DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 February 2000

Thursday, 17 February 2000

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

ACTEW/AGL PARTNERSHIP FACILITATION BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.33): Mr Speaker, I present the ACTEW/AGL Partnership Facilitation Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

Under the Council of Australian Governments (COAG) agreements, the energy markets - electricity and natural gas - have undergone significant reform at the national level in recent years. These reforms are nearing completion. This has meant an increase in competition as the markets are opened up to give new suppliers or retailers of energy access to customers and the distribution networks; that is, to the electricity wires and gas pipes. This opening up of markets has benefits for electricity and gas consumers in terms of choice of suppliers and prices through operational efficiencies required to be achieved by suppliers to remain competitive. But that extra choice for consumers poses challenges for this community, as the owner of ACTEW: We have seen several of ACTEW's former major customers switch to alternative suppliers.

Mr Speaker, the opening up of markets to competition has already seen the merging and acquisition of smaller utility providers in other States with larger providers. That has been seen necessary by those companies both to survive and to continue to provide better and more diversified services to their customers. Whilst we in the ACT regard ACTEW as a major corporation within the energy market, it is really a small utility having its major customers within the boundaries of the ACT. This makes it difficult for ACTEW to generate further economies and spread its risk profile in order to remain competitive.

As members of this Assembly will appreciate, the Government has undertaken a range of actions in an attempt to secure a viable future for ACTEW and its employees and to protect the value of the Territory's investment in ACTEW. That is essential in the context of ACTEW's competitive place in the national energy market. This work commenced with the Fay Richwhite study, entitled "Risk assessment of ACTEW Corporation", which was released in early 1998. Since then the Government has pursued

the possibility of the sale of ACTEW, based on recommendations contained in the ABM AMRO/DGJ Projects scoping study of ACTEW Corporation, and a merger between ACTEW and Great Southern Energy. Neither of those options was able to proceed.

Expressions of interest were subsequently called from organisations wishing to enter into joint ventures with ACTEW. The ACTEW board concluded that a proposal from the Australian Gas Light Company (AGL) warranted further investigation and that was agreed to by the Chief Minister and me as ACTEW's voting shareholders. Mr Speaker, those investigations indicate that a partnership between ACTEW and AGL for the provision of energy, both gas and electricity, water and waste water services has the potential to benefit both ACTEW and the ACT community as its owner by providing a more secure and diversified base for ACTEW's future operations through further enhancing the existing multi-utility synergies while reducing its energy trading risk and, secondly, enhancing the value of the Territory's investment in ACTEW while reducing the Territory's exposure to potential losses from energy trading by ACTEW. The initial investigations have proved positive and the proposed partnership has the support of both the ACTEW board and AGL.

The Government is at the stage where it is seeking the agreement of this Assembly to allow the partnership negotiations to proceed to the due diligence stage and has brought forward a Bill which establishes the framework for those negotiations. The ACTEW/AGL Partnership Facilitation Bill 2000, presented to the Assembly now, facilitates the formation of a joint venture by ACTEW and AGL by way of a partnership. It provides for agreements for the provision of electricity and gas and for the undertaking of water and sewerage operations and maintenance activities.

The partnership agreement between ACTEW and AGL was a significant initiative based on sound commercial realities. I would like to assure members that the Government has required that, in addition to reducing ACTEW's energy trading risk and enhancing the investment in ACTEW, certain essential protections are firmly in place. Specifically, these are that the interests of ACTEW staff be protected, that the Territory's financial interests in the infrastructure assets are retained, and that the water and sewerage infrastructure is to remain as a resource belonging to the Territory.

Mr Speaker, these requirements will be met through the following structural and other arrangements involving ACTEW and AGL: ACTEW Corporation Ltd will remain intact and will be subject to the TOC Act, which will remain unchanged by this Bill; no change will be made to the ownership and accountability relationship between ACTEW and the Government, nor to the relationship between ACTEW and the Legislative Assembly; ACTEW will carry on its existing business through entities created for partnership purposes; two partnerships, one involving energy distribution and the other energy retail, will be created in which ACTEW and AGL will both hold equal interests - ACTEW therefore does not lose control of its existing businesses, plus it gains an interest in the ACT gas business; the partnership will control and operate the existing ACT electricity and ACT and Queanbeyan gas supply businesses of the two companies and manage ACTEW's water and sewerage business under contract; existing staff will remain as ACTEW employees with all associated benefits and protections;

staff would be seconded to the partnership and returned to ACTEW in the event the partnership ceases at some point in the future; and, in the event that the partnership ceases, the ACT's electricity assets will revert to the ACT.

Mr Speaker, it is important to note that the TOC Act will continue to apply to ACTEW and its subsidiaries. This Bill in no way diminishes the role of this Assembly, as provided for in the TOC Act. Indeed, it will be necessary for this Assembly to approve a resolution before ACTEW or any of its subsidiaries could dispose of a main undertaking or significant asset.

In addition to providing for agreement between ACTEW and AGL, the Bill removes an uncertainty about the ownership of network facilities which had not previously been addressed by the Commonwealth prior to self-government, nor by subsequent ACT governments. ACTEW will be vested with rights that will assist it to operate, maintain or otherwise use such network facilities. This is necessary to effect the commercial reality of facilitating a partnership.

Concurrent with the introduction of the ACTEW/AGL Partnership Facilitation Bill 2000, the Government is presenting the Utilities Bill 2000 to this Assembly. This regulatory framework determines the environment within which the ACTEW/AGL partnership, in addition to other energy market competitors, will operate within the ACT.

In conclusion, Mr Speaker, the Government by pursuing the partnerships between ACTEW and AGL is taking the action that is necessary to secure the future of ACTEW and its employees and to protect the Territory's investment in ACTEW. The partnership is an exciting opportunity to create a larger and stronger utility better able to compete in the national marketplace through providing integrated services to customers, including those in the ACT. I commend the ACTEW/AGL Partnership Facilitation Bill 2000 to the Assembly.

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

UTILITIES BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.41): Mr Speaker, I present the Utilities Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I am pleased to present the Utilities Bill 2000, which deals with the regulation of electricity, gas, water and sewerage services. The Government has consistently stated its commitment to consult on the package, and this still stands. Community input is necessary to ensure the regulation of these essential services delivers benefits to the entire community.

The statement of regulatory intent which this Government presented to the Assembly in 1998 described deficiencies in the current regulatory framework and highlighted matters that needed to be addressed under the new framework. The statement was released for public comment and the Government has taken into account the views raised by community and business groups. Whilst the initial focus was on developing a regulatory framework for electricity, water and sewerage industries, the Government gave a clear statement that natural gas would be brought into the regime at the earliest opportunity. Indeed, the Utilities Bill provides for the regulation of gas as well.

The Utilities Bill is the main component of a landmark reform package that will replace eight existing Acts, amend 17 others and subsume a range of regulations. The framework flows from provisions contained in the principal legislation, supported by operating licences, codes of practice and consumer contracts. In recognising the importance to both consumers and utilities of a stable and predictable regulatory environment, the Government will be inviting further public comment on the latest drafts of the utility service licence, benchmark consumer contract, consumer protection code and codes of practice.

The new regime will apply to all utilities operating in the ACT, whether publicly or privately owned or operated. It is based on relevant utilities being required to have an operating licence for the specific utility services that they provide, such as energy retailing and distribution, water supply and sewerage services. The licences will contain a range of specific considerations with which the utility must comply. Some of these conditions are embodied in detailed codes, such as the consumer protection code. The Bill contains a graduated range of penalties for non-compliance, ranging from notification of breaches and including possible fines, including daily penalties for breaches, to revocation of licences in extreme circumstances.

Essentially, the provisions in the Bill will establish the general basis of the regulatory structure, including a licensing regime for each industry; set out the broad objectives for the regulation of utilities; enable the responsible Minister to issue directions on licence conditions or codes of practice which will be disallowable by the Legislative Assembly; authorise codes governing specific areas of operation, such as disconnection procedures, consumer protection, safety and technical standards - these codes will be enforceable as licence conditions, subject to amendment either by ministerial direction or by the Independent Competition and Regulatory Commission, after consultation with industry; make customer contracts enforceable and subject to minimum terms and conditions - these contracts may be varied as agreed by the customer and the utility, subject to the normal statutory restrictions, for example, in fair trading legislation; and require utilities to provide community service obligations at an agreed price.

The Utilities Bill will also expand the role of the Independent Competition and Regulatory Commission to include the administration of licences for utilities, including the ability to issue, vary, suspend or revoke licences. A new body - the Essential Services Consumer Council - will continue the good work currently performed by the Essential Services Review Committee and provide an independent statutory complaints handling mechanism.

The legislation will require utilities to comply with relevant technical standards and the Department of Urban Services will continue to be responsible for developing these standards and monitoring their compliance. Environment ACT also has a role. It will continue to be responsible for environment management. The Department of Health and Community Care will continue to have responsibility for health standards and public health requirements and will enhance responsibilities and capabilities in relation to protecting drinking water quality.

The Government considers that the Bill provides an effective model to better protect the long-term interests of the community by ensuring service quality and the security of supply of essential everyday services. Whilst the Bill will regulate the provision of utility services, there remains a need to improve the regulatory environment in other areas, such as customer installation. This is outside the scope of the Utilities Bill and the Government will be bringing forward ancillary legislation to deal with these additional aspects.

Implementation of the regulatory reform package will mean that the ACT will be the first jurisdiction to integrate the regulation of gas, electricity and water industry utility services. It will also be the first jurisdiction to have codes of practice covering the water and sewerage industry.

