DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

<u>HANSARD</u>

31 August 1999

Tuesday, 31 August 1999

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Tuesday, 31 August 1999

The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair 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. 10 of 1999 and Statement

MR OSBORNE (10.32): I present Scrutiny Report No. 10 of 1999 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee and I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 10 of 1999 contains the committee's comments on nine Bills, four subordinate laws and two government responses. It would be appreciated if, when the legislation comes on for debate this week, the Minister for Urban Services could address some concerns about speed camera legislation or at least acknowledge some of the things that were discussed in this morning's committee. I commend the report to the Assembly.

APPROPRIATION BILL (NO. 2) 1999-2000

Debate resumed from 24 August 1999, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

MR QUINLAN: Mr Speaker, I seek leave to speak again.

Leave granted.

MR QUINLAN: My last speech on this Bill was fairly short. In fact, I gave notice that we would be moving later in the day to refer the Bill to a special select estimates committee, and that was ruled to be a speech. Members will recall that last week some of us in this place wished to refer this Bill to a select estimates committee so that we could reassure ourselves on the basis of the numbers for both elements of this Bill.

In respect of the V8 race, members will know that Jon Stanhope, the Leader of the Opposition, said right from the outset that we would like to see a business case. Initially we saw a few numbers, then on Tuesday I received some expansion upon those numbers, and I had assumed that they had gone to all members of the Assembly. Apparently they had not. Be that as it may, I think that the case for the race might have been subject to examination and this Assembly might have been better - - -

Ms Carnell: I take a point of order, Mr Speaker. Mr Quinlan is reflecting on a vote in this place. He cannot do that. It is contrary to standing orders.

MR SPEAKER: No, he cannot. I would remind you, Mr Quinlan, that standing orders do not allow reflections on debates.

MR QUINLAN: Mr Speaker, I am trying to communicate to this Assembly that if we are to support the Bill we will be doing it without the benefit of a considerable amount of information that we might have otherwise had.

MR SPEAKER: That is in order, but you cannot reflect on a vote of the Assembly.

MR QUINLAN: That is fine. I did not say any naughty words, did I, about the vote of the Assembly?

MR SPEAKER: No. You may say that you are - - -

Ms Carnell: You cannot debate it again.

MR QUINLAN: I believe I can stand in this place and say that we now have an appropriation Bill asking for the expenditure of a considerable amount of money and an implied forward commitment for more expenditure and to observe that members are being asked to vote on that with a limited amount of information.

MR SPEAKER: That is perfectly in order.

Mr Berry: Limited by the Assembly.

MR QUINLAN: Yes.

Mr Moore: Mr Speaker, I think Mr Quinlan does not understand standing orders. Mr Berry interjected, “Limited by this Assembly”, to which Mr Quinlan replied, “Yes”. Standing order 52 says:

> A member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

It was fine up to the point that Mr Berry interjected and Mr Quinlan said that Mr Berry was quite right. That part was inconsistent with the standing order.

Mr Berry: This is garbage, Mr Speaker. This is an abuse of the standing orders. If you cannot restate - - -

MR SPEAKER: It is an abuse of - - -

Mr Berry: Mr Speaker, would you let me finish? If you cannot stand up in this place and say that certain things happened in this place without being accused of breaching the standing orders, it is a pretty poor state of events. For example, Mr Speaker, if we said that you were elected as Speaker, we are reflecting on a vote of this Assembly and therefore we cannot comment on the matter. That is just ridiculous.

MR SPEAKER: Mr Berry, your interjection was out of order anyway but, secondly, Mr Quinlan was handling the matter quite well. I was happy to let him continue in the way he was going.

MR QUINLAN: Thank you, Mr Speaker. I presume that I have communicated to the house that we cannot accept the figures, good or ill, that purport to be the business case behind the V8 race. That is a point that I think needs to be made at this stage of the debate. Members will remember the very rubbery figures and appallingly ridiculous exaggerations that were part of the Bruce Stadium business case, a business case that had as one of its authors an organisation that later became project manager for the overall project.

Mr Humphries: Is this relevant?

MR QUINLAN: It is a bit of history. If we do not learn from history, Mr Humphries, we do not learn at all. We will also remember that following that particular case this house was repeatedly reassured that we were going to spend only $12.9m or $12.7m; that that was all we were committed for. Of course, that turned out to be nothing like the facts. The Opposition has to make the point firmly that this appropriation Bill and the case being put forward for the race are based on an assumption that we will accept them on blind faith. The amount of money that has been ascribed to moving the hospice is similarly just a bald estimate, as we understand it. I think that has been stated, and we do not argue with it.

I wish to reaffirm that we are concerned that the case is not a detailed case. I raised in this place - I cannot mention when - some concerns about particular numbers in that case, such as it was. If this Assembly votes for this appropriation Bill, it will be doing so on faith. I wish to clearly state that we do not consider that the case has been properly made. We do not necessarily doubt that the V8 race will bring business and people to the ACT. We certainly hope and trust that if it is won for the ACT and it is run here it will be nothing but a huge success. But at this stage I want to register that we have been asked to vote for it on blind faith.

MR KAINE (10.41): I believe I have indicated already that I support this appropriation Bill in principle. I think that the purposes for which the money is proposed to be spent will be worth while. But I have one question, and it rests on the proposition put by Mr Quinlan that we have very little detail about how this money is to be spent. I wonder whether in concluding the debate the Minister could indicate whether or not the amount that is being appropriated here for the car race represents the total costs that the Government expects to incur. There is $4.5m for capital works, to be spent on barriers, road works, safety fencing and the like, and $2.5m for CTEC to manage the thing. That proposition is lacking in detail, and one wonders whether the $4.5 for capital works is the full figure that the Government expects to spend.

I raise the question: Is any additional off-budget expenditure likely to be incurred by organisations such as Totalcare and ACTEW? The appropriation would say nothing about any such expected expenditure. Do the $4.5m for capital works and the $2.5m for CTEC to manage the project represent the Government's expectation of what the total cost is going to be? If there is a document that determines how the $4.5m for capital works was calculated, could the Minister table that document so that we can at least be informed as to how the Government sees this money being spent?

MR STANHOPE (Leader of the Opposition) (10.43): I think it is appropriate that we discuss some of the process around the two issues that are covered by this Appropriation Bill. The point has been made by Mr Quinlan, and to some extent repeated by Mr Kaine, that the Assembly was not provided with as much information in relation to the V8 car race as it would have liked.

Mr Moore: As you would have liked.

MR STANHOPE: All right. I think the record needs to reflect the fact that at least the Labor Party in this place - and it appears, from what Mr Kaine said, Mr Kaine as well - would have appreciated some additional information on the bases on which the Government chose to support this event.

As has been said, it is our very strong hope that the V8 car race, which I have no doubt will proceed on the basis of the support which this Bill receives, will be a resounding success. I hope it is exciting and spectacular, and I hope it attracts significant tourists to Canberra and generates significant economic benefits for the Canberra community. I have almost no doubt that I will take the opportunity of attending the race. Let us hope that it succeeds. Let us hope that it is exciting. Let us hope that it does generate the economic benefits that events like this do undoubtedly have a capacity to provide.

But let us reflect on the fact that we are also asking the ACT taxpayer, at least in the start-up year, to spend $7.5m. That is a significant amount of money. We are asking the ACT taxpayer to support this initiative to the tune of $7.5m, and the Labor Party at least would have liked a little more justification of the bases on which it was decided that a $7.5m injection was a reasonable injection by the taxpayer into this event. As my colleague Ted Quinlan has said, we have not been provided with the level of detail that we would have appreciated.

So, this Assembly is being asked by this Government to take as a matter of faith the fact that $7.5m in the start-up year and $2.5m after that are reasonable amounts of money to generate the supposed economic benefits that we can hope for and expect from an event such as this. The Assembly has a right to be a little sceptical and cynical about some of claims that are made by government.

Ms Carnell: You always have been.

MR STANHOPE: We always have been, as the Chief Minister says. The Chief Minister's performance over the last couple of years, particularly in relation to Bruce Stadium, gives us every cause to be very cynical and very sceptical about anything she gets her fingerprints on. What an absolute disaster that was - an absolute limit of liability of $12.3m for the ACT taxpayer, a forward business plan and alleged private sector contributions that would take the matter to the $27m limit. Look at the similarities. Compare the similarities.

In relation to this car race, we have the additional disadvantage that there is no business plan. We have been provided with a summary of a business plan - a two-page summary with no item extending to more than two sentences. I suppose the Chief Minister can at least say that, in relation to the Bruce Stadium, she did have a business plan. It was a business plan that at estimates the Chief Minister was forced to describe as rubbish, but at least she had a business plan. She blushed to have to admit during estimates that it was nothing but rubbish and, of course, time has shown the extent to which it was rubbish. It was rubbish to the extent that the user agreements with the Raiders, the Cosmos and the Brumbies which are based on that business plan are so obviously inflated that the Chief Minister refuses an order of this Assembly to table them and refuses - - -

MR SPEAKER: Relevance, Mr Stanhope.

Mr Humphries: Mr Speaker, I have heard more in this debate about Bruce than I have heard about the V8s or the hospice. I would ask Mr Stanhope to be relevant.

MR SPEAKER: I uphold the point of order.

MR STANHOPE: It is an example of why we should have a business plan for a proposal such as this.

Ms Carnell: You do have one.

MR STANHOPE: We have a summary. All I have is a summary of a business plan. It is stamped "Confidential" and it is called "Summary". It says it is a summary. It is a two-page summary and the longest - - -

Ms Carnell: No, it is not.

MR STANHOPE: The one that I have is.

Ms Carnell: Sorry. That means that Mr Quinlan did not give you all the papers.

MR STANHOPE: The latest document we have on this is a two-page summary. Of course, it downgraded the expected crowd by 20,000. The latest document on this downgraded the crowd assumptions by 20,000, with no explanation. The first document received, the one the Chief Minister refers to and the subject of the briefing I had, expected a crowd of 70,000. The draft summary, the last document provided to us, downgraded the crowd by 50,000.

Mr Humphries: Mr Speaker, I have to take the same point of order. We are still talking about something other than the V8s and the hospice and this Bill.

MR SPEAKER: Please, I must ask for relevance.

MR STANHOPE: Mr Speaker, that is simply spurious. I am talking about the expected crowds for the V8 car race. Is that relevant to this debate or not?

MR SPEAKER: Yes.

MR STANHOPE: Then you should not have upheld the point of order, Mr Speaker, with respect.

Mr Humphries: He did not.

MR STANHOPE: He did. We are talking here about the crowds for the V8 car race. We have had two sets of figures delivered over the last two weeks. Two weeks ago the expected crowd for the V8 car race was 70,000.

Mr Humphries: That is not true, Jon.

MR STANHOPE: Is that not true, Chief Minister?

Ms Carnell: No. There are not two sets of figures. But you just keep it up, because that sort of negativity will lose you another election.

MR SPEAKER: Order! We are having a debate, not a discussion across the table.

MR STANHOPE: Chief Minister, there are two sets of figures.

Ms Carnell: No, there are not.

MR STANHOPE: Goodness me. There are two sets of figures, Chief Minister.

Mr Moore: Do not tell me this is yet another error, Jon. You are always making errors.

MR STANHOPE: We have got them all now. There are two sets of figures. James Service gave Ted Quinlan and me a crowd estimate of 70,000. In a paper delivered to us by James Service last week the crowd figure was reduced from 70,000 to 50,000. The latter figure might be a more appropriate figure - I do not know. My only point in relation to this is that over the last two to three weeks we have received two sets of assumed crowd figures for the V8 car race - 70,000 and 50,000. There is a significant difference. Yet there is no explanation of why the crowd figure was changed. I am not saying which figure is right and which is wrong. I am just saying that it would have been nice to have had an explanation of why the figures changed so dramatically so quickly.

Ms Carnell: Did you ask?

MR STANHOPE: Yes. We asked for a business plan and we asked for an estimates committee. We asked for an estimates committee so that we could explore these issues along with a range of other - - -

Mr Moore: Now you are reflecting on a vote of the Assembly.

MR STANHOPE: No, I am responding to the Chief Minister. The Chief Minister wanted to know whether I asked. Yes, we did. We asked for an estimates committee so that we could explore these very issues. We were denied an estimates committee by the Government because they did not want any exploration of these issues. They did not want any exploration of the draft summary business plan. They chose to deny us the capacity to look in detail at the figures underpinning the V8 car race.

As I said, there is no doubt that the car race will go ahead. I hope it is a tremendous success. I am sure it will be exciting. I quite like car racing. I enjoy it and I look forward to this event. I hope it delivers the economic benefits that we hope for.

I will refer briefly to the other half of the Bill, namely, the hospice. I think everybody would be pleased to see the Government making provision for a replacement hospice. I have seen the initial relocation study which the Minister commissioned, the one that was based on the sites at Calvary and Lake Ginninderra, the one that now I think is perhaps - - -

Mr Moore: And Yarralumla.

MR STANHOPE: And Yarralumla, yes. It still has some currency and some relevance. The estimate for the construction of a 17- to 20-bed hospice on each of the assessed sites to date is about $4.6m. I notice from the Bill that that is roughly the sum the Government is expecting to spend on the construction of a new hospice, so the numbers do seem to be appropriate in terms of the range of sites that have been assessed. Of course, the assessment process continues, and to that extent the figures are estimates; we accept that. The assessment process at this stage, I understand, includes at least one additional site, namely, the site at Griffith.

This Assembly - and I have received a number of interjections about how it is the Assembly and not this side or that that makes some of these requests - has asked the Minister to identify other sites. This Assembly has asked the Minister to have discussions with the Hospice and Palliative Care Society, with the hospice and with the Commonwealth Government, if required or if deemed appropriate, and to identify a range of other possible sites for a hospice. We look forward to that process being instituted by - - -

Mr Moore: That is another error, Jon.

MR STANHOPE: The Minister tells me that is an error. I understood this Assembly passed a motion requiring the Government to negotiate with the Commonwealth, if necessary - an amendment moved by Ms Tucker - and also with the Hospice and Palliative Care Society, with the view to identifying other possible sites for a hospice. I think the wording is quite clear and unambiguous, and the Assembly looks forward to Mr Moore initiating those discussions, with a view to the full range of possible centrally located sites being identified so that an assessment of those additional sites might be undertaken. In that regard I notice that - - -

Mr Moore: That was Griffith.

MR STANHOPE: No, the motion was passed after Griffith had been identified. The motion is quite clear and unambiguous. It concerns me that the Minister thinks it is not. The Minister thinks that this Assembly does not require him to go off and negotiate to identify a range of other sites. The motion is quite clear and unequivocal about that. In the context of that clear and unequivocal request from the Assembly, it is probably relevant that the Manuka LAPAC has identified as possible other sites for consideration Grevillea Park and Lennox Gardens. They are two other sites that should now be assessed. I am hoping that through the consultation process this Assembly has asked the Minister to undertake we can identify perhaps another half-dozen or so centrally located sites, hopefully with lake views.

Whilst we applaud and welcome the fact that the Government has identified these additional moneys, we do look forward to the process for identifying an appropriate replacement site continuing. In that regard, it is appropriate that we say that the adhockery that has attended the identification of sites for the hospice should be avoided. That we can just pick Griffith oval out of a hat and assume that that is an appropriate process for the identification of a site for such a significant facility as a hospice really does concern me. I am looking forward to a detailed inquiry, and I would hope that the Government, in its consultation with the hospice society and the hospice, does involve the Commonwealth; that it does sit down with the NCA and perhaps PALM; and that they do the job thoroughly so that we do not have to come back here with an additional relocation study and then go out and get one after that.

Mr Moore: That is okay. We will just go into the Canberra Hospital for a year or so.

MR STANHOPE: As long as we end up with the best possible result. Sister Berenice and the hospice society would not mind a temporary stay in Canberra Hospital. There is no doubt about that.

Mr Moore: That is not what Sister Berenice tells me, Jon. Nor is it what the hospice society tells me. That is not what they tell me.

MR STANHOPE: You would be surprised what they tell me, Minister. Some of it I cannot repeat to you.

MR SPEAKER: Chief Minister, just before I call upon you, I would like to recognise the presence in the gallery of a group of people under the Practical Reconciliation Group, the Jundah project. There are three people from the Aboriginal Community in Cherbourg in south-east Queensland visiting us today. As requested by the women in Cherbourg, the young people were selected by a panel of judges in Cherbourg based on short essays they wrote about the matter of reconciliation. I would like to recognise Rosie Collins and Naomi Malone, who are both aged 14, and the adult accompanying them, Sandra Morgan. Welcome to the ACT Assembly. We hope you are enjoying your visit to Canberra.

Members: Hear, hear!

MS CARNELL (Chief Minister) (11.00): Mr Kaine is no longer in the house, but I will answer his questions with regard to the V8 rally. He asked whether the amount of money we are appropriating is the total cost of the race. Yes, it is. It is certainly a net appropriation, as members can see from the figures they have been given. As a net appropriation, it is the difference between the total expenses and the revenue for the event.

Mr Kaine went on to ask a sensible question that those opposite have not asked. He asked for a breakdown of the $4.5m capital works figure. I do have a full breakdown of that for Mr Kaine. It includes concrete barriers, $1.6816m, which is for 2,102 concrete barriers at $800 per unit; pit lane blocks, $500,000; track and civil works, $685,000; race kerbs, $70,000; two pedestrian overpasses at $115,000; and 40 pit garages at $1,000 each. The list also includes starting lights, temporary toilet facilities, sewerage services, Telstra services, fencing for spectators, chain mesh fencing, temporary platforms for the starter - all the way through the whole process. Obviously, Totalcare and others will be able to tender to provide those services.

Mr Humphries tabled this Bill last Tuesday. That is a week ago. We have had three question times since then. Members have had a week of opportunities to ask for extra briefings if they still had questions they wanted answered. The thing that is concerning for me in this debate is that, despite that, those opposite say they are still concerned that they do not have all of the relevant information. It is fascinating that over the last week there has been not one request to Mr Humphries as the Treasurer or to me as the Minister responsible for tourism and therefore the V8 race. If there were so many pressing questions that those opposite desperately needed answers to before they could vote on this issue, they did not bother to ask any of them. That does not indicate that a whole lot of questions desperately needed to be answered.

When it became evident to those opposite that there would not be an estimates procedure, after all of the extremely serious comments they made during the debate about how many questions needed to be answered, it is surprising to say the least - - -

Mr Quinlan: Mr Speaker, I take a point of order. Are we reflecting upon a previous vote of this Assembly?

MR SPEAKER: I sincerely hope not.

MS CARNELL: Not at all. Mr Speaker, as you know, the Assembly decided not to go ahead with an estimates committee, but that does not stop those opposite - in question time, through a briefing or by letters to me or to the Treasurer - from asking for clarification of any of the figures involved. None of that happened.

As I indicated to members last week, the financial statements I made available were the financial statements that Cabinet had when it had to make the decision on whether or not to go ahead. I do not think any government can be more open than that. The information that was given, contrary to comments made by Mr Quinlan, did include the basis for the level of confidence in the figures involved. Not only did we give the operating statement for next year, but we gave projections right through to year five. Remember that it is a five-year contract for the race. For the whole term of the race projections were provided, both in revenue terms and in expenses terms. Also given were a financial position document, cash flow documents and a breakdown of the projected crowd figures that were the basis of the business case/operating statement.

As those opposite would know, the basis of the business case, as I think I have said previously, is very conservative. We started with a figure of 50,000 people in the first year, even though we know that Adelaide got significantly more than that. We felt that it was appropriate to err on the side of conservatism in this area. As members will see from the documents I have already provided, we have projected that visitor numbers will increase by 10 per cent per annum from 50,000 in year one. We have even projected ticket prices in the information that has been given all the way through to year five. We have indicated that revenue calculations were based on 80 per cent of people purchasing lower priced tickets, with 20 per cent purchasing higher priced tickets. We have given information about what the cost of higher and lower priced tickets will be. For crowd projections, we based the information on the full range of expenses involved and the revenue involved, including corporate hospitality, government payments, and licensing. It is all there. Mr Speaker.

Mr Kaine, I started by saying that I do have a breakdown on the information that you required. I ran through some of it. I am more than happy to show you the full breakdown of the $4.5m capital injection in year one.

I wonder what other information those opposite want. They have not asked for it. Not one question have they asked. You would have to say that there is not any other information they want. They could not think of any questions to ask. The negativity from Mr Stanhope is typical of the Labor Party. If they were in government, we would never have a major event in this city. Those opposite would never have the guts or the commitment to make it happen for Canberra.

MR BERRY (11.07): The Chief Minister swaggered in here and put much weight in her argument that we had not asked any questions and therefore one would expect that this Bill needs to pass without dissent or questions. This Chief Minister is the master of obfuscation and, over a long period of time, we have come to know that asking her questions is usually a fruitless exercise because we are never given clear answers. A classic example, the most recent one, was when this Assembly said to the Chief Minister, "We want all the documents in relation to Bruce Stadium". She has refused to give us certain important documents in relation to that matter. Do not give me any of this nonsense: "We were just waiting to receive questions from you about this matter so that we could help you out".

We did talk to people in relation to the matter. I went on a bus trip and had a look at the circuit the other day and talked to officials and others concerned with the matter. I was curious enough to want to talk to officials, not necessarily to the politicians, who would twist things to suit themselves. One of the most common questions we have been asked is about scrutiny: "Would you trust this Government to manage anything?". The answer to that question is no. Of course, you would not, because they have a horrible record. This Bill is just another example of that. I will come to that later.

Those who support the V8 supercar event and motor sport in the ACT are even sceptical about the Government's ability to put on and maintain this event. I have said on behalf of the Labor Party, as its tourism and events spokesperson, that we want this to succeed. The Government has made the decision. It is the Government's decision. Now that the decision is made and there has been a move to appropriate a massive amount of money for it, it has to succeed.

You just wonder how much ACTEW can stand. The Chief Minister wanders into this place and says to us what a great job she is doing in relation to the budget, how she has brought us back into the black and how we are back in the black. Guess where we got it all from? We bled ACTEW white. How often can ACTEW stand this transfusion of its resources into the budget generally? This is the Chief Minister who has based her success on bleeding ACTEW white. We cannot afford too many more mistakes.

In her speech to the Assembly in relation to this matter, I am glad the Chief Minister raised Bruce Stadium, because that is an issue that one must consider when one is being asked to give extra appropriations to this Government. Bruce Stadium was offered to us for $12.3m or whatever it was in the first place - not $1 more. Then it fell apart, and I will not be surprised if the bill for the Bruce Stadium, by the end of the Olympics, is approaching $60m. I reckon that is not bad. We got the promise of it being not $1 more. But we had to come back to this place with an appropriation for extra money to fund the Bruce Stadium debacle - another blight on the history of the Liberals opposite.

How can you debate this issue without thinking about the Government's performance in relation to these matters in the past? You cannot, because it is the history of extra appropriation Bills which forms the background of the Government's requests to this Assembly in the past. What about the first extra appropriation Bill that was put up by

this Chief Minister? It was because she overspent in health. The overspending just went on and on despite the promises. Every appropriation Bill that has come before this place has had as a background disastrous financial management. You cannot possibly consider this appropriation Bill without looking to history.

I just go back to the questions that we might ask. We wanted a public scrutiny process so that we could examine officials publicly in order that we could publicly expose all of the issues concerned with this expenditure of money on behalf of the Territory. The Assembly, in its wisdom or otherwise, decided not to support our request. We think that was a mistake and we will keep saying that.

Mr Humphries: And I will keep saying, Mr Speaker, that it is a breach of standing orders to refer to a vote of a Assembly in that way, to say that we made a mistake in not having an estimates committee.

MR BERRY: Okay, Mr Speaker, I withdraw that. We will keep saying it outside this place.

MR SPEAKER: Thank you.

Mr Humphries: Good. I am sure that people will listen to you outside of this place.

MR BERRY: They do not listen to us inside, and you would expect that from those opposite. What are some of the questions that we may have asked if our attempt to get a scrutiny process had not failed? How long has CTEC been involved in negotiations in relation to the matter? Did it go back before the budget?

Ms Carnell: Yes.

MR BERRY: Mrs Carnell says, “Yes, it did go back before the budget”. Why was it not raised in the budget context? Is this another example of poor financial management, where things were kept quiet in the budget context but later on we have this extra flash-in-the-pan appropriation Bill put before us in a promotional context, trying to put us in a position where we could not possibly scrutinise the process? You have to be sceptical about the Government’s performance on these issues. We have a history upon which to base our judgment. I think it is fair for us to be sceptical and negative about the Government’s ability to deal with these issues. As I said, we want this to succeed. There is a lot of territory money involved. But it is placed in some doubt, given the Government’s performance in the past.

We have other things to base these concerns on. We have all of the promises that were going to flow from the Feel the Power campaign. This is all in the Tourism and Events Corporation. We have all the promises that were going to flow from the changed approach to Floriade. We now know that Floriade is in danger in alternate years in the future. I wonder what will happen to the Floriade money. Will it go to the V8 supercar race? Those are questions which I think are quite legitimate.

But the biggest thundercloud of the lot hanging over this Government's management of resources in the Territory is the thundercloud of the Bruce Stadium. It was an appalling episode. ACTEW cannot afford more Bruce Stadiums. The money has to come from somewhere to pay for these sorts of things, and we cannot keep bleeding ACTEW. You have based all of your successes on bleeding ACTEW white.

Mr Speaker, this Appropriation Bill is based on a document of two pages plus a cover sheet which talks about the key issues of the V8 Supercar proposal. There are some things built into the issue which are always the subject of debate, and one is the economic impact on the ACT. The net economic benefit to the ACT over five years of $51m includes promotional value. I watch a bit of V8 supercar racing on the television. The things I see most on television are concrete barriers and advertising signs. I do not see many views of the various places where these races are held. Yes, Canberra will be mentioned, but these economic impact benefits tend to be a bit rubbery, though there is no doubt an important value in exposure of the ACT with these sorts of programs.

The message it sends in relation to the environment is one that many Canberrans will be interested in. I was approached in the street yesterday about this issue. The people have lost out. They have not been able to have their say publicly in an estimates forum, a public committee examination - - -

Mr Humphries: We did not have time in the space of four days.

