whether previous approaches have been made to the Government.

## **Government Schools - Enrolments**

**MR BERRY:** My question is to the Minister for Education, Mr Stefaniak. The Minister has made statements on a claimed 17,000 excess spaces in government schools and the cost of this excess space to the ACT budget. Minister, given that these spaces represent 30 per cent, that is about 30 schools, of the ACT's total school places, is it on your agenda to close any schools? Further, the Minister has stated that the excess space in schools increases the costs per student, with limited educational benefits. What is your estimate of the additional costs of the excess spaces in schools? I repeat the questions. Is it on your agenda, Minister, to close any schools? What is your estimate of the additional cost of the excess space in schools?

**MR STEFANIAK:** I thank the member for the question. The member obviously is referring to what initially raised this particular point, the Productivity Commission report that came down last week. The commission is an independent body. The report raised a number of points of concern to the Government in a number of areas. It showed something in education that I think we have been well aware of for some time. In fact, I recall your colleague Mr Wood, in the second round of estimates when we were going through the reports, asking about the numbers of the students in both the government and non-government sectors, commenting that they were both about the same as when he came to Canberra and noting that of course the number of schools had gone up. That is a fact. The commission report indicated that enrolments at government schools over the five years from 1992 to 1997 declined by 3.6 per cent and the number of schools rose by 4.2 per cent.

**Mr Berry:** Pardon me, Mr Speaker, but I do not think the Minister was listening to the question.

**MR SPEAKER:** I think the Minister is well aware of the question. It is in two parts and he is answering it, Mr Berry, as he sees fit.

**Mr Berry:** Is it on your agenda to close any schools? What is your estimate of the additional cost, or do you not know?

**MR SPEAKER:** Sit down. There is no point of order.

**Mr Berry:** The old Bill in the china shop.

**MR STEFANIAK:** That is a new one to me. Mr Berry talks about an agenda. The Government has a very simple agenda, and that is to generate community debate on this. Unlike you, Mr Berry, and unlike the previous Labor Government, we are very interested in hearing what the community has to say, taking the community along with us. I think this is an important issue. It is an issue that is not going to go away. Future demographic trends, Mr Berry, indicate that we are not suddenly going to get a huge influx of kids in the ACT. We have shifting enrolments because we have new areas of demand. South Tuggeranong and Gungahlin especially have expanded. In those areas there are demands for new schools to accommodate the increasing number of students. Maybe it is difficult, Mr Berry, for the Government to justify building new schools when there are increasing numbers of schools with surplus spaces due to declining enrolments.

We want to hear from the community. We want relevant sections of the community to debate this issue. Groups have raised it. For example, the primary school principals have a point of view. Naturally the P&C have a point of view. A lot of individual school communities have points of view, Mr Berry. Some of those have been discussed in recent times. School communities in Kambah looked at this issue. They decided not to take it any further. Fine. A school in Belconnen, Mount Rogers, looked at this issue and decided to consolidate on the one campus. I think it is important, Mr Berry, that we have the debate. To have the debate, to give people a say, is very much the agenda of this particular Government.

**Mr Berry:** Mr Speaker, I do not care what people in Tuggeranong - - -

**MR SPEAKER:** Order! There is no point of order, Mr Berry.

**Mr Berry:** Is he going to answer the question or not?

**MR SPEAKER:** He has. Do you want to ask a supplementary question?

**MR BERRY:** It is a little bit hard to ask a supplementary question when an answer was not given, but I will give it a go. See if you can stick to the answer to the question and listen to the detail of the question, Minister. That is one of the things you learn in schools - to listen. Is it not a fact - I will say it slowly - that the methodology used to estimate excess space in schools is outdated and fails to take account of modern developments in teaching methods and the large expansion of computer use in schools and that we are simply looking at a repeat of the ACTEW debate, where the sale was not on the agenda, according to our Chief Minister, until it suddenly became urgent. Is this not just a repeat of the ACTEW debate? What have you got on your agenda - nothing or anything?

**MR STEFANIAK:** Mr Berry, I know you have a suspicious mind but we genuinely want to have a community debate about this. The agenda is to generate a discussion. Mr Berry, could you just repeat the end of your question, because I have a very good answer. Repeat the last part of your supplementary question.

**Mr Berry:** Is it not a fact that the methodology used to estimate excess space in schools is outdated and fails to take into account modern developments in teaching methods and the large expansion of computer use in schools and that we are simply looking at a repeat of the ACTEW debate, where the sale was not on the agenda? That is, nothing is on your agenda one minute but it could be later. That sale was not on the agenda, according to the Chief Minister, until it suddenly became an urgent issue. Can we expect a repeat of this?

**MR STEFANIAK:** ACTEW - that was the one. The answer to that, of course, is no. We are not looking at a repeat of what you think the ACTEW debate was all about, Mr Berry. I make no comment further on what you think it was all about - no way. What we are looking at, Mr Berry, is getting a community debate in relation to this important issue and getting ideas from the community. There are a lot of aspects to this. There are some points validly raised by the primary school principals. There are points raised by the P&C. There are points in relation to the relevant importance given to access. The big challenge - this is the thing we want to get from all of this - is to get people's ideas on the best way to maximise the educational opportunities for our students.

**Mr Berry:** Mr Speaker, I think he might have missed the first part of the question again.

**MR SPEAKER:** No, he did not. The first part of the question is out of order. It asked for an opinion.



**Mr Berry:** No, it was okay.

**MR SPEAKER:** Yes, it did.

**MR STEFANIAK:** That is the agenda - what is the best way to maximise educational opportunities for our students? That is something the Government constantly tries to do in this particular area. Mr Berry, we might not have to do anything. We might be going perfectly. Perhaps I could imply that, if you are criticising us for throwing this open for community debate. Maybe we are going perfectly and should disregard the Productivity Commission and not have this debate. If you are saying that, thank you. I am glad you are so happy with the way everything is travelling. Maybe there are ways we can do things better, and I think it is important that the community look at this issue and see whether they think there are ways in which we can further maximise educational opportunities for students. That is what it is all about, rather than dollars.

### **Young Carers**

**MR OSBORNE:** My question is to the Minister for Community Care, Mr Moore. Minister, I recently had a meeting with members of several community organisations about the daily difficulties faced by child carers. It has been conservatively estimated that there are at least 600 children in Canberra under the age of 18 who provide care, with about 250 of them being the primary carer for a family member. The ages of these children range from 18 down to as young as seven, with 85 per cent being between 10 and 14. These children do everything for their family members, from colostomy care to the giving of injections to doing the housework. Is the Government aware of the exact number of child carers in Canberra, and what recognition and priority are currently given to the provision of practical assistance for these young children?

**MR MOORE:** The question Mr Osborne raises requires very careful answering. I am prepared to take it on notice rather than give an answer off the top of my head.

**MR OSBORNE:** I ask a supplementary question. You can take it on notice too, Minister. One of the problems highlighted in a recent committee forum, I think last October or November, which I understand no-one attended on behalf of the Government, although a number of invitations had been issued, was identifying the children in the first place. A recommendation came from the forum for an education program for those who come into daily contact with children, namely, teachers, social workers and health workers. Do you agree with that recommendation and will you work towards putting it into practice? I am happy for you to take the question on notice.

**MR MOORE:** I will take it on notice. Mr Osborne, I would also appreciate it if you could give me a bit more detail so that when the department are working through it we can make sure we are genuinely taking into account the issues that you are concerned about. It will also require some work between Mr Stefaniak and me to get a good, thorough answer together for you. We may seek a bit more detail from you.

## School Closures

**MR CORBELL:** My question is to the Minister for Education. Does the Minister agree that forcing young children to walk long distances to school away from their local neighbourhood is both unsafe and unwise? Does the Minister agree also that parent participation and local community involvement in schooling is facilitated by our system of neighbourhood schools and could be undermined by wholesale closure? What consultation has the Minister had with local school communities on the issue of school closures and his most recent comments?

**MR STEFANIAK:** I thank the member for the question. The member raises a couple of points which are arguments for having schools very close by. They are valid issues, Mr Speaker. All I have called for, as a result of the Productivity Commission figures, demographic figures that show that the situation is not going to change much, is a debate about this. I think it is high time we did that. All those factors are things that do need to be taken into account. As I said earlier to Mr Berry, a number of school communities have started talking about issues such as those. They are very relevant issues. There are a number of other relevant issues on the other side of that particular argument. They are all things that I think do need to be considered by our community.

Mr Corbell, I remind you that with our demographic projections, whilst in some areas in Canberra there will be an expanded need, there are a large number of other areas where the situation is not going to suddenly alter. In fact, we probably can expect a further slow decline in some areas. These are issues that need to be looked at. These are issues we need debate on, and that is something I will certainly call for as a result of the Productivity Commission report - nothing less, nothing more.

**MR CORBELL:** I ask a supplementary question. Can you give the Assembly an assurance that you will not use the same process to close schools as was used with the Charnwood High School and Spence Primary School, where you got the school boards to do your dirty work?

**MR STEFANIAK:** I think the Mount Rogers school community would take great exception to that. Quite clearly, in that most recent case a decision was made after quite lengthy consultation with the school community.

**Mr Corbell:** I raise a point of order, Mr Speaker. I did not mention Mount Rogers. I do not know what the Minister - - -

**MR STEFANIAK:** The member said Spence. Quite clearly, that relates to the Spence campus of the Mount Rogers school. That decision was taken after extensive consultation and very effective consultation and after a very detailed process by that particular school community.

## Employment

**MR HIRD:** Mr Speaker, my question is not to Mr Moore on this occasion but to the Chief Minister. I refer to a media release issued by Mr Berry on 7 December last year.

**Mr Humphries:** You do not read that trash, do you, Mr Hird?

**MR HIRD:** Most certainly I do. I hang on every word. Guru Berry over there said:

... Kate Carnell has created a leadership vacuum in employment creation in the ACT and this is shown up in declining confidence where the business sector is losing interest in employing Canberrans.

In light of this statement, Chief Minister, can you advise this parliament whether there is a vacuum in job creation in Canberra and how the Territory is actually performing in the employment stakes?

**MS CARNELL:** Thank you very much, Mr Hird. I am not surprised that Mr Quinlan is going, because I do not think he reads these media releases either. Over the last few months Mr Berry, that well-known guru of economics and accounting, and now erstwhile expert in education, has been getting stuck into me and stuck into the Government about the state of the ACT economy.

**Mr Berry:** And he has not finished yet.

**MS CARNELL:** He is not finished yet, but he is going to leave, because he is embarrassed. Mr Speaker, he has been going on and on about what he says are three problems. One of those problems, he said, is that the economy is shrinking. He also said that there is a vacuum in employment creation. I would leave too, Mr Speaker. He also said there was falling business confidence. Is this true? It is hard to believe that Mr Berry, who is always right, could possibly be wrong on this occasion - or maybe he is right for the first time in his life.

Let us have a look at the Australian Bureau of Statistics and other surveys and see whether they back up Mr Berry's claims on what is happening right now in the ACT economy. Mr Berry said our economy was, to use his word, contracting. According to figures issued by the ABS in December, at the same time as Mr Berry's press release was put out, the ACT's economy had grown faster than that of any other State or Territory in the September quarter. Our State final demand had increased by 2.3 per cent in trend terms, more than double the national average. It seems that Mr Berry's knowledge of what "shrinking" and "contracting" are is a tiny bit warped.