Mr Speaker, before completing my remarks on this Bill, I want to put on the record my personal thanks - and those, I am sure, of the former Treasurer, Mrs Carnell - to the officers of the Department of Treasury and Infrastructure, the Parliamentary Counsel's Office and almost every other agency of the ACT Government who have worked for 18 months on this package, including in a process of consultation with the community. In particular, I would like to record my thanks to John Robertson and Tony Hays of the GBE Monitoring Unit of my department for their tireless work to have the package ready. It really was a monumentally large exercise. Members will see that the package stands several inches high when put together. It constitutes the first major attempt to regulate the supply of services and other issues associated with the business of utilities in a jurisdiction anywhere in Australia. I also want to record my thanks to ACTCOSS, who have provided outstanding representation from the community sector in the development of this landmark legislative package. Mr Speaker, I commend the Utilities Bill 2000 to the Assembly.

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

UTILITIES (CONSEQUENTIAL PROVISIONS) BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.48): Mr Speaker, I present the Utilities (Consequential Provisions) Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I do not have a prepared presentation speech for the Bill, Mr Speaker. The provisions of the Bill are consequential on the Utilities Bill which has been presented to the chamber. They relate to the operation of a number of items of ACT legislation which are affected by the regulatory changes in the Utilities Bill. The provisions are straightforward and I commend the Bill to the house.

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

DUTIES AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.50): Mr Speaker, I present the Duties Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

This Bill introduces amendments to the Duties Act 1999. It will provide exemptions for certain motor vehicle registration applications that are a direct result of the Road Transport (Vehicle Registration) Act 1999, to be implemented by 1 March 2000. The Road Transport Authority will write to all multiple operators in February this year advising them that ownership will no longer be recorded; only two operators can be nominated as registered operators for light vehicles; only a single registered operator will be allowed for heavy vehicles - previously two were allowed, typically husband and wife; a corporation or corporation division will be allowed to be recorded as the operator of light and heavy vehicles; they can change details as soon as possible or advise at the time of renewal; before a change is made to the motor vehicle register to change operator details, an authorisation letter from the person or persons to be removed will be required.

Mr Speaker, if we make no change to the Duties Act 1999, duty will be payable when an application is made to change registration to comply with the Road Transport (Vehicle Registration) Act 1999. That would be contrary to the intention of the Road Transport (Vehicle Registration) Act 1999. The amendment to the Act should occur to coincide with the implementation of the Road Transport (Vehicle Registration) Act 1999, which is expected by 1 March 2000.

These amendments will allow the Treasurer to prescribe by determination circumstances in which duty is not chargeable by the Commissioner for ACT Revenue for applications to change vehicle registration. These are where the change is a direct result of the Road Transport (Vehicle Registration) Act 1999 and where the change is made within 30 days solely to rectify an error or omission in a registration which was a direct consequence of the Road Transport (Vehicle Registration) Act 1999.

In summary, this Bill ensures that registration applications that are required under national vehicle registration scheme reforms will be exempt from duty. I am sure that Assembly members would agree that this is a fair and just approach to this issue. I commend the Bill to the house.

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

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2000

MR SMYTH (Minister for Urban Services) (10.53): Mr Speaker, I present the Land (Planning and Environment) Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: Mr Speaker, I move:

> That this Bill be agreed to in principle.

Mr Speaker, as members would be aware, the Planning and Land Management Group, known to us all as PALM, has been reviewing and reshaping its various procedures and rules. Following the Government's response to the Stein report in 1996, amendments to the Land Act provided for the formation of PALM and the Commissioner for Land and Planning, and also made some important changes in relation to development assessment and the change of use charge. Flowing from these changes was the recognition that, to achieve the objectives of improved performance and customer service, the system for development assessment and some of the processes related to it required close examination and significant reform.

The Ernst and Young PALM review in 1998 made various recommendations for structural and procedural reform. The review noted that some aspect of PALM's development assessment systems were unclear and inefficient, and should be changed.

Since early 1999, the Government and PALM have been working with a highly experienced consultant to review its development assessment systems, and have developed a number of key reforms that are aimed at reducing unnecessary procedures and streamlining assessment processes. In conjunction with the changes to the Land (Planning and Environment) Regulations, this package of amendments takes planning and land administration another step toward the greater efficiency and higher level of service that we in the Assembly have called for over recent years.

I note for the attention of members the following main features of the Bill. Clauses 4 to 8 amend the Act to allow for various planning and assessment activities carried out by PALM to be notified and progressed in a more integrated way. Plan variations, development applications and environmental assessments often occur in relation to a single proposal, and these amendments will make it easier to coordinate these activities. Sections 9 and 19 of the Act are being amended to allow the authority to specify that the defined period, during which a draft plan variation has interim effect, does not apply.

It will be possible to register lease and development conditions on the PALM register. L&Ds, as they are called, are the conditions relating to the use and development of the land, and are approved at the time leases are granted. They occur most often in estate development situations. It is important that these documents be available for inspection by the public and those who wish to purchase properties that may be affected by any special requirements. Mr Speaker, it will no longer be necessary to notify an adjoining property of a development application if that property is owned by the applicant for approval or by the lessee of the land that the proposal relates to. The amendment corrects an anomaly that has existed for some time.

Development applications relating to the Gungahlin central area are to be referred to the Gungahlin Development Authority for comment. The requirement to do so was inadvertently omitted from a previous amendment to the Act. The power to determine a development application after the prescribed period expires has been clarified so that the applicant, and any other interested person, may take appropriate action. The period for objecting to a development application may now be extended. Again, this makes coordination with related activities, such as an environmental assessment, easier.

Notification of decisions on development applications will be limited to the applicants and those who lodge objections. The cost of forwarding notices of the decision to all those who had notice of the application has proven very high and has achieved very little, particularly where little interest has been shown in the proposal. The several powers to make regulations in relation to notification and appeals have been consolidated and clarified, and the regulations now provide for signs to be exempted from the operation of the provisions of Part VI of the Act. The power to make orders against lessees who breach their lease or deed of agreement has been restored.

Mr Speaker, I mentioned earlier that these amendments are proposed in conjunction with amendments to the Land (Planning and Environment) Regulations. Those amendments, to be tabled in this Assembly today, also represent another step towards the greater efficiency and higher level of service that we in this Assembly, and more

importantly the ACT community, have called for over recent years. In brief, the amendments to the regulations reflect many of the outcomes of the several reviews of the development assessment and lease administrations functions under the Land Act.

In particular, they will achieve the following important improvements: Concurrent notification and processing of development applications, preliminary assessments and Territory Plan variations will be more possible. I think that is a key objective not only of the community but also of the industry. Notification requirements and third party appeals will be reduced in the case of minor residential developments, class 10 structures - that is, carports, sheds, pergolas, et cetera - some signs, some lease variations, public works and new residential estates.

A wider range of class 10 structures will be exempted from approval requirements, consistent with initiatives taken around Australia. The Commissioner for Land and Planning will have the power to grant extensions of time for certain development applications. That was overlooked in the 1996 amendments to the regulations. Notification of decisions on development applications will be limited to the applicant and persons who lodged the submissions, avoiding the needless expense of notifying those who have not expressed an interest in the proposal. Irritating self-owner notification will be eliminated. At present the applicant must notify all adjoining leases, even if that actually involves the applicant. Notification procedures and appeal rights have been simplified and enhanced in relation to deemed refusals where the relevant authority has failed to make a decision within the prescribed six or 12 months' limit.

Mr Speaker, if this Assembly is to realise its expectation that government agencies will do more and do better without increased funding, then we must be prepared to support initiatives for streamlining and simplifying processes. These amendments are initiatives of just that kind and, whilst increasing efficiency, do not diminish appropriate community input. PALM has, over the past few years, shown its readiness to change its responsiveness to industry and the community and to improve the effectiveness of its development management role. For the first time in some years, both industry and the community are acknowledging that PALM has made significant and visible improvements, and that they encourage further progress. Those amendments will assist that progress.

I urge members not to see the proposed changes in a negative light. It would be convenient to argue, as usually happens, that they compromise the rights of the members of the community or that they unduly favour developers. Neither of those things is true. The amendments simply recognise the need to develop a more efficient and effective assessment system, which can only be achieved through streamlining and simplifying what we would all agree is a very complex and confusing process. Mr Speaker, there is no subplot, no hidden meaning to these amendments. They respond to the ever-increasing pressure to do better. It is our responsibility to assist processes to improve and move forward, and we should all take this opportunity to do so.

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

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2000 (NO 2)

MR SMYTH (Minister for Urban Services) (11.01): Mr Speaker, I present the Land (Planning and Environment) Amendment Bill 2000 (No. 2), together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Land (Planning and Environment) Amendment Bill (No. 2) 2000 amends sections 184B and 187B of the Land (Planning and Environment) Act 1991 to extend the date of effect of those sections. Sections 184B and 187B are sunset clauses that affect the formula prescribed to calculate the change of use charge. The clauses were inserted into the legislation during the Assembly's 1996 debate of the major amendments to the Act that resulted from the Stein inquiry.

The change of use charge formula in the Act currently provides for the charge to be calculated at 75 per cent of any added value that results from the variation of a lease, or the consolidation or subdivision of the land. The sunset clauses provide for the change to be calculated at 100 per cent of added value rather than 75 per cent from 31 March 2000.