MR BERRY: We said we would have it ready for debate this week, that is, by next Thursday. They would have had plenty of time to come forward if they had been given the opportunity to come here and voice their opinions about the matter, but that opportunity is now lost. The economic impact of this issue will be felt by the tourism industry but, most importantly, by the territory budget. This, in effect, is going to be a very heavy subsidy to the tourism industry in the ACT and to motor car racing outside of the ACT.

Mr Humphries: And inside it too.

MR BERRY: I am glad Mr Humphries interjected "inside". I cannot forget the Government's enthusiasm for this particular proposal but its lack of enthusiasm for the drag racing strip at Pialligo. Why is it that something that is no cost to the Government and produces $2m per year in tourism benefits is ignored by the Government? It gets almost overwhelmed by its enthusiasm for this sort of event, but it cannot look after the ones it already has.

There is a smell of hypocrisy about this when it comes to the Government's position in relation to motor sport. On the one hand, motor sport that was bought and paid for by non-government means and that provides a benefit to the tourism industry and to the ACT is ignored - in fact, treated with contempt - and, on the other hand, a high-flying event gets bubbling, enthusiastic support.

Mr Humphries: You are very negative about this, are you not, Wayne?

MR BERRY: Mr Humphries interjects, "You are negative about this". I am negative about the Government's performance, for good reason. Bruce Stadium, Feel the Power and so on are good examples.

Mr Hargreaves: And Kinlyside.

MR BERRY: I forgot Kinlyside for a moment. We should not let that fade from memory either.

Ms Carnell: We think Bruce Stadium is a great stadium. We are proud of it.

MR BERRY: Mrs Carnell says that she is proud of what she has done at Bruce Stadium. I reckon by the end of the Olympics it will have cost us $50m or $60m.

Mr Humphries: This the Working Capital man with his accounting machine.

MR BERRY: I am prepared to toss a coin on that. Which way do you reckon it will come down - $50m or $60m? It will be one or the other, will it not? This appropriation is to feed the Government's hunger for glitzy events, but you would have to be sceptical about it. We want this to succeed, because a significant amount of territory money has been put into it. I hear that the people who are making the decision will be making it this week. I trust they will make it for the ACT.

I heard the feeble efforts of somebody from Townsville in relation to the Townsville bid. I am sure Townsville has some particular attributes which are saleable around the world, but nothing like we have here. They might say that they are more deserving of it. I think we need a few successes in the ACT pretty soon, because this Government's record in relation to these matters is appalling. I want this to succeed. There is a strong chance that it will provide an economic benefit to the tourism industry. CTEC's credibility needs to be rebuilt too. I think they have suffered a few blows in the past, mostly from the interference of government. I want this event to succeed; Labor wants this to succeed. If the economic benefits are to be achieved, it will have to succeed.

I want to talk about the hospice for a minute or so. You can add the hospice to the list of disasters which have been associated with this Government's management of the territory's finances in the past. It is now quite clear that the Chief Minister either recklessly or deliberately put the Territory in a position where it is going to have to fund another hospice. *(Extension of time granted)* There is a debacle going on now about where it should be sited. I am absolutely certain that if the Government had had the courage in the first place, or the will - and I say again I do not think it did have the will - to defend the existing hospice site, it could have bluffed the Federal Government. But from the outset the Chief Minister opposed the hospice being established on the Acton site, and I suspect she operated in a way to make sure her predictions would come true in government.

As a result the Territory is going to be hit with another $3m to replace the hospice. I accept that governments change and ideas change in relation to the placement of particular buildings. Mrs Carnell wants the hospice somewhere else. She does not want it on the Acton site. I cannot predict what Mrs Carnell might want or might not want from one day to the next, but I am absolutely sure about the hospice. She has always been negative to the hospice on the Acton site, because it was a good idea and one that was supported by the community. It was a decision made in the context of health-related facilities staying on that site, a decision which the majority of members of this Assembly supported at the time.

If governments change and they want to put it somewhere else, that is up to them, but they have to pay the price of the extra funding to do it. If the Commonwealth wanted it moved, they should have paid the compensation - there is no doubt about that - and the Government should have secured it. But it is no good Mrs Carnell coming in here and trying to re-create history in relation to the hospice. The paper trail we have uncovered shows that she is the one that is culpable in relation to this matter. She is the one who either recklessly or deliberately wasted another $3m of the Territory's money and caused a great deal of upset to the hospice community, who have been fighting for many years for better services for those who might use the hospice.

Mr Speaker, I come back to the fundamental issue which has given rise to this Bill, the supercar race. I wonder how long this debate has been going on behind the scenes and why the matter did not turn up in the budget debate. I have not heard an answer to that.

Mr Humphries: We did not know about it in the budget debate. That is why.

MR BERRY: Mrs Carnell acknowledged during debate that the discussions were going on well before the budget.

Ms Carnell: No, I did not say that. You asked when CTEC spoke to AVESCO.

MR BERRY: Before the budget. There were discussions going on before the budget. That is the point I make. I guess we will never get to the bottom of what depth these discussions were. It is quite clear from this Government's performance on economic management that the community is entitled to be nervous about the ability of the Government to manage these sorts of events. The Government has made this decision. We hope the event succeeds. If it fails, ACTEW will be faced again, I suspect, with the need to provide a bit more cash to prop up the Government's budget and financial management.

Mr Speaker, this Bill will pass the Assembly today. It is then, one assumes, up to those who are making the decision about whether this event should happen in Canberra. If they make the decision for it to happen in Canberra - they say they are going to do it this week - then I hope that whatever happens out in the streets is an event which brings good to the ACT, though there will be quite a number of people who will be unhappy about it. Those are decisions for the Government. It is appalling that people were not given the opportunity to make their views known. It is appalling that those people who

might oppose this were not given the opportunity to discuss it more fully either. But that is the nature of this can-do government. It is the can-do government that has got us into problems - - -

Ms Carnell: We are proud of being a can-do government.

MR BERRY: Yes, as with Bruce Stadium. You would be proud of that. That is your style. You would be proud of that, would you not? There is an issue of safety which I will be watching closely. I do not want to see anybody injured as a result of this event. There is some potential for danger. The event managers know about all of the issues that go with motor racing circuits, and I trust that the money is adequate to provide for all of the safety features that go with a street racing event. If such events are not properly managed, they can be a problem for those people who watch them.

I have one last issue. I know that the motor racing circuit goes past the site for a little monument on the side of the lake. I wonder how that is going to be protected, without going into the detail of it. I think you know what I am talking about. I think some attention has to be paid - - -

Mr Humphries: You would drag that up to score a point against Mrs Carnell. Anything counts as long as you get Mrs Carnell.

MR BERRY: It is an important issue for a lot of people, Mr Humphries. The site has to be protected somehow. I know it is a humiliating embarrassment for you, but the fact of the matter is it is there and you have to protect it, and I trust that you will.

This event will go ahead if at the end of this week the organisers support Canberra as the place to hold it. We hope that in future we will be able to come back to this place and say that there has been a positive outcome for the Territory.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.29), in reply: Mr Speaker, I am very happy to close the debate. I want to thank members at the outset for their support, rather guarded as it might be in some cases, for this important Appropriation Bill. It is, of course, my first appropriation Bill as Treasurer. It is not quite a full budget Bill, but it is my first appropriation Bill. I feel that with its passage I have lost my fiscal virginity, so I am very pleased that the Bill is going to pass through the Assembly today.

It is very important that the two projects which this Bill is designed to fund are able to proceed as soon as possible. Members have heard the arguments put in very clear terms by, respectively, my colleagues the Chief Minister and the Minister for Health for the V8 supercar race in the ACT and for the relocation of the ACT Hospice. The overwhelming necessity for those things to take place is itself a strong recommendation to pass the legislation today.

I want to comment on the Opposition's assertions. We have had a delicate line trodden by this Opposition. They profess not to oppose the legislation, but they have listed a litany of reasons why in other circumstances you would expect them to oppose it. It tells me nothing more nor less than that they are an opposition without the courage of

their convictions. They would quite like to knock this Bill on the head on one or other, or maybe even both, of the issues but do not have the courage to face the motor racing community in Canberra or the hospice community in Canberra and tell them, "We do not want to support your important measures".

We heard an extraordinary speech from Mr Berry in which he told us all about the things he dislikes about the V8 race but tried to mix in assertions that he supports it and hopes it will be successful. Methinks he doth protest too much. I am always very happy to circulate Mr Berry's comments far and wide. They tell a great story about Mr Berry and the Opposition generally. I can assure him that his comments about the V8 race will be published quite widely by this Government, particularly the parts of those comments relating to what he thinks about the dangers of the race and things of that kind.

Mr Quinlan made the point that the case for the race and the hospice is to be taken on blind faith. I think the Chief Minister very ably responded to that by saying that the only reason the Opposition is having to take anything on blind faith is that they did not have the courage to come forward in this place, as Mr Kaine did, for example, and ask questions about things they did not understand. Mr Quinlan was unable to explain what it was that he was in ignorance about as a result of not having an estimates committee process.

Mr Stanhope suggested that there was confusion about the numbers. The numbers of expected attendees he had from Mr James Service were different from those he had from the Government, but he was not prepared to elaborate on that issue. Of course, he did not approach the Government - me as the Treasurer, or the Chief Minister as the proponent of the race - to ask, "What are the expected attendance numbers for the first year of the event?".

It is quite tempting to draw the conclusion that the Opposition did not have any particularly difficult questions to ask in the process of an estimates committee but still wanted to have the opportunity to have an estimates committee process in order to run the usual circus surrounding that exercise. That is unfortunate, but it is what we have come to expect from this Opposition.

Mr Kaine's question has been answered by Mrs Carnell and I will not go over that information. I just repeat that the $4.5m is a net appropriation, and we expect that there will be some adjustment of that figure as we draw closer to the event. Naturally enough, at this early stage, without the event having been confirmed for the ACT, it is not possible to say whether or not the event will cost a particular amount, in terms of absolute bottom line final dollars, but we have estimated an amount in this Bill which we hope will be adequate to cover the cost, on a more conservative estimate. I expect that there will be an opportunity for the race to be promoted in a way which will attract important sponsorship.

I want to correct Mr Berry on his financial acumen, or lack thereof. He attributes the better operating result in the ACT, the very impressive financial result that we are now moving towards, to what he calls "bleeding ACTEW white". I suppose we cannot be surprised when he is the man who brought us VITAB and Working Capital, but he should know, if he speaks to Mr Quinlan, that any borrowings undertaken from ACTEW do not affect the balance sheet. If we borrow money from ACTEW, we still have to record the borrowings of ACTEW as a liability on our balance sheet. Our liquidity is not affected. Mr Kaine asked about liquidity the other day. Borrowing from ACTEW does not affect our bottom line at all in that respect, or very little, indeed as would borrowing from outside directly off the market. It is a pity that Mr Berry does not understand that. I think, quite frankly, it is a lost cause, so I will not bother to lecture him on the subject. Would you trust this Government with your money? "Certainly not", says Mr Berry. That is a bit rich coming from the man who brought us the VITAB scandal, but that is what we have come to expect.

It is important to record that this Government is determined to continue to provide a hospice in the ACT. It was the Alliance Government which initiated the building of a hospice in the ACT. That, members might recall, was to be funded from the savings generated by the closure of the old Royal Canberra Hospital. The savings were dedicated in part to the building of the hospice. It was very much the government led by Mr Kaine that initiated the process of getting a hospice up and running in the ACT. Mr Moore, as the present Minister for Health, has made it unequivocally clear that the Government will continue to provide a hospice to the people of Canberra and that the issue is not whether but where.

It has to be put on the record that the inevitability of a move from the Acton site was confirmed the day that the former Federal Labor Government indicated that it wanted to build the National Museum of Australia on Acton Peninsula. From that day forward, it was clear to everybody in the world, except perhaps Mr Berry and Mr Stanhope, that the hospice would have to shift off Acton Peninsula sooner or later. That time has now come.

Mr Stanhope: It was still our land. It was still territory land until the Chief Minister gave it away.

MR HUMPHRIES: The Chief Minister and the Prime Minister of the day, Mr Keating - - -

Mr Stanhope: Mr Howard.

MR HUMPHRIES: No, not Mr Howard - Mr Keating. They agreed to this land swap. It was fulsomely supported by the Federal Labor Government of the day. As I seem to recall, Mr Stanhope had some connection with that government. What was it? He was a senior legal adviser to that government, was he not, Mr Speaker? Perhaps I have misled you. He can correct me if I have misrepresented his position.

The final matter I want to touch on in this debate is the process that we are using to deal with an unexpected appropriation in the course of a financial year. The Government decided to bring forward Appropriation Bill (No. 2) 1999-2000 in order to be able to engineer a degree of transparency and accountability which it believes is necessary to be able to provide scrutiny of what we are doing and to be able to make sure that there is no question of us using money which the Assembly has not appropriated.

It is worth reflecting on what the Assembly had to say when the same exercise was used three years ago, in April 1996, when a second appropriation was put forward for the funding of the ACT health system when there was a budget blow-out. At that stage the Chief Minister and Treasurer of the day, Mrs Carnell, made it clear when she said:

> … we are not prepared to adopt the practice that has been used in previous years of making artificial cash management arrangements to conceal what is a significant overrun in the health and community care budget. This Government believes that a second appropriation by the Assembly is a more open and transparent mechanism for budget adjustment.

Mr Berry: Why did you not do it this year with the health budget?

MR HUMPHRIES: We did not need to, to answer the interjection, because we did not have that problem. The curious thing is what the response of the Opposition of the day to that proposal was. Given what they are saying now, you would imagine they would be gung-ho, saying, “Yes, yes, extra accountability. You put the things on the table. We want to see the details about this proposal”.

Mr Stanhope: That is what we asked for.

MR HUMPHRIES: No, it was not what you asked for at the time, Mr Stanhope. What you asked for was very different. In fact, Mr Whitecross, then Leader of the Opposition, on 21 May 1996 called on the Chief Minister to withdraw the Bill. I quote:

> The second Appropriation Bill is unnecessary. The Bill is unnecessary because Mrs Carnell herself says that she does not need it. She does not need the further funds to supplement her budget, which this Bill provides for … This Appropriation Bill is unnecessary because section 49 of the Audit Act invests the Government with the ability to transfer between appropriations to accommodate variances in budget priorities or, in this case, a disappointing budget blow-out.

Section 49 of the Audit Act has been repealed, but it has equivalent provisions in the new Financial Management Act. In other words, it is possible to cope with unexpected changes in the budget outlook by virtue of using provisions in the Financial Management Act to take money from elsewhere. In 1996 the Opposition told us that we must use these provisions. They said, “You do not need another appropriation Bill.

Use these provisions". Of course, that is what the Government did in respect of - and we have raised this so many times today - the Bruce Stadium and we got into rather serious trouble for doing that.

I raise this point to observe that at some point in the future we will need to sort out where we are going with this question of appropriations. At various stages government has been attacked for bringing second appropriation Bills forward. It has also been attacked for not bringing second appropriation Bills forward. We have provisions in the Financial Management Act to deal with the situation of the kind we are dealing with today - the V8 car race and the hospice - but we are not dealing with them using those provisions in the Financial Management Act. We are dealing with them by way of a second appropriation, because that is what the Assembly called on us to do earlier this year.

We need to sort this matter out. For example, what would the Assembly wish the Government to do in the event - we do not expect this to be the case - that an appropriation for, say, the hospice turned out to be in the order of $3.1m this financial year rather than $3m? Would it agree to a use of the Treasurer's Advance for the extra $100,000 or would it require that a third appropriation Bill be brought forward? That matter is not clear to me as Treasurer. I think we need to sort this matter out for the future. We have left the situation unresolved, and we need to come back to that matter.

Having said that, I thank members for their support for the second appropriation Bill, and I look forward to the beginning of work on these two important projects. Both in their own way are important for the future of our city.

MR STANHOPE (Leader of the Opposition): Mr Speaker, I seek leave to speak again, under standing order 47.

MR SPEAKER: You claim to have been misquoted or misunderstood; is that right?

MR STANHOPE: Most certainly.

MR SPEAKER: Very well. I will allow it.

MR STANHOPE: Thank you, Mr Speaker. In my earlier remarks I was making the point that one of the things that I would have liked time for the Assembly to investigate was why the Government's estimates of spectators or crowd figures had been reduced from 70,000 to 50,000 over the space of the last few weeks. I said that that was the sort of question I would have liked further explanation on. How do we overnight simply reduce the number of expected spectators from 70,000 to 50,000? Mrs Carnell, Mr Humphries and Mr Moore each interjected to the effect that I did not know what I was talking about.

Ms Carnell: You did not.

MR STANHOPE: The Chief Minister says it again. They said that no such claims had ever been made. I seek leave to table the CTEC press release of 15 July.

Leave granted.

Ms Carnell: That is true.

MR STANHOPE: The Chief Minister now says it is true.

Ms Carnell: No, they are two different things.

MR STANHOPE: We flip and we flop from one view to the other. As soon as we are found out we just say, "Yes, that is true". Five minutes ago it was not true. Now it is true.

MR SPEAKER: Order! You are not now saying how you were misquoted.

MR STANHOPE: I just want to point out that the CTEC press release of 15 July states explicitly that the number of spectators expected is 70,000. It also states that the employment impact will be 197 full- or part-time equivalent jobs, and it also states that the economic impact will be $5.34m over each year. The latest CTEC information is that the number of spectators expected is 50,000 - that has dropped by 20,000 - and that the employment impact will be 150 full- or part-time equivalents. The number of spectators dropped overnight by 20,000, the employment impact dropped from 197 full- or part-time equivalents to 150 full- or part-time equivalents. The net economic benefit changed from $5.34m a year to $51m over five years. It is extremely worrying that I got interjections from the Chief Minister, the Deputy Chief Minister and the Minister for Health that I was not speaking the truth. They simply do not understand the basis of this proposal. This is how we got into strife with Bruce Stadium. That is the point we were making. You do not even understand your own figures.

MR SPEAKER: Resume your seat, Mr Stanhope. You have finished your standing order 47 explanation.

MS CARNELL (Chief Minister): Mr Speaker, I ask for leave to make a statement under the same standing order.

MR SPEAKER: Proceed.

MS CARNELL: The person who obviously does not understand this issue is Mr Stanhope. As I said when I got up to speak, if Mr Stanhope had been listening, the figures that we used for the business case, for the operating statement, for the information that was distributed to members, were very conservative figures. We did that, as I said before, because CTEC did not want to overestimate or go even to the middle of the range of the people we expected. CTEC went in, as I explained, at the conservative end of visitors. I had assumed that that is what those opposite would have wanted us to do. There are two different issues, Mr Speaker. The conservative figures

were used to put together a conservative business case. As I said earlier, the figures could be significantly higher than that, and we certainly hope they are. As I indicated earlier, Adelaide got 140,000 in their first year. We have used very conservative figures for our business case. I would have thought those opposite would have - - -

Mr Stanhope: Two sets of conservative figures.

MS CARNELL: No. Only one set of figures has been used for the operating statements and the business case - the 50,000 figure, a conservative figure.

Mr Stanhope: Right.

MS CARNELL: You know that because you have the figures.

Mr Stanhope: I got two sets of figures.

MS CARNELL: Maybe the way around this is for Mr Stanhope to table the business case and the operating statement that use 70,000 and then I will apologise to him. I have not seen an operating statement using 70,000. Go on, table it. Hop up and table it.

MR SPEAKER: I do not think you have it, do you, Mr Stanhope?

Mr Stanhope: I would love to table a business plan, but we do not have one. That is the point. We have a summary. We do not have a business plan.

MR SPEAKER: Order, please! I have had enough of this shouting across the chamber.

Mr Stanhope: You give me a business plan and I will table it, but you do not have one.

MR SPEAKER: I am tired of this shouting across the chamber.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS TUCKER (11.49): I ask for leave to move together two amendments circulated in my name.

Leave granted.

MS TUCKER: I move:

Clause 5, page 2 -

Line 8, subclause (1), omit the subclause.

Line 12, subclause (2), omit the subclause.

I have moved these amendments in order to make it quite clear that the Greens do not support this Government's view, or, it appears, the view of the rest of the Assembly in this case, of what should be seen as priorities for the spending of public money. I am also concerned about the fact that we have not been able to look at this appropriation by means of an Estimates Committee process. The Government claims that, by seeking the appropriation, they are being open and transparent, but by denying us the right to look in detail at the expenditure they have continued in their usual can-do style.

Mr Humphries: Mr Speaker, I rise on a point of order. You have already ruled several times today on this same point of order about reflecting on the vote of the Assembly. Ms Tucker is, again, in breach of the standing order which requires it not to be referred to.

MR SPEAKER: Indeed, and I uphold the point of order again.

MS TUCKER: Yes, fine. I am moving on. That is fine. I think it is important that the statement is made that we were denied access to an Estimates Committee process. That is not reflecting; I am just stating the fact. It is also quite amazing that they seem - - -

Mr Moore: On the contrary, Mr Speaker, you have ruled on it. Standing order 202 (d) and (e) makes it very clear that where there is persistent and wilful refusal to conform to a standing order the member may be named. You have ruled on this issue. Standing order 202 (e) makes the same point with regard to your position as well.

MR SPEAKER: Order! However, *House of Representatives Practice* also states that this rule is not interpreted in such a way as to prevent a reasonable expression of views on matters of public concern. I have tended, this morning, to take a more small "l" liberal approach to this. However, I will not have a direct reflection on a vote of this chamber. Continue, please.

MS TUCKER: Basically, I am also very surprised that the Government seems surprised that we do not have confidence in their claims about projected profit and private sector support. The debate on Bruce was not that long ago. In fact, it is still very much a current issue. On the event itself and the issue of priorities, once again the Government is claiming that it is justification enough to have this event because it will, allegedly, raise money.

The National Capital Plan says that the parliamentary zone and its setting remain the heart of the national capital. In this area, priority should be given to activities and functions that symbolise the capital and, through it, the nation. Preferred uses in the

parliamentary zone are those that arise from its role as a physical manifestation of Australian democratic government and as the home of the nation's most important cultural and judicial institutions and symbols.

The Government, of course, has a right to say what sorts of activities it thinks symbolise our nation. Through this proposal it is saying that a V8 car race is an appropriate and a good symbol of our nation as we move into the new millennium. It is saying, as a statement of value for our nation, that what really counts most in the final analysis is whether or not an event makes money. The Greens do not share that view, and neither do many people in the community.

Mr Humphries said on ABC that it was a good location for a race because there are many high profile landmarks. The high profile landmarks he speaks of are our national institutions and, as such, are regarded by many in our community as worthy of respect and dignity. Construction of infrastructure necessary for a car race will obviously be a significant intrusion on the area. I think it seemed to be offensive to Mr Humphries that Mr Berry raised safety issues, but that is, obviously, a significant factor in a car race involving these sorts of powerful cars.

I was interested to hear Mrs Carnell's breakdown of the costs for the cement barricades in order to ensure safety. I am not clear on whether they are going to be removed at the end of the race or whether they are to be a permanent structure. Whichever way it is, the point is that it is an ongoing expense or it is an ongoing intrusion on that very significant area of the national capital.

The other response to this proposal is, of course, about the expenditure priorities of this Government. The Government has responded to concerns raised by the community about inadequate expenditure on social services by saying the money is just not there; yet, for this car race, no worries, and $7m is found just like that, and that includes ongoing expenditure as well. Of course, the justification for this is that it is an investment and we will see monetary benefits to the ACT.

We often hear the Chief Minister praise the accrual accounting system that we have adopted in the ACT. Unfortunately, we do not see the concepts applied to the social sector. Of course, we are accruing a social liability by not appropriately investing in this area. It may not be so easy to quantify, but it is absolutely critical if the Government wants to claim anything like a responsible long-term approach to policy-making. I cannot say strongly enough how offensive it is to disadvantaged and vulnerable people and their carers who are not able to access basic support services to see how easy it is to access millions and millions of dollars when it suits the Government, and for a car race, of all things.

We know that the mental health area needs better resourcing. We know about the damning review of child and adolescent mental health services. We know about disabilities; we know about respite care; we know about Aboriginal and Torres Strait Islander people; we know about our public education system. These are things that worry our community, and these are the things that this Government continually pushes back into the too hard or too expensive basket. We have asked in the past for real discussion with the community on revenue and expenditure priorities in the ACT. If this

had happened, I wonder if we would have seen this car race given the priority that it has been given today. I have moved these amendments to make it clear that it is not a view shared by the Greens and, I believe, by many people in the community. My office has received a large number of calls. As well, people in the street as well as community organisations have been talking to me about this.

Obviously, I had to separate the two expenditures – the car race and the hospice. The hospice is worthy of support, of course. I will not go back into the debate about the process of selecting a site for the hospice because it has been dealt with already in this place and I would not like to reflect on the vote, Mr Speaker.

MR QUINLAN (11.56): Mr Speaker, I have to speak against the amendments. I do so because I am very keen to see the amounts of money that the Government has projected for this project, if it is to go ahead and if we win it, to be precisely and specifically incorporated into the Appropriation Bill. We have already had some discussion this morning about some doubts that we might have over those figures and whether they might be another example of rubbery figures put forward by this Government.

There was some challenge this morning, particularly from Mrs Carnell, that we did not ask questions. Part of the reasons for that is that normally we do not get a specific answer or precise answer to a question at question time. It is all part of the game, I presume, but we usually get some sort of political statement. We are more interested in precision, which is usually much more forthcoming in the estimates process, but I will not reflect on that vote any further.

We do have concern that the numbers be incorporated in the Appropriation Bill because we see in the brief economic benefit statement that has been provided to me and to others in this place, but not to everybody, that there is no account of the novelty factor of the event and that the first year might not attract more people than the second year. There are elements like the capital equipment being written off over 10 years even though it does not look like the sort of stuff that would last all that long without being repaired for one reason or another, not the least being hit by something, when in fact we are negotiating for the race for five years. I would have thought it was commonsense to incorporate into the costings the capital cost over the period for which we could reasonably expect to be sure of having the race in the ACT.

We can make considerable challenges to the value of the exposure. Regularly, we see coming to this place some proposals or explanations for investment in events and we talk about the overall economic benefit to the ACT. I have not done the sums but I rather expect that if all of those promises were realised we would virtually have streets lined with gold. They are, quite obviously, from time to time exaggerations which might have been teased out in another place in a more reasoned process rather than across this chamber at question time.