**Mr Hargreaves:** Rhubarb, rhubarb, Mr Hird.

**MS CARNELL:** Mr Corbell says, "Rhubarb". Is he suggesting that the ABS - - -

**MR SPEAKER:** Mr Corbell did not, actually. He was not here.

**MS CARNELL:** Sorry, I was not looking. In the 12-month period prior to the September quarter, the ACT economy grew by a massive 6.6 per cent, second only to the Northern Territory and well above the national increase of 4.2 per cent. This economic growth shows not only that consumer and business confidence in Canberra is high but also that our economy is still very well insulated from the Asian economic crisis.

It is very interesting thinking back to the last budget, because Mr Quinlan suggested that our economic growth figures were far too optimistic. It appears that, unfortunately, Mr Quinlan really does not understand the difference between a shrinking economy and an economy growing faster than that of any other part of Australia. On the first count, a shrinking economy, it appears that Mr Berry got it wrong, and not just a little bit wrong. Here is the difference between a shrinking economy and an economy growing faster than that of any other State or Territory.

Let us have a look at the second claim, the employment claim. Remember that back in December Mr Berry stated that employment prospects for Canberrans were set to decline in the future. Mr Berry, the prophet of doom, it appears, was wrong again. The ACT currently has the lowest trend unemployment rate for more than eight years, at 5.8 per cent. You would have to go back to October 1990 to find an equivalent figure. As well, according to the Bureau of Statistics, the total number of unemployed is just 9,800, the lowest figure since May 1991. Between January 1997 and January this year, a total of 3,700 new jobs have been created in Canberra. Before Mr Berry says, "But they are all casual and part time", let me state that of those 3,700 jobs 2,800 were full-time positions. That is against a background of 9,000 Commonwealth Public Service jobs being lost over the same period. The ACT has managed to absorb those losses and create an extra 3,700 jobs. As well, the ANZ Bank, which measures job advertisements, has found that the average number of job ads in Canberra has been steadily increasing in trend terms for the past 18 months. Indeed, in the last year the average number of ads has jumped by more than 13 per cent, and by a massive 35 per cent over the past two years. So on the employment front it appears that Mr Berry has got it totally wrong again.

Shall we have a look at the third claim, falling business confidence? Earlier this month the ACT and Region Chamber of Commerce and Industry released its latest business expectations survey. This survey showed that small businesses had performed very well in most areas, including general business conditions, sales revenue, profits and employment. These businesses were predicting a strong start to 1999. But, if Mr Berry does not like the Chamber of Commerce, how about we look at the *Yellow Pages* small business index? It also found that Canberra businesses were extremely positive about their prospects for the coming year.

It appears that on all three items Mr Berry got it wrong. That means three out of three. It is a bit like health budget blow-outs. Mr Berry got four out of four. He is still keeping up the effort - three out of three wrong. Mr Speaker, I want to remind members of the Assembly about something Mr Berry said on 10 December last year in one of his media releases.

**Mr Berry:** I do not think you agree with much I say.

**MS CARNELL:** Mr Berry is saying he does not read his media releases either. Mr Berry said:

It is not good enough for Kate Carnell to keep blaming someone else for the tough times Canberrans are suffering, as Chief Minister she is responsible for addressing our economic woes ...

Mr Berry, if I am responsible for addressing the state of the economy, if I am responsible when the economy is rotten, then I must also be responsible and this Government must also be responsible when the economy is booming. If I am to be held responsible by Mr Berry for a downturn, then I guess those opposite will be congratulating this side of the house for the absolutely wonderful employment figures, the great growth and the wonderful confidence that the Canberra community and business are showing in our future direction. We will be very happy to take that praise when Mr Berry finally gets around to offering it.

**MR HIRD:** Well done, Chief Minister. How does Guru Berry's claim that there is a leadership vacuum in employment group creation stack up against the figures you have just quoted?

**MS CARNELL:** It is always sad when members of the Assembly - - -

**Mr Berry:** Mr Speaker, I do not mind being referred to as "guru".

**MR SPEAKER:** However, it is unparliamentary.

**Mr Berry:** If it is going to be allowed there are a few colourful terms I could use, too, so you might like to rule on that.

**MR SPEAKER:** Let us just clear this matter up. I will not allow Ministers to be referred to other than by their portfolio titles. I fail to see why I should allow other members to be referred to other than by their names.

**MS CARNELL:** It is really important in a place like this to understand some satire, is it not? Mr Speaker, the simple answer to Mr Berry's claims is that they simply do not stack up. Let me outline for the benefit of the Assembly exactly what has happened to employment in Canberra over the last two years. I am fascinated that those opposite groan. They really do not like any good news. Those opposite say regularly that jobs are the most important thing. We agree. They create social equality. They are the one thing that gives people an opportunity for a decent quality of life. Here we are talking about job creation, and those opposite groan. It just shows you how much they are interested in the Canberra community.

Over the last two years there have been 3,700 more jobs. Our unemployment rate has fallen by two percentage points, from 7.9 per cent to 5.8 per cent. And you know what else, Mr Berry? The number of people unemployed in Canberra has fallen by 3,400,

or 25 per cent, in just two years. Where are the congratulations from those opposite? Where is the “Isn’t this fantastic?” coming from those opposite? I think we will get old waiting. Mr Speaker, does this sound like a leadership vacuum or employment vacuum to you? The fact is that it is not. Those on this side of the house are working very hard to ensure that Canberrans have a real opportunity for jobs, a real opportunity for social equality, a real opportunity for the quality of life that comes with employment, and will continue with that focus even if those opposite continue to be negative.

### **School Buses - McMillan Crescent**

**MR HARGREAVES:** I thank all members for being quiet while I ask my question. I express my appreciation in advance. I ask my question of the Minister for Urban Services. The Minister has visited the McMillan Crescent bus drop-off and pick-up area between St Clare’s and St Edmund’s colleges. It is noteworthy that he has finally, after a year in his job, visited what the CEO of ACTION described only last Thursday night as the busiest school drop-off and pick-up area in the country.

**Mr Smyth:** ACTION said that, not the CEO.

**MR HARGREAVES:** For the benefit of the deaf Minister, I say again that this is what the CEO of ACTION described as the busiest school drop-off. Can the Minister inform the Assembly how and exactly when the drop-off area will be made safe? Will he consider closing the street in peak student movement times?

**MR SMYTH:** I thank the member for his question. Yes, it is the busiest drop-off spot, apparently, in Australia for school students. In the afternoon we pick up some 1,800 students from St Clare’s and St Edmund’s and take them home safely. My understanding is that the number of buses we are now putting through that intersection is being assessed. ACTION have had staff there looking at it. The department is looking at it in light of what happened at the commencement of this school year, as we do at the commencement of all school years. I expect I will be given some recommendations very soon as to what we can do to make that intersection and that street work properly.

**MR HARGREAVES:** I ask a supplementary question. Can the Minister give an undertaking to this Assembly that the advice he is expecting will take less than the 12 months that he has been looking into this matter so far? Can the Minister also advise whether there is overcrowding on the buses servicing those colleges and, if so, how it will be addressed and when?

**MR SMYTH:** In the 10 months that I have been Minister these issues have been raised. These issues are normally looked at at the commencement of the school year. The school transport advisory committee will assess all transport.

**Mr Moore:** Are you going to consult?

**MR SMYTH:** Yes, we will talk to everybody. We will look at all schools, not just St Clare's and St Edmund's, to ensure that we deliver the service our school students deserve in terms of ACTION buses, road safety and a safe trip home.

### **ACTTAB**

**MR RUGENDYKE:** Mr Speaker, my question is to the Chief Minister, Mrs Carnell. It is an easy one, for a change. Chief Minister, high profile bookmaker Mark Read announced on the weekend that he is forming a consortium to buy one of Australia's smaller TABs. Mr Read indicated publicly that ACTTAB is one of the TABs in his sights. Has Mr Read or any member of his consortium been involved in talks with the Government at any level in regard to buying ACTTAB? If so, what has been discussed?

**MS CARNELL:** Mr Read certainly has not spoken to me about buying ACTTAB. I understand that there is some talk that the Northern Territory TAB may be on the market. The situation for the Government with regard to ACTTAB has not changed since the last time I made a comment in this area. We are looking at how we might allow ACTTAB to grow in the future in government ownership. I think even the union made the point that sitting on your hands at ACTTAB in its current form really was not sustainable. Two round tables we had with stakeholders identified a number of areas to look at to see whether they hold any prospect for growth. They were things like all new poker machines that may go into ACT clubs in the future being managed by our TAB - I think Mr Kaine's committee is looking at that - Internet gambling and sports betting. We would have to determine just what those things might do for our TAB in the future. Certainly it is true that the sale of our TAB is not off the Government's agenda, but I am informed not only that have I not spoken to Mark Read but also that it would appear that my staff have not either, so the answer is no.

### **Erindale Police Station**

**MR WOOD:** Mr Speaker, my question is to the Chief Minister. On 13 November 1997, 21 May 1998 and 2 September 1998 I asked questions about the empty Erindale police station, mentioning the vandalism suffered by the John Knight Hostel nearby while it was left empty. On 21 May last year Mr Smyth replied:

I share with Mr Wood his concern over the long delays that occurred, particularly with the John Knight Hostel, which stood empty for a long period of time and was indeed vandalised.

Also on that day Mr Humphries, the owner of the station, so to speak, at that time, said:

This is a valuable asset and its future also forms an integral part of the future of the Erindale group centre. I hope to be in a position to make a statement to the Assembly during the next sitting week on the use of the facility.

On 3 September last year, Mrs Carnell, concerning a proposal from the Tuggeranong Community Service that they use the old station to house and run community support programs, you said:

The Government is currently considering this proposal and assessing the community benefits that will be derived from it. I am hoping that a decision will be made in the near future.

Chief Minister, the buildings are still empty, I hope not for much longer, are unkempt and now have been vandalised. Has that decision at last been made?

**MS CARNELL:** Mr Speaker, I thought I might give this one to Mr Humphries.

**MR HUMPHRIES:** We are a very flexible government. Mr Speaker, let me start answering this question by saying that it is a matter of regret that it has taken a very long time for the Erindale police station to be reallocated to some other purpose. Mr Wood will be aware that the process of decommissioning buildings and deciding on a new purpose is never one that is easily accomplished. You will recall, for example, the long problem we had in finding a suitable tenant to occupy the Holder High School, much of the delay over that period, of course, being under the former Government.

It is a problem to identify appropriate purposes in a way which allows buildings to be used in a seamless fashion between different purposes. However, I think since Mr Wood asked his last question the station has been fully taken under the wing of the Office of Asset Management and the office has spent some time discussing with relevant stakeholders and potential interested parties how the building might be used. Following the submission of a business plan by the Tuggeranong Community Service to both OAM and the Department of Education, the Tuggeranong Community Service were advised that leasing of the station to that particular organisation was not supported. The reason for not supporting the proposal was that the financial statements presented by the Tuggeranong Community Service did not support the long-term leasing of the site, at least in that particular case.

The property, obviously, is being managed by Totalcare Industries on behalf of the Office of Asset Management, and at the present time expressions of interest, I believe, have been sought for occupants of the site. I understand that a number of potential occupants, including, from memory, a radio station based in Tuggeranong, have had discussions with OAM about the use of the site.

A market assessment is being commissioned to determine the highest and best use of the site in the near future. Recommendations will be made to the Government on the future use of the site once that assessment has been considered. I hope that a short-term use for the site can be found if long-term uses are not considered appropriate in certain cases.