As members of the Assembly would be aware, in mid-1999 the Government introduced into the Assembly a Bill to reduce the rate of change of use charge from 75 to 50 per cent. That Bill followed some of the recommendations of the Nicholls report, which was referred to the Planning and Urban Services Committee on 1 July 1999. As the Planning and Urban Services Committee is yet to report on the Nicholls report, it is probable that there will not be sufficient time to implement any required legislative amendments that may result prior to 31 March this year.

Mr Speaker, this Bill proposes that the date of effect of the sunset clauses be extended to 30 September 2000. The amendment will enable the Government fully to consider the recommendations of the Planning and Urban Services Committee and avoid a situation in which there is a sudden change in the calculation of the change of use charge from 75 to 100 per cent while a conflicting legislative proposal is being considered.

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

COTTER RIVER REPEAL BILL 2000

MR SMYTH (Minister for Urban Services) (11.03): Mr Speaker, I present the Cotter River Repeal Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: Mr Speaker, I move:

> That this Bill be agreed to in principle.

During the national competition policy review of potentially anti-competitive legislation, it was determined that all provisions of the Cotter River Act 1914 were either anti-competitive or redundant and should therefore be repealed. The Cotter River Act 1914 aims to protect the water quality in the Cotter River. Specifically, the Act restricts the sale or supply of food and beverages in a defined area of the Cotter Reserve, prohibits fishing in the Cotter River reservoir and restricts camping and picnicking in a defined area of the Cotter River catchment.

All environmental safeguards currently provided by the Act can be maintained through other legislation. Adequate regulation of inappropriate activities within the Cotter Reserve can be maintained through section 56(1)(e) of the Nature Conservation Act 1980. This section allows for the supply of goods and services within reserved areas only with the written consent of the Conservator. Fishing within the Cotter River Reserve is prohibited under the Fishing Act 1967. Restrictions to camping and picnicking can be enforced through section 8A of the Trespass on Territory Land Act 1932 on plantation forest land and section 56 of the Nature Conservation Act 1980 on reserved land.

There are references to the Act in several other pieces of legislation - the Bush Fire Act 1936, section 8; the Water Pollution Regulations, regulation 3; and the Public Health (General Sanitation) Regulations, regulation 20. Consequential amendments are only required for the Bush Fire Act 1936, section 8. The Water Pollution Regulations have been repealed and the Public Health (General Sanitation) Regulations will be repealed shortly.

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

HEALTH AND COMMUNITY CARE – STANDING COMMITTEE
Reference

MS TUCKER (11.06): Mr Speaker, I move:

> That the Standing Committee on Health and Community Care examine the state of the Aboriginal and Torres Strait Islander health in the ACT and report on strategies for improvement.

It has often been said that the health, welfare and wellbeing of the poorest, most vulnerable or most disadvantaged in a society is a measure of how civilised, how fair and how just a society is. The State of the Territory Report has been in some ways a catalyst for the motion I am moving today to establish an Assembly inquiry into Aboriginal and Torres Strait Islander health in the Territory. The report, which was intended to "identify where we are heading and what steps we need to put in place to improve the quality of life for all Canberrans", included only a few statistics on Aboriginal and Torres Strait Islander people on issues such as employment, incomes and hospital separations. However, the experience of Aboriginal and Torres Strait Islander people in the ACT is very complex. While Canberra is a high employer of Aboriginal and Torres Strait Islander people in the public sector, many Aboriginal and Torres Strait Islander people are not employed and experience significant disadvantage, ill health, poverty and marginalisation.

We know that, nationally, Aboriginal and Torres Strait Islander health continues to lag significantly behind that of non-indigenous Australians, so much so that the Nobel Peace Prize-winning international medical relief agency Medecins Sans Frontieres is talking to the National Aboriginal Community Controlled Health Organisation (NACCHO) about starting aid work in Australia. An umbrella organisation, NACCHO is a peak body representing nearly 100 community-run Aboriginal primary health care centres in Australia, including our own Winnunga Nimmityjah Health Service.

Medecins Sans Frontieres' discussions with NACCHO have come out of statistics from James Cook University that show that the 20-year gap between life expectancies of indigenous and other Australians is the largest in the Western world. In New Zealand the gap is four years; and in the United States it is 3.6 years. Good public policy and good social planning are based on meaningful research that tells us about what is happening in the community. A one-size-fits-all approach to public policy, which develops programs for everyone, regardless of how people use services and what services are needed for different sections of the community, may not address fundamental Aboriginal and Torres Strait Islander disadvantage.

That is why the State of the Territory Report was a disappointment. It tells us that there have been only two deaths in custody in the ACT since 1992, but it does not tell us that 20 per cent of inmates in ACT juvenile justice facilities are Aboriginal and Torres Strait Islander, despite the fact that indigenous children only represent 1.6 per cent of all children in the ACT. These are ABS statistics.

It tells us that the ACT has a hospital separations rate of 182 per 1,000 people in the broader community, compared to nearly 500 per 1,000 for indigenous people. This means that indigenous people are discharged, transferred to another hospital or die in hospital after formal admission at more than twice the rate of the broader population in the ACT. This would suggest that the health of indigenous people is still very poor, and yet the Government claims it has performed well with its indigenous hospital separation rates, and does not offer actions that it will take to reduce indigenous hospital separations. The justification for this is that this is the first attempt at actually putting together a State of the Territory Report, it is based on ABS statistics and it compares figures across Australia.

Mr Speaker, I suggest that this obsession with benchmarking is actually quite insulting when you see that it results in a 'doing well' report card for indigenous hospital separations. If, as a community, we believe that indigenous people in the community should have health experience equal to that of other people in the community, then why do we not set a goal and measure our progress against that? We will not continue to just look at how we compare across Australia, particularly in light of the fact that, across Australia, as I have just said, it is absolutely shameful.

On other key indicators of health in the report, including suicide rates, infant mortality, life expectancy and health risk factors, the Government provided no detail about how indigenous people compare to the broader ACT community. These figures should be in the report and should provide the basis for well-thought out, finely targeted and well-funded health care programs addressing indigenous disadvantage in health, but they are absent from the report.

And yet the ACT does have interesting statistics, which would inform public policy, available within its own bureaucracy. For example, in its document health series No. 13 "Health Indicators in the ACT", published in January 1998, it reports:

> Although indigenous persons in the ACT are more likely than their interstate counterparts to stay on at school longer, be employed at a greater rate particularly in the public sector and have a higher income, they were still likely to die at a much greater rate than the rest of the ACT population. Indigenous females in particular have a huge mortality differential.

Another report produced by the ACT Government "The Health of Aboriginal and Torres Strait Islander People in the ACT", from June 1997, shows that Aboriginal standardised mortality ratios for women are very high for 1993-94, and equal to those for Aboriginal women in the Northern Territory. What the State of the Territory Report does not tell us is some of the statistics published in the Welfare of Australia's "Aboriginal and Torres Strait Islander People", 1999, produced by the Australian Bureau of Statistics and the Australian Institute of Health and Welfare.

One of the interesting statistics is "Estimated State and Territory Government Expenditures on Health Services, 1995-96". According to those figures, the ACT spent $659 per indigenous person, compared to $869 per non-indigenous person, on health services. The ACT was the only state to spend less on health services for indigenous people than for non-indigenous people. Even Victoria, which has only 0.5 per cent of its population identifying as Aboriginal and Torres Strait Islander, spent almost double the amount on health services for indigenous people that it spent for non-indigenous people. While the report provides the qualifier that expenditure in some jurisdictions is greater because these governments are servicing remote communities, these figures are nevertheless interesting.

Of course, this Government could argue that we are mainstreaming and that this works, and that this is why this expenditure would be different, but obviously it is arguable to say that this is working when you look at the figures that are available on Aboriginal health. Also, of course, there are always responses about federal funding, but I think we need to be very careful about going down that track, if what we are actually interested in is addressing the issues of indigenous health and not just trying to get out of difficult political situations.

This leads me to the motion I am putting to the Assembly today, requesting that the Standing Committee on Health and Community Care examine the state of Aboriginal and Torres Strait Islander health in the ACT, and report on strategies for improvement. The motion is deliberately broad in scope, as Aboriginal and Torres Strait Islander health should not be discretely boxed. It is linked to a lot of other economic and social indicators, such as unemployment, homelessness and incarceration rates. It is linked to contemporary and historical government policies, and to a whole range of issues around which services are delivered and how they are delivered.

These links have been acknowledged in ACT government reports, including the report I previously mentioned, "The Health of Aboriginal and Torres Strait Islander People in the ACT", by the epidemiology unit of ACT Health and Community Care, June 1997. This report states:

> The link between educational achievement, employment and income are well documented. In addition, studies have shown that improving educational status improves health status independently of income.

It later says:

> Studies have shown that there is an association between unemployment and health. People who are unemployed or are poorly paid are at greater risk of sickness, mental illness and premature death.

The last quote is:

> Much of the poor health of Aboriginal people in Australia can be explained by their low income status.

There are obviously important links between health, wellbeing and economic and social issues. Two major inquiries on Aboriginal and Torres Strait Islander disadvantage over the last decade, the Royal Commission into Aboriginal Deaths in Custody and the inquiry by the Human Rights and Equal Opportunity Commission into the stolen generation - the Bringing them home report - have made significant links between physical and mental health, wellbeing, education, employment, government policies and continuing Aboriginal disadvantage.