What I would ask, in opposing these amendments so that the numbers are specifically detailed in the Appropriation Bill, is that we get some guarantee from the Government that the funds will not be topped up by the usual suspects. I seek a guarantee that we

will not find that ACTEW, TotalCare, Environment ACT, ACT Forests, or whoever else has been delighted to support a government event, will be required to support this one; that we will not get some explanation at a future time, such as: "Oh, well, that number was really only a net number, and that is all we have spent net. It just happened it cost a bit more in gross terms than we originally estimated".

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.01): Mr Speaker, obviously the Government opposes these amendments. I suppose it is not surprising that the Greens, an environmental organisation, would oppose an event which promotes the use of cars, but I still have to say I think it is disappointing that we have not seen a little more thought about what this means to the ACT. I personally am not a great aficionado of cars. I have no particular desire at this stage to go and see cars screaming around a racing circuit of some sort.

Mr Moore: You don't know what you are missing, Gary.

MR HUMPHRIES: I do not speak for all my colleagues when I make these observations, but I certainly speak for myself in that respect. Mr Speaker, I support this event for a very simple reason. It is not that I have a desire to smell the burning petrol in my nostrils around the Parliamentary Triangle. It is because this event represents jobs for the ACT, in the short term and in the long term - immediate jobs and jobs that are indirectly the result of this event. Those jobs flow from the estimated benefit of something like $50m over the next five years.

Ms Tucker might not care about other things to do with this race. She might not care about the way in which it mixes up the image of Canberra; that it makes Canberra no longer seen in the minds of some Australians as a city of national monuments. She might not care about that. But she ought to care about jobs. She asks, "If we had a debate about priorities for the Government overall for the ACT", and I might say that that is the sort of thing - - -

Ms Tucker: Jobs in social services too, Gary.

MR HUMPHRIES: What?

Ms Tucker: Lots of jobs in social services. Don't worry.

MR HUMPHRIES: Well, there are lots of jobs in social services, but we cannot create this number of jobs in the same way, by investing the same amount of money in social services, because we have here people investing money from outside the ACT and coming here in large numbers to take part in an event which has a direct and an indirect benefit to the ACT which is very considerable. Ms Tucker can pour cold water on the costings, but those costings are used now by governments all over Australia and all over the world in order to be able to estimate the benefit to the community of events that they host. She might maintain that all the governments of the world have got it wrong, but I do not think they have.

Hosting major events might be a form of prostitution in Ms Tucker's eyes, but it does result in benefits to the community. The young people, in particular, who are given jobs by this sort of exercise are the sort of young people who are otherwise vulnerable, through unemployment, to all sorts of social ills. They would benefit therefore from having money invested in this kind of way. We are not being socially irresponsible by sponsoring a car race.

Mr Berry: It is just your infatuation for the - - -

MR HUMPHRIES: We know you are opposed to it, Mr Berry. You do not have to put yourself on the record any more. We know where you stand on this matter. You want to have a bob each way on this matter and say you are in favour of it, but you are really opposed to it. Be like Ms Tucker. At least be honest enough to say you are opposed to the race outright and not pretend that you are a bit one way and a bit the other way at the same time.

Ms Tucker: You can have the race, but let the private sector pay for it somewhere else, okay? If you really want car racing, the private sector can do it, not the Government though. Do it in Majura. Make a race track.

MR HUMPHRIES: I will come to that in a minute, Ms Tucker. You want to get the social benefits that flow from high levels - - -

Ms Tucker: I think it is going to be wonderful.

MR SPEAKER: Order! Settle down. You will have the chance to respond eventually.

MR HUMPHRIES: Mr Speaker, what Ms Tucker has to realise is that high levels of employment, particularly for younger Canberrans, is the best social benefit we can produce, the best antidote to social ills that we can produce, and that is why this Government is pursuing this event. It is not because we want car races in our streets; it is because of the economic benefits in terms of jobs. Ms Tucker said, "Don't hold it in the Parliamentary Triangle; hold it at Majura or somewhere like that". She said outside the chamber, elsewhere on the media, that she felt it was disrespectful to use national monuments - - -

Ms Tucker: I said that today in here.

MR HUMPHRIES: All right, you said it again today. She said it is disrespectful to use national monuments as a backdrop to a car race. I ask Ms Tucker how she would feel if there was a proposal to hold a major bicycle race around the same area of the Parliamentary Triangle. Would she believe it was disrespectful to use the national monuments as a backdrop to a bicycle race? I suspect not, Mr Speaker. Or a foot race, for that matter.

Ms Tucker: I would consult on that. I would get a sense of the community feeling.

MR HUMPHRIES: Yes, she would consult on it. She would not have a view about that at this stage, Mr Speaker. I think her consultation would bring her gradually to the position where it was all right to debase these vital national monuments by having these bicycles flitting up and down in front of them for a couple of days, Mr Speaker.

Mr Osborne: A solar powered car race.

MR HUMPHRIES: Better still; a solar powered car race. Would she be in that, Mr Speaker? Her claim that she is opposed to this use of national monuments reminds me of a story about Lord Byron who was travelling on a coach with a lady and lent over to her and said to her, “Madam, if I gave you a million pounds would you sleep with me?”. The woman looked a bit taken aback, but she said, “Well, yes, your Lordship, I would”. He said, “If I gave you five pounds would you sleep with me?”. She said, “What do you take me for, your Lordship?”. He said, “We have established what you are. We are merely haggling over the price”. That, in a sense, is what Ms Tucker is saying. She does not care about whether we use national monuments as backdrops to a car race. She is perfectly happy for that to take place if it is a bicycle race or a foot race or some other kind of event. It becomes a question of what we are actually racing on the streets of Canberra. It is because they are cars, Mr Speaker, that Ms Tucker is concerned.

Mr Speaker, I urge members to reject the amendments Ms Tucker has brought forward. I think it is important for us to support this event, for no other reason than the creation of jobs in the ACT. It is about producing economic benefits which reduce social ills.

MR BERRY (12.08): Mr Speaker, what a flippant approach to the issue of jobs. Mr Humphries went on to say this is about jobs. These are the sorts of questions that we want answered. We want them answered in a public Estimates Committee.

Mr Humphries: Why did you not ask the questions if you wanted them answered?

MR BERRY: We would not ask you anything, Mr Humphries, because we would get disinformation.

Mr Humphries: Mr Speaker, I do not know how many times I have to take the same point of order. You have already ruled that it is not all right to reflect on a vote of the Assembly. That is exactly what Mr Berry is doing.

MR SPEAKER: Order! I do not mind this matter being debated, but I am sick and tired of hearing about an Estimates Committee that never got off the ground because of a vote of the Assembly.

Mr Quinlan: That is true, though.

MR SPEAKER: Thank you. It might be. Nevertheless, the standing orders do not allow a reflection. I said I was quite happy to allow broad reference, but I am not going to allow that sort of specific comment.

MR BERRY: Mr Speaker, if I said that this Assembly was a bunch of geese for not supporting an Estimates Committee - - -

MR SPEAKER: It would be out of order anyway.

MR BERRY: That would be out of order because that is a reflection on the Assembly members. But, Mr Speaker, I am not saying that. What I am saying is that these are the questions that we might have asked and they remain unanswered in a public process. Mr Speaker, if you just made a direct grant of $7.5m to jobs, that is something like 250 jobs at $30,000 each. The document that we have been given, if the jobs claim is a good one, says, "Over 150 full or part-time equivalent jobs". What on earth does that mean? What is a part-time equivalent job? Tell me.

Mr Humphries: It is a job that is not full-time.

MR BERRY: For one hour? For 10 hours? What do these numbers mean? See, these are the questions that we might have asked, given the opportunity.

Mr Humphries: You could have asked.

MR BERRY: In a public process, but we were not able to have that public process.

Mr Humphries: You did not ask them anywhere. What about the Assembly?

MR BERRY: We would not ask you, Mr Humphries, because we know we would get disinformation in relation to the matter. Mr Speaker, I think it is about jobs too, but the question that arises in relation to this matter is what will it deliver for the Territory? We are sceptical. Mr Humphries tries to create the impression that I am opposed to this. I have said, on the record, that we want this to succeed. The Government has made a decision. It is the Government's decision. It is going to throw $7.5m at this and in the end it has to succeed, otherwise the territory taxpayers have to pay again. Can you tell me what a part-time equivalent job is? It is the first time I have ever seen it measured this way. What does it mean? Is it a part-time job for one hour, or for 30 minutes?

Mr Humphries: Well, we do not know, Wayne. It is less than full time.

MR BERRY: Mr Humphries says, "We do not know". So we do not know whether this is a part-time equivalent job for 30 minutes or a full-time job for several years. These are questions that I think are quite relevant in the scheme of things. To jump up and say this is all about jobs when you do not really know what the outcome is going to be becomes a little bit - - -

Mr Humphries: Support the amendments then, Wayne. Support the amendments in that case.

MR BERRY: No, I will not be supporting the amendments.

Mr Humphries: You are speaking in favour of them.

MR BERRY: I will not be supporting the amendments because I think the Government has made the decision that it is going to happen and the numbers are there anyway. They have made their decision, for other reasons, that this race has to go ahead, and we will be supporting it. Mr Speaker, I think the Government is rubbery on this. It needs to be very nervous about its position. I want to make it clear from the Labor Party's point of view that we are going to keep the microscope on the Government in relation to this matter. If it does not come off, the Government will be in deep trouble. They say that these things will happen, but I would have to say, on the evidence that has been given to us, that the outcomes they have predicted are more than a little bit rubbery. I hope they are true.

MS TUCKER (12.13): I will speak again as I need to respond to Mr Humphries' little story about establishing whether or not a person was for sale. I have not said that I would support a bike race or a solar race, so I make that clear. Mr Humphries did not appear to listen to part of my argument. Apart from the issue of dignity in the Parliamentary Triangle, I spoke about concerns about the symbolic nature of the event. Obviously, a solar car race or a bike race would have a different symbolic significance for the new millennium and in the heart of the nation. That is an issue for discussion. There is a very different significance around those sorts of technologies, obviously.

I was concerned about the cost. I think it would be a very extraordinary bike race that would cost $7m and expenditure every year to the degree that the car race would, but maybe Mr Humphries' government could find a bike race that cost that much, so cost would still be an issue if that were the case. On the issue of dignity and respect or the value of the Parliamentary Triangle, that genuinely would be something that would have to be taken into account. I know that people do have a strong sense of the place of the national capital. It is a legitimate question that we would be interested in discussing with communities. I want to make it quite clear that we have not said either way what we would think about that particular idea from Mr Humphries.

Question put:

> That the amendments (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 1	NOES, 16
Ms Tucker	Mr Berry
	Ms Carnell
	Mr Corbell
	Mr Cornwell
	Mr Hargreaves
	Mr Hird
	Mr Humphries
	Mr Kaine
	Mr Moore
	Mr Osborne
	Mr Quinlan
	Mr Rugendyke
	Mr Smyth
	Mr Stanhope
	Mr Stefaniak
	Mr Wood

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1999

Debate resumed from 1 July 1999, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

MR HARGREAVES (12.19): Mr Speaker, this Bill will allow for the operation of speed and red light cameras in the ACT. I understand that the ACT is the last jurisdiction in Australia to implement the cameras. When we think of speed cameras, most of us automatically think of revenue raising. Why wouldn't you think this when revenue from speed cameras in New South Wales jumped from $3.5m to more than $17m in five years? I know that other States have followed suit. In Victoria, for example, it is up to $100m a year. What is to stop this happening here in the ACT?

Mr Speaker, I have had lengthy discussions with the NRMA over the effectiveness of cameras. The NRMA believes that speed cameras can assist in reducing speed by changing behaviour, but agree that they need to be part of an orchestrated road safety strategy which includes significant associated publicity. I feel that the major contributor

to the success of speed cameras is the associated publicity, and the publicity needs to be in advance of the introduction of the cameras. That is why I will be moving to amend the Bill to provide for a two-month amnesty period.

During this two-month period any motorist that is caught for speeding via a speed camera will receive a caution. This caution will outline the demerit points which will be lost and a notional monetary fine. This caution will be applicable if it is a motorist's first offence only. Subsequent offences will carry the real penalty. One strike and you are out.

The Labor Party will be supporting Mr Osborne's amendment to introduce a two-year sunset clause. I understand that the cameras will be operated for 18 months and then the Government will have six months in which to conduct a study and evaluate the results and their effectiveness. Passage of these amendments will be proof to the people of Canberra that these cameras are not purely a revenue raising exercise, but are about changing driver attitude and behaviour. I would expect that an independent body would conduct this report. Then again, using the terms "independent body" and "the current Government" in the same sentence really does stretch one's faith.

Mr Speaker, these amendments will test the Government's commitment to road safety. If the Government supports the amendments it will demonstrate that it is genuine about road safety. It is really sad to hear the Government complaining about the delay in the introduction of the cameras because it is costing the ACT $7,000 a day. When the general public hear this they are automatically sceptical that the cameras are designed for their own safety. They do not believe it. It is a shame that this had to be said.

From my discussions with various motoring organisations, all have placed emphasis on a road safety scheme. The NRMA referred to the five Es. Mr Speaker, the first E is for education. This relates to general education in schools, of course, and advance publicity, the strength of publicity, the in-your-face type of publicity. It also refers to the sort of thing I am talking about, an amnesty period so that we can frighten people into doing the right thing without slamming them first up.

The second E is for engineering. This relates to road quality. We have great roads in the ACT. The Minister has been saying in the media that that is, if anything, a contributing factor for people speeding, and I would agree with him because people ignore the posted speed signs. They see a nice road and they just go for it, and we need to change that attitude. It is that attitude that we need to change. We also need to make sure the engineering behind the cameras is the best that we can get, and I am convinced, thanks to the briefing that the Minister arranged, that that is about where we are at at this minute. I think later on down the track we will get more sophisticated stuff and we will move to that.

The third E, Mr Speaker, is for evaluation, and this is where we test whether or not our hypotheses are correct. I do not believe some of the statistics that have been bandied around. I do not believe that there has been a reduction of 80 per cent in speeding in the States. I do acknowledge, however, that there has been a significant drop. I think some of the figures are pretty wild - 80 per cent, 60 per cent and that sort of thing. They are pretty wild figures, but I would accept something in the order of 20 to 30 per cent, and

the number of crashes going down by those sorts of figures. I do accept that. I saw figures bandied around when I did my research on it, but I must say I just do not believe them. What I do believe, as I have mentioned, Mr Speaker, is that, if accompanied by the appropriate publicity and the appropriate enforcement, we can have a change in driver behaviour as part of the process.

That brings me to the fourth point, the fourth E, which is encouragement of good practice. We need to be rewarding people for good practice. I am not quite sure how we can go about that other than to have ongoing reinforcement of good practice. If we see a downturn in the number of people speeding, let's not be tardy about publishing that. Let us get in there and say, "It's working", and make sure that we attribute it to the fact that people have changed their driving behaviour. Do not attribute it to the fact that they are being booked. Do not attribute it to the fact that they are being bullied into it. We need to congratulate them on that.

The fifth E, Mr Speaker, is for enforcement. Enforcement is a funny thing. We can have policemen out there booking people and we can have savage fines and really draconian legislation to cover that, but I am not going to promote that. Really, the enforcement, Mr Speaker, has to go hand in hand with the publicity. It has to be a fairly significant fine, but it also has to be about changing behaviour.

I keep coming back to this theme all the time. Speed cameras are fine if they are part of an overall strategy to change drivers' attitudes, behaviour and habits. The NRMA and groups of that ilk believe that any road safety initiative should contain all elements of these five Es in order. I urge the Government to put these steps into practice and to follow the process to ensure that motorists benefit from speed cameras through a change in driver behaviour.

Interestingly, the Director of the NRMA, Richard Talbot, does not support speed cameras. He believes that road safety is about driver education. He is pushing for a program in driver education, with practical experience, to be included in the New South Wales School Certificate, which would be funded through a portion of fines that the New South Wales Government has collected. I encourage the Minister for Education to look at implementing a similar program for the ACT curriculum. If the projections are right, this initiative is going to reap \$2.5m for an outlay of about \$100,000, plus a couple of staff. Let us suggest that it actually costs us \$200,000, which would be a fair cop, I would imagine. By the Government's own figures, it is going to reap \$2.5m. If the Government is honest and real about road safety, let us see some of that \$2.5m allocated specifically to changing driver behaviour at the beginning edge of the stick. Mr Speaker, I know that the department has initiatives to change driver behaviour in its new program for learner drivers, and I see that as a very positive step forward, as I have said a number of times in this place.

Mr Speaker, recently a current affairs program listed numerous problems that the South Australian Government was having with speed cameras. In the report, a motorist's car, which was on the back of a tow truck, was booked for speeding. The motorist queried the fine and requested a copy of the photo. It was only when she examined the photo

that she realised a mistake had been made. It is possible that she would have said, "Oh, dear, that's not the electricity bill. Oh, well, I'll pay it anyway". Imagine her mirth and relief as well, Mr Speaker, when she spotted that her car was nothing more than an appendage to Athol Morris, the car wreckers.

Other problems have occurred when cameras have booked the wrong vehicle because they were unable to distinguish between a V and a U. Mr Speaker, I suspect there are some geriatrics in this place who would have trouble distinguishing between a V and a U. I am confident at the moment that the technology that we are paying 50 grand a year for is about as good as we can get in addressing that one. I sincerely hope it is.

Mr Speaker, the ACT should set the standards with speed and red light cameras for the rest of the country. We should learn from the problems of those other States and ensure that they do not occur here. There is a lot of dissatisfaction with speed cameras in the States, and I would hope that when the regime here is evaluated we will take into account some of the problems that have been encountered in those States.

The Labor Party, Mr Speaker, will also be supporting red light cameras. At the moment many motorists will run an amber light because they do not want to wait the extra three minutes or end up slamming on their brakes. Red light cameras have worked effectively in other States and are long overdue in the ACT. It is amazing that when we are travelling interstate, such as in Sydney, we are cautious not to run the red lights. However, when we get back to Canberra we slip back into our bad habits.

Mr Speaker, the Labor Party is supportive of any program which will reduce the number of accidents on our roads. However, we do not want to see revenue from these initiatives going straight into consolidated revenue. We do not want to see a repeat of the insurance levy. It reaped $10m. Emergency Services got $1m, and $9m has gone into the black hole. We do not want to see that happen with the $2.5m from the speed cameras. We want this revenue to be spent on improving our roads and on introducing new driver behaviour schemes. We will be watching the Government to ensure that the windfall from these cameras actually has an impact on enhancing our road safety.

Mr Speaker, I have indicated that I will be moving an amendment and I seek the Assembly's support for it. Other than that, we will be supporting the Government's initiative.

MR SPEAKER: Order! It being 12.31 pm, the debate is interrupted in accordance with standing order 74. The resumption of the debate will be made an order of the day for a later hour this day.

Sitting suspended from 12.31 to 2.30 pm.

QUESTIONS WITHOUT NOTICE

Hospice

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. Can the Minister say what action he has taken to date to implement the motion of the Assembly last Wednesday in relation to the ACT Hospice? What additional consultations have there been with the hospice, the hospice society and the Commonwealth? Which new central sites have been identified as a result of that consultation? What assessment process has he put in place for these potential sites?

MR MOORE: I thank Mr Stanhope for the question. I have asked my staff to get together a meeting with Ms Annabelle Pegrum to talk about these issues. I have met with members of the Griffith LAPAC. They have organised a meeting for this evening which I have agreed to attend as part of the consultation process. They asked me whether I would be available to do it. I suggested that they also invite members of the Hospice and Palliative Care Society to deal with it. They, in turn, suggested two more sites - one at Lennox Gardens, the other at Grevillea Park. They are both in areas of the lake covered by the Commonwealth. For those who do not know the areas, Lennox Gardens is opposite the Hyatt Hotel and Grevillea Park is down towards the Boat House restaurant. Those two areas have been suggested by those people as possible sites.

As I say, I have not yet met with Annabelle Pegrum. I am certainly intending to so and I have asked for that meeting. With regard to the Hospice and Palliative Care Society, at this stage I have not sought a further meeting with them because I do not have any further information to discuss with them. The last time I spoke to the Hospice and Palliative Care Society they recognised the problems with Yarralumla, their preferred site and the one to which, prior to the assessment being done, Mr Stanhope was thoroughly wedded. Of course, that is an inappropriate site because of the delay that would be associated with it and because of the uncertain outcome.

I explained that to the Hospice and Palliative Care Society. Of course, they were very disappointed. Indeed, I suspect that Mr Stanhope would be very disappointed about his favourite site - the one on which he came out before it had been properly assessed and made pre-emptive comments with no consultation whatsoever, other than taking the Hospice and Palliative Care Society's position. I spoke to Ms Heather Wain, the president of the society, who said to me that they would consider the Griffith site to be a fair compromise because it meets their prime issue, which is centrality.

I have to say, Mr Speaker, that I hear quite a lot of bunkum on this issue of centrality. It seems to me that within the ACT almost any area is central to another and the criticism particularly of the Lake Ginninderra site as not being centrally located is, as I say, bunkum. If you look at a map of - - -

Mr Osborne: Nobody goes to Belconnen.

Mr Stanhope: I think Belconnen is the centre of Canberra, but Mr Osborne would disagree.

MR MOORE: Let me finish. If you look at the Territory Plan and take into account the fact that Canberra is fairly long and thin, you will realise that from the Glenloch Interchange there is very little difference in the time that it would take to get to Acton Peninsula, the current hospice site, and the time that it would take to get to Lake Ginninderra. Of course, the vast majority of people who come in from Tuggeranong heading for Acton Peninsula - not all, but the vast majority - would come down the Tuggeranong Parkway to that area.

Mr Hargreaves: That is rubbish, absolute rubbish.

MR MOORE: Mr Speaker, I hear some disagreement. For fear of misleading the Assembly, I will withdraw that comment. Some people coming from Tuggeranong would have that view. Mr Speaker, I will continue the process with those negotiations by listening this evening to what the community have to say with regard to the Griffith site. I will be very interested in what the Hospice and Palliative Care Society have to say this evening about the Griffith site as well.

Mr Speaker, a range of issues need to be considered in making the decision. When that has been done, I will put the appropriate recommendations to Cabinet, who will then make their decision. I take the motion of the Assembly seriously and am working in accordance with it. I have to say that, within the very tight timeframes I have, there are certain difficulties that that presents. I hope members do understand that, if they take a narrow reading of that motion, the chances are very high that there will be at least some time for the hospice to be moved into Canberra Hospital.

Ms Carnell: Mr Stanhope said that he thought that that was fine.

MR MOORE: I noted this morning in the debate on the Appropriation Bill that Mr Stanhope did say that he was not worried about that and the hospice society was not worried about it. The hospice society, in speaking to me on this issue, said, "Yes, if that was to get the best possible site", and they were at the time speaking about Yarralumla. They said that they would be prepared to put up with that. The real issue with Yarralumla was, of course, the uncertain outcome in seeking a change to the Territory Plan.

There are good arguments as to why a hospice should go there, but you would have to say that there are also good arguments as to why the Territory Plan and the National Capital Plan identified that area specifically for recreation - one would imagine recreation associated with water sports, such as sailing and rowing, all of which line that base. There are good arguments both ways.

Mr Hargreaves: Not on the oval. It is not Alice Springs; it is Yarralumla.

MR MOORE: For facilities associated with that sporting area. That is why the recreation area has been set aside. I am saying that there would be good arguments to put for a variation to the Territory Plan. There being good arguments that could be sustained, it would mean that the outcome of seeking a variation to the Territory Plan would be uncertain and there certainly would be a long delay involved in that, and that would be before we looked at the National Capital Plan and the overlay there. That is why it is that the Hospice and Palliative Care Society, recognising those issues and the uncertain outcome, was prepared, as I understand it, to say that the Griffith site was a reasonable compromise. It will be interesting to hear what people have to say at the consultative meeting this evening which is part of the whole process that I have been going through.

There is some suggestion, Mr Speaker and members, that there has been a lack of consultation on the part of the Government; on the contrary. I said that I would keep an open mind, but my preferred position, as I made very clear quite some time ago, was a site overlooking water in a broad acreage on Lake Ginninderra. That was my personal preference and I did not make any secret of it. By the way, it was a change from my very first personal preference, which was a site behind Calvary in the bushland. I said to a number of members that that was my first personal preference, but it had been eliminated on the ground that it required a change to the Territory Plan because it was in a hills and buffer zone and there were good arguments as to why it should remain a hills and buffer zone - exactly the same sort of argument as to why the Hospice and Palliative Care Society have changed their view on Yarralumla - not that I do not still think that out behind Calvary would be the best site if we could have it, but it is too difficult.

I am demonstrating that I have been prepared to listen, prepared to change and prepared to vary my view, and I still am, as part of the consultation process. I have met with the Hospice and Palliative Care Society a number of times, I have met with the Hospice and Palliative Care Partnership Team, I have met with Sister Berenice and spoken to her on the phone as well and I have met with Calvary Hospital on a number of occasions. I had a very brief discussion on this issue at a social occasion with the head of the NCA. I have taken quite seriously the motion of the Assembly. I am quite comfortable with accepting it. We supported the motion of the Assembly as I was doing all these things anyway.

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

MR STANHOPE: Yes, Mr Speaker. I am almost intimidated out of asking it. Can the Minister explain how the site at Griffith was chosen? Was it discovered in the same way as the Hospice and Palliative Care Society discovered the Yarralumla Bay site, that is, on a Sunday afternoon drive? Was the Minister driven by the same sense of desperation that he was losing control of the situation as the society felt when it was ignored in consultations over the new site for the hospice?

MR MOORE: The society could not possibly think that it had been ignored. I briefed it about the sites right from the word go, Mr Stanhope, just as I provided a briefing for you on those sites. Not only that, when I provided the briefing we did not have the Yarralumla site on it. The Hospice and Palliative Care Society suggested the Yarralumla site and I added it to the group of sites.

Mr Berry: You did not speak to them like that, did you?

MR MOORE: Mr Speaker, can you shut up the cackling geese, the one that cannot remember?

Mr Corbell: "Goose"; it is singular.

MR MOORE: It is a gaggle of geese. Mr Speaker, to suggest that they have been ignored is simply nonsense. If they had been ignored, the Yarralumla site never would have been assessed. That having been the case, when the Hospice and Palliative Care Society came to me and said - - -

Mr Berry: You are cracking up. Settle down, mate.