Mr Speaker, I think it is important that I put the reason for the problem with this particular site on the table in the Assembly. There is no shortage of organisations and individuals who would be happy to occupy the building tomorrow, but in almost every case those organisations, usually community-based organisations or those offering particular services, will require some kind of public subvention in order to be able to



occupy the site; that is, they need the building, but they will not be able to afford to pay rent, or only at a heavily discounted rate, and they will probably need some kind of support to continue operations in that particular location. We just do not have the resources - - -

**Mr Wood:** That is not really the case. There are plenty of very good organisations out there. Our old buildings are full of organisations who do not fit that bill. That is just waffle.

**MR HUMPHRIES:** That is not my understanding, Mr Speaker. We are trying to engineer a situation where people who occupy government buildings do so on the clear understanding that the costs associated with that have to be described and indicated before the occupation begins. In this case it is not easy to find a tenant who would occupy the building without those sorts of costs involved. Of course, we will continue to push for finding a suitable tenant in that category.

**MR WOOD:** I ask a supplementary question, Mr Speaker. I will try Mr Humphries. He does not run the Office of Asset Management; the Chief Minister does.

**Ms Carnell:** Mr Speaker, we have made it clear before that Mr Humphries is the Minister assisting me in the area of OAM and has taken questions in this area before in the Assembly.

**MR SPEAKER:** Very well. Proceed.

**MR WOOD:** Mr Humphries might say what he can do to speed up this process. There are some bodies in this community who are not up to running such a building; you are right. But we have evidence of many more bodies that are more than capable of resourcing the care of such a building. What is the Office of Asset Management going to do to expedite this process? It is probably four years ago that we knew that that building was going to be vacant.

**MR HUMPHRIES:** Mr Speaker, first of all, as far as what we can do, there is not a week that goes past when I do not raise with the Office of Asset Management, who meet with me every week, the question of what has happened with Erindale. It is a matter that I am aware you are deeply concerned about. For that reason, I want to make sure that the issue is resolved as soon as possible. If it had been possible to move it any faster, I would have been very surprised.

Secondly, as far as tenants are concerned, I would be very interested in hearing from Mr Wood or any other member of the chamber who has a suitable tenant who could occupy that building tomorrow. But bear in mind that it is not simply a question of finding someone who is capable, as you put it, of resourcing the use of that building - that is, paying for the cost of occupying the building, as in keeping the lights turned on and the doors opened during the day and so on - it is also a question of making sure that the asset is not run-down and, if possible, it returns - - -

**Mr Wood:** And planning procedures. I know all that.

**MR HUMPHRIES:** Okay, you know all that. I am saying to you that we cannot afford to subsidise endless numbers of tenants in publicly owned government spaces in the Territory, because there is not the money to do that. However, if there are suitable tenants capable of meeting the costs of running such a centre, I would be very happy to hear from Mr Wood or anybody else about that and to follow that through with a tenancy as quickly as we can organise it.

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

### **ACTION Buses - Melba High School**

**MR SMYTH:** Mr Speaker, I have an answer to Mr Quinlan's question. I have been advised that the issue was raised and in fact resolved at the commencement of the school year. A service ensuring that children do not have to cross Kingsford Smith Drive has been in operation since. The matter was raised in the planning phase, and when this was drawn to ACTION's attention it was immediately fixed. However, if Mr Quinlan does have more information or is aware of any additional matters that affect the Melba High School, I would be delighted to work with him. This is part of the process that has been ongoing since we started to implement the new network. I take the opportunity to congratulate Guy Thurston and all the staff of ACTION, who have really got behind this and are working very hard to make sure that we deliver service to the general network, particularly to the schoolchildren.

### **Belconnen Remand Centre**

**MR HUMPHRIES:** Last year Mr Hargreaves asked me two questions, one on 9 December and one on 10 December, about suicide attempts at the Belconnen Remand Centre. On 10 December I told the Assembly:

I am advised by the BRC that there have been no incidents of attempted suicide at the BRC since July.

Mr Speaker, I was advised last night by Corrective Services that an attempted suicide took place at the BRC on 3 August 1998 about which I had not, until last night, been briefed. That incident involved a prisoner classified at risk and under regular observation being found in a holding room with a piece of elastic cord, apparently taken from his boxer shorts, tied around his neck. The detainee was conscious and was examined by a medical officer, who reported that no injuries had been sustained and no medication was necessary. An oversight led to a failure to provide a briefing to me on the incident and an omission from material which I provided to the Assembly on 10 December, for which I apologise.

In relation to the other part of the question which I took on notice, about the number of indigenous detainees who were the subject of self-harm reports from 1 December 1998 to 10 December 1998, I am advised that the answer is that one prisoner identified as

Aboriginal and Torres Strait Islander attempted self-harm during that period and that a further two detainees identified as Aboriginal and Torres Strait Islander attempted suicide. Because of the small number of ATSI detainees in the centre at any one time during 1998, I am loath to provide dates or details to the Assembly at large because they may serve to identify the detainees involved.

### **Occupational Health and Safety Legislation**

**MR HUMPHRIES:** Mr Speaker, I said during question time that I would table correspondence between me and Mr Stanhope and I now do so. I table a letter that I wrote to him on 8 May and attached to it a letter I wrote to the chair of the Justice and Community Safety Committee, Mr Stanhope's reply on 31 May, my reply to Mr Stanhope on 31 July and his reply to that letter of 6 August. I want to quote one paragraph from the letter of 6 August from Mr Stanhope to me, in which he says:

I note that in your previous letter, you asked to receive my views. You did not, as you infer, ask me to consult the Chair of the Standing Committee on Justice and Community Safety. When the matter comes before the Committee, the Labor Party representative, Mr Hargreaves, will advise the Committee of the Labor Party's view.

### **PERSONAL EXPLANATION**

**MR BERRY:** I seek leave to make a statement pursuant to standing order 46. I have been misrepresented.

**MR SPEAKER:** Proceed.

**MR BERRY:** Mr Speaker, the Chief Minister selectively quoted from press releases which I had issued as late as 7 December 1998. Of course, Mrs Carnell did not quote all parts of the press releases which I then issued. For example, she did not talk accurately about the job advertisements. If she had, she would have been saying that at that time the trend in ACT job advertisements had been running contrary to the national trend, but the full effect of those might not show up until about six months later. I hope that we do not get that sort of result. One of the most important things that Mrs Carnell left out of her quote from that press release was:

The best that Kate Carnell can come up with is an indecent haste to sell ACTEW which will lead to another round of job cuts in the ACT if her "fire-sale" plan proceeds.

Labor fixed that.

**MR SPEAKER:** Order! Sit down, Mr Berry.

**Mr Humphries:** Mr Speaker, on a point of order: Mr Berry is abusing standing orders. He is reading something else into the record, which has nothing to do with the question answered by the Chief Minister.

**MR SPEAKER:** I uphold the point of order, Mr Humphries. Thank you.

### **PRIVILEGE Statement by Speaker**

**MR SPEAKER:** On 2 February 1999, Mr Hird gave written notice of a possible breach of privilege concerning certain aspects of the conduct of the proceedings of the Select Committee on the Territory's Superannuation Commitments which he believed constituted a breach of the standing orders of the Assembly and was therefore a matter of privilege. I present a copy of Mr Hird's letter, for the information of members.

Under the provisions of standing order 71, I, as Speaker, must determine as soon as practicable whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision, and the member who raised the matter may move a motion, without notice and forthwith, to refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence, I must inform the member in writing and may also inform the Assembly of the decision.

I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence.

Although it is clear that the disobedience of the rules of the Assembly or the obstruction of a member in the performance of his or her duty could be found to be a contempt of the Assembly, having considered Mr Hird's allegations and having perused a copy of the minutes of proceedings of the committee as presented to the Assembly on 2 February, I have concluded that the matter does not merit precedence over other business.

The allegations made by Mr Hird are serious, and I note that to an extent the particular matters of concern to Mr Hird and other members of the committee have already been discussed in the Assembly during consideration of the committee's report on 2 February.

Although, as stated in *House of Representatives Practice*, the Speaker does not have formal authority over the proceedings in select and standing committees and there is rarely any scope for the Speaker to intervene in committee proceedings, I would like to remind members of the need to ensure that the rules and standing orders of the Assembly are adhered to and that fair and proper processes are followed and confidentiality maintained if the Assembly's committees are to operate successfully. The rules are there to ensure that the committee process operates successfully and the rights of all members are taken into account and due process is followed.

It has often been held that the committee process is a major achievement of this Assembly, and I therefore remind all members that all the rules must be adhered to if committees are to operate responsibly and successfully in an atmosphere of trust and mutual respect between members. To do otherwise will probably result in the erosion of the credibility of the Assembly's committee system.

**MR WOOD:** Mr Speaker, I seek leave to make a short statement.

Leave granted.

**MR WOOD:** Mr Speaker, I think you have dealt with that matter quite appropriately. I have great respect for Mr Hird. I do not think he is easily intimidated. I do not think even the Chief Minister intimidates Mr Hird. But there is one aspect that I do want to talk about. As part of what I thought was a fairly theatrical attack on the superannuation committee's report I, in my role as Acting Speaker, later to the event, received some collateral damage. It was minor, but I do think some attention needs to be paid to it. That role was simply this, as Mr Hird points out in his letter that the Speaker has just tabled:

Second, the resolution of appointment of the Select Committee stated that  
“... the Assembly authorised the speaker to give directions for the printing, circulation and publication of the committee's report if the Assembly is not sitting when the committee has completed its report.”

There was a strong implication in that debate, by Mr Hird and Mr Moore in speech - and, I think, especially by Mr Moore by the vehemence of his interjections - that there was something wrong in the way I, as Acting Speaker at the time the report was completed, had authorised the printing and publication of the report. There was nothing wrong. They were wrong. What I did was entirely consistent with what has always happened here. There was nothing different. It was quite unremarkable. I can excuse the theatrics of the occasion, but I still do not think that gives members the right to attack me in the way they did, and by inference to attack other people, because if I had done anything wrong there must have been some collusion with officers of the Assembly.

As we debated on 2 February, the minutes of the committee indicate that on Friday afternoon late the report was adopted. Subsequent to that, officers of the Assembly contacted me as Deputy Speaker saying that there would be a time when I needed to authorise the printing and publication of the report, and that is what happened. As it turned out, the committee met again on Saturday, in the main, I understand, to deal with Mr Hird's dissenting report. As it turned out, the committee again adopted the report after making some very minor changes, so the minutes say. Even then, my signing of the document to authorise the printing and publication was done after that second adoption of the report.

The fact is that everything I did was entirely consistent with the way procedures have operated in this Assembly for 10 years, and there should be no claims that there was something amiss. I invite Mr Hird and Mr Moore to make the appropriate apologies.

**MR HIRD:** I seek leave to make a small statement on this.

Leave granted.

**MR HIRD:** I have the greatest of respect for the Deputy Speaker. As a matter of fact, Mr Speaker, I have more respect for him than I have for probably most members of this chamber because of his long experience, having been a member of another parliament. With the greatest of respect, I heard him say that the report was adopted by this select committee on the Friday. Let me inform him that that was not so. Indeed, the minutes will show - it is a technical point and I will take it on the chin - that I received copy No. 3 when I arrived here at about half past 10 or 11 o'clock on the Saturday morning. Then I got another copy at 11 o'clock, which was the final copy. I am sure that the chairman will verify that I received another copy on the Saturday morning.