The Bringing them home report and recommendations 33a, 33b, 33c, 34a, 34b and 35 make specific recommendations promoting local indigenous healing and wellbeing perspectives. Without wanting to pre-empt the inquiry, I would like to broadly flag a few of the issues that I am sure will interest the committee, which have come to my notice through my work in the Assembly and through talking to people in the community. Obviously the committee will be examining the health status of Aboriginal and Torres Strait Islander people in the ACT, including all the health risk factors: Substance misuse, life expectancy, suicide rates and infant mortality and morbidity rates. This is very important basic research, which will inform the rest of the inquiry and the inquiry recommendations in identifying priority areas for funding and program development.

Related to this is the extent to which broader social and cultural factors, such as educational and employment opportunities, influence Aboriginal and Torres Strait Islander health. The Education Committee, which I chair, is looking at issues concerning how we can support students who are at risk of not completing their education. The issue of the indigenous community and its children will be part of our inquiry, so I am really pleased that we will be able to link with the Health and Community Care Committee on that particular aspect of our concerns. Currently the House of Representatives Standing Committee on Family and Community Affairs is conducting an inquiry into indigenous health that includes in its terms of reference these broad issues, so this obviously also presents an opportunity for some communication.

I am sure that the committee also will be interested in looking at the issues of the appropriateness and effectiveness of mainstream health services for delivery of health services to Aboriginal and Torres Strait Islander people in the ACT. Given the hospital separation rates for indigenous people in the ACT and the high death rate of Aboriginal women, this is an issue that needs careful scrutiny. Questions should be asked that include: Is mainstreaming working? Is the placement of isolated Aboriginal health workers in the mainstream health system working? Do they need more support? Should mainstream services develop more culturally appropriate, comprehensive programs? What cross-cultural training and education on the health status of Aboriginal and Torres Strait Islander people is provided within the health system to ensure that doctors and all other health workers deliver services to them in a culturally appropriate way? And what are the barriers to access to mainstream health services in the ACT for Aboriginal and Torres Strait Islander people? All these are obviously very important questions.

I hope that it will be interesting for the committee to look at the various models for comprehensive primary health care service delivery for ATSI people, which are culturally appropriate and provided within a community-controlled setting. It is obviously a strong debate in Australia at this present time and I am looking forward to seeing the committee's work on that issue. It was raised within the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and within the recommendations of the Bringing them home inquiry, and it is a debate we need to have.

There is also an interest in the involvement of the community in policy development. I am sure that this would be something that people would be interested in discussing with the committee. The last framework agreement on Aboriginal and Torres Strait Islander health between the ACT, the Commonwealth Department of Health and Family Services and the Aboriginal and Torres Strait Islander Commission was developed in consultation with indigenous people. It will be interesting to look at how that worked and whether it was satisfactory to people. I understand that the next framework is to be renewed in June this year. Maybe the Minister for Health can confirm this.

The committee could also obviously be interested in looking at the processes of involvement of the indigenous community in this policy discussion. I am delighted that I have general Assembly support for this motion. I think it is something that we all know is an important issue and I look forward to seeing how the Committee for Health and Community Care works with this issue. I am sure that it will be a very positive exercise.

MR WOOD (11.20): Mr Speaker, in requiring us to consider ways of improving the health of Aborigines and Islanders, the committee that I chair is being given a most difficult task, a task that governments around Australia have not been able to deal with successfully. However, it is an important task and it should be attempted. The State of the Territory Report compares statistics on the state of indigenous health between the ACT and Australia in general. The nature of the indigenous population in the ACT is supposedly different from other parts of Australia. Or is it?

Most comments suggest that Aborigines and Islanders in the ACT are more middle-class and better educated than in other parts of Australia, but I do not know. Perhaps we should get a picture of that population. It could be relevant. No doubt, we will seek information on the illnesses that impact on Aborigines and Islanders more than on the general population. No doubt, we will see what specific facilities are provided and hear what ought to be provided. No doubt, we will examine how well general health facilities respond to needs.

However, my greatest concern is that this standard information collection may not be of great assistance to the committee. Indeed, we could spend a great deal of time in areas of little importance. Of course, it has to be done, but is it not more important to look very deeply at the problem? Is it not likely that the problems with indigenous health are related directly to more fundamental factors that may be common to that population here, as well as their kin around Australia? Is not the spirit of a people important? What is the impact of alienation, of years of disappointments and frustrations, of dismissal, and of struggle and strife?

Are not the health problems we have to deal with caused by the same factors that see a disproportionate number of Aborigines held in Quamby? The danger is that the committee will come up with bandaid recommendations, important as they may be. The nation has been dealing with the issue of reconciliation for some years now and the outcome is far from settled. I suggest that a response that is agreed by Aborigines and Islanders with Australians generally may well be a necessary factor in improving the health of our original population. The Assembly is giving the committee a difficult task.

MR MOORE (Minister for Health and Community Care) (11.23): Mr Speaker, the Assembly is, indeed, charging this committee with the most difficult task imaginable, as I mentioned to the house the other day. In speaking to health officials in Alberta who are dealing with indigenous populations there, I discovered that they also face very similar problems and are exploring options for resolving them. I hear Ms Tucker identifying a range of options. In fact, given Ms Tucker's speech, which basically attempts to provide the solutions, perhaps the committee can effectively adopt those.

But I think Ms Tucker knows, just as we know, that the solutions are very difficult to find and must be worked out, as she said, with Aboriginal people. I think that what we need to do is ensure that we can work, not only with Aboriginal people, but also across government, developing an intersectoral approach that will deal with the range of issues which have been raised by both Ms Tucker and Mr Wood. One thing I find a little bit disturbing - it is a minor thing in light of the issue – is that the catalyst for this was that the State of the Territory Report was missing some information.

Well, I could also say that about Ms Tucker's speech, or about any publication that is missing information. It is interesting to argue that information is not put into a report, when you are working in a consistent way across the whole of the Territory and looking at ABS statistics. But, that aside, there is no doubt that this is an issue of great interest. It is of interest to the Department of Health, and it is of special interest to me when trying to resolve it. We already have, in the draft budget, an extra health worker. That is a small issue, but it does show that we are putting in an effort.

I think it is also important to note the things that we are doing: where we work for the Commonwealth, and where we constantly work to try to improve the health of Aboriginal people. We have health workers within the hospital who are seeking to ensure that the way people are treated is culturally appropriate. It seems to me, Mr Speaker, that no matter what we do - I hate to sound pessimistic - we are not going to resolve the problems. What we can do - and in this we can be optimistic - is move one step closer. Every single step we take to improve the plight of Aboriginal people in terms of their health is incredibly important.

I look forward to the committee watching the process with the Aboriginal and Torres Strait Islander Health Forum, as we develop their regional health plan - it is their health plan and it should be their health plan. We should have a greater input into it. It should also be the case that the Assembly, through its committee, can have the opportunity to have input. More importantly, I think, the committee should monitor our processes and ensure that they are right, and that we are doing these things in the most effective way.

I would also like to say, Mr Speaker, that, where people do have ideas about this, where they can be involved, and where they can enhance the way we go about improving the health of Aboriginal and Torres Strait Islanders, they should come to us, because we are open-minded. We do know that, for indigenous people - not just in the ACT, but across Australia and across the world - when we look at the measures of morbidity and mortality, they invariably have much greater health problems than the rest of the population. It is something about which we are embarrassed and on which we have to

continue working. There are many experts who tell us how to do it, but in the end the fundamental issue is providing the support, ideas and direction to the Aboriginal and Torres Strait Islander Health Forum, then allowing it to make decisions on how it wishes to proceed with the health plans, and what resources it believes it is appropriate for us to provide.

So, Mr Speaker, I look forward to working with the committee in whatever way I can, not only by offering my assistance and the assistance of my office, but also that of the Department of Health and Community Care. We will ensure that we provide whatever help we can to the committee, so that we can work together to assist in dealing with this very difficult issue.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE
Reference

MR OSBORNE (11.28): Mr Speaker, I move:

> That the Standing Committee on Justice and Community Safety inquire into and report on the adequacy of arrangements for ACT community policing with particular reference to:
> (1) community perceptions;
> (2) outcomes, accountability and value for money;
> (3) police morale;
> (4) policing priorities and resource allocation;
> (5) police numbers;
> (6) police training needs; and
> (7) any related matter.

The committee of this Assembly and its predecessor, the Legal Affairs Committee, were always intrigued by the issue of police numbers and police accountability. This committee has agreed unanimously to conduct this inquiry, which I think is long overdue. For many years we have been hearing stories about police numbers and just what we are getting for the amount of money we pay the Commonwealth, and at various times we have heard stories about federal police being transferred on 29 June and back again on 1 July. So there are obviously issues that do need to be looked at - the issues of accountability and police numbers on the ground.

I understand that a new arrangement between the Commonwealth and the ACT is very close to being signed, if not already signed. Mr Speaker, the committee does not intend to delay that process, because it has been a long, drawn-out one. The timing of this inquiry is good because we will be able to look fully at what we are actually getting from the Commonwealth in the new agreement. I do not think anyone in this place would disagree with the fact that previous arrangements were less than adequate. We pay significantly more than the Commonwealth for police in the Territory, yet the reality is that we have no real say or influence over that very police force. I am not sure what

the figure is at the moment. I think it is well over $53m or $54m a year, yet at the end of the day the Police Commissioner and the Chief of Police are ultimately accountable to the Federal Government.

Mr Speaker, as I said, the new contract is very close. It was supposed to take a couple of months; it has taken three years. The committee is pleased that it is close. We do not intend to delay it. We will seek public submissions, and we will write to different interested groups - the AFPA and others. We will have public hearings. An issue of police morale has been raised by the AFPA. We would be very interested to have a look at ways of improving that.