MR MOORE: The reason I find it rather frustrating that Mr Stanhope should say that is that I have put out press release after press release pointing to the errors that Mr Stanhope makes in the statements that he makes publicly and it is those sorts of errors that he ignores in implying that I have ignored the Hospice and Palliative Care Society. I do not like it, Mr Stanhope, because I have met with them quite a number of times and have responded positively to their requests on a number of occasions.

The first occasion was when I added the Yarralumla site at their request and made sure that it was properly assessed. The second occasion was when I met with them in their capacity as part of the Hospice and Palliative Care Partnership Team. The third time was when they actually came into my office to talk about the issue of the assessment when I provided them with a copy of the assessment. That is not ignoring somebody. They said, "If we do not have the Yarralumla site, will you name some other sites?". I said, "Yes, I will", because I was being responsive.

I sat down with Mr Smyth and somebody from the planning authority and somebody from the Department of Health to attempt to assess from the Territory Plan other possible sites with a central location. Those sites that we chose were consistent with the Territory Plan because it seemed to me that, if we were to have an opportunity to complete a hospice on a suitable site within the timeframes, we ought to be choosing a site on the Territory Plan, a plan agreed to by the Assembly, that is consistent with having a hospice.

That is what we ought to be doing and that is how we ought to be delivering in the attempts we make to implement community facilities. That is what I have been trying to do. Mr Stanhope, contrary to the notion implied in your question that I have not consulted, I have consulted very widely. But I have not consulted, listened and said, "No, I am ignoring you". I have consulted, listened, modified what I was doing and responded very positively to their requests.

Bega Flats - Eviction of Tenants

MR OSBORNE: My question is to the Minister for Urban Services and is about antisocial behaviour. By the way, Mr Speaker, I do not know whether members of this Assembly are aware that we actually have a hero within our ranks in Mr Rugendyke. Mr Speaker, it is related to the question. Mr Rugendyke was in New Guinea last week, as we know. Apparently, he was in the foyer of his motel when there were gunshots at journalists. Mr Rugendyke turned round and apprehended the first person he saw with a gun, threw him to the ground and then pinned him up against a wall. He found out 10 minutes later that he had got the security guard. I am very proud of you, pal.

Mr Rugendyke: Nicely embellished.

MR OSBORNE: It is a true story. There is a difference between wearing plain clothes and being a detective. Minister, I noted your announcement today that trouble-making tenants who live in the Bega Flats will face eviction under a new government plan. How is it that antisocial behaviour has increased in spite of patrols at the flats by on-site security? Are the Bega Flats the only government owned flats being targeted by this new policy? What tests are applied to a person's behaviour to determine whether it is antisocial? Do we need to send Dave Rugendyke down there?

MR SMYTH: Mr Speaker, it is funny that Mr Osborne should ask about sending Dave Rugendyke down there. Kerrie Tucker and Bob McMullan - I am not sure whether there were any other MLAs - were there the other Thursday night. You have to understand that at the ABC flats, as they are collectively known, there really is a great community spirit. They put on a concert quarterly. Until now the concerts have been musicals. For the concert they put on last week they had actually written a play about antisocial behaviour, oddly enough, social behaviour, relationships between the tenants and authorities, and other matters. It is a real credit to the group that actually work to build up the tenants at the ABC flats.

Mr Stefaniak: Hear, hear!

MR SMYTH: Bill Stefaniak often attends, but asked me to give his apologies for last Thursday. You do have a core of great people in these places who work really hard to build up community spirit, look out for each other and build a sense of belonging. Ms Tucker is with us now. She and her husband were there for the concert at the ABC flats the other night. It is unfortunate that you do occasionally get those who would bring the place down. We do have the ability to send show cause letters to tenants and we do have the ability to evict. In this case, we have sent a show cause letter as to why we should not evict a person and we have sent one tenant a notice of eviction, and we will carry that through.

It is very important that we do this because you just cannot have the one rotten apple, as it were, ruining the whole bunch. The Government is quite aware of its responsibilities to places such as the ABC flats. In particular, the Government is currently spending $4.2m on upgrading the 228 two-bedroom units at Allawah and Bega courts because we do want to provide the sort of accommodation that tenants are entitled to.

Rugby League Park

MR QUINLAN: Mr Speaker, my question is to the Minister for sport and recreation, I think. Can the Minister advise the Assembly of the status of the $1.7m provided in last year's budget for the upgrade of Rugby League Park? What progress has been made towards installing the promised facilities?

MR STEFANIAK: I understand that there are still a few problems in relation to that which are being worked through, Mr Quinlan. Naturally, they have to be worked through to the satisfaction of the Government before the money will be actually released. I think that there are some matters before PALM at present which are being resolved between a number of parties. As far as I am aware, they are fairly close to fruition. I cannot comment on the exact status of those matters before another department. Certainly, the Government made that commitment at the last election, but it has to be satisfied that all the requirements are, in fact, met prior to releasing the money.

MR QUINLAN: I have a supplementary question, Mr Speaker. Has it been decided at this point to whom the funds will be entrusted to manage the development of the facilities? Is the Minister aware of any dispute between the Raiders club and the Canberra and District Rugby League over which body will have control or ownership of that grant?

MR STEFANIAK: Mr Quinlan probably is well aware that there have been considerable discussions and problems in the past in relation to that piece of real estate and some surrounding areas. The Government made the money available in last year's budget.

Ms Carnell: You should have asked Bill Wood as he had to deal with it, too.

MR STEFANIAK: Yes, it does go back, as the Chief Minister interjects, to Mr Wood's time. The Government made the money available for the Raiders, quite specifically. As I said, there are a number of problems which are still being resolved. I am hopeful that they will be resolved as soon as possible. Certainly, I am confident that that will occur.

Intellectually Disabled Workers

MR HARGREAVES: My question is to the Minister for Urban Services. In 1989 the ACT adopted the intellectually disabled access plan for ACT Government departments. Earlier this year several intellectually disabled workers in CityScape lost their jobs. We have the case now of a 45-year-old intellectually disabled woman being placed in a so-called departure lounge because after nine years of loyal service her clerical

position in Urban Services has been declared surplus. My question is: Why are the needs of the relatively few disabled workers in the ACT Public Service not being safeguarded?

MR SMYTH: Mr Speaker, there are a number of people with disabilities employed across my department and across the ACT Government. Positions do become redundant. In this case one of the officers involved is a person with a disability and that person will be given all the assistance they need to find further employment inside the ACT Government. We do not have involuntary redundancies. That person will be given all the assistance that she is deserving of.

MR HARGREAVES: Mr Speaker, I have a supplementary question. Minister, does your department have an EEO policy giving disabled people better than a fair go or do you think that they are adequately cared for by this "caring" Government?

MR SMYTH: Mr Speaker, this Government is committed to EEO and across Urban Services - in Housing, still in CityScape, contrary to what some across there would say, at the nursery and in some other areas of my department - we employ people with disabilities. We are pleased to employ them. We are very proud to have them because they fulfil wonderful functions and carry out very productive occupations. In this case, the position itself is redundant. The person is not redundant. There are no involuntary redundancies. This person will be catered for to the best of our ability.

Advanced Transport System

MR HIRD: My question is to the Chief Minister, Mrs Carnell. I refer to yesterday's announcement regarding the site for a test track for an advanced transport system developed by an Australian company known as Bishop Austrans. Can the Chief Minister inform the parliament how this project came about and how the ACT Government was able to secure such an exciting project for Canberra and the region?

MS CARNELL: Thank you very much, Mr Hird. This project is very exciting and I hope that all members of this Assembly will share my excitement with it. The Bishop Austrans project came about - - -

Mr Berry: You are pretty easily excited.

MS CARNELL: I understand that Mr Berry is always upset when the Government has another success. The project came about as a result of the Government's approach to encouraging companies and businesses to come to the ACT. The approach we took was proactive. We got the Commonwealth - via NCA, the CSIRO and the ANU - and CanTrade to act as a team. That team went to a board meeting of the Bishop Austrans company and made a presentation, as they did in a number of other circumstances. That presentation, I am told, was of world class. As has been said by representatives of Bishops in media releases over the last couple of days and at the launch yesterday, the presentation showed Canberra in a different light, from their perspective. It showed

Canberra as a city that was willing to do business, that was at the forefront of technology, that was easy to do business with and that was enthusiastic and keen to make work projects such as this one that are at the leading edge of technology.

Mr Speaker, the thing that is fascinating about this matter is that if it had not been for the work done by CanTrade, particularly Brian Jones and Jim Murphy, this project simply would not have eventuated. It was only last week that members opposite were making some fairly disparaging comments in this place about Mr Murphy.

Mr Stanhope: This does not involve utilising his trailer, does it?

Mr Hargreaves: He will have to have a few more trailers.

MR SPEAKER: Order!

MS CARNELL: I agree, Mr Speaker. I find it really concerning that people who give their time freely, at no cost, to the ACT Government and the ACT community and pull off projects like this one that will bring many millions of dollars to the ACT are not supported by the people opposite. Bishop Austrans and CanTrade met initially a while ago and CanTrade brought them to see me. I have to say that it has taken a fair amount of time to work up the project. But the exciting thing was that last September, Bishop Austrans was awarded an R&D start-up grant of $14.3m by the Industry Research and Development Board. Mr Speaker, that is one of the biggest R&D grants - I think it is the biggest R$D grant - ever given.

As Bishop Austrans say in their press release, one of the reasons that they came to Canberra is that the ACT has a higher per capita spending on research and development than other States and Territories. In fact, whereas the rest of Australia has decreased expenditure on R&D over the last couple of years, the ACT has significantly increased it. In fact, the increase has been in the vicinity of 10 per cent, whereas there has actually been a reduction in the rest of Australia. That shows that the policies that have been adopted by the Government and CanTrade to present the ACT as a high tech destination are actually working and producing very real benefits on the ground.

Bishop Austrans is going to set up a demonstration site situated on the northern side of Fairbairn Avenue between Majura Road and Northcott Drive. It will involve a three-kilometre demonstration track - a 1.5-kilometre straight track with loops at either end to make a three-kilometre project in total - and there will be associated facilities for maintenance and R&D. There will be a visitors centre as well, which we believe and Austrans believes will attract many parties interested in having have a look at this sort of technology in the ACT.

One of the things of interest that the Austrans executive mentioned yesterday at the launch was that the ACT is alongside Singapore at the moment in that the Singapore Government have just approached Bishop Austrans to set up a test track in Singapore as well. That shows the level of interest in the project and the sorts of governments that are taking the same aggressive stand as we are, governments at the absolute forefront of research and development.

Mr Speaker, with regard to the project, we will see the tracks up and running next year in Canberra. The sum of $5m will be spent on this test track. Mr Speaker, I will finish by doing something of which those opposite do the opposite regularly, that is, by congratulating the public servants who have been part of this project, particularly George Tomlins, who has done a huge amount of work in this area with regard to Speedrail and the airport. This just shows again the quality of the people involved. Also, I wish to recognise the work done by Bruce Sinclair, a Canberra engineer who is on the board of Bishop Austrans. He has worked very closely with us to ensure that Canberra gets the appropriate recognition for this important project.

Again, I think that this project shows the importance of the ACT Government being proactive, not reactive, as those opposite are. This project would not have come to Canberra if we were not out there marketing Canberra as a great R$D destination, a good business destination and a place in which it is easy to do business.

MR HIRD: Mr Speaker, I was not going to rise with a supplementary question, but I have had enough of the crew over there. They laugh and joke at the expense of good people who work bloody hard, such as Mr Murphy. They just laugh and joke about these things, sir. Chief Minister, did the Labor Party have anything to do with bringing this multimillion dollar project to Canberra and the jobs that will result for not only the ACT but also the region?

MS CARNELL: Mr Speaker, that is a very easy question to answer. No; and, thank goodness, in this particular instance they did not undermine it, either.

Bega Flats - Drug Trafficking

MR KAINE: Mr Speaker, my question is to the Minister for Justice and Community Safety and relates in a way to the question that Mr Osborne asked earlier of the Minister for Urban Services. Minister, are you aware of the concerns of many residents of the Bega Flats who report that they are living under a reign of terror because of the apparently unimpeded drug trafficking going on there? What steps is the Government taking to ensure the enforcement of the law relating to the distribution, sale and use of illegal drugs, especially heroin, in the vicinity of the Bega Flats?

MR HUMPHRIES: Mr Speaker, I thank Mr Kaine for that question. I am happy to indicate that the Government believes that dealing in drugs is an issue of the utmost seriousness and actively supports the AFP in its efforts to ensure that those who seek to profit from the misery of those who are addicted are apprehended and brought to justice as quickly and as effectively as possible. I have to say that I tend to avoid using phrases like “reign of terror” in connection with parts of the ACT. I do not think that any part of the ACT is subject to a reign of terror or ever has been. I hope that members of this place will not give currency to hyperbole of that kind by making such assertions.

The fact remains, even with the most recent set of figures from the Australian Bureau of Statistics on crime and victimisation in the ACT, that the ACT is a relatively safe place to live compared with other Australian cities. Although there is much work to be done to retain that status, I believe that it is not seriously at risk.

Mr Speaker, I am aware of some concerns in recent days about a number of drug deals occurring at the Bega Flats. I am told, although I did not see it, that there was a report on one of the TV stations a couple of nights ago disclosing a drug deal that was actually caught on camera. That was evidence, apparently, of unchecked drug dealing taking place in that part of the city.

First of all, members will be aware that the city is a place where probably more drug dealing occurs than elsewhere in the ACT because it is a meeting place. People will come to congregate and interact and that is where, unfortunately, a large number of drug deals do occur. Places such as the Bega Flats are not exceptional in that respect. Secondly, Mr Speaker, the particular incident which, I understand, was caught on camera by, I think it was, WIN Television, the other night was observed at the same time by undercover AFP officers, I understand, and an arrest was subsequently made.

Mr Speaker, I think it is quite wrong to suggest that the AFP are not both aware of and addressing the question of drug dealing in particular parts of the ACT. I am confident that the resources they are now putting into this exercise will be sufficient to deal with a large number of the issues that that gives rise to. In fact, in the last few days, there has been a very intensive effort, particularly around the Civic area, to clean up a number of antisocial activities, particularly relating to drug dealing and drug abuse. Mr Speaker, the AFP have had considerable success with that exercise in sending a very clear signal to those who seek to use Civic, in particular, as a kind of a marketplace for drugs that they can expect a much greater degree of pressure than they have experienced in the past if they want to continue doing that.

MR KAINE: I have a supplementary question. Minister, I heard what you said and I take it at face value, but I ask you again: Are you satisfied that the resources currently devoted to the Bega Flats particularly are adequate, given the concern of many of the residents who live there?

MR HUMPHRIES: Mr Speaker, the question of devoting resources to a particular place in the ACT is a very transitory issue. I would never say to the AFP that for the next two weeks, the next month or the next six weeks they should put a particular number of resources into a particular place in the ACT because, first of all, I do not think that the AFP should be directed, generally speaking - there are some exceptions perhaps - to the place where politicians or governments feel that there needs to be the most activity, for political purposes.

I think that there does need to be a response to issues of concern to the broader community and, in turn, to politicians; but, essentially, the task of allocating resources and directing targets within the range of issues that the AFP have to deal with is an issue for the AFP themselves. They should be working out where the most pressing needs arise. They have to decide what are the most important priorities. Obviously, they will tend to give issues where people are actually being held up, robbed, attacked or

whatever as their first priority. Those sorts of things need to be targeted first. In terms of preventative policing, obviously the AFP will have to target things where they can put the resources in to make sure that they have got the right kind of response, based on a whole range of factors, including the number of people that they have available to do a particular job.

I suppose I would say in answer to Mr Kaine's question that there is always a use, potentially, for more police. That is probably true for every State in Australia. But it is also probably possible to say in other areas of government service that more hands would create some greater output in some respect. I think we have to work out how we can best use our available resources as our first priority, Mr Speaker. I am confident that the police are giving the appropriate priority to Bega Flats within the range of their present responsibilities.

Youth Rehabilitation Centre

MR WOOD: Mr Speaker, my question is to the Minister for Health and Community Care, Mr Moore. Minister, earlier this year you announced joint Commonwealth-ACT funding for the development of an ACT youth rehabilitation centre. At the time, you noted that the Government was considering providing a building to house the rehabilitation centre and I recall that Watson Hostel was being proposed as a possible site. However, I notice in the budget papers that the Department of Health and Community Care proposes to sell those premises. Basically, I am interested in where we are going here.

Ms Carnell: No.

MR WOOD: I get the message that you are not proposing to sell Watson Hostel. Is that likely to be the building to house this rehabilitation centre or is another building proposed? What information can you give about that rehabilitation centre?

MR MOORE: I thank Mr Wood for the question. No, the Watson Hostel is the favoured site for the youth rehabilitation centre. Certainly, the Ted Noffs Foundation people have been up to have a look at it, along with ADDInc, who are the people who won the tender from the Commonwealth and are interested in proceeding with that site. The issues are being finalised at the moment and we expect the first clients of that service to be there at the beginning of the year. I expect it will be at Watson Hostel. I do not expect any change to that, but if there is any change to that I will inform members in writing immediately and consult them as to the reasons for that. I do not expect there to be a change. I do expect it to occur at Watson Hostel.

Hospice

MR CORBELL: Mr Speaker, my question is also to the Minister for Health and Community Care. Can the Minister explain why the assessment of potential new hospice sites was asked to include the eventual addition of a 60-bed aged care facility?

MR MOORE: I thank Mr Corbell for that question. A 17- to 20-bed facility for a hospice is certainly what we are intending to build at the moment. Some schools have been designed so that at the end of their life, due to changes in demographics in the area, they can be adapted for aged persons homes and care. In the same way there was a question as to what would happen to a hospice facility if the general thrust of palliative care continued as some commentators have suggested and we did not have a free-standing hospice and we did not have a hospice within hospitals; in fact, the palliative care was dealt with almost entirely in homes.

What would be the case should that happen? The contingency issue was that in those sorts of cases we would have to make sure that we had a facility large enough to be viable. Therefore, should we be able to convert a hospice to a nursing home, which is the most apparent thing for the conversion, and should we make sure that that contingency exists? It is only a contingency. There is no suggestion, there is no money appropriated and there is no intention to build anything other than a 17-bed hospice.

As part of my consultations with the Hospice and Palliative Care Society, Sister Berenice, who is the manager of the hospice, Calvary Hospital and the Hospice and Palliative Care Partnership Team, we will be including in the building offices for the palliative care team that currently works from the hospice. We will make sure that that is included. Mr Corbell, it is a very long-term issue to make sure that there is enough land around the hospice in case it should happen. It is a very minor issue, but it was considered as part of the range of issues that have been considered.

MR CORBELL: I have a supplementary question. Minister, can you assure the Assembly that all sites will be assessed against the same criteria, or is it simply the case that the requirement for the aged care facility was put in to favour some sites over others?

MR MOORE: No, it was not put in with any intention of favouring some sites over others. No, the hospice sites will not all be assessed against the same criteria. Some sites, such as Yarramundi Reach, obviously will be eliminated very early and therefore will not go through the full assessment process.

Let me give you another example. A Garran site was suggested. It is quite clear that there is a very noisy road next to that site and to go into further assessment of that site would be just a waste of money. Of the sites remaining, we will certainly look at the full range of criteria before making a decision. But that will not remove the possibility of eliminating sites on a particular overwhelming ground.

Education - MAZE System

MR BERRY: My question is to the Minister for Education and relates to the introduction of the MAZE system into the ACT education system. Is the Minister aware, firstly, that the training for its users is inadequate; secondly, that the program is not powerful enough to perform all the tasks required; and, thirdly, that students' end-of-year reports may be delayed as a result of that?

MR STEFANIAK: In relation to the first question, the training, from what I can gather, is in fact adequate. In terms of it not being powerful enough, there have been some problems, which you would expect with a system like that. To my knowledge, they have been largely sorted out. One recent problem meant that some reports were delayed - not by an inordinate amount of time, but more by a matter of a few days.

In terms of the third point that Mr Berry raised, that is something that might happen in the future. Obviously, with any new system the idea is to iron out the bugs early so that people are not affected adversely. Obviously, it is of great concern to the department to sort out the problems there. I would hope, Mr Berry, that all the problems have been sorted out and the problem you anticipate will not occur at the end of the year.

MR BERRY: Mr Speaker, I have a supplementary question for the Minister. Would the Minister care to detail to the Assembly the steps he has taken to ensure that end-of-year reports will not be delayed?

MR STEFANIAK: Mr Berry, I think you are well aware of some problems with mid-year reports which did mean that some were available in the first week of the third term rather than right at the end of the second term. My understanding there is that work was done to ensure that that problem was rectified. I intend to ensure that problems like that simply do not occur in future. I hope that the rectification of that problem will mean that there will be no repetition, certainly for the end-of-year reports. To my knowledge, that problem has been rectified, but I will certainly reinforce with the department the need to ensure that anything further that has to be done is done and is done in a timely manner.

Energy Efficiency Rating of Premises

MS TUCKER: My question is directed to Mr Humphries in his role as Minister for Justice and Community Safety. Minister, you will recall that in December 1997 the Assembly passed the Residential Tenancies (Amendment) Act 1997, which required that landlords advertising the rental of residential premises advise potential lessees of the energy efficiency rating of the premises, if such a rating existed. The Act was meant to tie in with the Energy Efficient Ratings (Sale of Premises) Act 1997, which came into effect on 31 March 1999. It has come to my attention that, despite the existence of the Act, virtually none of the advertisements in the newspapers for rental properties has contained an energy efficiency rating. Could you please explain whether you have taken any action to implement the Residential Tenancies (Amendment) Act?

MR HUMPHRIES: Mr Speaker, I recall writing to someone - I think it was Ms Tucker - recently on this subject. I think she wrote to me asking much the same sort of question and I think my answer is on its way back to her at the moment. I recall signing it, but it may have been sent off for further amendment.

Mr Speaker, it is true that a large proportion of the ads appearing in newspapers at the moment still do not have reference to an energy rating on the houses being sold. I understand that they are still using descriptions such as “energy rating to be supplied”, “energy rating still being obtained” or something of that nature.

Ms Tucker: I am talking about rental accommodation, not sales.

MR HUMPHRIES: I understand that it is also the case with rental accommodation that there is some indication of a provisional status or pending status for the ratings concerned. If it is the case that there is a lack of observance of the provisions in the legislation which are now applied to people advertising homes for rent, it is a matter which the Consumer Affairs Bureau will attend to. As a result of what I think was Ms Tucker’s earlier letter, I have asked the bureau to pursue the matter. There are a large number of pieces of legislation of a regulatory kind which have the potential not to be enforced and I cannot promise that I will give overly large weights to the enforcement of this provision when there are, arguably, other more important provisions in other legislation to enforce.

But, having raised the matter, I am conscious of the need to make sure that relatively recent legislation that the Assembly has passed is both seen as being appropriate legislation and properly enforced. I have asked the Consumer Affairs Bureau to ensure that it does send a clear signal whichever way it chooses, whether it is by reminding real estate agents or perhaps launching a prosecution or threatening to do so, that this legislation is out there, that there is an obligation on advertisers of homes for rent or accommodation for rent, and that the Government would expect that there be compliance with that legislation within a relatively short period of time.

MS TUCKER: I have a supplementary question. Minister, as chief law officer of the ACT, I would have thought that you needed to take a stronger position on this matter because breaches have been occurring since 31 March. You seem to be saying that you think that flexibility is appropriate at one point. My supplementary question is: At what point do you believe that this law needs to be actually observed?

MR HUMPHRIES: Mr Speaker, I am not telling Ms Tucker that I am not concerned about breaches of the law. What I am saying is that at any given time there may be a large number of issues of enforcement of laws which a body like the Consumer Affairs Bureau needs to pursue. She has drawn it to my attention as Minister in recent correspondence. I think it was Ms Tucker. You wrote to me, did you not, Ms Tucker?

Ms Tucker: I probably did, but I thought you might notice these things as the chief law officer. Why do I have to draw them to your attention?

MR HUMPHRIES: Okay, Ms Tucker did write to me. I just wanted to confirm that that was the case. I somehow doubt that anybody else would be interested in writing to me on the subject, but Ms Tucker certainly did write to me. I am certainly concerned about breaches of the legislation and I can assure you that, if you wish, I will bang the table even more harshly with the Consumer Affairs Bureau and tell them that I really want this provision to be enforced because Ms Tucker put the Bill up and it is important that the Assembly enforce it.

Mr Speaker, I have indicated that I do consider any law deserves to be enforced. I have not taken the view that any law can be ignored if it is not being enforced, just pushed into the background, and I will make sure that this issue is followed through with the Consumer Affairs Bureau to make sure that appropriate action is taken. I was not saying that flexibility is appropriate in the sense that we should let people off, necessarily. I am saying that we should use the process of sending a signal first of all to the industry that that law is out there. It is possible that some people are not aware of its implications or its existence and they need to be reminded of that fact. I will make sure that the Consumer Affairs Bureau follows that matter through appropriately.

Belconnen Pool

MR RUGENDYKE: My question is to my travelling companion, the sports Minister, in relation to the Belconnen pool project. Minister, could you please advise the Assembly what response the Competitive Neutrality Complaints Unit has made to the complaint filed by the private pool operator in June this year?

MR STEFANIAK: I thank the hero of Port Moresby for the question. In response to Mr Rugendyke's question, the Competitive Neutrality Complaints Unit is actually situated in the Chief Minister's office. I am not quite sure whether it has actually responded. I think that the complaint that was lodged immediately after the Government announced in the budget its proposals for the Belconnen pool complex is very similar to the previous complaint. Events have moved on apace since then, Mr Rugendyke. We have also made public the Allen Consulting Group report on its study of public costs and benefits and that, I think, led to the second complaint.

We have also asked - indeed, it was advertised last weekend in both the local paper and national papers - for expressions of interest in private sector involvement in the pool. As you are probably well aware, the Government has stipulated that it wants to see four definite areas in any complex. Indeed, that is what its $8m is to go towards - namely, a 50-metre indoor, all-weather, year-round pool; a three-lane, 25-metre warm-up pool; a sound system; and seating for up to 800 people. The Allen report indicated that those things were a must and those things were what the Government should stipulate and should provide money towards. The rest of what is provided should really come from the private sector.