The point I was making in the debate at that time, Mr Speaker, was: How can you approve a report when the final draft has not been authorised? Indeed, my dissenting report had not been finished until, I think, at the request of the chairman, at 4.30 on that Saturday. So, I do not know how our learned colleague could have known what my dissenting report said. He would not have seen it. By his own admission, the fact is that he had not received the final report. Notwithstanding that, as I said, I am big enough and quite capable enough, in the heat of the moment, to take it on the chin. But I point out to you that the sequence of events certainly does not stack up.

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

**Mr Kaine:** Just apologise.

**MR MOORE:** Thank you for your advice, Mr Kaine.

Leave granted.

**MR MOORE:** Mr Speaker, I must say that I am even more concerned than I was before. Mr Wood now indicates that the report was adopted on the Friday - - -

**Mr Wood:** The minutes indicate that.

**MR MOORE:** He says that the minutes indicate that. I hear what you are saying - that the minutes indicate that the report was adopted on the Friday, when Mr Hird was at a funeral and had informed people, and therefore, because the minutes indicated that it was adopted, Mr Wood was quite within his normal rights to sign it off. But of course the Speaker - and, in his position, the Acting Speaker - has a responsibility to ensure the protection of all members. I must say that it increases my concern about the parliamentary process.

I would like to point out to you, Mr Speaker, that there is another issue that you did not respond to that I think ought to have been responded to. In the copy of Mr Hird's letter that I just sought from the Clerk, there were two additional matters. The first of those additional matters was the direct contravention of standing order 236, which requires that

visitors shall always be excluded when the committee is deliberating. Mr Speaker, I will read all of standing order 236, just so that people do not suggest that I am taking it out of context, because that could be the case:

When a committee is examining witnesses, visitors may be admitted, but shall be excluded at the request of any member, or at the discretion of the Presiding Member of the committee, and shall always be excluded when the committee is deliberating.

Mr Speaker, that issue was not addressed. I think it does need to be addressed. Even a comment to reinforce that that is what the standing order is would be enough.

Mr Speaker, on the other issue, I thought, "Well, that is the way it goes. I have misunderstood". But Mr Wood stood up to speak today and effectively suggested - perhaps I am misinterpreting this, and I would be happy to be corrected - that he was within his rights to authorise the publication of that report because it had been adopted on the Friday. But it did not include Mr Hird's dissenting report and at that stage a member of the committee did not have a copy of the report.

Mr Speaker, I do not think we should go any further. You have said that this matter does not merit precedence. I am not arguing that it should merit precedence, but I am arguing that there are still a couple of questions outstanding. Mr Wood has raised a new one, which is: What is the role of a Speaker in authorising publication of material out of session? Without that clarification, Mr Speaker, I think this Assembly should be very reluctant to authorise the publication of any material out of session. The second one is, I think, Mr Speaker, that you should at the very least reinforce standing order 236 so that visitors shall always be excluded when the committee is deliberating. That is how it should be.

**MR QUINLAN:** I seek leave to make a short statement.

Leave granted.

**MR QUINLAN:** Mr Speaker, I do not really intend to revisit a number of the incidents along the way in relation to this report and its preparation. However, I must say that this particular exercise we are now involved in and Mr Moore's last speech, replete with mock indignation, are turning this place into high farce. I think most of us still remember the images of Mr Hird disappearing down a hallway at the appointed time for the first-ever meeting of this committee. On the Friday in question, Mr Hird had to attend a funeral. Mr Hird committed himself to return so that we could complete this report within the appointed time and meet the requirement of this house.

I have to say that I would not have been perturbed, Mr Speaker, had there been convened a select privileges committee on this matter, because that may have unearthed all of the incidents associated with this particular report and the participation of all of the members of the committee. Nevertheless, I am happy to accept your ruling, and I congratulate you

on it, but I am very disappointed to hear the load of nonsense that has just flowed from the other side of the house, when we all know what went on. So, can we at least just bury the incident and move away from this pretence of what really happened?

**MR SPEAKER:** I would just like to respond to two matters Mr Moore raised; first of all, the out-of-session reports. This matter has been canvassed in the past. It is a matter that is under consideration. It, I suppose, depends on the timing of the report, Mr Moore, and the importance of it; but I am certainly looking very closely at authorising reports other than when the Assembly is sitting. I share your concern.

On the matter of standing order 236, I did state that I would like to remind members of the need to ensure that the rules and standing orders of the Assembly are adhered to and that fair and proper processes are followed and confidentiality is maintained, if the Assembly's committees are to operate successfully. I think I have made the point in relation to standing order 236.

**Mr Humphries:** So, it did happen, but we could not do anything about it; is that what we are saying?

**MR SPEAKER:** There is no precedent. I have ruled in terms of privilege.

## **AUTHORITY TO BROADCAST PROCEEDINGS**

### **Paper**

**MR SPEAKER:** For the information of members, I present, pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, an authorisation to broadcast given to a number of television networks in relation to the public hearing on men's health services of the Standing Committee on Health and Community Care on 9 and 10 February 1999, vision only.

## **LEGISLATIVE ASSEMBLY - QUARTERLY PERFORMANCE REPORT**

### **Paper**

**MR SPEAKER:** I present, for the information of members, the Legislative Assembly's performance report for the December quarter 1998-99.

## **LEGISLATION PROGRAM - AUTUMN SITTINGS 1999**

### **Paper and Ministerial Statement**

**MS CARNELL** (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the Government's autumn 1999 legislation program and ask for leave to make a short statement.

Leave granted.



**MS CARNELL:** Mr Speaker, I am pleased to present the Government's legislation program for the autumn 1999 session. This legislation program continues to build on this Government's commitment to responsible management of the Territory and administrative reform.

The core of the Government's legislation program lies in financial and business legislation. The Appropriation Bill is, of course, of central importance to the Government's legislative and administrative agenda. Legislation is also required to provide a comprehensive regulatory framework for electricity and water in the ACT. This will continue to be the subject of further consultation to allow for greater input from the community and other interested parties.

Amendments to the Rates and Land Tax Act will provide for new rating factors for 1999-2000. Amendments to the Payroll Tax Act will provide employment agents with better tests to identify which payments made to contractors are exempt from payroll tax. This will replace the administrative rulings and discretionary powers currently granted to the Commissioner for ACT Revenue. The ACT approach will also be more closely aligned to those being adopted in New South Wales and Victoria.

The amendments to the Gaming Machine Act will mean that gaming machine licensees provide a minimum level of community contributions from the profits of gaming machines.

We propose to introduce a number of Bills to deliver on the Government's objective of improving the accessibility and responsiveness of the criminal and civil justice systems to the community.

Mr Speaker, during this session the Government will introduce, as a priority, measures to facilitate the holding of Olympic and pre-Olympic sporting events in the ACT. One of these measures will involve amendments to the Firearms Act to permit the participation of non-nationals in shooting events in the ACT. The other will implement necessary security measures to ensure public and participant safety.

The Government also proposes to introduce legislation to replace outdated defamation laws. This legislation will provide immediate and tangible benefits to litigants by providing for apologies, protected reports and damages which are commensurate with personal injuries damages.

We will introduce measures to enhance the effectiveness of the criminal justice system. Legislation will be introduced to enable ACT police to use a proposed national DNA database, which is expected to be established in mid-1999. The Bill will provide for taking samples for the purpose of DNA testing, in accordance with recommendations of the Model Criminal Code Officers Committee established by the Standing Committee of Attorneys-General. The legislation will also make ACT forensic procedures as compatible as possible with Commonwealth procedures. This will avoid two different regimes applying to the AFP. A further criminal justice initiative will reduce the potential for pawnbroker and second-hand dealerships to be used for the on-selling of stolen goods.

Safe and improved transport systems are a major concern of this Government. Subject to further assessments, the Government will introduce legislation to amend the Motor Traffic Act to allow for camera enforcement as a road safety initiative. As a result, speed and red-light cameras may be used as mechanisms for detecting traffic offences.

A Bill to streamline the regulatory framework for efficient, cost-effective bus services in the ACT will be introduced. Existing licences issued under the Motor Traffic Act will be replaced with a new scheme for the accreditation of operators of public passenger bus services. A second Bill will establish ACTION as a statutory authority. This is an important element of the Government's reform program and constitutes the package of reform to give ACTION a more commercial focus.

There will also be an urgent amendment to the Stock Act to ban the feeding of certain mammalian materials to stock. This is a commitment flowing from the agreement of the Agriculture and Resource Management Council of Australia and New Zealand after the identification of this as a possible cause of mad cow disease in the United Kingdom. The ACT currently has no ban in place. While this is not an issue for the ACT, we must play a part in setting in place a uniform legislation framework across Australia. This is an important issue for Australia's beef exports.

The Bill resulting from the review of the Children's Services Act will be introduced in this sitting period. This Act, which is now almost 14 years old, required major reform to better reflect current best practice in child welfare. In addition to widespread community consultation within the ACT, child welfare Acts in other States and Territories have also been considered. Model amendments are also being prepared nationally to allow for transfer of child protection orders between States and Territories. These amendments will be included in the new Bill.

The Government's commitment to improve the health and wellbeing of our community is also reflected in this legislation program. The Government will propose amendments to the Tobacco Act as well as the Poisons and Drugs Act. Major developments in tobacco control have occurred since the release of an exposure draft amending the Tobacco Act. The proposed amendments have been reassessed and major changes made. Updating our tobacco control legislation is an opportunity to address the important issues of young people's access to tobacco products as well as their exposure to tobacco advertising and promotion. This Bill will clarify and strengthen controls on advertising and the sale and supply of tobacco products.

Amendments to the Poisons and Drugs Act will permit the advertising of pharmacist-only medicines listed in appendix H of the Standard for the Uniform Scheduling of Drugs and Poisons. This will be a step in meeting the ACT's commitment to uniformity in poisons legislation throughout Australia.

Mr Speaker, in tabling the legislation program, the Government is indicating to members the legislative items it considers important. Those items which the Government regards as the highest priority, and which we would like to see passed by the end of the autumn sitting period, are clearly marked on the program. I seek the cooperation of members in the timely consideration of those Bills.

Mr Speaker, I would also like to restate the comments I made at the commencement of the term of this Government for the need for open communication in legislative planning and preparation for debate in this place. I am sure that members will find the Government's legislation program extremely helpful in planning their own programs and preparing for debate on relevant issues. Mr Speaker, it would be of great benefit to the planning of this place, of course, for the Labor Party - the Opposition - to also put on the table their plans for legislation during this term, in the interests of communication and an open Assembly. This would be of great benefit to all members of the Assembly. Unfortunately, at this stage that has not happened.

Mr Speaker, I commend the paper to the Assembly.

**CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE**  
**Report on Draft Guidelines for the Treatment of Commercial Information Held by**  
**Government Agencies - Government Response**  
**Principles and Guidelines - Paper**

**MS CARNELL** (Chief Minister and Treasurer) (4.16): Mr Speaker, for the information of members, I present the Government's response to Report No. 2 of the Standing Committee for the Chief Minister's Portfolio, entitled "Commercial Information held by ACT Agencies - draft principles and guidelines", which was presented to the Assembly on 29 October 1998, together with the "Principles and Guidelines for Treatment of Commercial Information held by ACT Government Agencies". I move:

That the Assembly takes note of the papers.