But after 10 years, Mr Speaker, a very thorough look at policing and the needs of the Territory is long overdue for this Assembly. And I look forward to working with other members of the committee - Mr Hargreaves, Mr Kaine and Mr Hird, who have all, at various times, been very interested in this subject. I think it is something that will be very worth while and I look forward to reporting back to the Assembly.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.32): Mr Speaker, I am pleased to be able to respond to the motion that has been moved today by Mr Osborne on behalf of the Standing Committee on Justice and Community Safety, and I do not oppose the motion. I think that the issues that the committee has suggested should be considered are those that the community, as a whole, would wish to have considered. Mr Osborne is right to suggest that there have been community concerns about each of the issues referred to in the motion: Police morale, policing priorities and resource allocations, police numbers, police training needs and so on. Mr Speaker, in that respect, I have to indicate that I would be interested in seeing the results of the inquiry, just as Mr Osborne and members of his committee would be interested in seeing the results.

I am particularly pleased to note Mr Osborne's comment about the need to complete the process of reaching a new agreement with the Commonwealth concerning the operation of the AFP and to sign the agreement - or, to use the technical language we use in negotiations, the arrangement - which has been the subject of negotiations, between the Commonwealth and the ACT for the better part of three years. When we first came to office, we put on the table very clearly our view that the present arrangements were unsatisfactory, and we argued that at that stage consideration would need to be given to a range of options, including the concept of establishing a dedicated ACT police force or possibly contracting our policing services from another jurisdiction, such as New South Wales.

Mr Speaker, in the course of our consideration of the issue, we have come to the view that the arrangement which is now proposed with the Commonwealth is a significant improvement on the measure of accountability which had been achieved in the past. I have a letter for Mr Osborne to consider which will put to him the result of those negotiations between the Commonwealth and the ACT. That letter annexes a copy of the draft arrangement. I invite the Justice Committee to look at that as one of the first steps it takes in this inquiry.

I hope that there will be no impediment to proceeding with the signing of that arrangement at the earliest opportunity, assuming it is satisfactory from the point of view of the ACT community and assuming also it is satisfactory from the Commonwealth's point of view. I should emphasise that the arrangement is only a draft arrangement. It has been negotiated principally between officers in the ACT and officers in the Commonwealth. It as yet has no political imprimatur from the Commonwealth Government. I assume, for the purposes of this debate, that completion of the inquiry Mr Osborne has moved for will not be a prerequisite for signing the agreement with the Commonwealth. That would be most unfortunate.

I believe what the inquiry is likely to show is a range of unsatisfactory elements of our relationship with the AFP which, in part, this arrangement is designed to address. Our capacity, therefore, to move as quickly as possible to put in place the arrangements to see more transparency and accountability in our present operations and to have the Commonwealth consult us on a range of critical matters before decisions are taken is absolutely essential.

Most important to the ACT, at least in symbolic terms, is the obligation on the Commonwealth's part to consult with the ACT Minister before an appointment is made of a Chief Police Officer and, indeed, the right of the ACT Government to express a want of confidence in the Chief Police Officer of the day, if it feels it needs to come to that point, and flowing from that to remove the Chief Police Officer. That is a measure of control which I understand every other State government has over its police commissioner. It is important for us to have that same measure of control over the people who are responsible for the management of policing facilities in the ACT.

We believe we need to be accountable as a government for what happens in the AFP. At the moment we are in the invidious position of being responsible in the eyes of the ACT community but in fact not having the levers at our disposal to put the responses to the AFP that we as a government, as a community, believe ought to be the case. We can say that we want certain things, but whether we can demand those things, whether we can require those things, whether we can direct those things to take place is highly problematic in the present arrangements. The consequences of that, I believe, are what this inquiry will disclose.

Mr Speaker, I have some concerns about the ambit of the inquiry. I see it as being reasonably tightly limited to certain matters. Paragraph (7), "any related matter", obviously opens up a range of other possibilities. Members may find themselves subject to a range of issues being put before the committee which are outside the scope of what might be debated today but which will certainly be of concern to some citizens in this community in respect of the police in this city. There will be concerns relating to such things as police powers, police behaviour in certain circumstances, what the police say and do in courts, what the police say and do in interviews and how the police handle particular types of offenders, including Aboriginal offenders. There will be a range of issues which will be put before this committee, I suspect, because these issues are put before me as police Minister from time to time. I do not see why they would not be put

before the committee as well if it is having the first significant inquiry into the operation of community policing in the ACT. That is a concern I have. This could be very broad-ranging.

I also put on record another concern of sorts. There are a number of other matters currently before the Standing Committee on Justice and Community Safety which are also important in their own way but which will now need to be relegated to a lower order of priority as a result of this inquiry. For example, it is quite some time since issues relating to the so-called drunk's defence and also matters to do with freedom of information legislation were referred to the standing committee. I hope those matters are not considered unimportant by the committee. I am sure they are not. I am sure that this inquiry will be given a high priority by the committee. But I note that there is already a very large amount of work on the committee's plate. I hope that too many important things do not suffer as a result of this inquiry.

As I have indicated, the Government does not oppose this inquiry. It hopes that it will be productive. It has to put on the record that it suspects that it will tell us what we already know, fundamentally, about our arrangement with the AFP and that is that in its present form it is unsatisfactory, that there are matters which are unsatisfactorily performed within the present arrangements and that we need to overcome those things. Perhaps that will be useful in later iterations of the policing agreement, the purchase agreement, which the arrangement between the Commonwealth and the ACT that I am going to put to the committee will foreshadow should take place beneath it.

There will be an arrangement between the governments and there will be yearly policing agreements, purchase agreements, which will define what the community wants year by year from the AFP by way of delivery of services. That will be an agreement based on performance indicators so as to achieve outcomes that the ACT community expects from its police force. That will be important to have in place on an ongoing basis. It will be important to have it available for the purposes of defining what sorts of problems occur in areas that are referred to in this motion.

Mr Speaker, I indicate therefore the Government's reservations about this matter but look forward to the work of the committee and the report in due course.

Suspension of Standing and Temporary Orders

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

> That so much of the standing and temporary orders be suspended as would prevent Assembly business having precedence of Executive business until the Assembly has completed its consideration of notice No. 3, Assembly business, in the ordinary routine of business this day.

MR HARGREAVES (11.42): I rise to support the motion. The Attorney-General, the Minister for police, said that when his Government came to office they found that the arrangements were unsatisfactory. That was five years ago. People have been born, lived their lives and died in that time. You reckon it would have been enough time to have extracted the digit and got on with it, but no. We still wait.

When we have agitated within our standing committee for some information about this new whiz-bang, all bells and whistles policing arrangement, we have been given the information that we are going to change the way it looks; that we are going to have a head of agreement and a purchaser/provider model underneath it. That is fantastic and that is great, but it does not tell us very much about the detail. It is the detail that we are concerned about.

On occasions the Minister for police has gone public and said that the committee has been briefed in detail about progression of the new policing arrangements. The truth is that we have been told about that head of agreement and the purchaser/provider model. We have been told nothing else. There has been no detail whatsoever. We are heartily sick and tired of waiting, and I am sure the rest of the ACT is sick and tired of waiting. Of course members of the police are sick and tired of waiting.

The Minister also said that he suspects this inquiry will tell us what we already know. If you already know what the problem is, why on earth do you sit on your tail instead of doing something about it before now? It is an exercise of either gross idiocy or incompetence. I do not really care which one you take.

This inquiry is intended to tap into the minds of people in the community who have a concern about our policing services. I want to make this absolutely clear. We are not talking about the quality of our individual policemen. The quality of our individual policemen is beyond par in this country. We have the best police in the country. They are the most highly trained. They are the most deeply motivated. They are professionals in every sense of the word. We have one advantage that the rest of the country does not have. I am sure Mr Rugendyke will agree with me on this. He is the most recent exit from the police force to come here. Our police men and women live within our community. When they go to work, they already know how our community feels about the issues of community safety. They bring that particular concept to their professionalism, and we get the best product in the country.

However, they go to work amidst a haze of suspicion and fear. They are scared about their jobs; they are scared about their career prospects. They see icons around them like Ron Macfarlane getting it in the neck. Is it any wonder that these people are providing a service by the seat of their pants half the time?

What worries me an awful lot is that we are asking our police to stand between the citizenry and harm. We are asking them to cop it so that we do not have to. We are asking them to hone their instincts and get out there and react on our behalf. At the same time we are scaring the living daylights out of them. What is happening is that their minds are not totally on the job. Why would they be? It worries me that one of these days a policeman is going to be put between a citizen and harm, not react the way they

were trained and get hurt. Honestly, it frightens the living daylights out of me that we as community leaders would be partly responsible for that. That is one of the reasons why we need to have this inquiry.

If it has taken this Government five years to come to the realisation that we need to do something, this inquiry might just give them a little bit more incentive to get on and do something. Hopefully, it will. It will also provide them with some factual information, I am hoping.

One of the big issues in the terms of reference is community perceptions. I suppose you could talk about that in terms of community confidence. I have received an enormous number of calls to my office from people saying, "I went round to the police station and they were closed". That came from Gungahlin. A bloke who lived in Red Hill said his car was vandalised. He understood that it was not a big issue for the police in their categorisation of offences, but three or four blokes down the road had the same experience on the same night, and it was not the first time it had happened to him. He rang the police and said, "Can you send somebody over please and check it out? Maybe we have a spate here". They said, "Sorry, category 3 call out. We do not attend. We cannot get Forensic to come and have a look". That is not good enough, Mr Speaker.