We have invited expressions of interest from the private sector and I would anticipate that the firms short-listed in that exercise would then be invited to lodge detailed proposals, and it is anticipated that that would be done by mid-December. I am advised that the complaint has been rejected That is the advice I have received. I am getting that second-hand because it comes from someone else's department. I have also noted – Mr Rugendyke might have seen it, too - a press release from one of the three owners of private facilities that they may well be taking further action. We will just have to wait and see in relation to that. Accordingly, at this stage we are awaiting the expressions of interests of the private sector in terms of involvement.

The Allen report indicated that there are a number of schemes which probably would be quite attractive to the private sector, especially the builder-owner-operator and the builder-owner-operator and transfer schemes. I am aware of interest already in this project in some areas of the private sector.

MR RUGENDYKE: I thank the Minister. As a supplementary question, I ask: Is the Government confident that the project is now safeguarded against further complaints that might hold up this vitally needed asset for Belconnen?

MR STEFANIAK: I do not know that the Government is confident. Certainly, there have been some vocal critics of the proposal. As I indicated, I did notice upon my return a press release by one of the private operators who have been involved in complaints before indicating that he - and I think some other people with him - had the intention of looking at further action, including legal action. I suppose that is anyone's right. We will have to see what occurs there. I am unaware of any definite action being taken. I am merely indicating to you as a result of your question that I did see such a press release. I could probably make available a copy of it if you do not have one. Certainly, one turned up in my office.

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

AUDITOR-GENERAL - PERFORMANCE AUDIT OF OPERATION
Paper

MR SPEAKER: For the information of members, I present, pursuant to subsection 31(3) of the Auditor-General Act 1996, the report by the Independent Auditor on the performance audit of the operation of the Auditor-General of the Australian Capital Territory.

WORKFORCE STATISTICAL REPORT
Paper

MS CARNELL (Chief Minister): For the information of members, I present the ACT Government's workforce statistical report for the fourth quarter of 1998-99.

MINISTERIAL TRAVEL REPORT
Paper

MS CARNELL (Chief Minister): Mr Speaker, for the information of members, I present the ministerial travel report for the period March to June 1999.

CANBERRA TOURISM AND EVENTS CORPORATION
Paper

MS CARNELL (Chief Minister): For the information of members, I present the Canberra Tourism and Events Corporation quarterly report for April to June 1999, pursuant to subsection 28(3) of the Canberra Tourism and Events Corporation Act 1997.

SUBORDINATE LEGISLATION
Papers

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

The schedule read as follows:

> Dental Technicians and Dental Prosthetists Registration Act - Determination of Fees - Instrument No. 198 of 1999 (No. 33, dated 18 August 1999).
>
> Motor Omnibus Services Act - Motor Omnibus Services Regulations (Amendment) - Subordinate Law No. 14 of 1999 (S48, dated 12 August 1999).
>
> Physiotherapists Act - Determination of fees - Instrument No. 197 of 1999 (No. 33, dated 18 August 1999).
>
> Tobacco Licensing Act - Determination of tobacco licence fees - Instrument No. 196 of 1999 (No. 33, dated 18 August 1999).
>
> Water Resources Act - Approval of Water Resources Management Plan - Instrument No. 203 of 1999 (S51, dated 27 August 1999).

FINANCIAL MANAGEMENT REPORT
Paper

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members, I present the consolidated financial management report for the period ending 31 July 1999, pursuant to section 26 of the Financial Management Act 1996.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION NO. 137 TO THE TERRITORY PLAN
Papers and Ministerial Statement

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, variation No. 137 to the Territory Plan, relating to section 86, block 2, O'Connor - Macpherson Court. In accordance with the provisions of the Act, this variation is presented with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, variation No. 137 to the Territory Plan proposes to change the land use policy for block 2, section 86, O'Connor from residential to residential with a B11 area specific policy overlay. The variation will enable the replacement of the Macpherson Court flat complex with an integrated development of public, private and community housing. The development is to be undertaken by Community Housing Canberra.

Mr Speaker, six submissions were received on this variation, including one from the Majura LAPAC. The Standing Committee on Urban Services considered the draft variation and, in report No. 29 of 25 August 1999, endorsed the proposal. The committee also recommended that, in view of the range of issues raised by submitters in relation to the Macpherson Court site and its environs, it be fully briefed on the section master plan for the Macpherson Court area before it is signed off. I am pleased with the degree of interest shown by the committee in relation to this matter, Mr Speaker, and PALM will provide me with regular updates in relation to the development of the master plan, which I will pass on to the committee. PALM will also be available to provide a detailed briefing to the committee.

Mr Speaker, I now table variation No. 137 to the Territory Plan for Macpherson Court at section 86, block 2, O'Connor.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1999

Debate resumed.

MS TUCKER (3.29): The Greens will be supporting this legislation. We believe that it is a good thing to ensure that people using motor vehicles drive at or below the speed limit. I will speak also to Mr Hargreaves' proposed amendments. I understand that Mr Hargreaves wants to provide for a period in which the community would not have to pay the proposed penalty for speeding. We will not be supporting that because we believe that it is not appropriate for people to be speeding. If people are apprehended by speed cameras for speeding, so be it; they can pay the penalty for that. We are happy to support this legislation. We think that it is a useful road safety measure.

MR OSBORNE (3.30): Mr Speaker, I rise in support of this piece of legislation. I, like Mr Hargreaves, have some amendments. I will speak to them when I move them.

MR SMYTH (Minister for Urban Services) (3.31), in reply: I thank Ms Tucker and Mr Osborne for their comments and for their support for this Bill. Mr Hargreaves in his speech made some very interesting comments that I really do think have to be brought to the attention of the public. The point here is that Mr Hargreaves, on behalf of the Labor Party, seems to think that you can speed safely for two months and get a warning for your first offence simply because you have been caught by a speed camera.

It would be interesting to note the logic that he uses to get to that position. Speeding is speeding, whether you are caught by an officer on a motor cycle or by an officer with an apparatus such as a speed camera, and speeding, as Ms Tucker pointed out so well, is not acceptable. Last year in the ACT there were something like 22 deaths and 700 serious injuries from motor vehicle accidents. The whole debate seems to have been a distancing exercise on behalf of the Labor Party. They are the ones who have constantly made reference to revenue raising, yet Mr Hargreaves in his opening remarks in this debate today actually said that speed cameras work in the States and were really good and that we should be endorsing them. Why not get straight into it? That is quite amazing. Actually, it is not amazing; the Labor Party is just out of touch with the public.

It is quite interesting to look at the research that the NRMA did on this subject. Members opposite are always after more research. The NRMA did some research on this subject and found - these are the NRMA's words, not mine - that Canberrans have a high awareness and understanding of how speed cameras work.

Mr Hargreaves: Sixty people.

MR SMYTH: Are you criticising the NRMA's research, Mr Hargreaves? Mr Speaker, it should go on the record that Mr Hargreaves interjects doubting the validity of the NRMA's research. It said that Canberrans had a high awareness and understanding of how speed cameras work. The NRMA also concluded that Canberrans knew that they already seemed to be well-established outside the ACT and considered it inevitable that they would enter the ACT. The two most important parts are that Canberrans actually believe that speed cameras were a proven deterrent and that Canberrans saw speed cameras as a solution to the speeding problem. It seems that everybody agrees on that, except the Labor Party. I guess that is what we have come to expect of them.

Mr Hargreaves went on about the five Es - education, engineering, evaluation, encouragement and enforcement - and there was the occasional grudging acknowledgment that the Government was doing some of those things. Mr Speaker, we do all of them. We are leading the world in driver education and the attitude of new drivers next year will keep us there. There is a lot of interest in the program that we are developing to make sure that before we allow our young drivers out on the road they are actually well qualified to handle the situations that they will find.

Mr Hargreaves spoke about engineering. I think that it would be fair to say that we have the best road system in Australia. It is a splendid road system and it is being maintained at that rate. As to evaluation, we have already said that we will have an independent evaluation of the speed camera program. That is why Mr Osborne's amendment is acceptable to us. We will put in a sunset clause because we believe that all of that will be met. In terms of encouragement, we have a road safety strategy and we have in place lots of encouragement to ensure that drivers understand their responsibilities.

When it comes to enforcement, we have it here, Mr Speaker. The sting in the speed cameras is that you cop a fine. It is not that you get a letter saying, "We caught you". Mr Hargreaves' ill-conceived idea of a two-month moratorium simply indicates that the Labor Party believes that you can actually have safe speeding. Mr Speaker, it is really interesting that he refuses to acknowledge any of the facts. When we did our survey – I released the facts, so they are public knowledge - we caught a person doing 107 kilometres an hour in a 60-zone in Antill Street. Under Mr Hargreaves' concept, that would be okay for a first offence; you could do 107 kilometres an hour in a 60-zone. Where is the logic in that?

Mr Speaker, we caught somebody doing 107 kilometres an hour in a 60-zone on Belconnen Way. Under Mr Hargreaves' amendment, such a driver would get a letter saying, "We caught you, but we are letting you off this time as we are using new technology". Where is the logic in that? How do you explain to a mother who gets a knock on the door from a police officer to say, "Your son was in a motor vehicle accident, but we are not going to do anything" - if you look at the amendment, we would not be doing anything - "because it was the first time he got caught by the camera."?

Mr Speaker, among the others were 107 and 106 kilometres an hour on Kingsford Smith Drive, which has an 80-zone. The corker, of course, was the young P-plater who was doing 145 kilometres an hour in a 100-zone on the Monaro Highway. Under Mr Hargreaves' amendment, which has the Labor Party's endorsement, that person would get a slap on the wrist. That is appalling. The people opposite talk about being in touch with the community. The community have left them way behind on this issue.

Members opposite talk about processing mistakes. Mr Speaker, if a 10 per cent tolerance had been applied to the trial it would have left something like a potential 1,182 offences being detected in the trial.

Mr Hargreaves: You money-grubbing little person.

MR SMYTH If the trial had been the real thing, only 827 of those would have been considered suitable for prosecution because we could not see the numberplate or something obscured the numberplate or for other factors. Mr Hargreaves continues. He has been caught out. You can tell that he has been caught out because the tone goes up in his voice and he calls us a money-grubbing government.

Looking at the facts, Mr Speaker, the cost of motor vehicle accidents to the ACT is $180m a year. That is the money cost. Who knows what was the cost to the families of the 22 deaths and 700 severe injuries last year. Who knows what that cost. How do you quantify the cost of personal loss and grief? The Labor Party speaks about a two-month

delay. If you proportion that out at $15m a month, they are willing to inflict an extra $30m worth of trauma and disability services on the people of the ACT. You can work out for yourself what that would be in terms of casualties and possible deaths. The sad thing about it, Mr Speaker, is that they are so out of touch with the people of the ACT that Mr Hargreaves will even cast doubt on the validity of the NRMA's research.

Mr Speaker, these people are already speeding. We have an obligation in this place to stop the ones who are breaking the law. What we have here today - and I do welcome the support of the Assembly on it - is the ability to implement a tool that will allow us to do that more effectively. It would be remiss of us if in the implementation of this legislation we were to allow the John Hargreaveses and the Labor parties of the world to permit people to continue speeding excessively for a further two months.

In 1995 the Government did an in-depth crash study which concluded that excessive or inappropriate speeds were a factor in 50 per cent of crashes. Mr Speaker, would you not like to reduce the impact of speeding in half the crashes that occur in the ACT? The Liberal Party certainly would, the Government would and I understand most of the crossbenchers would. I cannot for the life of me understand why the Labor Party would delay that impact by two months.

Mr Speaker, the use of speed cameras will cut road trauma and the resultant hospital, rehabilitation and insurance costs. It is interesting that Mr Hargreaves was outside at lunchtime saying to the press that he did not believe the research. I think it is appropriate to put on the record what Mr Hargreaves and his Labor Party do not believe. Just in case there should be any doubt at all on the validity of these figures, Victoria - let us be honest, a State governed by a Liberal party - said that the proportion of crash vehicles exceeding the speed limit fell by about 80 per cent and the number of fatalities and injury crashes fell by about 20 per cent, with the greatest impact, about 30 per cent, being on arterial roads.

Given that the vast majority of our speeding is done on our arterial roads and that our arterial road system is very good, we could expect an even greater impact. If you do not want to believe Jeffrey's figures from Victoria, let us go to Queensland, a Labor State. The proportion of vehicles exceeding the speed limit fell by about 80 per cent. A 61 per cent - - -

Mr Hargreaves: I do not believe it.

MR SMYTH: Mr Hargreaves interjects that he does not believe it. Clearly, Mr Hargreaves does not believe anything. In Queensland, there was a 61 per cent decrease in speeding offences after cameras were introduced and a 24 per cent reduction in road fatalities in the year following speed camera introduction. Labor and Mr Hargreaves do not want to believe that. In South Australia the proportion of vehicles exceeding the speed limit by over 10 kilometres an hour fell by about 85 per cent and there was a 15 per cent reduction in casualty crashes in the year after the speed cameras were introduced.

Let us go on to Tasmania, another Labor State. If you do not want to accept coalition States, let us go to Tasmania. There was a decline of about 75 per cent in the number of vehicles exceeding the speed limit and a reduction of about 50 per cent in the number of fatalities in the first three years of camera operation and a 23 per cent fall in serious injuries on roads where cameras were used.

Let us go on to another State. Labor in New South Wales said that the number of motorists exceeding the speed limit over 10 kilometres has declined by about 30 per cent. In Western Australia there has been a 47 per cent reduction in the number of motorists exceeding the speed limit since the introduction of cameras.

Mr Hargreaves and the Labor Party should withdraw their amendment because it is an appalling amendment. If you were going more than 45 kilometres an hour over the speed limit, which would be a far more serious driving offence, and you were caught by a speed camera you would get away with it under Labor. They will simply say and do anything if they think that it will curry favour with the people of Canberra, but the reality is that Canberrans actually support the use of speed cameras.

We do not have that just from the NRMA report, Mr Speaker. Last year, AAMI, in quite a blaze of media attention, produced a report that Canberrans had said, “Yes, we know that we travel fast. Yes, we know that we drive fast. We have good cars and we have good roads. We are not going to stop until you enforce the law”. The speed cameras will allow us to do so, Mr Speaker. The Labor Party now live in isolation on road safety. The Labor Party now show their ignorance in regard to the safety of the people they purport to represent. Statistics are important, but the real message is that speed cameras do change driver attitudes and behaviour and they cut speeding. That is the road safety outcome that we need and can achieve in the ACT.

Mr Speaker, the conclusion has been reached by the Labor Party that the use of speed cameras is a revenue-raising exercise. Let us look at the deployment of them. Let us go a step further and debunk the theories that Mr Hargreaves has spun. The cameras will be deployed strictly on the basis of road safety considerations and the camera locations are not being chosen for a revenue-raising function; they are being chosen by a camera enforcement safety committee. On that committee will be the NRMA, the AFP and Urban Services; so we will have a community group representing the needs of the community on this enforcement committee. They will make certain that we use these cameras effectively to target speed. Of course, they will supplement existing radar and laser interception messages.

Mr Speaker, there is some thought in the Labor Party that we are going to spring their usage on the unwary population. The fact is that we have talked about it for some eight months. There have been numerous articles in the paper, on the television and on the radio. Not only will we be doing so but also we will be telling people where we are doing so. We will put up signs saying that you are actually entering an area where a speed camera might be used and we will publish the locations where speed cameras will be used.

The bottom line, if your concern really is revenue, is that the greatest saving in this regard would be not to have any fines at all, because not having any fines at all would mean that we had reduced by a very significant proportion the number of people in the ACT who speed and therefore the number of deaths and the number of accidents on our roads. Mr Speaker, that would be the greatest saving of all. If we could lessen the impact on our hospital system and have fewer people ending up with disabilities and fewer families and individuals having their lives ruined by a motor vehicle trauma, that would be a tremendous outcome.

ARRB Transport Research will do a comprehensive evaluation of the speed camera program. We believe that it will take about 18 months. In that regard, Mr Osborne's amendment about a two-year sunset clause is acceptable to the Government.

Red light cameras also have the great potential to reduce the frequency and severity of road crash trauma, and vehicle side impact accidents are among the most severe. In 1997 there were 64 crashes that caused injury at ACT traffic lights and that was about 12½ per cent of the total number of injury crashes in that year. We will be introducing the red light cameras in the year 2000.

Mr Speaker, in finishing - we will have more discussion about this Bill, no doubt, when we get to the amendments - I want to emphasise that it has taken until today for the Labor Party to come out and say that they will support this legislation. It is not a revenue-raising exercise. Mr Speaker, the test of that lies in the hands of all of us because the bottom line is that you will actually volunteer to pay one of these fines. If you choose, as a motorist, to go over the speed limit it is appropriate that you pay a fine if you get caught. The Government would be happy to receive zero in revenue from this exercise. If we receive zero in revenue from this exercise, we will have the potential to save many lives, reduce the number of injuries and, in financial terms, actually make great savings in the hospital system.

MR SPEAKER: Order! The member's time has expired.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR OSBORNE (3.46): Mr Speaker, I ask for leave to move together amendments 1 to 3 circulated in my name.

Leave granted.

MR OSBORNE: I move:

Clause 13, page 10 -

> Line 26, proposed new paragraphs 180H (b) and (c), omit "longer time" (wherever occurring), substitute "additional time".
>
> Line 35, proposed new subsection 180I (1), omit "a stated longer time", substitute "additional time of not longer than 6 months".
>
> Line 38, proposed new paragraph 180I (2) (a), omit "longer period", substitute "additional time".

As I said earlier, Mr Speaker, I am prepared to support the introduction of speed cameras on the proviso that these amendments are supported. Firstly, I seek to add a two-year sunset clause. Initially it was for 18 months, but the Government has asked for the extra period to enable it to evaluate the use of the cameras. We have agreed to that. That will allow the Government time to prove that the introduction of speed cameras has worked to reduce the number of crashes, which at present number 22 a day. In two years' time the legislation will be back before the Assembly for final approval.

I believe that drivers coming from outlying areas may well be penalised by this legislation and want a defined period to be assured that they are not bearing the brunt of this move. It is not that the drivers in Tuggeranong, for example, are any worse than those in the rest of Canberra, but they are on the road for a longer period each day if working in the city centre or Fyshwick. I am pleased that funds have been allocated already for the NRMA-ACT Road Safety Trust to report on the effects of the use of speed cameras. In most States, unfortunately, no research has been done. Of the few States where it has been done, only Victoria was willing to give my office details of it, Mr Speaker, and then only an executive summary. Their research showed that speed cameras had no effect on the incidence of car accidents unless their location was well publicised, and then only for about four days. After four days their effect on the incidence of car accidents wore off and they just became revenue raisers.

Secondly, I have an amendment restricting the handling of speed cameras, other than for the usual maintenance and testing, to police officers. That is important because I believe that the police are the law enforcement experts and, accordingly, need to have control over camera placement and their operation.

Thirdly, I am seeking to establish a defined period of time in which a person has to pay a speeding fine. At present, the legislation allows a 28-day period plus, upon appeal, two additional unspecified periods in which to pay. Experience interstate has seen a high incidence of non-payment, nearly 30 per cent in New South Wales, and time periods running into several years. My amendment would put in place, upon appeal, a six-month maximum period for the initial fine plus an additional six months after being served a reminder notice, again after appeal, something that I am sure most members will think is quite reasonable.

I will not be supporting Mr Hargreaves' amendment. My only advice to people who receive a fine and feel that they have been unfairly done by is perhaps to call Mr Munday, who is sitting in the chamber and who has had significant victories against the police, one most recently. It is his shout on the weekend, Mr Speaker.

MS TUCKER (3.50): As I understand it, Mr Osborne has two amendments. One is that there be a review of this legislation after two years; is that correct?

Mr Osborne: Yes.

MS TUCKER: The other is that police officers should perform the duties. I am not supporting the amendment regarding the police officers, but I am supporting the provision of a sunset clause. This legislation would be reviewed then and if there were an issue regarding who should take on the job we could have that evaluated and assessed then.

MR HARGREAVES (3.51): I thank Mr Osborne for waiting for me to make a case before making up his mind. I will do the same thing. The Labor Party supports the two-year sunset clause but will not be supporting the proposal about the police being the only people operating the cameras. Mr Speaker, when we first spoke about it, we believed that the police should be the only ones operating the cameras. We received a briefing from the superintendent who will be overseeing the whole lot and we were convinced that any discretionary decision-making should be left with the police, that the police should determine where these cameras would be placed and make sure that the cameras work in concert with the radar, not in competition with it, but we believed that there should be an oversighting committee comprising very able officers from DUS and the NRMA, particularly Mark McKenzie, who has more skills in this area than the Minister has ever heard of, and, of course, the police. I am happy with that being the case. That oversighting committee will do the right thing.

It is the case, Mr Speaker, that the crime statistics we saw just the other day are pretty horrendous and we need every highly-trained police officer we can get out there looking at the really serious ones. I am not decrying the potential for death and serious injury on the roads, but we are knocking on the door as far as leading the country on assaults on persons and home invasions are concerned.

Given that the resources for the police bucket are finite, if it comes down to a choice between the two I would rather have the police out there trying to protect our people than standing on the road and booking speeding drivers. I would rather have it both ways but we cannot; that is the reality of the day. Mr Speaker, we will be supporting the amendment about a sunset clause, but we will not be able to support the other amendment.

MR SMYTH (Minister for Urban Services) (3.54): I wish to speak briefly before we vote on the amendments. Mr Speaker, the Government can support amendments Nos 1,2 3 and 5. We do not believe that it is important to tie up officers, which amendment No. 4 would do. I think the community does not believe in that, also. Some of the work that the NRMA did indicated that police should be out there looking at the more serious crimes, rather than baby-sitting speed cameras. I thank the Assembly for not supporting amendment No. 4.

Amendments agreed to.

MR HARGREAVES (3.55): I move:

> Clause 13, page 25, line 16, after proposed new section 180MS, insert the following section in Division 6:
>
> " '180MSA **Amnesty for camera-detected offences for first 2 months**
>
> '(1) This section applies to a camera-detected offence if the offence—
>
> (a) is an offence against this Act; and
>
> (b) is committed within 2 months after the day when this Part commences.
>
> '(2) The administering authority may serve a notice (a ***warning notice***) on a person who could, apart from subsection (4), be served with an infringement notice for the offence.
>
> '(3) The warning notice must tell the person about the detection of the offence and the infringement notice penalty for the offence.
>
> '(4) Despite anything else in this Act, a person must not be prosecuted in a court for the offence, or served with an infringement notice for the offence, unless the person has been served with a warning notice for a previous offence.
>
> '(5) This section expires 12 months after the day it commences.".

Mr Speaker, the Minister has shown his absolute and complete ignorance of parliamentary drafting by his comments earlier about the amnesty. It needs to be put into perspective. I am not asking for a two-month moratorium whereby everybody gets off scot-free. What I am saying is that, as Mr Osborne quite rightly pointed out, the effect and success of the introduction of speed cameras are dependent upon the publicity campaign that precedes and accompanies their introduction.

It is a question of how we actually go about changing the behaviour of drivers. It has nothing to do with a piece of photographic equipment sitting on the side of the road. He proved the point by saying that when the publicity wore off after four days, so too did everything else drop off and people went back to their own bad behaviour. I am asking the Assembly to approve today an arrangement whereby over the first two months you would get one hint. If you were caught speeding you would get one caution. That would be part of the education process.

No doubt, many of us here have been driving along preoccupied and gone over the speed limit. It is my understanding that, within a tolerance factor of about 15 kilometres an hour, the policeman on the side of the road can choose whether to book you or to give you a good telling off and send you on your way. I have had the benefit of that and, I must say, I have been jolted back into reality and thought it was great. I was not deliberately speeding. It just crept up and the policeman invoked that discretion. That episode of talking to the policeman about what was going on had a profound effect on me and it lasted for a hell of a lot more than four days. Furthermore, the information given to me was instant and had a bigger effect.

The NRMA, which is a great organisation, as we all know, has made a lot of noise about the introduction being accompanied by a publicity campaign. This Government is going to give us a month. They say that they have been doing it for six months or more. They have been doing it for six months or more, Mr Speaker, because we have dragged them kicking and screaming into the public arena over it. I was absolutely amazed by what the Minister said. If the Minister has had so many conversations with the NRMA and everybody else, why is it that he had to sit down and write out what the five Es were while I was speaking? Perhaps he ought to have had another check on the three Rs because he certainly needs them.

As to the five Es, I have to underscore what the NRMA was saying: Go out there and publicise the matter, change people's behaviour up front. If people get a bluey in the mail for a $165 fine with three points gone, I do not want them to say that it is the same as getting an electricity bill or a rates bill. I want them to say, "I have done something wrong and I am going to change my behaviour". I believe that we should give them one caution. Because electronic equipment is being used and everything will be put through an IT system at the end of the day, there will be very little human input. If we want people to change their behaviour, let us give them a shot at doing it.

The Minister talks about having a road safety strategy. Where this whole thing is flawed is that it is not part of a road safety strategy. We have not seen one. Has one been tabled in this place? No. I do not believe that such a road safety strategy exists as far as this Government is concerned. What we are seeing is a knee-jerk reaction. The real reason the Minister does not want to go along with the amendment is that he has misinterpreted what I am asking for, either stupidly or deliberately - I do not know which at this point. He seems to think that we will have open slather for two months. We will not have open slather for two months. Much was made of the fact that we are likely to lose $7,000

a day and, if we let people off for two months, that translates to $420,000 down the gurgler. That is not the way it is at all. What we are saying here is that it should be linked to the education plan and the driver behaviour change program and if you get one strike you are out.

Mr Speaker, I have taken the opportunity to correct the misinformation that has been given about this amendment and to reinforce that it is part of the change process. It is not meant to be a way of slowing down the revenue stream. If this Government is really serious and honest about it and is committed to wanting to save somebody's life and to stopping these crashes happening, how about putting some oomph into the driver behaviour change process. I am not seeing any of that. All I am seeing is the absolutely vicious approach of saying, "The speed cameras are in. Tough luck if you get caught". If that is so, Mr Smyth should watch his speed like a hawk all the way home. I sincerely hope that he will be one of the first to cop it, because if he were caught under the regime that I have been asking for he would expect to get a caution. With that, I urge the Assembly to pass this amendment. If it does not, it will just confirm in my view that all we have heard so far about concern for people's welfare and changing driver habits is absolute bunkum and the legislation is nothing short of a grab for cash.