Mr Speaker, I am pleased to table the Government's response to the report of the Standing Committee for the Chief Minister's Portfolio on draft principles and guidelines for commercial information held by ACT government agencies. I am also taking the opportunity today to table the finalised version of the principles and guidelines, which takes into account the committee's report. These guidelines will now be implemented by ACT government agencies.

I welcome the standing committee's report on the general approach taken in the guidelines. The standing committee did have some reservations about the limited application of the guidelines to the provision of information to the Legislative Assembly and its committees. Some changes have been made. However, the main focus of the guidelines is the management of information by government agencies. The Assembly's approach to the exercise of its powers to obtain and publish information should be resolved in the context of discussion within the Assembly.

I am pleased, however, that the guidelines have prompted a more detailed look at this issue through last year's referral to the Standing Committee on Administration and Procedure. That committee is now looking at some procedural questions relating to Assembly and committee access to commercially sensitive information and the use of in-camera hearings.

The Assembly's powers and privileges reflect a public interest. Accordingly, they should be exercised in the public interest. The Government would like to see the development of an Assembly protocol that complements the guidelines, and I look forward to the report from the Standing Committee on Administration and Procedure on this very important issue, Mr Speaker.

Question resolved in the affirmative.

## **LEGISLATION PROGRAM - AUTUMN SITTINGS 1999**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I would like to add something to what the Chief Minister said in respect of her legislative program. She mentioned that, on the program, items on which the Government will be seeking debate before the end of the session were clearly indicated. That is done by asterisks in the paper. I draw that to members' attention in case it was not clear.

### **SUBORDINATE LEGISLATION Papers**

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

*The schedule read as follows:*

Drugs of Dependence Act - Instruments of appointment as members of the Drugs Advisory Committee - Nos 11, 12 and 13 of 1999 (No. 5, dated 3 February 1999).

Occupational Health and Safety Act - Approval of the ACT Manual Handling Code of Practice - Instrument No. 9 of 1999 (No. 5, dated 3 February 1999).

Public Place Names Act - Determination of street nomenclature in the Division of Gungahlin - Instrument No. 10 of 1999 (No. 5, dated 3 February 1999).

Public Sector Management Act - Management standard No. 6 of 1998 (No. 6, dated 10 February 1999).

Roads and Public Places Act - Prescribed objects - Instrument No. 14 of 1999 (S5, dated 5 February 1999).

Roads and Public Places (Amendment) Act 1998 - Notice of commencement  
(5 February 1999) of section 11 (S5, dated 5 February 1999).

**CULTURAL FACILITIES CORPORATION**  
**Paper**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I present the Cultural Facilities Corporation 1998-99 Business Plan, pursuant to subsection 24(8) of the Cultural Facilities Corporation Act 1997.

**NATIONAL CRIME AUTHORITY**  
**Paper**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I present the 1997-98 report of the National Crime Authority, including financial statements and the report of the Australian National Audit Office.

**DEPARTMENTAL PERFORMANCE REPORTS**  
**Papers**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I present the departmental performance reports for the December quarter 1998-99, pursuant to section 25A of the Financial Management Act 1996, for the Chief Minister's Department, Education and Community Services, Minister for Health and Community Care, and Department of Justice and Community Safety, and Minister for Urban Services. With the exception of the Department of Urban Services, the quarterly performance reports were circulated to members when the Assembly was not sitting.

**CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 10 of 1997 -**  
**Government Response**

**MR SMYTH** (Minister for Urban Services) (4.20): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 8, entitled "Reviews of Auditor-General's Report No. 10, 1997 - Public Interest Disclosures - Lease Variation charges, and Auditor-General's report No. 2, 1998 - Lease Variation Charges - Follow-up Review", which was presented to the Assembly on 24 September 1998. I move:

That the Assembly takes note of the paper.

Mr Speaker, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No.8 tabled on 24 September 1998. The committee's report canvasses two reports by the Auditor-General on lease variation charges - report No. 10 of 1997 and report No. 2 of 1998 - and it raises several questions in its five recommendations. These recommendations include matters raised in the Assembly by the former Minister for the Environment, Land and Planning, legal advice provided by the Government Solicitor, and the possible refund of moneys paid as change of use charge where a lease has a "residential purposes only" clause.

I am pleased to table a government response which explains our policies and provides specific information. In doing so, I remind the Assembly that there have been significant legislative and administrative reforms since those pre-1995 lease variation cases were brought to the attention of the Auditor-General. The Auditor-General acknowledges this in his second, follow-up report. Mr Speaker, I would also remind the Assembly that the reform process for planning policy and legislation is an ongoing one.

Certain questions posed by the standing committee are being addressed in our current legislative program, as the Government advised previously. I expect to introduce amendments to the Land (Planning and Environment) Act 1991 and regulations which will resolve questions of all lessees paying the correct amount for redevelopment which adds value to their assets.

Question resolved in the affirmative.

## **YOUTH SERVICES**

### **Discussion of Matter of Public Importance**

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

The provision of youth services in the ACT and its correlation to emerging criminality and youth self harm.

**MR HARGREAVES (4.23):** Mr Speaker, I rise at this time to raise within the Assembly an emerging matter of public importance relating to services for our young people. I know that the Minister for Health has a commitment to reducing the incidence of attempted and successful suicide among young people, and I know that the Minister for Education and Community Services has a commitment to young people. Indeed, the Government is to be congratulated on its youth suicide prevention strategy launched recently, and it is timely that we discuss this because Suicide Prevention Australia is having its sixth annual conference in March. I would hope that senior officers with the power to implement programs attend this conference. However, Mr Speaker, there is every indication that the services we provide are lacking in key areas and are becoming disjointed at best.

I raise the issue of the provision of youth centre services in Canberra and I wish to focus on two aspects of the services. Those are the services which, by the nature of them and the skills of the service providers, are contributory to preventing youth suicide attempts and the prevention of the development of criminality in young people. It is true, Mr Speaker, that often kids coming from dysfunctional homes are often those most at risk. It can also be said that kids from functional families need the services of youth centres as recreational outlets. This is most reasonable. What is not often acknowledged is the value of having kids who are not in any sense dysfunctional around those who suffer some sort of dysfunction.

I was reading a publication from the national anti-crime strategy called "Pathways to Prevention". No doubt members have received a copy of that excellent publication. This valuable publication listed the risk factors associated with antisocial and criminal behaviour. It was striking that many of these same factors apply to kids considering hurting themselves. It is, of course, a range and combination of these factors which contribute to the incidence of suicide attempt and criminality, but many of these can be addressed by skilled workers and peer groups in our youth centres, and, Mr Temporary Deputy Speaker, they are being addressed. These factors include disability, difficult temperament, insecure attachment, poor problem-solving, beliefs about aggression, poor social skills, low self-esteem, alienation and impulsivity. This is not an exhaustive list, but merely some of the attributes of young people which can contribute to a risk situation.

To these factors are added family factors, such as substance abuse, criminality and antisocial models in parents, family violence and disharmony, marital discord, long-term unemployment, negative social interaction and isolation, and parenting styles involving poor supervision, discipline styles, child rejection, abuse, lack of warmth and affection and neglect. When we add some or all of these factors to the events which can shatter kids' lives and to community and cultural factors, we can see the enormity of this problem.

Frankly, Mr Temporary Deputy Speaker, parents of socially functional families are the lucky ones. Whatever they are doing is working, and in the main this is the case. But how do we really help those who are in socially dysfunctional families? How do we help the kids? How do we help the parents?

Another interesting facet of this dysfunctionality can be seen in the growth of numbers of persons incarcerated for serious crimes. I suggest that there could be a direct correlation between increased numbers of prisoners and the lack of youth centre services. Mr Temporary Deputy Speaker, in the context of finding out what I can about the provision of corrective services in other jurisdictions, I spoke to a former Director-General of Corrective Services in Queensland. One of the very interesting things the former Director-General told me was that at one stage during his tenure he became alarmed at the unseasonably large influx of prisoners into the system. On analysing the cases, he discovered that the increase could be tracked back to a time when the government of the day had reduced the money available for youth support services. His view was that criminals do not just appear. People do not become criminals at age 18 when they can be sent to prison for offences. Their propensity towards crime was developed at an early age and if the environment was ripe criminality went on the rise.

He advised that if money was not put into youth services the community would pay dearly for it in later years. As many here would know, it costs about \$60,000 a year to house ACT prisoners in New South Wales gaols. Mr Temporary Deputy Speaker, this figure is for each prisoner. What a cost! Possibly, this could have been reduced if we had ploughed more funds into youth services 20 years ago.

I am concerned that not only do we perhaps pay lip-service to the provision of services to young people through our youth centres but there seems to be a misdirection of attention. The Minister for Health wants to have safe injecting places. I understand that his view is that it is constructive harm minimisation, and I know that he is committed to his youth suicide prevention strategy, but much of this is merely talk.

The Government has reduced the certainty of continuation of youth centres at Woden and Civic under the guise of the purchaser-provider model, insisting on performance measures and allowing only single-year funding. I have been trying to have a youth centre at Conder for the young people of the Lanyon Valley for a year now. I have received many utterings of support and empathy and promise, but not enough has emerged. This Government has procrastinated and has not been proactive.

It appears that the Government is disjointed over its commitment to the youth of today in Canberra. How else can you explain the tense situation in our youth centres? The Government ought to guarantee three-year funding for the centres and involve themselves in the creation of meaningful and relevant measures of success with appropriate sanctions for non-performance, but give them a chance. The evolution of the youth centre in the Lanyon Valley is testimony to the bureaucratic procrastination and government ineptitude affecting these services.

A year ago a community meeting was convened because parents could see problems emerging. The consensus was that a youth centre with appropriate services was needed now before the number of kids at a vulnerable age emerged in the very near future. The project was driven by members of the community, Mr and Mrs Maloney of Conder. The committee which emerged from the community meeting badgered Mr Stefaniak for a centre and Mr Smyth for a site. To his credit, in a sense, Mr Stefaniak had his department become involved and what has emerged is a part-time weekend service with limited hours in a community centre a distance away from the shopping centre where the kids congregate. The Minister has allocated rental and equipment funds, for which the community is most grateful. But, Minister, it is not working well because the centre siting and the hours of operation do not suit the kids for whom it is designed. The committee sought the help of a range of bureaucrats and, as I speak, has been referred to the very same officer who was involved at the beginning. A complete circle, Minister. Is it any wonder that the community is feeling discouraged?

As for the fight for a site, the community approached the Minister for Urban Services in his capacity as Minister for PALM, identifying a site and seeking his allocation. He referred it, I believe, to the Assistant Treasurer who referred it back to him. Meanwhile, nothing! Why do you think the community has lost faith in you? Because, Ministers, you have just not delivered. Instead, you have promised to do something, but you have just given them the runaround.



What has happened in this time? The very young people at risk have become even further involved in antisocial and, to some extent, criminal behaviour.

**Mr Humphries:** Can you establish that? Can you prove that?

**MR HARGREAVES:** Yes. Yes, we can speak of details later. I would prefer not to in this context here, but we can do that later. We can name offences, when, and all that stuff. There has been violence, under-age drinking, and general family disruption and despair, and I lay it at your feet. We are also talking about participation in such things as burglaries. All of that was predicted a year ago. The names of the kids involved are well known to the police down there. To the credit of the police, and to the absolute credit of Superintendent Alan Castle, a lot of other trouble was averted by the way in which he actually moved within the community. But the tales are sad. They are really, truly sad.