In Tuggeranong, my part of the world, about 12 months ago on a Saturday night there was only one police car and a sergeant's car out to cover the safety of 93,000 people. I want to know where the rest of the police are, if that is all the coverage we have. I can understand why people are starting to lose their confidence in the police - not in the individual policeman, as I said before. As soon as the police attend, everything is fine. It is getting them out there.

Mr Osborne referred to police numbers. This is a moving feast, an absolute ripper. We have heard several statements in the space of a week. There are 694 policemen for which we pay $56m. I heard that of the 694 the ACT component was 604 and 90 was applied to the federal scene. I think that is the figure that we are pretty much aware of. In today's paper, the Chief Police Officer has quoted 599 ACT and 95 Federal. Commander McDevitt, addressing the Tuggeranong Community Council not long ago, said that, as a policy, the AFP do not go beneath the baseline of 694. That is nothing short of garbage. We are talking about it being a full-time equivalent 694. As anybody with any knowledge of maths knows, if you are running it at 700-odd for six months, which is the case now, to balance it out at 694 so we do not have pay all that extra money, we will run for the following six months at something like 500.

There is a question about the figures. The numbers seem to change. They should not. We would like to know a little bit more about that. I would like to get it on the record and out there in the community. If we have 604 policemen, or 603 or 599, the community want to know where they are. We want to know about the distribution of those resources. How come you can go down the highway and find six police cars doing random breath tests but you cannot get someone to come out to your house when there is a home invasion? The community want to know why that is so. There may be a very good reason. If there is, let us come clean with it.

The motion talks about police morale. I spoke about that a minute ago. I am surprised that it is high as it is. If I was a policeman, my morale would not be anywhere near the height of that of the policemen I know. We have a nice little town here and it is working well. Because of the commitment of one particular person to organisational reform, the whole perception of policing has changed. That has had an enormous detrimental effect. I do not think adherence to the new model of the complete constable is on. *(Extension of time granted*) We all endorse having a complete constable who is multiskilled and highly professional. However, we do not endorse the concept that a constable on the beat can do everything so that every time something blows up we pull him out of one place and whack him into another one. This scheme, in my view, is nothing short of maniacal, wrong and misguided. The people who lose are the average policemen on the street and the community at large. When we remove these specialist groups, we take away the core corporate history, the criminal history, which is built up over a number of years. That is the big loss. We will be looking into that sort of thing, I would hope. We will be looking into police priorities and resource allocations.

One of the things which will come out of this inquiry, no doubt, will be whether or not the ACT ought to have its own police force. We would hope that people in the community would express a view about that. At the moment the arrangement is, at its crudest, a private contract arrangement. When you have a private contract arrangement, you do not care what the management structure of the contractor is. You just want the product. We are paying $56m. I reckon we have a right to have a say in what that management structure looks like. Otherwise, the contractor can go away and we will get another one.

I believe that there is probably an accommodation between what the AFP has and what the ACT needs. This inquiry may very well reveal that. To have our own ACT police force does not necessarily mean that the officers have to be ACT public servants. There are other models which can apply. Let us see if we can explore those in the course of this inquiry. At the end of the day we have 700 police in this town who are our people. They are people who live down the street from you, people who shop next to you at the supermarket, people whose kids go to your school. Just because they happen to be agents of the AFP does not necessarily mean that they are out-of-towners. We have to make sure that, whatever we do, these guys are looked after. They have kept this community safe for so long. I suggest that we occasionally owe them more than they owe us.

I support this motion and I would exhort members to treat it in the spirit in which it is raised. We want something positive to come out of this. This is not a bagging exercise. This is an information-sharing exercise. We want to get everything out on the table. We want to be able to say to the Government, “This is how the community feels that things are with the police at the moment. This is how much confidence they have. This is what is wrong with the system”. Then, when we see the details of the purchase/provider model we can make sure that they are addressed. I look forward to a copy of the letter the Minister has said he is going to send to my chairman, Mr Osborne. But if it is just a letter saying that we are going to have a head of agreement and a purchase/provider

model, well, wacky-do. It can go into the toilet with the rest of it. I want to see the detail. If the devil is in the detail, let us have a look at the eyes of the devil. We look forward to the inquiry.

Question resolved in the affirmative.

LIQUOR LICENSING STANDARDS MANUAL – INSTRUMENT NO. 252 OF 1999
Motion for Disallowance

MR RUGENDYKE (11.57): Mr Speaker, I ask for leave to amend the notice standing in my name on the notice paper.

Leave granted.

MR RUGENDYKE: Mr Speaker, I move:

> That the provision of paragraph 16 of the Liquor Licensing Standards Manual (Instrument No. 252 of 1999 made under the Liquor Act 1975) which reads "a sharps disposal bin in accordance with Australian Standards (AS 4031) shall be provided in each toilet facility in premises that are primarily used as a tavern or nightclub;" be disallowed pursuant to the Subordinate Laws Act 1989.

I am compelled to move this motion today to remove a curious requirement in the Liquor Licensing Standards Manual tabled in the Assembly in the latter part of last year. I have also amended the original motion today to clarify which part of the manual offends and to specify which part of the manual I seek to disallow. This motion comes about following discussions with others.

I cannot understand why nor do I think it appropriate that tavern and nightclub owners have been forced to install sharps disposal bins. I believe the Government has been unfair in singling out taverns and nightclubs for this requirement. The Government has not clearly justified the inclusion of this measure. Why are pubs and taverns any different to other premises which are governed by the Liquor Act? What evidence is there that intravenous drug use is more of a problem in taverns and nightclubs than anywhere else?

I am not convinced that there is a problem in taverns and nightclubs. Understandably, the owners of these establishments are quite concerned - and with good reason. They do not want to encourage drug users on to their premises, nor should this Assembly be sending a message to drug users that it is okay to shoot up in toilets on licensed premises. This Assembly has already approved the establishment of one shooting gallery in the ACT, and I do not wish to see quasi-shooting galleries endorsed in other areas of our city.

The Australian Hotels Association has put to me an alternative proposition which is more sensible and fairer than the one incorporated in the Liquor Licensing Standards Manual. This proposal would allow the Liquor Licensing Board to order licensed premises to install needle bins if it was determined there was a problem with intravenous drug use or possible needlestick injuries at a particular venue. Such venues ought not to be limited to nightclubs or taverns. It could be any premises governed by the Liquor Act. It would also be appropriate to allow any premises to install needle bins voluntarily if so desired. But demanding that this occur across the board at all taverns and nightclubs is not a positive addition to our community.

I would like to see the government data on what makes the installation of needle bins in taverns and nightclubs so necessary. I urge members to scrutinise the Government's arguments carefully today, and I urge my colleagues to support the motion. The AHA advises me that their members have no record of discarded needles on their premises, and I challenge the Government to present evidence to the contrary.

I can relate to the fears of tavern owners and nightclub owners that the presence of needle bins would create the perception that they condone drug use. I would not like to see this perception emerge, and I believe that this Assembly should be doing everything in its power to keep these premises clean of drugs, particularly clean of needles.

Then there are the related concerns of disposing of the waste and the contracting of specialist servicing, at additional cost to the business. This cost is particularly unfair when it has not been imposed on clubs, for example. The owners are also worried about liability and potential insurance costs. Who is responsible for drug users who overdose in the toilet? Certainly, there are no problems now. Installing the needle bins will only serve to lure users to the premises and create more issues for taverns and nightclubs to manage than are necessary.

Mr Speaker, the other question which has to be raised is the type of drug which the Government is targeting in this instance. Intravenous drug users are not readily associated with taverns and nightclubs. In the case of nightclubs, the designer drug ecstasy, which is taken in tablet form, is the major problem. Perhaps the Government should be doing more to combat that problem.

The AHA is also seeking to have ultraviolet lights installed in their toilets. Users cannot see their veins under this type of light and it would discourage drug users from injecting in these venues.

The Government has clearly not thought the compulsory installation of needle bins through. I propose today that they take away this Liquor Licensing Standards Manual and try again to come up with an option that is practical and does not have adverse impacts on business and the community. Mr Speaker, I commend the motion to the Assembly.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.04): Mr Speaker, the Government opposes this motion. In the last five years the Government has been dealing with the very serious consequences in this community of widespread use of intravenously injected drugs. There would be very few members of our community who do not move around the community, particularly in major public such as in the heart of the city, Civic - without being aware that intravenous drug use has risen significantly in the last few years and that the problems caused by that use are multiplying throughout the community.

Those who propose such things as safe injecting places and heroin trials have done so as a response to that rising problem of drug use in the community. Whatever reaction we have to the problem, the important point is that we all have to have a reaction to the problem. We all have to have a response to the public safety issues, the community perception issues and, most importantly perhaps, the public health issues which are given rise to by that wider use.

There has been endless debate and discussion in this place about the hazard presented to the community by discarded needles and syringes. Those syringes are a significant public health problem. A large numbers of such needles are collected daily in our community.

Mr Rugendyke: How many in taverns?

MR HUMPHRIES: We do not collect needles in taverns. The owners and operators of the taverns collect the needles in the taverns. Mr Rugendyke called for something on the record about the presence of needles in taverns. I will come to that in a minute. In the public sense, there is no doubt that there is wide-scale use of needles and that they are a public health risk. A person in the vicinity, particularly a child who might be playing, runs a serious risk that, if they are stuck by one of those needles, blood-borne diseases on those needles could be transmitted to them. Literally, a death sentence could be transferred to a person in that circumstance by virtue of the fact that they have been exposed to that risk. It is incumbent on us in this community to minimise that risk as much as possible.