MR SMYTH (Minister for Urban Services) (4.02): Mr Speaker, we have had yet again more inappropriate words and a fixation on revenue from Mr Hargreaves. Mr Hargreaves is the only one to continually raise the issue of revenue. If you get caught speeding, you deserve a fine. He said that he hopes that I will be one of the first. If I get caught speeding, I deserve the fine. Mr Speaker, in the first vehicle I had whilst I was an MLA I broke the cruise control. The guy at Ford was quite surprised. He was not aware of anybody ever wearing out the connections of a cruise control. I attempt to use the cruise control everywhere I go. I am very much aware of my responsibility to set a good example and hope that everybody else here is aware of their responsibility.

Mr Hargreaves said that he saw me writing down the five Es. He is surprised that somebody would take notes on anything he said. The reason I wrote down the five Es is that I was not sure what he was going to say. For all the stuff that we hear from Mr Hargreaves, none of it has ever been consistent or had any logical thought behind it. It is pleasing that Mr Hargreaves was able to get something the NRMA had said right for the first time. Surprise, surprise, the NRMA have told my office that they are now satisfied with the awareness levels after the research that they have done. Mr Speaker, they went out and talked to the community. They are not living in splendid isolation, unlike the Labor Party caucus room on the first floor where policy is made without any consultation and without any attempt to get out and find out what people want. Clearly, from what Mr Hargreaves has said, you do not take notice of any of the reports. No matter which State they come from and who does them, whether it be the NRMA, AAMI or any of the State governments, they say that we do not have to pay attention to them. They choose not to believe them. That is the Labor Party's decision-making process on policy, Mr Speaker; they simply choose not to believe them, no matter how much evidence you get. What a wonderful way to make policy! They are where they are because that is how they make policy, Mr Speaker.

This amendment is silly; it is just silly. People are aware that speed cameras are around and that they work. We have made it quite clear that we will place signs near where the speed cameras are going, that we will put permanent signs on approaches to speed camera locations, and that we will have an education program where we will outline exactly where the speed cameras will be, because we do not want to collect the revenue. The trade-off for us is the happiness and physical wellbeing of all Canberrans and the reduction in expenditure on things like the trauma ward of the hospital and the disability unit of the hospital. Mr Speaker, this amendment is a silly amendment from a silly party which has no understanding of road safety.

Mr Hargreaves wants an all-up strategy. There was a meeting earlier this year at which some 50 representatives of groups as diverse as the insurance companies, unions, road engineers, the police, government officials and the victims of trauma got together to discuss the furtherance and the revision of the ACT's road safety strategy. We are working on that. These cameras will become a very important part of that and be a very effective tool. They can save lives, they can reduce speeding and they can reduce trauma. This amendment is silly and should be rejected.

MR KAINE (4.05): Mr Speaker, I will not be supporting Mr Hargreaves' amendment because I believe that the purpose of this legislation ought to be to discourage unhealthy behaviour on the roads by imposing the law, not by collecting revenue as a result of people disobeying the law and the law not being properly enforced. I must note that the Minister accuses Mr Hargreaves of placing great emphasis on the revenue aspect and says that he is the only person doing so. The Minister's explanatory memorandum says that the Government expects an increase in revenue of $2.5m in the current financial year, decreasing to $2m a year in future years, and goes on to talk about the Government's operating result. His own explanatory memorandum begs the question whether this is about revenue rather than enforcing the law. I assume that the purpose of this legislation is to control traffic movements on the roads and that its primary purpose is not to collect revenue. I am sure that the Minister will confirm that. I would rather see people convinced by whatever means available to the Government under the law that antisocial behaviour on the roads is not a worthwhile activity and I would hope that the Government is not relying on increasing its revenue by $2.5m this year as a result of this legislation.

MR STANHOPE (Leader of the Opposition) (4.07): I would like to speak briefly to a couple of issues, Mr Speaker. As my colleague Mr Hargreaves has said, the Labor Party is supporting the legislation. We are also happy to support Mr Osborne's amendment. We think it reasonable that an initiative such as this be tested and checked at some time in the near future. Mr Hargreaves has indicated that another amendment would be appropriate in the context of road safety programs and road safety generally, that is, that as part of the educative process in relation to the introduction of a new speed detection regime first-time offenders in the short period of only two months be given a warning that their behaviour on the road did attract the attention of a speed camera – a once only, one-off warning that there is now in place in the ACT a new regime for detecting speeding.

It seems to me that if you wanted to enhance the eventual impact of this legislation you would seek to ensure that its educative value was as great as possible. That is the advice that was given to me by the NRMA when I had a briefing on this subject from Mr McKenzie and others. The advice that I received from the NRMA - advice that Mr Smyth chooses not to speak about and chooses not to inform the Assembly about - was that this speed cameras initiative, without a proper road safety strategy or without a proper eduction program, is probably worse than useless and can be justifiably and truly described as nothing but an attempt to raise revenue if it is not associated with a proper road safety strategy and if it is not accompanied by measures to truly educate people to stop speeding. That is what Mr McKenzie and the NRMA said to me. I was told in my briefing by the NRMA that if we do not seek through this process to educate the people of the ACT about speeding and the need to change the culture of speeding this move can be truly characterised as nothing but a revenue raiser. Mr Hargreaves' amendment is a sensible short-term attempt at assisting that educative process which the NRMA said was vital.

Mr Smyth makes great store of the NRMA survey - a survey of 60 people. I have not seen the questions. Perhaps the questions that the NRMA asked are available, but I think it would have enhanced Mr Smyth's case if he had actually let us know exactly what it was that the people were surveyed on by the NRMA. Did it have anything to do with insurance premiums and speeding? Was there just a touch of self-interest in this 60-person survey by the NRMA? I think it would have enhanced your case, Mr Smyth, if you had just given us a bit more information about the basis on which it was conducted and whether a sample of 60 people in the ACT in relation to the introduction of speed cameras is statistically sound. Perhaps you will enlighten me on that at some stage.

Mr Hargreaves' amendment is quite reasonable. It is consistent with what the NRMA has asked for. It is consistent with what the NRMA hopes to achieve out of such an initiative. This initiative must be accompanied by a proper road safety strategy - and I look forward to the Minister tabling the current road safety strategy at some time soon. This initiative, without a dedicated, detailed and committed road safety strategy and without any attempt at educating the public about what it is that we are doing through it, could be and will be categorised by a cynical public as nothing but sheer revenue raising.

The Minister has, through this initiative, received the support of the entire Assembly. The Assembly has embraced this initiative, perhaps not willingly. It is accepted by all 17 members of the place. I think this attempt by Mr Hargreaves and the Labor Party to advance one particular issue raised specifically with us by the NRMA might well have been embraced as well.

MR BERRY (4.12): Labor will always support genuine moves to reduce the road trauma resulting from motor vehicle incidents. Reducing speed is one way of doing that. Mr Smyth went to great lengths to read out to us figures from other States in relation to the reduction in road trauma. He gave all of the credit to the introduction of speed cameras. I wonder whether that is in fact the case. I suspect that there are other factors that have come into the equation as well as the introduction of speed cameras.

Mr Smyth also made great play of how members of this Assembly might feel towards the victims of speeding incidents. It is true that people are the victims of accidents caused by speeding drivers who have not been caught. But if that is really the case, I wonder how Mr Smyth has been feeling about getting up in the morning every since he has been in this Assembly because he has done nothing about those speeding drivers out there in the road network. I think that the amnesty idea is a good way to assist in the introduction of these cameras and to show a bit of goodwill to the community. I am not surprised that Mr Smyth does not want to show any goodwill because it seems, as I suspected, that it is being put in place more as a revenue-raising device than for any other purpose, though there is probably a bit of fashion involved in it as well.

I would be happy to make a judgment on the effectiveness of these cameras at the end of two years on the basis of evidence that turns up in the ACT - not doctored evidence; real numbers for the ACT. One of the things that have been missing from the debate in this chamber is a discussion about those figures. Today is the first time, I think, that an attempt has been made at establishing a comprehensive set of numbers. I think there is more to it than that.

Mr Stanhope just drew attention to the questions which were asked by the NRMA and the amount of faith that has been put into them as a measure for the introduction of these cameras. I wonder whether the 60 people were asked straight out, “Would you like to be under camera surveillance as you drove to work each day?”. I think the answer to that would be a comprehensive: “I do not think so”. It always goes to the questions that are asked.

This is a touchy issue with the community and, if handled badly, will create a lot of bad will and antipathy towards these sorts of speed-reducing measures. I am happy to support the proposal by Mr Osborne for a two-year amnesty because it will be incumbent upon us then to sit down and examine the figures as they apply to the ACT. I look forward to that opportunity. I think the idea of having an amnesty would be worth while in the scheme of things. At least it would show some goodwill to those motorists who are going to be subject to these sorts of detection devices.

Amendment negatived.

Amendment (by **Mr Osborne**) put:

> Clause 14, page 28, line 22, after proposed new subsection 180ZF (2), insert the following subsection:
>
> “ ‘(3) However, the regulations must not—
>
> > (a) require or authorise people other than police officers to use traffic offence detection devices; or
> >
> > (b) authorise the registrar to approve people other than police officers to use traffic offence detection devices.”.

The Assembly voted -

AYES, 3	*NOES*, 14
Mr Kaine	Mr Berry
Mr Osborne	Ms Carnell
Mr Rugendyke	Mr Corbell
	Mr Cornwell
	Mr Hargreaves
	Mr Hird
	Mr Humphries
	Mr Moore
	Mr Quinlan
	Mr Smyth
	Mr Stanhope
	Mr Stefaniak
	Ms Tucker
	Mr Wood

Question so resolved in the negative.

Amendment negatived.

MR OSBORNE (4.20): I seek leave to move amendment No. 5 circulated in my name.

Leave granted.

MR OSBORNE: I move:

> Clause 14, page 31, line 3, after proposed new section 180ZJ, insert the following section:
>
> " '180ZK **Expiry of Pt 11C**
>
> This Part expires 2 years after the day it commences.'.".

The amendment relates to the sunset clause and I thank members for their support.

MR BERRY (4.21): As I indicated earlier, the Labor Party will be supporting this amendment.

MR SMYTH (Minister for Urban Services) (4.22): The Government is happy to support this amendment. The trust has already been funded for the trial and we already have a consultant who will look at and monitor the whole of the trial.

Amendment agreed to.

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

Bill, as amended, agreed to.

LIQUOR (AMENDMENT) BILL 1999

Debate resumed from 1 July 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (4.23): Mr Temporary Deputy Speaker, the Liquor (Amendment) Bill amends the Liquor Act on a range of matters. It picks up recommendations from the 1997 report of the Standing Committee on Legal Affairs that some of the material in the voluntary codes of practice for liquor licensees be included in the Licensing Standards Manual. The Licensing Standards Manual was established under the Liquor Act and there are penalties for failure to meet its requirements. In that report the committee concluded that licensees generally were paying only lip service to the voluntary code and that an enforceable code was required. The amendments to the Act reflected in this Bill do that by including, for example, checking for proof of age and the conduct of functions for under-age persons in the range of matters that can be covered in the Licensing Standards Manual.

The Bill makes the Liquor Licensing Board rather than the Registrar of Liquor Licences responsible for the Licensing Standards Manual and also enables the Liquor Licensing Board to amend the manual with the written approval of the Minister. It is notable that the manual is a disallowable instrument.

The Bill also introduces a new division, Division 2, that addresses under-age drinking. The new division introduces a number of changes. For example, it brings existing offences, such as buying, possessing and consuming alcohol by persons aged under 18, into the new section, and it reduces the definition of responsible adult from being a person 18 years of age or more to a parent, step-parent, guardian, person acting in place of a parent, carer or spouse. It introduces a new offence for a licensee if a minor is on licensed premises and is not in the care of a responsible adult. There are also a number of other machinery type changes to the Liquor Act that are acceptable.

I am pleased to say, Mr Temporary Deputy Speaker, that the Bill is acceptable to the Labor Party and we welcome the attempts being made through this legislation to address the serious and worrying issue of the attraction of alcohol to significant numbers of young people in our community. It is a serious issue that I know all parents worry about. The abuse of alcohol, in the minds of many, equals or perhaps outweighs, in the eyes of some, the abuse of some other drugs, so we are more than pleased to support these attempts at continuing to address the problem of under-age drinking.

Before concluding, I will make some mention of Scrutiny Report No. 8 of 1999 of the Standing Committee on Justice and Community Safety which was tabled on 19 August. I mention this to draw attention to the very detailed exposition that the scrutiny of Bills committee has given on this Bill and to the question of the burden of proof in legislation generally. It was the Liquor (Amendment) Bill which encouraged the scrutiny of Bills

committee to address the issue of burden of proof. There is a detailed discussion of the issue which I found very interesting and very useful, and I applaud the fact that the scrutiny of Bills committee is providing the Assembly with a detailed analysis of issues such as this.

The scrutiny of Bills committee, in relation to the issue as it applies to the Liquor (Amendment) Bill, does not make a particular recommendation. It draws the question of the burden of proof to the Legislative Assembly for its information and invites a response from the Executive. I would like to echo that invitation and I look forward to the Attorney's response to this paper on the burden of proof. It is specific to the Liquor (Amendment) Bill to some extent. It raises the question of the burden of proof. It does raise a doubt about on whom the burden of proof would fall in relation to a prosecution under the Liquor (Amendment) Bill. Whilst it does not answer that question, it is noteworthy that the question was raised and, it having been raised, I think this is a useful area of discussion. I will not pursue it now, other than to say there is an issue there.

The scrutiny of Bills committee, in relation to this piece of legislation, said that there were arguments either way in relation to how the burden of proof would be applied in relation to offences under 93F of the Liquor Act, and I would think it useful if the Government was prepared to respond to the issue, broadly or generally, having now been invited to do so. The Labor Party is pleased to support the Bill.

MS TUCKER (4.28): Yes, the Greens also are happy to support further regulation in respect of under-age drinking as we understand that it is still a problem on licensed premises. This legislation is aiming to address this issue, and the tightening of the definition of a responsible adult would also be useful. It is important that indoor occupancy loadings use similar criteria to those for outdoors, especially in regard to the adequacy of toilet facilities. Fire security is paramount to the safety of patrons as well, and the recommendation of the Fire Commissioner is important.

We are supportive of this legislation because, as I said, we want to ensure that licensees are responsible in their service practices. We have had discussion about it before in this place. I would have to make the comment, though, that generally, across society, there is still an impression given by adults in the community that getting drunk is pretty well okay. While we can support legislation such as this, I think we all have to take the responsibility as well, as adults in the community, of presenting a role model, if you like, which is consistent with what the rhetoric is from people who are concerned about young people and under-age drinking.

I notice in the media that there is always a sort of shocked reaction when figures who are idols of young people are found culpable of any kind of substance abuse, but I still believe that the underlying messages - you can see it in the advertising that is used for alcohol - that are still being given by society to young people are that this is a drug that is basically okay and acceptable, unlike perhaps other drugs such as marijuana, heroin or other addictive substances such as cigarettes. These other substances are unequally given attention, to show the evils of them. Alcohol, in fact, as we all know, is responsible for huge health issues in the Australian community. The advertising and the

general conduct of many people in our community are definitely giving a double message to young people, so you cannot altogether blame them for thinking that it is okay.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.30), in reply: Mr Temporary Deputy Speaker, I thank members for their support for the legislation. It is a clean-up of the Liquor Act. It provides a number of reforms that reflect the need to ensure that the legislation is capable of delivering on the objectives generally outlined within it; that is, that it be able to limit occupancy loadings to safe levels; that it be able to exclude under-age consumers from using alcohol; that it be able to ensure premises are operated in a safe and effective way; and, generally, that the harm associated with the abuse of alcohol in the community be minimised as much as possible.

The amendments which have been outlined in the course of the debate today are necessary because there is a continuing struggle to ensure that the objectives of the legislation are being addressed. There is, unfortunately, still an element of resistance in the liquor industry in the ACT to the concept that we do need to enforce strictly rules that prevent the overloading of premises, or the use by under-age people of those premises, or access by inappropriate people to those premises, or other standards and conditions associated with the operation of those premises.

Ms Tucker asked me a question earlier today about enforcement of the law relating to advertising of premises and their energy efficiency ratings, and I said that there were a range of areas where government priorities would have to be set. I think it is true to say, for example, that liquor law enforcement remains an area of ongoing and very considerable government concern in that there are such significant breaches of the law taking place on a regular basis. We need to enforce the law, both from the point of view of taking action out on the street, as it were, to make sure that those who are breaking the law are brought to account for that, and also in the legislative arena to make sure that the laws are up to the standard required to enforce the principles inherent in them.

I am pleased to say that there is continuing enforcement action taking place in the first of those areas. Only in the last couple of weeks we have seen decisions to impose significant penalties on three licensed premises in the ACT for overloading, including, I think in a couple of cases, the suspension of those premises' licences for 24 hours, to indicate that these offences are very seriously regarded by relevant authorities and they will result in people suffering penalties, including hip-pocket type penalties, if they insist on breaking the law.

The changes which the Assembly makes today help us to enforce those laws. They help us to send a signal that we are not treating liquor laws as being marginal or of limited relevance in their application in the Territory. Every one of the provisions of the Liquor Act is important and will be enforced. We insist that the industry pay attention to that and we will follow through on those who choose not to obey the law. I thank members for their support for the legislation.

Mr Temporary Deputy Speaker, I want to respond also to an issue Mr Stanhope raised about the comments of the scrutiny of Bills committee with respect to the burden of proof. I also read the long comments in the most recent report on that subject. I am happy to table for the Assembly the response I have sent to the chair of the committee, Mr Osborne, indicating that the model criminal code process has outlined a process whereby burden of proof issues should be resolved in terms of interpreting future legislation. Attention should be given by courts to issues such as what particular or specific provisions are in legislation for the way in which the burden of proof is to be discharged, requiring the defendant in certain circumstances to prove a matter in certain categories of cases, and creating presumptions in certain other cases that the matter exists unless the contrary is proved by a defendant. Those matters are outlined in that response, and I table that response for members to look at.

I again thank members for their support for this the legislation. I hope that by doing this today we will send a clear signal to the liquor industry in the ACT that liquor laws are not optional or marginal, or a low priority, but in fact are essential to the operation of an effective society, and some breaches of the law are not to be tolerated.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.37): Mr Temporary Deputy Speaker, I seek leave to move my amendments Nos. 1, 2, 3 and 4 together.

Leave granted.

MR HUMPHRIES: I thank members. I move:

> **Schedule -**
> Page 19, line 26, insert the following amendments:
> **"Subsection 17A (2)—**
> Omit '80, 81, 82 or 84', substitute '84, 93E, 93F, 93G or 93H'.
> **Subparagraph 17B (1) (a) (i)—**
> Omit '81 or 83', substitute '93G or 93I'.
> **Subparagraph 17B (1) (a) (ii)—**
> Omit '83A', substitute '93K'.
> **Paragraph 17B (2) (a)—**
> Omit '80 or 82', substitute '93E or 93H'.
> **Paragraph 17C (7) (d)—**
> Omit '81 or 83', substitute '93G or 93I'.".
> Page 21, line 5, insert the following amendment:
> **"Subsection 94 (5)—**

Omit ‘81, 82 or 84, subsection 91 (1) or section 93’, substitute ‘84, subsection 91 (1) or section 93, 93G or 93H’.”.

Page 21, line 10, insert the following amendments:

“Paragraph 104 (ca)—

Omit the paragraph.

Paragraph 104 (e)—

Omit ‘42C (1)’, substitute ‘42B (2)’.

Paragraph 104 (f)—

Omit the paragraph.

Paragraphs 104 (h) and (ha)—

Omit ‘55 (2) (aa)’, substitute ‘55 (2) (b)’.”.

Page 21, line 13, proposed new paragraph 104 (i), after “45C (2) (a),”, insert “46B (2) (b)”.

In the preparation of the amendments to the Liquor Act contained in the Liquor (Amendment) Bill now before us, a number of minor technical amendments required as a result of the movement of the offence provisions relating to minors, repeal of the Business Franchise (Liquor) Act 1993, and the rearrangement of the Liquor Licensing Board’s disciplinary powers were inadvertently overlooked. The government amendments address each of these issues by including the necessary changes in the schedule containing the further amendments in clause 38 of the Bill. They are basically changes in reference to particular clause or section numbers in the legislation, and I apologise for that oversight. I table an explanatory memorandum in relation to those amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

SUBORDINATE LAWS (AMENDMENT) BILL 1999

Debate resumed from 1 July 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (4.38): Mr Temporary Deputy Speaker, this Bill was presented by the Attorney-General with the aim of reducing the time for disallowing subordinate legislation from 15 sitting days to six sitting days. That is the simple structure proposed by the Attorney. The Labor Party supports the underlying objective of this Bill, namely, to reduce the potential time involved in the subordinate laws process.

Fifteen sitting days, the period which is currently required, equates, as everybody would appreciate, to five sitting weeks. The six sitting days proposed by the Attorney equates to two sitting weeks, and the basic justification advanced by the Minister is that this reduction would enhance the efficiency of government administration. The Attorney suggests that administration will be improved, and that those people with rights affected by a subordinate law need to be given certainty as soon as possible in ordering their affairs. That is a sentiment with which we are happy to agree.

I will go through some of the procedures and some of the background in relation to subordinate laws because I have circulated some amendments, so I will spend a little time now explaining the process as it applies. Currently the steps for making and disallowing subordinate laws are, first, notification of the law in the *Gazette* - no time limit is currently required after the signing of the law; secondly, the tabling of the law in the Assembly within 15 sitting days after notification; thirdly, potentially, one can give notice of a motion to disallow the law within 15 sitting days after tabling; finally, resolution of the motion or its deeming to have been resolved in the affirmative, which must occur within 15 sitting days of moving the motion.

As members know, the current administrative practice adopted by the Assembly is for subordinate legislation to be tabled on Tuesday of each sitting week. In the 1999 sitting pattern, a disallowance period of six sitting days would have required subordinate legislation presented in any session to be held over until at least the following session. For example, notice of a motion to disallow subordinate legislation tabled on Tuesday, 20 April 1999 could have been given at any time up to 22 June. Notice of a motion to disallow subordinate legislation tabled today could be given at any time up to 19 October.

I will not take too long on this, but there are some implications applying to shortening the period for disallowance. The shortening does impact on our procedures in a number of areas. First, the Standing Committee on Justice and Community Safety, in its role as a scrutiny of Bills committee, will have reduced flexibility in managing its workload. The committee will have to ensure that any comments on subordinate legislation are always included in its first report after the tabling, otherwise members will not have the benefit of the committee's comments when deciding whether to move for disallowance. It is noticeable that in Report No. 8 of 1999, under the heading "Insufficient scrutiny of legislative power", the scrutiny committee did query whether the explanatory memorandum, in that case, gave sufficient justification for what would be significant change.

The second aspect on which this proposal does impact is the Government's ability to respond to the committee's comments in a timely manner. The time currently allowed to the Government would be reduced by this proposal. For example, given a two-week sitting period, a subordinate law tabled on the first Tuesday would be reported on by the committee on the second Tuesday of the sitting. The Government's response to any concerns would have to be available for the committee to consider and include in its next report that would be presented on the Tuesday of the next sitting week.

Another impact of this proposal would be on the time available for members and the community to consider subordinate laws. This time would be severely reduced and may be insufficient to organise meetings and for consultation on the issues raised by the subordinate law. There is, of course, a process which does allow for the lodgment of protective notices of motion for disallowance, and that could, in those circumstances, lead to that.

There is one other impact that one can mention and that is on the precedence of business in the Assembly. Notices of motion to disallow subordinate laws are Assembly business, which has precedence over all other business on Thursday mornings. The way in which Assembly business is ordered means that, if a notice to disallow or amend a subordinate law is lodged on a Wednesday, it may not be dealt with the following day. It will be held over until the following week, unless we suspend standing orders, of course, and the Assembly will be under a deadline to deal with the matter that week, as the final day for consideration of the law would be the Wednesday of the next sitting week. This could work to the Government's disadvantage in that, if the notice was not dealt with and standing orders not suspended, the subordinate law would be deemed to have been disallowed or amended.

Having regard to this background, the Labor Party did give some consideration to whether there were some alternative processes for achieving a similar purpose. The aim of greater certainty for people affected by the legislation could certainly be achieved by other means. For example, subordinate laws may be classified according to the degree of urgency or whether extensive consultation had taken place prior to making the law. In these cases, shorter periods could apply. Achieving the aim through these means would require more extensive amendments than are proposed. The Labor Party, I hasten to add, is not proposing any such amendments either.

It seems to us that it would be simpler to amend subsection 6(1)(c) of the Act which provides that subordinate laws must be tabled within 15 sitting days after gazettal. There appears to be no good reason for not reducing this time to, say, six days and to thus cut three sitting weeks off the time allowed. Only the Commonwealth allows 15 sitting days for lodgment of subordinate laws. Victoria, Western Australia and South Australia allow six days. The Northern Territory allows only three days. The others allow 14 days for that action. Reducing the time allowed for tabling rather than disallowance permits greater scrutiny of subordinate laws and still achieves the aim of giving people affected by the subordinate law greater certainty sooner.

To take the particular option proposed by the Attorney here, the shortest time set for disallowance in any other jurisdiction in Australia is in the Northern Territory where it is 12 sitting days. So it is worth noting that the Attorney's proposal would create a situation in which we in the ACT would halve that particular current shortest time for disallowance to six days. That is something worth pondering on. Having said that, I hasten to add - and we confronted this problem in giving our consideration to this piece of legislation - that there really is no objective test for deciding or selecting the

number of days allowed for disallowance other than in accordance with a judgment about whether the administrative and consultative tasks that are required can be achieved within the time allowed.

So, taking a proposal that is incorporated in amendments which I will move, it seems to us that tabling within six sitting days should be achievable, as the subordinate law would have been signed and printed before gazettal, and gazettal must occur before tabling. What we propose is that a notice of motion for disallowance be given within, say, 12 sitting days. I must say that we did not apply an objective test to that; it was just an application of judgment. That is currently the shortest disallowance period anywhere in Australia, so we suggested, "Well, let's equal that shortest time, which represents four sitting weeks". It allows the scrutiny committee sufficient time to examine and report on the law, the Government to respond to the committee, and members to consult any interested parties. It will cut some time off the current period.