Mr Temporary Deputy Speaker, in the Lanyon Valley we have an emerging problem. I say emerging because many of the young people are not yet at an age where antisocial behaviour could be epidemic. We have a vast range of socioeconomic groups, from the well-off who live in the Gordon Heights area, some nice areas of Conder and Banks, but we have a lot of low economic families who have life problems, which is not unique to that valley. What is unique to the valley is that we have an opportunity to do something about it. The experts say that we attack the risk factors in children and thus heighten the chances of success in later life.

I would like the Government to be more aggressive about this early intervention. Let us see the funding for youth centres more appropriate to the cost of implications of poor support. Let us see the emergence of a proper youth centre at Conder on the preferred site, near the shops. That is where the young people congregate. That is where they start. They go to areas of seclusion and they get hold of liquor and the bravado starts because there is nothing else for them to do there; because their peer support is a little bit lacking because in lots of cases the families are dysfunctional to the extent where support for a difficult member of the family is impossible regardless of how much devotion that family would want to apply to it.

Mr Temporary Deputy Speaker, let us see support for our kids and let us support our kids in an environment not of their making. Let us give them a chance to deal with life's crises. Let us give them and their peer groups the support and skills to deal with issues and prevent the issues from becoming epidemic in 20 years' time. I would urge the Government to consider just that point that the Director-General of Corrective Services told me. Invest in supporting the kids now. Any conversation with any senior policeman in the town will tell you. They know these kids who are at risk. Many of our youth workers know them.

The youth centres themselves are working on the edge of a cliff, as it were. Let us express our confidence in those youth services. We are not asking for additional funding; we are asking for a guarantee of existence. We need to support them and say, "Okay, this is where you should be headed; this is what we want you to deliver". It is not good enough just to sit back and say, "Well, when the problem emerges we will have a go at it.

We will go heavy-handed. We will bring the police in and we will just smash the whole thing to pieces". That is just not good enough. Let us do so if for no other reason than to avoid a \$60,000 a year bill, hopefully less when we deliver our prison here. You never know, Mr Temporary Deputy Speaker, we may just save a young person's life out of this.

**MR STEFANIAK** (Minister for Education) (4.38): I was very interested to hear what Mr Hargreaves said. He certainly touches on some very definite problems, and I will come to a couple of specific ones, one of which I think is going to bedevil governments in Australia for some time. Whilst I think we are taking a few positive steps towards it, it is a very real problem. He also touched on a number of other issues. On a number of occasions I was not quite sure what he was getting at. I tend to think that some of the facts destroy some of the points he might be making, certainly in relation to the youth centre at Conder. Whilst he seems to be congratulating the Government, especially Mr Smyth and I, for our efforts in relation to that, now he seems to be criticising us.

**Mr Hargreaves:** Not Mr Smyth. I congratulate you, Minister, not Mr Smyth.

**MR STEFANIAK:** I thought you were congratulating my colleague Mr Smyth. He found a site, I understand, and I think you should congratulate him. You congratulate us and now there seem to be some further problems. It is a service that has just started. You make one very interesting point to start with, and I think it is worthy of note. Perhaps you need to get around to all our youth centres and see what is occurring there. I must say, in saying that, that I have not got down to see the service operating at Conder, and I must do that, Mr Hargreaves.

In terms of the other ones, you mentioned that youth centres need children there, kids and young people, who are not dysfunctional. Basically, I took that to mean you need a broad section of young people there apart from kids who might be dysfunctional. I agree with that, Mr Hargreaves. I think that is a very valid point. If you go around to our youth centres I think you will see quite a broad section of young people. I think that is because of some of the improvements that have occurred there over the last few years in terms of how the services are being provided and to make them more relevant, and that is an ongoing thing, too.

One of the criticisms - you might have picked this up in the past - had been that there might be a clique there. Just to take youth centres, you might well have one which has a disproportionate number of what you might call dysfunctional youth. If that was the case, I am pleased to see that there have been some significant changes there.

I will give you an example, Mr Hargreaves. I attended the Woden Youth Centre last Friday night. I went there a couple of weeks ago and I saw a young band performing. A lot of kids go there. It is a good space for bands to perform. It does not annoy anyone. It is in an area where, at night, you are not going to annoy anyone with noise, and it gives a lot of these young bands a chance. Some that started off in our youth centres have gone on to do quite well interstate. I do not know whether any have gone overseas yet, but some have done very well in Sydney. It is really pleasing to see kids who got a chance here.

I understood that there was a band night on so I said I would go. I went last Friday to listen to the band night. I noticed that there was quite a good cross-section of kids there. Yes, there were kids there who are unemployed. Yes, there were kids there who probably have significant problems in their own family and personal life. There were also kids there from perfectly functional families. That band I saw was a band of Marist College kids.

**Mr Hargreaves:** Totally dysfunctional.

**MR STEFANIAK:** You might say that, especially if you are from St Edmund's or Daramalan. Obviously, they were quite functional kids who were there having a good time. It was interesting just to see the various groups there, and that is, I think, exactly what you want our youth centres to be like. I was very happy to see that. That corresponds with my observations when I go to the Civic Youth Centre. There are changing times there to make that more relevant to young people.

Go out to Gungahlin. I know that is not your area, Mr Hargreaves; it is Mr Corbell's. Go out to see some of the programs there which are run through the youth centre. They also have a very good one running through the high school. That is a different age group of kids, but again a wide spectrum of kids, and I think that is something that is terribly important. Whilst I think you are quite right to say that any centre needs to have a cross-section of kids and not just dysfunctional ones, I think you will find that that is largely occurring, and the more that occurs I think the better it is for all kids who use these centres.

You raised another point and this is a difficult one - family factors, antisocial models in parents. That raises a very difficult and vexed question, Mr Hargreaves, and I do not think anyone has come up with the absolute answer to that. That is a problem that confronts governments right throughout Australia. How do you overcome that? Early intervention? There are various programs, and I am going to go through a few of the things we do later on, but first I want to address some of your points. There are a number of things that can be done in terms of making that better. Whether you completely overcome that, Mr Hargreaves, I do not know. I think the answer to that is having services, having activities; having people there, if the family situation is not ideal, to help young people get back into the mainstream; to give them the skills and the ability perhaps to be useful members of society.

**Mr Hargreaves:** We are not talking about services for families, we are talking about services for the kids.

**MR STEFANIAK:** You raised the point and I am raising the need. That is how you could assist those kids. I think we have a number of services which do that. There are also, Mr Hargreaves, a number of community organisations and a number of people in our community who can assist there, perhaps simply someone in the scouting organisation. A kid might have a particular talent in sport and might be picked up and assisted through a sporting team.

The police-citizens youth clubs do a wonderful job. Individual police officers do also. You mentioned one of the superintendents. I have done a fair bit myself in terms of coaching various basketball and football teams. I found, Mr Hargreaves, that you do have the occasional kid who might have a dysfunctional family and who might be starting to get into trouble with the police, but if the kid has a particular aptitude in certain activities and if that is encouraged through an organisation, with the assistance perhaps of other responsible adults, that can have a significant effect. Quite frankly, I have seen that on a number of occasions.

You said that the Government provides lip-service to the provision of services for youth. I do not think that is quite the case. You also indicated that we need to invest in supporting our kids now. I think we are doing a lot of that, Mr Hargreaves. My colleague Mr Humphries has a number of points he will be dealing with in terms of things you raised, especially in relation to the criminal law aspects and some of the aspects which the police pick up and suchlike.

I think I should point out to you that we do offer a wide range of support to all young people. Young people are defined as those from 12 to 24 years. We offer it in various areas. We offer it through education. We offer it through training. We offer it through various programs. We also are committed to highlighting the positive contribution young people make to our community, and that is something we should never forget. One of the main points which young people mention to me is that they are sick and tired of being portrayed in the media in an adverse light. The vast majority of young people contribute immensely to our society. Unfortunately, someone picks the odd bad example and that is blown out of all proportion. I think young people really do need, as much as anything else, to be portrayed in a positive light.

That does not mean that we do not need to focus on and support them through developing youth services. We have six key direction areas. We focus on promoting positive achievement and images of young people. We do try to integrate services. We focus on community development. We have a very significant community grants program, for example, which funds a wide range of services of assistance to youth. One is Project Saul. I see Mr Rugendyke there. I recently went out to have a look at that project. There are some very difficult young people involved in that. That project, which my department assists and which Mr Humphries' police force provides manpower for, does a particularly good job in terms of some of those difficult young people and we get some great success stories out of that. Some of those young people would have been assisted through other agencies and other services as well, and perhaps I can come back to those in a minute. We also have some extensive services for young people at risk. We have various employment and training programs. Of course, we do have family and community support.

Mr Temporary Deputy Speaker, we have a wide range of services in schools. Generally our schools are safe and supportive. They provide a good environment for all our students. All of our schools develop things like school-based behaviour management policies to assist students develop self-discipline and to respect the rights of everyone else in the community. Those policies are not just punitive. They include strategies to help reduce disruptive behaviour and promote acceptable behaviour, using a whole school approach to those things.

We provide youth services at eight areas, including Lanyon. Mr Hargreaves, we have responded to a community request to provide support and activities there. We have provided an area in a community building. We have arranged with the YWCA to provide some youth worker presence on the weekends there. We are reviewing that in early April just to see where we go from there. We will be looking at things like the usage and what else needs to be done. We provide a focus for recreational activities for young people and also allow for early intervention when young people seek support. Activities promote active and positive engagement within the community by young people. We have eight youth centres.

There are a number of other things. We have a Weston Creek/Woden police project. We have community participation in a wide range of activities in schools, ranging from things like the Duke of Edinburgh Award through to various other activities which we fund when organisations put up suggestions on ways in which they can assist youth, all types of youth, ranging from youth with specific problems to youth in general. We have a wide range of information and counselling services, things like the Youth Telephone Counselling Service and the very effective Pathways Information Service for young people.

We have a wide range of programs for young people who could be at risk. We have the safe schools policy framework. We have student management consultants and student counsellors. The student counsellors are there to assist parents, students and teachers on issues that might affect a student's progress and adjustment in school. This is to help any student who is at risk or may become at risk. We have programs available in withdrawal units for students who experience any sorts of problems, be they behavioural, emotional, educational or social - things of a serious nature that require intensive intervention. Those programs include, Mr Hargreaves, things like the adolescents development program and the itinerate student management consultant.

We have the Weston student management program, the Urambi student management program and the Yarralumla student management program. We have the alternative education program located at Dickson and the Eclipse program at the Canberra College at Weston. We have high school student support centres based at the Belconnen and Tuggeranong youth centres, staffed by a youth worker and a teacher. They provide assistance to young people who are experiencing difficulties, the young people that you are talking about who are at risk of going further.

We have the Youth Connection Student/Youth Coordinating Service to assist students at risk. We now have an educational coordinator too, Mr Hargreaves, who is based at the Civic Youth Centre. That person is responsible for providing support and assistance to young people who are outside the formal education system or who are unemployed. That worker links young people to existing education and labour market programs and health, welfare and community support services.

There are three services which specifically target support to at-risk youth. The Youth Connection Youth Work Service and the youth education access program provide support for students at risk of leaving school early. Often, when students truant, that is

a classic warning sign that something may be wrong. That service reconnects them with the school and also looks to see if anything can be done to assist. There may be some problems occurring at home.