Mr Rugendyke has chosen to characterise that as encouraging, or taking steps which have the perception of encouraging, drug use. There are major venues all over this country today - in fact, all over the world, if you move around it - which are acknowledging the reality that people are using needles, and not necessarily just for intravenous drug use. A significant number of needles are being used all the time in the community by people suffering from particular diseases - diabetes, in particular - for which needles need to be used. Sometimes they use quite a few during a day and they have a need for disposal as well. But that is another issue.

We have a wide-scale understanding of that wide use and, therefore, a response on the part of a large number of public and semi-public institutions and private institutions to that problem by the installation of receptacles for those needles. We see them these days in bus stations.

Mr Rugendyke: Clubs, restaurants?

MR HUMPHRIES: Sometimes in restaurants, yes. We see them in the toilets of airport lounges and in all sorts of private facilities. Last night I was at the Canberra Theatre and they were available in the toilets there. A large number of institutions have seen the need to install those sorts of needle disposal facilities.

Mr Rugendyke: Voluntarily. Okay, good. Voluntarily. Fantastic idea.

MR HUMPHRIES: I heard you in silence, Mr Rugendyke, and I would appreciate the same courtesy. The evidence is that a large number of needles are being used in an around the Civic area in particular. In one month alone, I think November of last year, almost 2,000 needles were picked up in public places in the city. That was in one part of our city, and of course there were many needles in other parts of the city as well. We cannot deny that this is a major public health issue.

The question is: What evidence is there of drug use in private premises in our community, in particular in pubs and taverns? The Australian Hotels Association has no doubt lobbied all of us about this matter and argued that illicit drug use is not a significant problem on licensed premises in the ACT. I might diverge slightly in referring to the lobbying of the AHA in which they have referred quite categorically to their lack of a problem with illicit drug use on their premises. They have certainly put that to me in meetings I have had with them. However, almost in the same breath, or in another part of the correspondence or the meetings with us, they have said they are opposed to the Government's requirement, also in the standards manual, that licensees provide free water. When I asked the AHA why they were opposed to their members supplying free water to their patrons, the answer was that people are using ecstasy in our clubs and they do not wish to supply the water which ecstasy consumers use to keep themselves hydrated while they are having a trip on ecstasy.

It seems that the assertion that there is not illicit drug use going on in their premises is a little too broad, even on the AHA's own admission. They are asserting to us that there is not intravenous drug use going on in their premises. I do not believe that for one instant. I do not believe the evidence points to that fact at all. The fact is that a number of licensed premises in this town do have needle bins installed. As late as last weekend, when liquor licensing inspectors examined those bins, they saw that there were a number of needles in the bins of at least a couple of premises where those bins are installed.

Can the AHA or the licensees of those premises explain to me where those needles came from? Were they inserted in the bins for decorative effect? Were they there when the bins were installed and they just have not been taken out? Are the bins not removed and replaced regularly? I do not think the record will show that.

Just last weekend liquor licensing inspectors observed a significant number of needles on the back stairs of one licensed premises in Civic, stairs which I understand are accessible only from the nightclub itself. Apparently people are not using the nightclub

for intravenous drug use, but apparently they are shooting up somewhere in Civic, going up the stairs into the nightclub, going through the nightclub, going down the back stairs and disposing of their needles on the back stairs. I do not believe that.

I do not believe that users of licensed premises in the ACT, the sorts of places we are talking about in this motion, do not include intravenous drug users. Even if we assume that only a very small percentage of the clientele of those premises are intravenous drug users, then the argument that there is not a problem with intravenous drug use on their premises disappears. If there is any significant use, I would argue that there is an argument for the installation of bins.

The other evidence I have of the fact that needles are being discarded in these premises is that about 12 to 18 months ago in Civic a cleaner in licensed premises of the kind which this manual proposes should be regulated in this way received a needlestick injury from a needle discarded on those premises - not nearby, not in the alleyway outside, not just near the front door but inside the premises themselves.

I understand that the Labor Party today proposes to support this amendment to the standards manual. I am absolutely appalled at the hypocrisy evident in the ALP's position on such things as safe injecting places in this city, an acknowledgment of a significant problem with intravenous drug use - - -

Mr Quinlan: That is a trial.

MR HUMPHRIES: Should we make this a trial as well, Mr Quinlan? Are you happy to support that?

Mr Quinlan: Did you bring it forward as a trial?

MR HUMPHRIES: I will if you will support that.

Mr Quinlan: Get a little bit of empirical evidence.

MR HUMPHRIES: I have just given you the evidence, Mr Quinlan. You do not appear to be prepared to accept it. It is alleged that a cleaner in this city, a worker of the kind your party supposedly represents, was injured by a needlestick injury. This matter is probably subject to litigation of some sort, so I will not be dogmatic about the assertion, but a worker has allegedly been injured by a needlestick in those premises.

Where is the party of the workers in a debate like this? Where is the party that professed, only last December in this place, its concern about the spread of illicit drugs in the community and the adverse health impacts that those sorts of drugs would have on the broader community if some steps were not taken? Can you explain how you can support having safe injecting places and, as a consequence of that, it is asserted, a capacity to control the disposal of needles and yet not support a decision to have some means of safe disposal of needles in licensed premises in this city? I look forward to the explanation Mr Stanhope brings forward on that point.

The argument that by installing needle bins we attract or encourage drug use to licensed premises is absolute nonsense. I ask: What drug user sitting at home in Ainslie, Braddon, Watson, McKellar or wherever is going to think, "I'm going to shoot up this evening, so I think I'll travel into the nightclub in Civic that I occasionally visit because there is a disposal bin there and I will be able to dispose of my needles safely; I will not go to the other nightclubs, because I cannot dispose of my needles safely there."? For goodness sake! Let us have a little bit of commonsense in this debate.

People who are using those drugs, in many cases, are quite likely to dispose of the needles wherever they happen to be. If a bin is provided, hopefully they will use the bin. If none is provided, particularly in the toilet of a licensed premises, it is most likely that they are going to put the needle behind the toilet bowl, not wishing to have it seen straightaway or for people to see that they have been using in a cubicle, or perhaps they will put it in the paper disposal bin, where some poor cleaner runs the risk of having a needlestick injury when they put their hand in to get the paper out. That is the sort of risk you are running when you do not take a basic precaution on public health grounds in these circumstances.

The argument was put that we are targeting pubs and taverns and not other licensed premises such as clubs. It is true that the Government has taken the decision to limit the coverage in the standards manual to licensed premises of the kind that we have referred to there - taverns, pubs, nightclubs - because of the demographic of the people who use them. The people who use them tend to be younger people. They tend to be people who are statistically more likely, because of their age, to use intravenous drugs. And of course you do not need to be a member to be able to enter those premises. Anybody can go in if they pay their entry fee. *(Extension of time granted)* Some people will be exceptions to that rule, but overall it is the Government's view that the older membership of licensed clubs in the ACT and the barrier - albeit not a very strong barrier, I concede, in some cases - that you need to be a member to be on the premises make it less likely that those premises will be premises on which intravenous drug use, on a significant scale, takes place. Remember, that was the test that I suggested we were imposing.

If we want to protect the public interest with these needle bins, if we are concerned about the fact that they are in licensed premises of the kind referred to in the manual and not in others, is the appropriate response not that we extend the operation of those bins, not that we take the bins out altogether? If I were to amend the manual right now with a motion that said that the premises we are referring to ought to be all licensed premises in the ACT, what would members say or do about that? You would say, presumably, "What is the evidence that there is intravenous drug use in licensed clubs in the ACT?". We can extend it to clubs right now. Are you going to support that?

Mr Stanhope: Wait until you listen to my very detailed speech, and you will understand what you should have done.

MR HUMPHRIES: Okay, you have a non-committal position. I cannot imagine that the friends of the clubs over there, the people who have rigorously defended licensed clubs in the ACT in other circumstances from such things as some wider use of poker

machines outside licensed clubs and a requirement to distribute the proceeds of poker machines more broadly through the community, would find it very hard to accept an amendment to include clubs. That is the logical position you are in.

We have presented evidence in this place from the Liquor Licensing Board inspectors that they have seen needles on licensed premises of the kind covered by the manual. I have not seen any evidence of any use in licensed clubs in the ACT. If there is a public health issue, should we not be addressing it in respect of those premises?

One other argument put forward by Mr Rugendyke was that licensees have complained that there had been no examination of the alternative of ultraviolet lights. He said that the Government should be mandating ultraviolet lights. That is an interesting argument. First of all, there is no problem with any establishment in the ACT installing ultraviolet lights right now if they wish to do that. But if they believe that we could go down the path of having ultraviolet lights, would that not also be a signal that we were concerned about intravenous drug use on those premises? Would it not equally suffer the argument that we are encouraging drug use by installing devices on those premises? I cannot see that we would do any better by having those sorts of facilities there. In any case, the licensees are perfectly entitled to put them there right now if they want to.

I expect that Mr Stanhope will tell us that we have to do further research on the incidence of needles in licensed premises versus clubs.

Mr Stanhope: Not further. Some research would do.

MR HUMPHRIES: Okay, I understand the argument. Superficially, it is a good argument. But before Mr Stanhope gets up and puts that argument, there is a question he needs to answer in respect of this. How do you do that research? Do you survey clubs and licensees? I hope you are listening, Mr Stanhope, because this is a question you need to answer rather than burying yourself in some make-believe conversation with Mr Quinlan. You need to ask yourself how you conduct that research. How do you find out what is on those premises? I can tell you right now that licensees of any description are going to say, "No, we do not have drugs on our premises", just as the Australian Hotels Association has told us there are no drugs on their premises, except when it comes to ecstasy. They are going to tell us that they do not have the problem, because to do so would be bad for business. You cannot survey the owners and say, "Do you have drugs on your premises?". They are going to say no, obviously, are they not, Mr Stanhope?