To sum up, Mr Temporary Deputy Speaker, we support the Attorney in his desire to create some greater certainty and to create some reduction in time. We believe that there are other ways of doing this. The model that we are proposing in our amendments, if adopted, would create a situation in which the ACT more closely mirrored every other jurisdiction in Australia. The six-day period for tabling after making seems to us to be primarily consistent with every other jurisdiction in Australia, and the reduction from 15 sitting days to 12 seems to us to be quite appropriate. It does allow time for extended community consultation and for this place to undertake its scrutiny of the legislation.

Subject to those suggested amendments which achieve the same aim to some extent, but in a slightly more structured way, we believe, we are happy to pursue legislation of this order. We think that is a better model, and I will move those amendments in due course.

MS TUCKER (4.48): I think Mr Stanhope has made the points clearly, so I will not repeat them. I understand Mr Humphries' intention. I think it is reasonable to reduce the time, but I have similar concerns regarding the scrutiny of Bills and so on. I think the compromise that has been offered by Labor is acceptable, so I will be supporting this Bill with the amendments proposed by Mr Stanhope.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.49), in reply: I thank members for their support for the legislation. What we are doing here is reducing the time that documents lie on the table or the time that is required for them to be brought to the Assembly after having been made in one form or another. I am talking, of course, about disallowable instruments. It seems to me that under the amendments circulated by Mr Stanhope there is a reduction in both periods, and under the Government's proposal there is a reduction in the second of those two periods. So there is a period in which a piece of legislation lies on the table, but it is a shorter period that is proposed by the Government.

We will support the first two amendments to be moved by Mr Stanhope. I think that is appropriate. However, I suggest that the Assembly should not support the second two amendments, Mr Temporary Deputy Speaker, and I will explain why.

We have agreed in earlier debate here that the long period of time presently provided, effectively five sitting weeks, for disallowable instruments to lie on the table is excessive. The history of this Assembly shows very clearly that if an instrument is going to be disallowed it will be disallowed generally very early on in the process of a debate on that particular issue. It will be disallowed early in the disallowance period. It is rare for us to run towards the end of a disallowance period. I do not think it has happened in recent years, but it happened I think in the first couple of Assemblies. When it did happen it was generally as a result of a member wanting to make sure it went as late as possible in order to delay the onset of some particular matter or to take some other tactical advantage from a debate in that context.

So, Mr Temporary Deputy Speaker, we have agreed that there should be a reduction in the time here, but the question is: By how much? I would ask the Assembly to go with the government amendment of six sitting days rather than Mr Stanhope's proposal for 12 sitting days. The reason principally is that, although we support the first two amendments reducing the time that it will take between the making and the tabling of instruments, the fact remains that, for as long as I can remember, documents that are made by governments of either persuasions are generally tabled in this place on pretty well the first available opportunity or very shortly thereafter. So the 15 sitting days provided for presently in, I think, section 6 of the legislation for the tabling of documents is rarely used. Reducing it from 15 days to six days or to 12 days, as the case may be, will have no practical impact on the time that the process takes to operate because the Government, be it this Government or another government, generally gets the thing on the table pretty well straightaway. It might as well be one sitting day. Maybe that is a bit excessive but it makes, in effect, little difference. Almost invariably the thing is tabled on the first or the second sitting day after it is made or gazetted, as the case may be. So, although I support Mr Stanhope's amendments Nos 1 and 2, I do not think it makes a great deal of practical difference at the end of the day.

The real difference is made by the time the thing lies on the floor of the Assembly. If you have a project, for example, which is waiting to get off the ground but cannot get off the ground until the disallowance period has ended, the Government can rush a document onto the floor of the Assembly on the first available day, but it cannot shorten that period of 15 days without some kind of subterfuge, like getting a member to move disallowance when he does not actually believe in it in order that we can have a debate and settle on the issue and go ahead on the basis that we have had the disallowance debate. As I am sure members would agree, that is a silly device and should not be used in order simply, in effect, to reduce that period of disallowance.

Mr Temporary Deputy Speaker, I think six sitting days is much more realistic. In any given sitting period six sitting days means that a disallowance can be moved after the sitting period in which the document is tabled. So, if we are sitting for, say, two weeks in a row, as we are this fortnight, and a disallowable instrument is tabled on the first day of those two weeks, a disallowance motion can be moved as late as the beginning of the next sitting period after this two-week period. So the shortest period you could have for a member to move disallowance is three weeks. The longest period could be close to three months when you take into account recesses and things like that.

I think, generally speaking, that three weeks is more than enough time to assess whether a document or an instrument of some kind is to be disallowed or it is not. The proposal Mr Stanhope puts, in effect, is to reduce the 15 sitting days to 12 sitting days. That slices one week off a five-week period. That really is not very significant. If that is all we achieve today if Mr Stanhope's amendments are approved, it is not really worth the effort of having debated this for 20 minutes or whatever it is. One sitting a week out of five is not particularly substantial.

I would urge members to consider this in a more positive light. This was debated in the context of a Bill by Mr Kaine, I think, to amend the provisions dealing with the granting of a lease. It was about the Canberra Casino. I forget the particular provision that he moved, but I think it was to make disallowable an instrument that would permit the granting of a lease in those circumstances, and Mr Kaine made the comment in the course of that debate that 15 sitting days is too long. I think Ms Tucker also made comment in the course of that debate and suggested that there may be a case, although not quite so clearly, for reducing the period of disallowance from 15 days to something less.

My case, Mr Temporary Deputy Speaker, simply is that a reduction from 15 to 12 days is not really much of a change. The early amendments do not make any substantial difference, and I would urge members to give us the chance to be able to deal with the matter in a realistic way. Six sitting days would be, in almost every case, more than enough time to be able to deal with the questions given rise to. That is, as I have said, a minimum of a period stretching over three sitting weeks. I think it is worth making that change.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR STANHOPE (Leader of the Opposition) 4.56): Thank you, Mr Temporary Deputy Speaker.

Mr Humphries: Would you move your first two amendments together?

MR STANHOPE: Yes. Would you just clarify that?

Mr Humphries: I will support the first two amendments.

MR STANHOPE: Do you mean that, though? I am a bit confused.

Mr Humphries: We are supporting the reduction.

MR STANHOPE: Isn't that only paragraph 1(aa), though, Gary?

Mr Humphries: I am sorry; you are quite right. I beg your pardon; it is only one.

MR STANHOPE: Yes. So, in fact, you are supporting 1(aa).

Mr Humphries: And 1(ab), I think.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Are you clear on that, Mr Attorney?

MR STANHOPE: Before we go on, I move amendment No. 1 circulated in my name, which reads:

> Clause 4, page 1, line 10, before paragraph (a), insert the following new paragraphs:
>
> "**(aa)** by omitting from paragraph (1) (c) '15' and substituting '6'; and
>
> **(ab)** by omitting from subsection (4) '15' and substituting '12; and".

MR TEMPORARY DEPUTY SPEAKER: Mr Stanhope, just a moment. I think the Attorney is just making sure of this.

Mr Humphries: No, let the debate go on, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: I am sorry, Mr Stanhope.

MR STANHOPE: I will speak briefly to the amendment. I understand the points that the Attorney is making. As I said before, I think the settling of a date in relation to tabling of subordinate legislation or a disallowance period does require making a judgment. There really is no objective criteria that can be applied to this. The Labor Party is suggesting, through this amendment, that we reduce the first period by more than half, namely, from 15 sitting days to six sitting days. That does potentially shorten the period. It does allow us to claim that that extra degree of certainty and certitude is made available to the community. The objective of this piece of legislation is to make the process shorter and more certain. Perhaps the issue of certainty is significant here. I am grateful, in a way, that the Attorney has accepted that point in relation to that first period.

In relation to the second period, we can all express a view on what the appropriate period for disallowance might be. I have suggested 12 days. The Attorney thinks we should restrict it to six days. I am concerned about the need for us to ensure that we do allow that capacity for the community consultation processes of the Assembly to be appropriately pursued. I have to say, in the context of the comments made and our endeavours here to shorten that period and to provide greater certainty, that I am not aware of any real examples of who in the community has been adversely affected by

this. I am not aware of a groundswell of concern within the community about the problem that we are seeking to address here. I think a reduction from 15 days to six days in relation to the requirement to table and the reduction from 15 days to 12 days is a good, measured approach at this point. I do not think there is any great groundswell of community concern or institutional concern about uncertainty here. This is a measured approach which, I think, does achieve the certainty that the Attorney and all of us seek. I commend the amendment.

Amendment agreed to.

At 5.00 pm the debate was interrupted in accordance with standing order 34. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR STANHOPE (Leader of the Opposition) (5.01): I ask for leave to move amendments Nos 2 to 4 together.

Leave granted.

MR STANHOPE: I move:

> Clause 4 -
> Page 1, line 11, paragraph **(a)**, omit “6”, substitute “12”.
> Page 1, line 13, paragraph **(b)**, omit “6”, substitute “12”.
> Page 2, line 1, paragraph **(c)**, omit “6”, substitute “12”.

I think the matter has been well canvassed.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.02): Mr Temporary Deputy Speaker, to make clear what is happening, we proposed a reduction from 15 days to six days. Mr Stanhope is proposing a reduction from 15 days to 12 days. I have argued that we should reject his amendments in favour of what the Government has proposed by way of a reduction from 15 days to six days. Quite frankly, I think that is the only provision in the legislation which makes any substantive difference. A reduction from 15 days to 12 makes little difference at all. I think it is worth ensuring that we have a substantive result from this.

Mr Stanhope says he does not know of many cases where there have been problems with this. I have to say that there are a large number of matters which are raised from time to time with the Government where people are concerned about not being able to proceed with projects that hang off disallowable instruments, particularly under the Land Act, and such instruments need to lie on the table for, at the moment, the full 15 days before a project can get under way. That is a serious problem in some cases. Some people express serious concern about having a project which might be ready to go and about which there is no opposition on the floor of the Assembly - often these

things are canvassed among members - and yet we have no legitimate device available to truncate that period of 15 days. So I urge members to support a substantive change from 15 days to six days.

Amendments negatived.

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

Bill, as amended, agreed to.

ENVIRONMENT PROTECTION (AMENDMENT) BILL 1999

Debate resumed from 26 August 1999, on motion by **Mr Smyth**:

> That this Bill be agreed to in principle.

MR CORBELL (5.03): Mr Temporary Deputy Speaker, the Labor Party will be supporting this Bill. This Bill has been through an extensive process of examination and consultation. It commenced on 25 June last year when the Minister released the exposure draft of the Environment Protection (Amendment) Bill and the associated explanatory memorandum. Subsequent to that, the Standing Committee on Urban Services received a referral from the Assembly to examine the Bill and it was referred to the standing committee for inquiry and report in September last year. There was an extensive examination. As a member of the committee, although it was some time ago now, there was a thorough and close look at the proposals relating to this Bill.

Primarily, Mr Temporary Deputy Speaker, the Bill provides for the management of contaminated land and its remediation. It will allow for the development of a contaminated sites register and an environment protection policy under the Environment Protection Act. Specifically, the Bill will enable the Environment Management Authority to investigate potentially contaminated land and establish a process for its assessment and remediation. Independent auditors will be able to assess all work associated with the contaminated site.

The Bill will also allow for the recovery of costs of assessment and remediation, in most cases from the polluter; but if this person or persons or organisation cannot be found or cannot meet the costs, then the party who stands to gain most from the remediation of the land will meet the costs. The Bill also relates to national environment protection measures to deal with the movement of controlled waste between States and Territories and the establishment of a national pollutant inventory.

During the standing committee's examination of the Bill, most focus was on the issues to do with remediation of contaminated sites, the use of a contaminated sites register, and so on. I am pleased to say, Mr Temporary Deputy Speaker, that the Government has responded to most of the issues raised in the standing committee's report in relation to

this Bill. However, there were a couple of issues that I raised as additional comments during the Assembly committee's examination which were not accepted by the Government.

The first of these relates to the proposed register of contaminated lands. The majority report, as you would be well aware, Mr Temporary Deputy Speaker, accepted the Government's position on what information should be available through the register. In particular, it accepted that once land had been remediated it should no longer be listed on the register. I made the point then, and this remains the Labor Party's position, that there is merit in including material on the register where there is the possibility that land which, whilst understood to have been remediated and no longer contaminated according to today's standards, may still be found to be contaminated as expertise and knowledge in particular areas relating to contamination continues to improve. It is obviously one of those issues where the public's right to know, and the precautionary principle, highlight the need for open information on previously contaminated sites.

The other issue on which I made some additional comments on top of the majority report related to the provision for open standing for individuals and other groups to apply for a review of an authority decision not to make an assessment in relation to a contaminated site or in relation to remediation and audit orders. As matter of principle, the Labor Party continues to insist that every citizen should have the opportunity to question and appeal the decision of a government authority where they believe the law has been interpreted incorrectly.

This is not an issue that the Government has appropriately dealt with in relation to its Bill now before the Assembly, and it is an issue on which the Labor Party will be supporting some proposals which I understand will be moved by Ms Tucker later in the debate in relation to open standing. I also understand, Mr Temporary Deputy Speaker, that Ms Tucker will be moving some amendments in relation to the issue of remediated sites remaining on the register of contaminated lands, and again I should indicate up front the Labor Party's support for those proposals.

We feel it is very important that members of the community have access to information relating to what has occurred on a piece of land which they are contemplating purchasing or on which they live or which they are adjacent to. Whilst we may be as confident as we can be that land has been appropriately remediated, we can never be absolutely sure. For those reasons, when we are dealing with issues to do with potential impact on human health or damage to the environment, as the standing committee highlighted in its report, we must make sure that people have access to that information, and we must make sure that they can make an informed decision about that land. I think that is obviously an issue we need to canvass further in the debate.

Environment protection and these provisions and these amendments to the Environment Protection Act are important amendments which will ensure that we can manage contaminated sites in an appropriate way and, further, that the ACT comes into line with other jurisdictions on issues to do with the movement of controlled wastes and the national pollutant inventory. The Labor Party will be supporting the intent of the Bill overall, but obviously there will be a number of amendments we need to address later in the debate.

MS TUCKER (5.10): The Greens support this Bill in principle as well as it is a significant and positive step towards management of contaminated sites in the ACT. While the ACT does not have the scale of industrial land that other States have, it has had its own controversy over contaminated sites - for example, residential land found to have been built over old sheep dips, contamination of the Kingston foreshore and the clean-up of old petrol station sites. Canberra is not like other capital cities in having many disused industrial sites being redeveloped for other uses, but, in accordance with the precautionary principle, it is important to have the legislative framework in place to deal with situations that may arise in the future.

The Greens believe that to ensure protection of the environment and public safety it is very important that adequate records are kept of contaminated sites, that assessment and remediation of contaminated sites are done to the highest standard possible, and that the public have full access to all relevant documents and to appeal rights to ensure that the whole process is accountable.

I note that there has been the opportunity for public input into the Bill through the release of an exposure draft which was then referred to the Urban Services Committee for inquiry. This process has resulted in a number of improvements to the Bill. However, there are still some aspects that I think are deficient.

I note that the Bill is largely modelled on the contaminated land legislation in New South Wales, but there are some noticeable differences where provisions of the New South Wales legislation relating to public notification and access to information have been watered down in this Bill. Some of the submissions to the Urban Services Committee, most notably the submission from the Environmental Defenders Office, highlighted the differences between the ACT Bill and the New South Wales legislation, and also the Queensland contaminated sites legislation, which is also quite stronger than the ACT Bill. The Urban Services Committee picked up some of the concerns of the Environmental Defenders Office in its recommendations which the Government has subsequently incorporated into the Bill. There are still some outstanding issues that need to be aired during this debate.

I have prepared a number of amendments to the Bill which I will talk about further during the detail stage. However, I would like to remind Mr Smyth, the Minister for the environment, who has had a positive association with the Earth Charter process, of something. I have not heard him challenge this at any of the forums that we have both been at. It is a basic principle of the Earth Charter. The benchmark draft 2 No. 6 principle is “prevent harm to the environment as the best method of ecological protection and, when knowledge is limited, take the path of caution”. Minister, I want to remind you of that because that is basically the precautionary principle which is absolutely fundamental to any environmental regulation, and you have supported publicly the principles of this charter. I would be very disappointed if you are not able to make your practice fit with those public statements that you make.

I will give a little bit more detail here. That principle in the charter says, “give special attention in decision-making to the cumulative long term and global consequences of individual and local actions; stop activities that threaten irreversible or serious harm, even when scientific information is incomplete or inconclusive”. They are the critical points that really are relevant to the amendments that I am proposing, particularly about ensuring that there is information made available for future people in the ACT about what we have seen as contaminated now. Even if we think we have cleaned it up, we know very well that we can find later on, as we have with many substances, that there are serious implications, but I will talk further to that in the detail stage.

MR SMYTH (Minister for Urban Services) (5.15), in reply: I thank members for their broad support for this Bill. It is an important step forward, I think, in ensuring that the ACT does have a suite of environmental legislation that covers the entire environment. I think the work done in the Urban Services Committee, and the consultation there, was very good, and I am pleased that the Government has picked up, I think, all but one of the recommendations that came out of the Urban Services Committee.

The Government believes that we have more than adequately covered the concerns that Ms Tucker raised. With that in mind, we will be opposing all of her amendments, and I will address those one by one when we discuss them. I thank members, particularly those on the Urban Services Committee, for the work they did and for the broad support for the Bill. I will address the amendments one by one.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7

MS TUCKER (5.16): I move amendment No. 1 circulated in my name. It reads:

> Page 4, line 29, paragraph (b), omit the paragraph, substitute the following paragraph:
>
> “**(b)** by inserting after paragraph (1) (k) the following paragraph:
>
> ‘(ka) an order for assessment under section 91C;
>
> (kb) an assessment under paragraph 91C (4) (a);
>
> (kc) an environmental audit under paragraph 91C (4) (b);
>
> (kd) a remediation order under section 91D;
>
> (ke) an environmental audit under paragraph 91D (4) (b);
>
> (kf) the register;’.”.

This amendment affects section 19 of the Environment Protection Act which lists the documents held by the Environment Management Authority that are available for public inspection. An important feature of the original Environment Protection Act was that information held by the EMA regarding environmental authorisations and the like could be easily accessed by the public without having to go through the complicated freedom of information process. This was based on the principle that the community had a right to know what polluting activities were going on around them and what actions were being taken by government and the relevant businesses to control this pollution.

The Bill before us has included further documents related to contaminated sites under section 19, but, unfortunately, I believe that the list of documents is incomplete. While assessment and remediation orders are included in the list, there is no mention of the supporting reports which lead to these orders being made, such as an assessment and audit reports obtained by the lessee or occupier of the land.

I believe that the public should have access to the full range of documents that are available about contaminated sites so that they can track how decisions are made about these sites. My amendment therefore expands the list of documents in section 19 to include all documents that are produced in the course of assessment and remediation of contaminated sites. This is a really basic community right to know issue, and I am looking forward to support from the majority of members.

MR CORBELL (5.18): Mr Speaker, the Labor Party will be supporting this amendment. We support the provision proposed by Ms Tucker to expand the number of types of information available from the Environment Management Authority. Whilst the Government's current provisions do provide for an order for an assessment of a contaminated site, a remediation order, or information relating to access to the register, they do not deal with an environmental audit under a number of provisions, nor do they deal with a number of other assessments. For that reason, Mr Speaker, we will be supporting this amendment.

MR SMYTH (Minister for Urban Services) (5.19): Mr Speaker, the Bill already amends section 19 of the Act to include assessment and remediation orders in an already quite extensive list of documents. The proposed subsection 91D(3) gives the EMA the power to direct that a report on the remediation outcome be copied to interested parties. If we go as far as Ms Tucker is suggesting, I think we have to balance the need for accessibility to information against the needs of privacy of some individuals and their ability, say, under the FOI, to argue that this is intruding into their business and/or personal affairs. There is a very extensive list of documents. Anything else is, of course, accessible under FOI, which protects the rights of both sides of the argument. The Government opposes the amendment.

The Speaker having drawn attention to the fact that copies of the amendment were not available for circulation to members as required by the standing orders -

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

POSTPONEMENT OF ORDERS OF THE DAY

MR SMYTH (Minister for Urban Services) (5.21): Mr Speaker, pursuant to standing order 150, I move:

> That orders of the day Nos 6, 7 and 8, Executive business relating to the ministerial statements on the Commonwealth's Year 2000 Information Disclosure Legislation and the Draft Drugs Education Policy Framework in ACT Government Schools respectively, and the Gaming Legislation Amendment Bill 1999 be postponed until the next day of sitting.

Question resolved in the affirmative.

ELECTRICITY (AMENDMENT) BILL 1999

Debate resumed from 24 August 1999, on motion by **Mr Smyth**:

> That this Bill be agreed to in principle.

MR HARGREAVES (5.22): Mr Speaker, the Labor Party will be supporting this Bill. It is in two parts. It covers telecommunication workers, and trainees and school kids. The amendment regarding telecommunication workers will now require that telecommunication workers be licensed as electricians, which is good coverage. It will require telecommunication workers to complete an accredited training course to perform telecommunication cabling work. It is a cosmetic change that should have happened two years ago. In fact, the ACT is the last jurisdiction to amend its legislation. I am pleased to see that we are now doing it.

The second part of the Bill it provides a legal status for trainees and school students to perform electrical wiring work while undergoing an accredited training course. Three colleges have already begun this program. The students have undergone a six-week theory course and are awaiting the passage of this legislation so that they can undertake practical experience. The training experience is recognised by the CIT, and students will receive recognition of prior learning at CIT if they decide to further their studies, perhaps going into apprenticeships.

The Industry Training Board is halfway through a pilot which has 20 students currently involved. So far, the pilot has achieved positive results, with more students trying to access the program for next year. I understand that six of the people in that program have been offered longer-term jobs in their industry as they progress through their training. That is a credit to the Industry Training Board's devotion to these kids. The students, when they are working, are covered by enterprise bargaining agreements so , as far as I can determine, there is no discrimination against them because they are young people working. The legislation provides a future for many students who may not have had one, and it gives them direction and purpose. It can lead to a career in electronics, or they can become an electrician. It may open doors elsewhere also.

The major thing which commends this legislation to us is that it provides a seamless school-to-work program in a trade-related activity. We all know that there has been a shortage of apprentices for many years. Quite often part of the problem is that people do not want to start from scratch when they kick off their apprenticeship. There is also a benefit to employers in that when they take on an apprentice the apprentice has already had some training. They have already found out whether they want to be in that line of business or not. As I say, Mr Speaker, the Opposition will be supporting this legislation, because it is providing a seamless transition from school to work.

MR SMYTH (Minister for Urban Services) (5.25), in reply: Mr Speaker, we thank the Assembly for their very broad support for this Bill and the amendments. It is important that we do not interfere in the legal status of students and trainees as they better themselves and gain the practical experience they need to be valuable members of the work force. I thank the Assembly for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

MR SMYTH (Minister for Urban Services) (5.26): Mr Speaker, I ask for leave to move the two amendments circulated in my name together.

Leave granted.

MR SMYTH: Mr Speaker, I move:

Clause 4 -

Page 1, line 9, omit the clause, substitute the following clause:

"4 Interpretation

Section 3 of the Principal Act is amended -

(a) by omitting from the definition of 'electrical installation' in subsection (1) 'supplied by the Authority'; and

(b) by omitting the definition of 'electrical wiring work' in subsection (1) and substituting the following definition:

' "electrical wiring work" means the actual physical work of installing, altering or repairing and electrical installation other than -

(a) an electrical installation that operates at extra low voltage; or

(b) telecommunications cabling or equipment that operates at a voltage not exceeding 90 volts alternating current;'.".

Clause 6, page 2, line 29, omit the clause.

I present a supplementary explanatory memorandum. Both amendments have the support of members.

Amendments agreed to.

Bill, as a whole, as amended, agreed to

Bill, as amended, agreed to.

ENVIRONMENT PROTECTION (AMENDMENT) BILL 1999

Detail Stage

Clause 7

Debate resumed.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9

MS TUCKER (5.28): I ask for leave to move amendment Nos 2 and 3 circulated in my name together.

Leave granted.

MS TUCKER: I move:

Page 5 -

Line 17, proposed new paragraph 21A(2)(b), omit "which an order is in force", substitute "an order".

Line 25, proposed new subsections 21A(4) and (5), omit the subsections, substitute the following subsections:

"(4) The Authority shall make an entry in the register -

(a) for an order under subsection 91D(1) - if satisfied that the remediation of the land has been conducted as mentioned in paragraph 91D(4)(a); and

(b) for an order under subsection 125(1A) - if the Authority is no longer satisfied as referred to in that subsection, or the order is revoked, whichever occurs first.

(5) The Authority shall remove an entry from the register for an order under subsection 91C(1) within 60 days after receipt of an audit of assessment under section 91C in relation to that entry unless the Authority has, within that period, made an order under subsection 91D(1) or 125(1A).”.

These two amendments address the key part of this Bill, which is the establishment of the register of contaminated sites. At present the Bill only includes on the register those sites for which an assessment, remediation or environment protection order is currently in place. However, once the order has been completed or revoked, then the site is removed from the register. This approach is much less comprehensive than the New South Wales and Queensland contaminated sites registers, which include details of former or released contaminated sites as well.

The point was made by the Environmental Defenders Office in its submission to the committee that the public has a legitimate concern about contamination of land and a right to know where it may have occurred and to be involved in its management. As the ACT is bordered by New South Wales, if contamination were to be found in a border area, the New South Wales public would have greater rights to notification and involvement than the ACT public. As I have already said, it is a fundamental application of the precautionary principle. We know from experience that, as scientific understanding of contaminates increases, we find out after the fact that a particular contaminant has a particular impact. It is for that reason that it is very important that there be some record of where contamination has occurred. If we do not have that record, then it puts a greater burden on the future citizens of the ACT to try to track where contaminates have been.

The argument from government is that this is going to stigmatise the land. Once again, this is about saying clearly that the ACT believes that we have to have a very high regard for basic principles. Mr Smyth has publicly stated on several occasions that he does support the precautionary principle. In response to the argument that I put at the in-principle stage, he said that the Government does not agree; that that is not an argument. He needs to explain why the precautionary principle should not be applied here. It is not good enough just to say that he does not agree.