We have the Canberra Outreach Support Service. That provides mobile, after-hours support to young people throughout the ACT. We also have the AXYS Youth Service which works with schools and community organisations to deliver health awareness and education programs to youth. For some youths who have difficulty with accommodation, we have the supported assistance accommodation program which provides alternative accommodation services for at-risk youth. That is structured to accommodate specific target groups with a range of services to meet individual needs. Those services include the Barnardos transition program, the Barnardos young mums group, Canberra Community Housing for Young People, Canberra Youth Refuge, Castlereagh House, Galilee lift program, and a raft of others. Staff employed at those services are able to identify and address issues faced by young people at an early stage.

I am not going to go into them, with only a minute left, Mr Hargreaves, but we also have the various substitute care programs within Family Services which provide a continuum of services, from emergency accommodation to long-term residential or foster care accommodation for young people who are unable to live at home. We have a number of other non-government groups which assist. We have the Galilee day program and the Marymead high support program. We have various educational programs to assist young people, including trying to assist young people from harming themselves.

Mr Hargreaves, maybe there are ways to coordinate programs better, but we do have a raft of programs to assist young people. There are many points you raised and I have commented on some of those individual points. I think we generally do a pretty good job. There are areas where we will be assessing how well we go. It is very important that we ensure that our services deliver. That is something that this Government has been very keen to do. Sometimes we have incurred criticism from your side as a result of our attempts to do that. What we are about is ensuring that we deliver services, and we have a good, wide range of services which can provide help for our youth.

**MR CORBELL (4.53):** Mr Temporary Deputy Speaker, if you listened to the Minister and the comments he has just made to the Assembly this afternoon you would think that the Government's response is pretty much there, is pretty right and is addressing the issues. You would think it is handling the problems faced by young people in our community. You would think that there was not much to worry about. You would think that the Government's response had it all in hand and it was really just a case of a bit of tweaking around the margins. Well, Mr Temporary Deputy Speaker, I want to tell this place that that is simply not the case. I think it is unacceptable for this Minister for youth and family services to say in respect of the issues facing young people in Canberra that the Government's response is an adequate one. It is grossly - - -

**Mr Humphries:** He was not saying that.

**MR CORBELL:** You will have your opportunity, Mr Humphries. I am sure you will get up and speak quite eloquently. Why do you not sit there and be quiet for a little while?

Mr Temporary Deputy Speaker, it is not acceptable to say that the Government's response is adequate. In my travellings around the community and from talking to people in the youth sector who are youth workers involved in the provision of various services to young people, and to young people who use the services themselves, the response I get is a vastly different one from the picture that Mr Stefaniak paints. The response I get is one of great contrast.

First of all, we see the great hope and the great energy and enthusiasm that many young people in our community have towards what they can contribute to our community, towards what they hope to achieve in their lives. On the other side we have a very dark picture, and a very worrying and concerning picture. We have a picture of drug use, which is spiralling out of control, and use of illicit drugs such as marijuana by children as young as 12 or 11. I have met young people, some as young as 12 or 13, who have the writing, reading and literacy skills of someone assessed to be no older than five. These are the sorts of problems that are the reality in our community, and what we are seeing from the Government in response to these problems is far from adequate.

The concerns I have heard raised, Mr Temporary Deputy Speaker, led me to talk in more detail with people who provide services to young people and young people themselves. The comments I received are extremely worrying. I would like to go through a few of those today. The first is in relation to youth justice. This is an area which I think is very close to the reason why my colleague Mr Hargreaves raised his matter of public importance this afternoon.

What I have heard about the operation of youth justice in the ACT is concerning. First of all, we have Quamby, the detention centre, and the remand facility there. I am told that at the moment the remand section of Quamby does not operate; that it is not used currently because of staffing matters. I am told that the training of staff at Quamby is grossly inadequate; that their capacity to deal with issues and the problems that young people bring into the centre in terms of behaviour is not able to be addressed because of training issues. For example, I am told that a number of the staff at Quamby come from a prison environment in that they have previously been prison officers involved in adult correctional facilities. The importation of that culture into the Quamby culture, which is a youth facility, is creating real problems. That is just the beginning of some of the issues that I am concerned about and why I believe we need to be addressing this issue the way we are today.

The second is in relation to drug use, which I looked at earlier. Currently, again I am told by people who should know, people involved in this sector, people who provide services to the community, that if a young person wants to get rehabilitation for some form of drug addiction that person has to leave Canberra. People have to leave Canberra to get sustained rehabilitation. That is not a picture, from my point of view, of a government that is responding to and addressing the issues in an adequate framework.

Another issue of concern is youth housing. This Government has effectively got rid of the shared accommodation program for young people. This was a program that was run originally through ACT Housing and provided for young people to live in a group environment with a head tenant and a liaison between that head tenant and ACT Housing.

That program has gone. The opportunity for young people to be involved in the shared accommodation program, to go back into the community if they have been facing difficulties in their lives, to integrate themselves into the community or be involved - - -

Debate interrupted.

## ADJOURNMENT

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

## YOUTH SERVICES

### Discussion of Matter of Public Importance

Debate resumed.

**MR CORBELL:** We have seen the shared accommodation program disappear as well, a program vital for encouraging young people to get into public housing in a form which they can manage in terms of their incomes and in terms of the level of skills they have. Often, many of these younger people have difficulty with life skills and they need some assistance to live independently in a responsible way. That program has gone. I did not hear the Minister talk about that when he was listing all his programs. So we can see already that there is a range of very serious issues that need to be addressed, yet what we have heard from the Minister is that the framework is adequate; that the Government has a range of programs and it is just about tweaking them around the edges. That could not be further from the truth.

I come now to an issue of considerable concern which I think strikes at the Government's attitude towards the provision of youth services, and that is the circumstances surrounding the continued funding to the Woden and Civic youth centres. These two youth centres are two of the most successful and most highly used centres in the ACT. This Government has placed them on tenterhooks, has not given them guarantees of a long-term future, and has provided them with funding only until the middle of this year. That does not provide certainty of outcome. That does not provide security for the people who are providing services to young people through their centres, but that is the sort of approach we have seen from this Government.

The final issue I want to raise is in relation to the Ministerial Youth Advisory Council. Clearly, one of the most important issues that any government has to address is the involvement of young people in the development of policies that respond to their needs, particularly because young people are not seen as fully participating members of the



community in that they are not able to vote. They are not able to participate in that more formal process in which we engage citizens over the age of 18. The Ministerial Youth Advisory Council performs a very important role. We have seen over the past three years an increasingly defunct Ministerial Youth Advisory Council. It has been put to me by one of the members of that council that it is a very tokenistic body - a body that does not seriously work as a consultative mechanism between young people in the community and the Government in its policy approaches. It has been put to me that the bulk of people on that council are not the sort of young people who face the problems that other young people in the community do; that the bulk of that council is made up of young people who are at university and who are already well developed in their social skills, their communication skills and their development in the community. I ask for a short extension of time.

**Mr Humphries:** No. I am sorry, but extensions of time are not granted in MPIs.

*(Extension of time not granted)*

**MR CORBELL:** I am sorry; I accept Mr Humphries' point. This range of issues does need to be addressed and, clearly, we have not seen the Government do it.

**MS TUCKER (5.03):** I will refer briefly to the committee inquiries that we had in the last Assembly - the mental health inquiry, the services for children at risk inquiry, the violence in schools inquiry, and the SWOW inquiry. Those four inquiries basically identified a number of areas where there is unmet need in terms of support for young people.

I acknowledge that the Government does have some services on the ground, obviously. Some of the services that Mr Stefaniak referred to are working well, and there are good people in the community sector working on a number of issues. However, I also share the concerns of the Labor Party in terms of how adequately needs are being met in Canberra. All the reports that I just mentioned emphasise the importance of intervention and prevention and recognise the complexity of problems faced by an increasing number of our young people and the critical importance of recognising the role of the family or a consistent, trustworthy and caring adult in the life of a young person. We know that if children do not get this support it is unlikely that they will grow up feeling okay about themselves, and feeling okay about themselves is probably one of the most important factors in whether or not young people grow up to be constructive and participating citizens.

Apart from the influences of personal relationships, there is growing evidence that many young people do not feel positive about the world they live in, that they feel alienated and marginalised by mainstream society, and that the society is materialistic and superficial, without meaning, and exclusive in its nature. The social, economic and cultural environment has to be considered in this discussion, not just the crisis management which is becoming more and more necessary. The suicide strategy is useful. The drug strategy will be useful. But we must also be clear that unless we have responsive, on the ground,

well-resourced services, which actually are directed at prevention and early intervention as well as crisis management, we are failing our young people. Unless we are prepared as a society to question why our young people are increasingly alienated and demoralised, we are also failing them.

I am particularly concerned at a number of trends in government policy, not necessarily just the ACT Government but general Australian government policy - the scapegoating of young people, the continuance of economic policy which results in increasing unemployment for young people, the tendency to respond to antisocial behaviour of young people with harsh law and order responses, the way the media presents young people as problematic, the reduction of funding to education, and the diminishing of the value put on the professions which are related to care of children at all ages, whether it be child care, schoolteachers, refuge workers, foster parents or parents, for that matter.

Family support should be an absolute priority. We do not need to wait for evidence or reviews or strategies. The evidence is in. Families who are struggling must be supported if we want to avoid downstream serious negative effects for the individuals concerned and the whole society. Incarceration, drug abuse, suicide, psychological distress on an increasing number of people is a costly and distressing consequence of inaction in this area.

We are reminded constantly by the Government of our superannuation liability and our operating loss. I am reminding members that we are accruing other sorts of liabilities as we speak. The term "social capital" has become pretty well part of the debate. Let us add social liability to the debate too. It is a logical step. We need to acknowledge that by not acknowledging these liabilities we are choosing to ignore a large aspect of our responsibilities.

There are attempts being made internationally and locally to redefine progress. It is an important task. Unless we get serious about quality issues we will continue to get political spin-doctors creating a debate around false measurements, and everyone is the loser in the long run. These questions are, of course, not just for governments or for legislators. They are for the whole community. But, as legislators, we do at least have a responsibility to say it how it is and to work with the community to face these challenges.

**MR RUGENDYKE (5.08):** Mr Temporary Deputy Speaker, there are many services in the youth sector specifically directed at the personal development of our young people, and I would like to mention a few. As we have heard earlier, youth centres are vital to this situation. They focus on youth at the grassroots level, providing guidance and leadership on many levels, including day-to-day life skills, employment assistance, counselling and advocacy. The Junction Youth Health Centre is doing a magnificent job in catering for the health issues of our youth, covering such issues as hepatitis C, general health, substance abuse, personal hygiene and self-esteem.

I also believe that another role for the health industry is to monitor the health of the population from birth with regard to such things as foetal alcohol syndrome and foetal alcohol effect. It is my view that children born with these conditions are particularly susceptible to future criminality if not rescued at a very early age. I have looked through volumes of mug shots and come to the conclusion - there is no other way to say it,

Mr Temporary Deputy Speaker - that there is what I call a criminal look consistent with research into foetal alcohol syndrome. It does sound odd but I have been able to recognise that look in many of the troubled children that I have had dealings with. Protection of our children goes further than just watching them progress through the criminal system. They must be grabbed at a very early age and guided away from the inherent dangers of criminal activity, abuse and self-harming behaviours.

Police also have a role in caring for our youth. It dismays me greatly that the AFP chose to discontinue the use of juvenile aid bureaus some years ago, under the guise that every police officer now is capable and is responsible for youth within their routine patrol duties. Diversionary conferences and police initiatives such as Project Saul offer an alternative for our youth to experiencing the court system and its danger of becoming trapped in the legal system.