The government response to the committee inquiry was that a balance needs to be struck between the community’s right to know and the potential for unjustified stigmatisation of land that has been assessed as not contaminated. As I said, I believe that our register should be more consistent with registers in other States. I believe that even if a site has been cleaned up to current standards there is always the possibility that these standards may change in the future as more information on the impacts of toxic chemicals comes to light. It is important that we have a consistent and ongoing register of all current and former contaminated sites so that we do not lose track of the history of these sites in the future.

My amendment No. 2 proposes that the register include all sites for which an order has been made but not just where an order is in force. However, in amendment No. 3, sites that have been assessed as not being contaminated in the first place can be taken off the register, but sites that have been assessed as contaminated and have had a remediation or environment protection order placed on them would remain on the register indefinitely.

Under the new subsection (5), however, there would be an additional entry in the register when the order had been completed or revoked, so the public would be able to distinguish between current and former contaminated sites. I do hope we get support for this amendment, because it is a basic one that shows that the ACT does have regard for environmental principles and deserves the title of a leader in environment which was given to the ACT recently for a number of reasons. It makes a laughing stock of us if something as basic as this is not incorporated in this legislation. For heaven's sake, New South Wales and Queensland think it is okay.

MR CORBELL (5.32): Mr Speaker, the Labor Party will be supporting these amendments. In our view they are the central amendments proposed by Ms Tucker and the most important. If their family were contemplating purchasing a piece of land, I am sure all members would expect to have the opportunity to know what had happened on that land. If there had been contamination and if that contamination had been remediated, you should have a right to know what has occurred on that land. You should not have that information denied to you. That is what is proposed in the Bill as it currently stands, and that is what Ms Tucker's amendments attempts to rectify. You should not have that information denied to you. You should be able to make an informed decision. If you are confident that the measures taken to remediate - - -

Ms Tucker: Excuse me, Mr Speaker, can I just raise an issue here? Mr Osborne has the balance of power on these amendments, and I would appreciate it if he could listen to the debate.

MR SPEAKER: Continue, Mr Corbell

MR CORBELL: These amendments remove the right of the Government to deny you information about what has happened that land. If you are proposing to purchase land, you should have the opportunity to know what has occurred there. Then you can make an informed choice about whether or not you believe the remediation has been adequate. If you believe that the contamination has been appropriately dealt with, if you have confidence in the processes and procedures used to remediate a site, then you will have no difficulty in purchasing that land. Equally, if you have a concern about the land, if whilst everything has been done according to the law you are still concerned about the potential impact that contamination may have down the track as our knowledge about that type of contamination continues to grow, then you are entitled to access to information about what has occurred on that land. That is what these amendments are about.

The Government says, "No, we are not going to give you that information once the land is remediated". By supporting these amendments, members will be saying, "Yes, you still have a right to know what occurred on that land". That is what the amendments are about. It is a very important right.

MR SMYTH (Minister for Urban Services) (5.35): Mr Speaker, these are perhaps the central amendments in the debate this afternoon. We believe the Government's model is better. The reason is that you have to say the land is either remediated or not. The ACT Government went to great expense and did exceptional work in remediating this land. Either it is or it is not remediated, and it is either certified or not certified by an independent qualified environmental auditor. There should be no further adverse consequences to the landholder.

It is either remediated or not. If it is not, then we should leave everything for all time on every register everywhere. There must be a point at which you can say that this land is remediated. Ms Tucker raises the word "stigma". In fact, it does leave a stigma over this land, and for individuals who have made a personal investment in the land it may also lead to a decrease in its value. With the model that we put forward we can protect this land and the records as well without leaving the land on the register. The EMA will still have the records and they will still be subject to FOI.

Ms Tucker argues that we may discover something in the future. How do we qualify this? How do we limit this? Do we limit it? Ms Tucker says that what I am saying is inconsistent with the precautionary principle. The precautionary principle is: Do no harm when you do not know. What we do know is that we have remediated this land. The ACT taxpayer has spent a lot of time, money and effort remediating this land. Those who own the land were put to great inconvenience and difficulty, and some have chosen to stay and others have chosen to sell up and go. But you must reach a point where there is some finality on this.

The EMA will still hold the records. Should future processes evolve that say that the land was not properly cleared of the arsenic, I would be very surprised, but I am willing to accept that advances in science may prove that. At this stage it leaves for the owners of that land the signal that it has not been remediated; that for some odd reason there is still something wrong with that land. We believe our model is better. We will still have the records, and I believe that the approach we are taking is better.

I do not believe that this makes us a laughing stock at all. It is odd that when the Government says, "We would not mind being consistent with New South Wales", everybody says, "We do not have to be consistent with New South Wales". Now we are having arguments that we must be consistent with New South Wales. It is something that I will hold dearly to and use in the future. The reality is that the land has either been remediated or not. We believe that it has and therefore it is reasonable to remove it from the register.

MS TUCKER (5.38): I think that is a stunning statement. Always remember that Mr Smyth knows that we will never know anything more about remediation because we know that the technology that exists now is as good as it is ever going to get in terms of understanding the impact of contaminants. That is a really amazing statement, Mr Smyth. The precautionary principle takes into account the fact that knowledge does increase in particular areas, that there may well be a greater understanding of the impact of contaminants and that we may need to use better technology developed later to remediate this land, in which case we will need to be able to trace the locations.

As Mr Corbell said, it is also a basic consumer right to know. In Canberra you could easily be buying a piece of land that was once a petrol station. There are lots of sites like that now. You are choosing to buy that land as a resident. It will be zoned residential. In the future, someone may be very interested to know whether it was once a petrol station site, particular if they are chemical sensitive. There are such people in our society – a growing number, in fact. This is really a very unacceptable position from a government that claims to have this very strong commitment to the environment and to health issues.

Mr Smyth pointed out that we object sometimes when government policies seem to be supported only by the fact that New South Wales does it, but standards are always part of the debate, something which Mr Smyth omitted to acknowledge. In this case, New South Wales has a higher standard, so we are quite prepared to encourage this Government to have a high standard on this important environmental and health issue.

MR CORBELL (5.40): The Minister seems to confuse the issue of having entries on the contaminated sites register. He is saying they are either remediated or not. My understanding of Ms Tucker's amendments is that she provides for a category on the register that indicates sites that have been remediated, and that is where these sites would go. There is very legitimate community concern that people should know what has occurred on a piece of land. People should know where contamination has occurred, even if the contamination has been addressed in accordance with Acts such as the Environment Protection Act.

I heard the Chief Minister comment, "We removed the soil". Removal of soil certainly occurs in a large number of contaminated sites but not all of them. There are other ways of addressing remediation. Those techniques do not always involve the removal of soil.

The bottom line is that a householder or a would-be householder should not have to resort to the Freedom of Information Act to know what has occurred on the land that they are purchasing. If that is the Government's answer, it is an unacceptable one. You should not have to resort to an FOI when you are contemplating purchasing a block of land.

If there has been remediation, and if the Government is so confident that remediation has been successful, then they should not be afraid of making a list of sites available. If they have nothing to hide, if they have nothing to be concerned about, then they should not be afraid of putting those sites on a list in the register. That is what these

amendments do. They are sensible amendments. When I am contemplating purchasing a property, I would like to know what has occurred on that site, and I am sure most other members would too.

Question put:

> That the amendments (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 10	*NOES, 7*
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Osborne	Mr Moore
Mr Quinlan	Mr Smyth
Mr Rugendyke	Mr Stefaniak
Mr Stanhope	
Ms Tucker	
Mr Wood	

Question so resolved in the affirmative.

Amendments agreed to.

MS TUCKER (5.46): I move:

> Page 6, line 9, after proposed new section 21A, insert the following section:
>
> " '21B. **Notification of making of certain entries in register**
>
> '(1) If the Authority makes an entry in the register under paragraph 21A(2) b) or subsection 21A (4) or removes an entry under subsection 21A (5), the Authority shall –
>
> (a) notify the making of the entry or removal in the *Gazette* within 10 working days beginning after the day the entry was made; and
>
> (b) publish a copy of the notice in a daily newspaper.
>
> '(2) A notice under subsection (1) shall state the places at which a copy of any of the following documents may be inspected or obtained:
>
> (a) an order under subsection 91C(1);
>
> (b) an assessment under paragraph 91C(4)(a);
>
> (c) an environmental audit under paragraph 91C(4)(b);
>
> (d) an order under subsection 91D(1);
>
> (e) an environmental audit under paragraph 91D(4)(b).'.".

This amendment proposes a new section to address an issue that was not adequately addressed in the Bill - public notification of changes to the register of contaminated sites. The New South Wales legislation includes mandatory *Gazette* and newspaper notification of when assessment and remediation orders are given, but this has not been included in this Bill. In the committee inquiry the Government stated that this notification was too onerous as this information could be obtained from the EMA directly. However, I think it is too much to ask that residents regularly check with the EMA to see what changes have been made to the register. Changes to the register will be easily missed.

It is very common in other legislation, and even in other parts of the Environment Protection Act, for public notification of various actions under legislation to be provided - for example, the completion of an environment protection policy, code of practice or environmental authorisation. It is quite consistent that notification of changes to the register be publicly notified, and in fact it should be an obligation on the EMA to keep the community informed about changes to the status of contaminated sites.

MR SMYTH (Minister for Urban Services) (5.48): The Government is against all Ms Tucker's amendments, so she might like to move them all together.

MR SPEAKER: We have to get clause 9 out of the way first.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MS TUCKER (5.49): I ask for leave to move amendments 5, 6 and 7 circulated in may name together.

Leave granted.

MS TUCKER: I move:

Clause 16 -

Page 10, line 30, proposed new paragraph 91C(3)(c), omit the paragraph.

Page 12, line 23, proposed new paragraph 91D(3)(c), omit the paragraph.

Page 13, line 22, after proposed new section 91D, insert the following sections:

" '91EA. **Notification of certain persons about orders for assessment or remediation**

'(1) The Authority shall, by written notice, notify the occupier and, if the occupier is not the lessee, the lessee, of land adjacent to land to which subsection 91C(1) or 91D(1) relates -

(a) that notice of an assessment or remediation of the land has been given to the appropriate person; or

(b) that the Authority is carrying out the requirements of an assessment order or remediation order in relation to the land.

'(2) A notice under subsection (1) shall -

(a) invite the person to whom notice is given to make written submissions to the Authority within 21 days beginning the day after the day the person received the notice; and

(b) state the places at which a copy of any of the following documents may inspected:

(i) a report of the outcome of an assessment under subsection 91C(1);

(ii) a progress report on the assessment under subsection 91C(3);

(iii) an assessment under paragraph 91C(4)(a);

(iv) an audit under paragraph 91C(4)(b);

(v) a report of the outcome of an assessment under subsection 91D(1);

(vi) a progress report on the assessment under subsection 91D(3);

(vii) an audit under paragraph 91C(4)(b);

'91EB. **Certain documents to be available free of charge**

The Authority shall -

(a) make available for inspection by any person free of charge a document mentioned in paragraph 91EA (2) (b); and

(b) on the request of a person, give a copy of a document mentioned in that paragraph to the person free of charge.".

These amendments address a serious problem in the Bill regarding a process for undertaking assessment and remediation orders. At present these orders may provide for public notification and consultation by the person to whom the order is given but it is not mandatory. Again, this provision is not as good as the mandatory requirements in the New South Wales legislation. In response to this criticism in the committee report, the Government said that in almost all cases the requirement to consult with neighbouring property owners would be included in orders. If this is the case, then why does the Bill not require this? My amendments make this consultation mandatory rather than optional, and it would appear that they are not inconsistent with government's claimed views on this issue.

The Bill also leaves any notification and consultation requirements to be undertaken by the person receiving the order rather than by the EMA itself. This is a recipe for problems, as was found in the implementation of the Land Act. In the past proponents of development did their own public notification, but this was found to be so poorly and

inconsistently done that Planning and Land Management had to take over this responsibility. The Assembly should not forget this history. The EMA has to take responsibility for managing the whole process of issuing orders and not leave it to those people receiving orders, who have a conflict of interest in wanting to minimise the cost of remediation and not wanting public intrusion. My amendments therefore require the EMA to manage the public consultation process.

Another problem with the Bill is that, while there is a process for issuing orders to persons who have control of the site, there is no process for the situation where the EMA is itself doing the assessment or remediation of so-called orphan sites. There is an assumption built into the Bill that the EMA will do the right thing and therefore no specific requirements need to be set for it. This is not a very accountable process. I am not questioning the EMA's motives, but there is always the danger that things will be overlooked and corners cut. The process to be followed by the EMA needs to be clear and transparent. I have therefore put in the requirement that the EMA must also consult with neighbours if it is doing its own assessment or remediation.

Amendments agreed to.

MR SMYTH (Minister for Urban Services) (5.53): Mr Corbell has indicated that the Labor Party is happy with all my amendments as long as they do not clash with or undo what Ms Tucker has just moved. I refer both Mr Corbell and Ms Tucker to my amendment No. 5. Ms Tucker has deleted paragraph (zcc). I have substituted a new paragraph (zcc). That would be the only place where we are in conflict. Can you live with (zcc), Mr Corbell and Ms Tucker? If so, I will move my amendments together.

MR SPEAKER: Ms Tucker, you have not moved your amendment No. 8 yet.

Ms Tucker: I am just wondering whether I have to.

MR SPEAKER: That amendment is in conflict with Mr Smyth's amendment No. 5.

MR SMYTH: Do you prefer yours or mine?

Ms Tucker: I will not move mine.

MR SMYTH: Mr Speaker, I seek leave to move all my amendments together.

Leave granted.

MR SMYTH: I move:

> Clause 16 -
>
> Page 9, line 8, proposed new subsection 91B(1), before "include", insert "the Authority shall".
>
> Page 13, line 24, proposed new subsection 91E(1), omit the subsection, substitute the following subsection:
>
> "(1) The Authority may, on application in writing by a person on whom an order is served under subsection 91C(1) or 91D(1)

for an extension of the period within which the person shall conduct an assessment or remediation -

(a) extend or refuse to extend the period; or

(b) extend the period for a period less than that applied for.".

Page 14, line 33, proposed new subsection 91I(1), omit the subsection, substitute the following subsection:

"(1) If the Authority takes action under subsection 91C(1)(B) or 91D(1)(b), the Authority may, by written notice, require an appropriate person against whom an order under that section may be made, to pay to the Authority the reasonable costs and expenses incurred by it in taking that action.".

Clause 19 -

Page 21, line 17, before paragraph (a), insert the following paragraph:

"**(aa)** by inserting after paragraph (1)(a) the following paragraph:

'(aa) under paragraph 21A(4)(b) or (c) refusing to remove an entry from the register;'.".

Page 21, line 25, paragraph (b), proposed new paragraph 135(1)(zcc), omit the paragraph, substitute the following paragraph:

"(zcc) under subsection 91D (8) refusing to consent;".

Page 21, line 30, paragraph (b), after proposed new paragraph 135(1)(zce), insert the following paragraph:

"(zcf) under section 91I requiring a stated person to pay reasonable costs and expenses;';".

Page 21, line 36, omit the paragraph, substitute the following paragraph:

"**(f)** by omitting paragraph (2)(a) and substituting the following paragraphs:

'(a) in the case of a decision referred to in paragraph (1)(a) - the applicant;

(aa) in the case of a decision referred to in paragraph (1)(aa) - the person to whom the entry relates;

(ab) in the case of a decision referred to in paragraph (1)(d), (e), (f), (g), (y), (z), (zcc), (zcd) or (zce),the applicant;';".

Page 22, line 1, paragraph (h), omit the paragraph.

Amendments agreed to.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1999

Debate resumed from 22 April 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MS TUCKER (5.56): This Bill makes minor amendments to the way jobs are advertised. They are currently advertised in the Commonwealth *Gazette*. They are now to be advertised in the territory *Gazette*. The Bill also broadens the definition of “criminal offence” to include crimes committed in other States. The major concern of the Government seems to be that they do not have the ability to reappoint contract staff within the benefit period. It seems a reasonable piece of legislation, although I understand Mr Berry will be moving an amendment. I will wait to hear his argument.

MR BERRY (5.57): Mr Speaker, when last I made a contribution to this Bill, I was critical of the Government because they had not consulted with unions representing their employees at the time. I have now received a letter from the Chief Minister, dated 27 August 1999, outlining the consultation process which they followed. I would like to thank the Chief Minister for going to the effort of consulting with the relevant union. The Chief Minister also advises that a letter was received from the Australian Nursing Federation which dealt with some of their concerns.

The Bill principally goes to the issue of some technical alterations. It makes some amendments in relation to the assessment of a criminal offence in other jurisdictions. I think that particular clause is satisfactory. I think the clause “Appointments on probation - training offices and teaching offices” is satisfactory. The clause “Officers of the Australian Public Service engaged to perform the duties of Chief Executive or Executive offices” is also generally satisfactory.

The next clause is “Engagement of certain former employee officers and employees prohibited”. That relates to the reappointment of senior executive officers, as I recall it. Whilst wavering about the issue in the past, I am prepared not to oppose that particular provision and to keep a watchful eye on the outcome. I note that the nurses union raised some concerns about that, but at this point I do not think there is sufficient evidence for me to resist the move by the Government on that clause. However, it would be a pity if this particular amendment were being pursued with a particular person in mind, rather than as a general approach to a more efficient Public Service. That is one thing that I will be watching.

Clause 8, which amends section 251 of the principal Act, sets out to allow the Chief Minister to ditch her former responsibility for public sector management standards as set out in section 251 of the legislation. The legislation currently reads:

> The Commissioner may, with the approval in writing of the Chief Minister, make management standards, not inconsistent with this Act, prescribing matters
>
> (a) required or permitted by this Act to be prescribed …

That is a disallowable instrument. This legislation sets out to shift that direct responsibility from the Chief Minister to the Public Service commissioner on a once-only basis. Proposed new subsection (7) of section 251 says:

> An approval by the Chief Minister under subsection (1) may be given in respect of all management standards to be made for a specified purpose.

That would be disallowable, as I understand it. I will oppose that clause when we get to it in the detail stage. Management of the public sector in the Australian Capital Territory is an extremely important issue where the Government has to be accountable. Changes to public sector management standards ought not to be deferred to the Public Service commissioner. At the end of the day the Assembly can be accused of going after the Public Service commissioner for these changes to the public sector management standards rather than dealing with the decision-maker, which in the current legislation would be the Chief Minister. If there are changes to the public sector management standards, it is more appropriate to deal with them in the normal political process in this Assembly rather than be accused of attacking the Public Service commissioner because the authority has been given to the commissioner by the Chief Minister. I think that is a bit of a diversion that we need not and should not support.

It strikes me that the Chief Minister should take responsibility for this, because it only happens on very few occasions. In the briefings that I had in relation to this matter, my recollection is that it was described as rare. To make it out as an important issue in the scheme of management of the Public Sector Management Act is overstating it a bit. It strikes me that the Chief Minister ought to be answerable to this Assembly on management standards rather than flick-pass the responsibility to the Public Service commissioner, in which case you can bet that if we attempted to overthrow a public sector management standard by way of disallowance we would be accused of going after public servants again. I am not interested in that. I would rather deal with the matter in the context of the decision-maker. We know that the decision-maker would make the decision anyway, but the responsibility for it would be flicked to the Public Service commissioner. It is a rare matter, so it is not something that would come to this place on a regular basis.

I raised a few other matters in the course of the debate. They were merely technical and went to what seemed to be oversights and inconsistencies in the legislation. The Chief Minister has written to me. If I could just get her attention for a moment, I would like to know how she plans to deal with those other oversights, mistakes or whatever in the legislation and whether there is in fact a need to deal with them or not. It strikes me that it is the Government's job, not the Opposition's job, to get drafting instructions to sort out little typos or oversights in legislation. I would like to hear from the Chief Minister on the few issues I raised when I last spoke on this matter.

MS CARNELL (Chief Minister) (6.05), in reply: The Public Sector Management (Amendment) Bill was presented to the Assembly on 25 March this year, quite a long time ago. The debate was adjourned to allow for consultation with unions. That is what Mr Berry brought up at the time. Before I report back to the Assembly on this issue, I would like to take a few moments to recap on the proposed changes to the Act and, I hope, put Mr Berry's mind at ease.

First of all, I would like to flag that I will be moving an amendment to clause 2 of the Bill. Mr Berry, I think you would have got that amendment recently. It simply puts back the commencement date for the territory *Gazette* to 1 January next year. It is a tiny weeny bit difficult to start something on 1 July when it is nearly 1 September now.

In addition to making some technical changes, this Bill provides for the advertising of ACT Public Service job vacancies and related notices in the territory *Gazette* rather than the Commonwealth *Gazette*. The Bill also permits the re-engagement of former chief executives and executives of the ACT Public Service with written approval of the Commissioner for Public Administration and also streamlines the making of routine changes to public sector management standards.

During the debate on 22 April this year, Mr Berry raised a general concern that unions had not been consulted. He also raised specific concerns about the provision for re-engagement of chief executives and executives and about the streamlining process for making standards. Since then, my department has written to unions, inviting them to comment on the proposed changes. We obviously thought that if Mr Berry and Ms Tucker wanted to adjourn debate on the Bill for more consultation with the unions there must be a problem. We did get a response - one. The Australian Nursing Federation responded to the invitation that we sent out. The ANF raised the same concerns as Mr Berry but confirmed that they had no objections to the Bill. Nobody had any objections. We seem to have put off the debate for quite a long time for nothing.

Mr Berry: No, I think you are mistaken. We have no objection to the other proposed amendments.

MS CARNELL: If Mr Berry had listened, he would know that we wrote to the unions inviting them to comment on all the proposed changes in the Bill. Only one union, the Australian Nursing Federation, responded. They said they did not have any objections to the Bill that we put on the table, apart from the ones that Mr Berry raised. This does not show that the union movement have a huge problem with this legislation. It is important to point out that one union echoed the concerns of Mr Berry, probably because Mr Berry told them to, but that is okay. They said that they did not have any other problems. No other objections were received.

The changes in clause 7 permit the re-engagement of executives within the period of any separation, as I explained in an earlier speech. We are putting that in place simply because it seems unnecessary to have rules for executives that are different from those for other members of the Public Service. These rules apply to other members of the public sector. Under the proposed amendments the commissioner would be able to agree to re-engagement in some capacity within the benefit period. I cannot imagine that this

would be very often, but I think it is appropriate for the commissioner to have this capacity for those unusual circumstances. Any decision made by the commissioner would be subject to Assembly scrutiny through the annual reporting process.

There is also no intention to permit double payments. However, it is important that the ACT Public Service have the flexibility to meet every employment contingency if arrangements are suitably transparent. The current system for non-executives has not caused any significant concern, and the potential issues are basically the same.

Mr Berry's second concern relates to clause 8 of the Bill. This clause simplifies the making of routine management standards. The current system requires two approaches to the Chief Minister on the same policy issue - first, to obtain in-principle approval and, second, to sign off the instrument for the commissioner to make the standard.

The proposed change is a simple streamlining and efficiency measure. It would eliminate the need for the second formal stage where there is no significant policy issue involved - for example, the clarification of existing standards or a periodic increase in the amount of an allowance. The Chief Minister would be approached only at the formal approval stage, not twice. The parameters within which the commissioner would make the standards would be set and varied at any time by the Chief Minister. The scrutiny of the Assembly is still there. Standards would continue to be gazetted and tabled as disallowable instruments.

Mr Speaker, the current arrangements are unnecessarily time consuming and have tended to result in batching of standards to reduce the flow of individual submissions. The changes to the *Gazette* arrangements are sensible, reflecting that we have now had our own Public Service for five years and self-government for 10 years. We should have our own *Gazette.* We should have our own identity in this area.

In my letter to Mr Berry I indicated that the Commonwealth *Gazette*, as we understand it, is not Y2K compliant, and therefore the Commonwealth will have to make some changes in the near future to sort their *Gazette* out, so it is an appropriate time for us to have our own ACT identity.

Jobs will be advertised in our own *Gazette*. The new arrangements will enhance electronic access to the *Gazette* using the ACT Government's Internet site. Printed copies will still be available. I suppose we all have to realise that the world is moving forward. The electronic age is upon us, and wherever possible we should provide government services and government publications by electronic means.

The reason for the government amendment I put forward today is obvious. It came about because we adjourned the Bill for a long period. The ACT *Gazette* will come in on 1 January next year, maybe a very appropriate time for the ACT to take another step towards its own identity, its own future.

In conclusion, I seek members' support for the Bill. The changes are largely housekeeping changes, reflecting the fact that we always need to work to keep legislation up to date, and that will continue to occur.

Question resolved in the affirmative.

Bill agreed to in principle

Detail Stage

Clauses 1 to 7, by leave, taken together.

Amendment (by **Ms Carnell**) agreed to:

> Clause 2 -
> Page 1, line 9, subclause (2), omit "1 July 1999", substitute "1 January 2000".

Clauses, as amended, agreed to.

Clause 8

MR BERRY (6.14): I repeat what I said earlier about who is answerable to this Assembly. It strikes me and the Labor Party that it is better if it is the Chief Minister rather than the Public Service commissioner. I note that the Chief Minister did not disagree with my assessment of the possible involvement of the Chief Minister in these matters. It is a rare occurrence rather than a regular one, and it would not be that onerous a task. I have made my point in relation to who should be answerable to this Assembly. Where possible it should be the political master rather than the public servant when it comes to disallowable instruments.

To be a little hypothetical for a moment, in the event that this Assembly found a Public Service management matter abhorrent for one reason or another, or just disagreed with it, I would far rather be moving a motion of disallowance in relation to the Chief Minister's actions than I would in moving one in relation to the Public Service commissioner's actions, for a couple of reasons. The first is that the management of the Public Service is a significant matter for this Assembly and therefore ought to be dealt with by people within this place.

Secondly, it would save the Chief Minister from having to hurl her usual stuff at us about attacking public servants. I would rather take the public servants out of the firing line wherever possible. As it stands, this Bill would tend to put the public servant in the firing line. I admit that it would only be on a rare occasion, but then again for the same reason it is a rare occasion that the Chief Minister gets involved. They are the reasons I will be opposing the change to the actioning of management standards.

Question put:

> That clause 8 be agreed to.

The Assembly voted -

AYES, 8	*NOES, 7*
Ms Carnell	Mr Berry
Mr Cornwell	Mr Hargreaves
Mr Hird	Mr Kaine
Mr Humphries	Mr Quinlan
Mr Moore	Mr Stanhope
Mr Osborne	Ms Tucker
Mr Rugendyke	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Clause agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Assembly adjourned at 6.21 pm