The Richmond Fellowship has operated the Phoenix program for about 10 years. The Phoenix program is an educational day program which caters for the needs of Marlow House and Outreach House residents, and also four or five referrals from other services. With rationalisation and the downsizing of services such as this, the program is now unable to offer anything more than a babysitting service for their own charges and is no longer able to take referrals from other areas. The important thing to realise is that there are a large number of services specifically directed towards youth and that they must be appropriately resourced to ensure that young people do not fall through the cracks and end up in either the criminal system or exposed to self-harm. Overall, Mr Temporary Deputy Speaker, the platform for youth services in the Territory is in place, but we are at a crucial time where we have to consolidate that platform.

We need to identify the weaknesses. One such weakness is the development of measures which allow us to intervene on inappropriate early childhood development at an early stage before children enter the criminal system. I do not think we are completely on top of the situation. The only way we can stay on the pace is to identify the weaknesses and act now. We have to act now in a cooperative fashion that is going to produce the best outcome for the youth of our community.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.13): I am happy to take part in this debate. This certainly is a genuine matter of public importance and one which I think it is appropriate to have raised. We do need to have more debates about this topic in this place because, frankly, issues to do with youth in our community tend not to be debated to the extent that they should, even in a place like this.

Mr Speaker, the causes of the problems which have been identified in the course of debate today are very varied and very hard to fully itemise, much less address in the space of a debate that lasts only one hour. Mr Rugendyke said, and I think he echoed the comments of others in this place, that, as a community or as a justice system, I suppose, or as a system of services provided by government, we are not completely on top of the situation, both in terms of the way in which people are brought into criminal behaviour and in terms of the way in which we help people who are affected in some way by dysfunctional lifestyles, be they affected by drugs, problems in their families or in some other way.

Mr Speaker, I would be the first to concede that. I do not think that this Government has control over the factors adversely affecting youth in this community. I do not think any government in Australia does. I doubt that any government in the world does. Particularly in the Western world, the forces at work on our young people are enormous. Life is, unquestionably, far more complex than it was when some of us were young and some of our parents were young. The certainties of the world have disappeared very considerably in that time, and forces are at work which make life a great deal more complex and more difficult.

I will come back to one factor, Mr Speaker, which I think is particularly in evidence in that syndrome, and that is drugs. I think there is a danger in making simplistic connections between the fact that there is, clearly, a problem with the youth of this community in terms of a significant number of them having difficulty coping with elements of life, if you like, and the problems that flow from that, particularly as far as the criminal justice system is concerned, and saying that, therefore, the answer is simply to place more money into particular community services. I accept that there is a correlation between the way in which certain services are supported and the way in which youth are assisted to avoid problems of a social kind, but I do not believe that we can draw any conclusion about any particular service and any particular behaviour by young people as a result.

Mr Hargreaves attempted to draw a connection, a very direct connection, it seemed to me, between the slow pace, as he saw it, of the advent of the Conder Youth Centre and problems of young people in, presumably, the south Tuggeranong area. Whereas he may rely on the view of this particular official in Corrective Services some time ago about the correlation between sentenced prisoners and a reduction in youth services, I am not really so confident that we can draw any conclusion about that unless the data is rather more empirical and harder. There may be a connection, but I simply do not know whether there is or there is not, and I think we need to be clear about what is being effective in this sector and what is not before we draw conclusions about what we should be funding and what we should not be funding.

Members have been critical of the Government's decision in recent days to put youth centres on notice about the way in which they are assisting in this process and the way in which they will have to account for what they do in order to be guaranteed money in the future. Mr Speaker, this is about making sure that we are targeting services effectively in any particular area. We do not say to a particular service, "You are on notice", merely because we get out on the wrong side of the bed and decide we are going to lay into a particular part of the community sector.

**Mr Corbell:** The Chief Minister does.

**MR HUMPHRIES:** That is a very unfair comment, Mr Corbell, and I would hope you would reconsider because it adds a little bit of contempt for the quality of this debate so far. Mr Speaker, I think that, as a government, as any government, we have to consider the way in which a particular service is operating and ask ourselves, "Can it be done better?". Necessarily, on occasions, when questions are raised about the effectiveness of a service, that means not providing them with the comfort and security of knowing that

funding is guaranteed at a particular level into the foreseeable future. Services must be accountable for the way in which they spend public money. They must be accountable, and I make no - - -

**Mr Corbell:** Are you saying they are not?

**MR HUMPHRIES:** I heard you in silence, Mr Corbell. I would ask you to give me the same courtesy. Mr Speaker, we need to be able to do that, and I do not make any apology for doing that. It does not connote, though, that the Government does not care about things that go on in youth centres or believes that we can, somehow, get away from youth centres; that they do not matter anymore or that they are not an important part of the process. Of course they are, but they have to be accountable.

Mr Speaker, I think I see one very clear reason why there are so many more problems associated with young people in the community at the moment, and that is very largely to do with the much greater pervasiveness of drug use and drug abuse in this community. There are many factors, but this is one particularly important one. The ACT Drug Referral and Information Centre has reported that, while the majority of drug types has remained fairly static over the last couple of years, clients with heroin problems have increased by 12 per cent in the space of the last two years. That is partly reflected by the enormous increase in the number of people using the needle exchange program. One hundred thousand needles were handed out in 1991-92, 500,000 in 1997-98.

Drug agencies working with youth, in particular, have reported a change in the client profile of young intravenous drug users. The injectors they are now seeing are younger, take greater risks, have multiple problems, are more likely to be hepatitis infected, and present as depressed, anxious and stressed. They are also likely to be injecting a broader range of substances, including amphetamines and steroids. I am not saying that we can attribute any particular problem to drug-affected youth in our community. There is certainly a connection of sorts, but I do not lay the blame in its entirety at the foot of drug-affected youth for a number of the problems which have been raised here today, and I say that we need to be more sophisticated about our response to those issues.

Mr Speaker, Quamby has been mentioned. I do not rise in this place to pretend that the Government has got it anything near right as far as Quamby is concerned. Quamby is a matter of significant concern to the Government at the present time, and we will work very hard to make sure that Quamby remains high on the profile of the Government in the next few years. I think Mr Corbell needs to be clear that Quamby is not the entire youth justice system, however. It is only one part of it, and a relatively small part. There are other parts of the youth justice system where some very good things are happening, very exciting things. Mr Rugendyke mentioned, for example, the diversionary conferencing which impacts very heavily on young people. It is diverting many of them away from the criminal justice system altogether, and that is something which I think we should all be proud about because it is acting in a positive way.

We do need to work to contribute to a lower population of people in our gaols. That is absolutely true. I believe that having control of the part of our criminal justice system which includes gaols and remand centres is part of that process. We need to take a proactive attitude towards it. We need to be able to manage people as individuals with

problems - a complex array of problems which need to be addressed - rather than individuals who simply need to be locked away because they have a particular dysfunctionality which is imposing upon the rest of the community. That is very much, Mr Speaker, the ambition that the Government has for an ACT gaol. If it is not able to focus on correction and rehabilitation, particularly as far as drug-related problems are concerned, then the effort on a new gaol would have been totally wasted, or substantially wasted.

Mr Speaker, the problems are complex and varied. We do not run away from these problems. We can see that there are areas where our performance could be better. Mr Stefaniak has indicated that the large range of issues and areas being covered by this portfolio necessarily mean that not everything is going to be done to the same level of quality. But the people working in this area are doing a tremendous job. I want to finish by paying tribute to the quality of their effort and indicating very clearly that the community is well served by those individuals. With some failings, they are doing a great job, and we in the Government need to lift our effort to support them in that work.

**MR SPEAKER:** The time for the discussion has expired.

### **TRANSPLANTATION AND ANATOMY (AMENDMENT) BILL 1998**

Debate resumed from 19 November 1998, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

**MR STANHOPE** (Leader of the Opposition) (5.23): Mr Speaker, the Labor Party is very happy to support this legislation. The Minister advised us in his presentation speech on this Bill that there are some 300 patients on the New South Wales Eye Bank waiting list for corneal transplants. A significant number of those waiting are from the ACT and our region. We are all aware that it is a very difficult decision for families to approve the removal of organs from the body of a deceased family member. Once that decision is made, we as a community should do all we can to ensure that organs are retrieved and available for those needing them.

This Bill addresses a block in the retrieval of corneas. Our current legislation allows only doctors to remove human tissue from a dead person. I understand that the practical effect of that requirement is to limit the number of corneas retrieved; but, as a result of the provisions that we currently have in place, we risk not being able to retrieve as many corneas as optimally we might. The Bill allows for a trained health professional to seek the approval of family members and to retrieve corneas. It is expected that this will increase the number of corneas available for transplantation.

I understand that there are strict rules in place for the accrediting of the health professionals that will be permitted under this legislation to undertake this procedure. It is only appropriate that we do ensure that anybody working in this area is appropriately trained. The legislation is good legislation and the Labor Party is more than happy to support it.

**MR MOORE** (Minister for Health and Community Care) (5.26), in reply: I thank Mr Stanhope for supporting this Bill on behalf of the Labor Party. It is interesting how many pieces of legislation are passed by this Assembly because they are sensible pieces of legislation that any government would put up - in this case the hospital drew this matter to our attention and said, "Look, we need this kind of protection" and the work was then done - and are not reported, even in a generic way, as part of the combined work that the Assembly does. In some ways it is a shame. Of course, the best media and the most interesting media is always the conflicts and the conflicting situations. Even as I speak I see a member of the media departing because it is not a conflict story. Perhaps I should have attacked the member of the media to see whether I could get some better reaction. I do know that members of the media, like other members of the Assembly, listen through the broadcasting system. Mr Speaker, I am very pleased to have support for this Bill. I do hope, like Mr Stanhope, that it will have the result of meaning more corneas being available for transplantation.

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 Moore**) proposed:

That the Assembly do now adjourn.

### **Buddhist Community of Canberra**

**MR STANHOPE** (Leader of the Opposition) (5.27): Mr Speaker, I just want to take one brief moment to welcome in the lunar new year and to comment on a celebration which I attended, along with a number of other members of the Assembly, last night at the Sakyamuni Buddhist Monastery in Lyneham. I take this opportunity not only to wish those members of the Canberra Buddhist community and Vietnamese community who were particularly involved in that celebration last night all the best for this new year, but also to commend the role played in the broader Canberra community by the Buddhist community and the considerable role that the venerable Thich Quang Ba plays in that community involvement.

I think every one of us in this place knows the venerable Thich Quang Ba personally and well. He is a genuine advocate, not only for those within his own community, but for the broader Canberra community. The Sakyamuni Monastery at Lyneham has been involved over a number of years in the development of a community centre providing low-cost accommodation to any member of the Canberra community that might be seeking or in need of that sort of accommodation. It is a program and a project that does not get all that much public appraisal or notice.

A very significant community program has been organised there by the Buddhist community of Canberra, through the hard work, the dedication and the auspices of that community, led by the venerable Thich Quang Ba. I commend it to every member of this Assembly and note the enormous work that that community does for other members of the broader Canberra community and the significant role they play in fundraising and seeking to assist other communities. They are one of the most vital forces for multiculturalism that I am aware of and I take this opportunity again to celebrate with the members of that community and other communities the lunar new year.

Question resolved in the affirmative.

**Assembly adjourned at 5.30 pm**