So how do you do it? Do you send plain-clothes inspectors continuously through these premises to see who is on the premises and to see what drugs or what needles they can find on the premises?

Mr Stanhope: You already do that, I hope.

MR HUMPHRIES: No, you do not do it. It simply is not likely that research of that kind is going to significantly advance the argument about the balance of use in clubs and nightclubs and taverns in this town.

Mr Quinlan: We will use your experience then, Gary?

MR HUMPHRIES: No, I am not asking you to use my experience. I am asking you to use the evidence of the liquor licensing inspectors which has been put before us today that there is such use going on, as evidenced by the presence of needles in licensed premises of the kind covered by the manual. It is astonishing that the party which only last December was arguing for protection of the community through the supervised injecting places trial is not even prepared today to contemplate a trial of needle bins in licensed premises.

Mr Stanhope: This is a trial, is it?

MR HUMPHRIES: You were not listening, Mr Stanhope. I said that if you are prepared to support this as a trial I will go with the trial. Are you prepared to support that, Mr Stanhope? Do not worry answering. I know the answer. You are going to find some reason why it is not going to work as a trial. I know. It is shameful that a party professing a concern about public health in the ACT is not prepared to see needle bins go into licensed premises in this town right now.

MR KAINE (12.27): I want to indicate my support for Mr Rugendyke's motion. I support it not because I have any great problem with the Government taking appropriate action to protect the public health but because I think this provision is discriminatory. Since this is a document that deals with liquor licensing, there seems to be an inherent premise that the sale of liquor and use of intravenous drugs are somehow synonymous or related. The Government has done nothing to demonstrate that supposed link, but even if you accept that there is such a link, why then does the Government stop by saying that only taverns and nightclubs must put in place these special provisions? There is a total inconsistency there, in my view.

If the Government is prepared to come back to this place with a comprehensive Bill that would put this kind of facility in all sorts of places where there is a problem or a potential problem, including all places where liquor is sold, then I might be prepared to consider it. But I do believe that this is totally discriminatory and I do not believe the Government has established that there is an enormous need for only these two kinds of facilities to have this responsibility placed on them.

My other objection is that it seems to be an inappropriate place in which to make such a provision. The introduction to this manual says quite clearly:

> The Manual seeks to promote and encourage the responsible sale and consumption of alcohol by setting standards for:
>
> . the construction of buildings to be used as licensed premises and the standard of fittings; and
>
> . the conduct of licensed premises, particularly in relation to the responsible sale and consumption of liquor.

Why then is this little provision stuck in there in a place where, in my opinion, it is totally inappropriate? I come back to the point that I made before. If after disallowance is agreed to today the Government chooses to come back with a comprehensive Bill dealing with this problem in all of its aspects and not only in connection with taverns and nightclubs and not only by trying to embed this provision in an inappropriate manual, then they will probably have my support. But they will need to produce the statistics to justify taking this sort of action in the first place. They need to talk to the people on whom they are imposing these requirements, not simply impose them, and say, "That is it. No negotiation, no discussion. You will comply".

Those are my basic reasons, Mr Speaker. I am not arguing about whether there is a problem. I think the Minister has made the point that there is a problem - if we were not all aware of that anyway. How you solve it is the matter that I find contentious. For the reasons I have outlined, I support Mr Rugendyke's motion.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.31 to 2.30 pm.

MINISTERIAL ARRANGEMENTS

MS CARNELL (Chief Minister): Mr Moore will be absent for at least the foreseeable future. I will take questions on his behalf during his absence.

MR SPEAKER: Thank you, Chief Minister.

Mr Stanhope: Is it possible for me to clarify whether that is during all of question time or - - -

MS CARNELL: He is involved at this moment in a hook-up with Health Ministers. He hopes to be back before the end of question time, but, as one would know - - -

Mr Stanhope: It is just that my question was to Mr Moore. I am happy to rearrange the order on the basis that he might return.

MS CARNELL: It might be a good idea. He may be back before the end. If not, I will take them.

Mr Stanhope: I will do that. Thank you.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax

MR QUINLAN: My question is to the Treasurer. An article in the *Canberra Times* today, referring to the *Australian Economic Review*, states that the intergovernmental agreement in relation to the GST covers only the direct impacts of a GST on state budgets, the taxes to be abolished, the first home owners scheme and the embedded wholesale tax savings. It also says that the reality is that the GST and related reforms will have significant indirect impacts upon States' budgets. The particular reference is to the fact that amendments to the tax package will reduce the available money to fund the promise that no State will be worse off under the GST regime. One part of the intergovernmental agreement is that if a Territory such as the ACT is worse off as a result of the new tax system, the Commonwealth funding will come in in forms of loans and grants to cover the shortfall. Can the Treasurer please clarify that in relation to the draft budget, where he has claimed there will be no effect of the GST? Will there be any effect in relation to interest free loans as opposed to revenue income?

MR HUMPHRIES: Mr Speaker, I have repeated several times, I think, in this place and outside, the guarantee which has come from the Commonwealth that the States and Territories are no worse off as a result of the implementation of the GST. I recorded that on every occasion as the Commonwealth's guarantee to the ACT and to States and Territories generally. I certainly should not be seen in this place, or anywhere else, to be guaranteeing absolutely that there is no capacity for the Commonwealth promise to be a promise that has some unexpected sharp edges.

I will give you a small illustration of that point. The Commonwealth has told us that we will be no worse off and that we have a guaranteed minimum amount to ensure that we are no worse off, at least during the first three years of the GST's operation. That guaranteed minimum amount is calculated on a number of assumptions. One of them is that we will continue to levy stamp duty in the same way that we do at the moment, even though that has the effect of including in the price of things that are subject to stamp duty the GST itself. Say if someone takes out an insurance policy on the motor vehicle that they have just bought. They insure it for the value of the vehicle, the price they pay. Therefore it includes GST. You are paying stamp duty on the GST.

Some have argued to us that that is a tax on a tax and is not very fair. My own view about that is that, because those sorts of things have been previously subject to wholesale sales tax, in effect we are not changing the basis on which those taxes or charges are levied. Nonetheless, if we were to move away from that arrangement to address what some people see as an unfair arrangement, we would certainly be less well off as a result of that factor. If we decide not to impose stamp duty on the part of the price that included GST, as an argument for fairness, we certainly would not be able to receive the same amount of money from the Commonwealth under its guaranteed minimum amount. We do not propose to do that in the ACT, so in that particular instance it is not going to be an issue.

I take on face value the promise of the Commonwealth that the States and Territories will be no worse off. We will need to see how that is actually carried through in practice. The situation with respect to loans from the Commonwealth to the States and Territories is, I understand, generally an issue for the Commonwealth's accounting purposes. They are, at least in year one of the GST arrangements, technically loaning the ACT and other jurisdictions the money which will constitute its guaranteed minimum amount. However, the amount which has been loaned to the ACT has been loaned on the basis that it is an interest free loan, and in year two of the GST the Commonwealth will give us the money to be able to repay the loan.

So which bank offers those sorts of loans, Mr Speaker? Unfortunately, no bloody bank. If there was, I would be a customer of it tomorrow. It is interest free and they repay it for you after one year. I do not think the issue of a loan is a problem to the ACT. It comes within the terms of that GMA, that guaranteed minimum amount, that we should not be any worse off as a result of the GST. So any cost associated with that ought to be met by us being able to recover that under the GMA.

There is a cost associated with the ACT doing its preparation for the GST. That is not a cost which I think is recoverable under the intergovernmental agreement. We put that cost in the ACT at $3.5m. It is in the budget for this year. I do not actually quibble with that. I think that is a reasonable investment, given that after three years we get a positive benefit from the GST, according to the preliminary calculations that have been done. That positive benefit rises significantly after a number of years. By year 10 of the GST arrangement the ACT will be $73.9m better off. I think that is the right figure. Even if there are some overly conservative or optimistic estimates in that figure, it clearly will be a very significant advance for the ACT if those amounts are flowing. That is a reasonable reason to put in some money at this stage - to get that kind of return after 10 years.

MR QUINLAN: I have a supplementary question. I gather from what you have said that if, in fact, there is a shortfall, we get an interest free loan for a number of years. Then that is taken off any excess and, until we get square, we are going to have a constant - - -

Mr Humphries: That is sort of what I am saying, yes.

MR QUINLAN: The bottom line of the draft budget is more the result of accounting technicalities than of a genuinely balanced budget, like above the line treatment of abnormal superannuation changes, or the borrowing of an American standard that I understand does not exist in Australia. Does it not follow that if there are loans, if it is loans that we are getting, then we are not in the black next year?

MR HUMPHRIES: No, it does not follow because the loans, first of all, are interest free.

Mr Stanhope: It is still a loan.

MR HUMPHRIES: That may be so, but the loans are also repaid for us by the Commonwealth.

Mr Berry: This is accrual accounting, Gary.

MR HUMPHRIES: No, the loans to us are repaid.

Mr Stanhope: When?

MR HUMPHRIES: Next year. In year two of the GST operation. I will confirm that, but that is my understanding.

Mr Stanhope: You cannot have it both ways.

MR HUMPHRIES: Sorry, we can have it both ways. The Commonwealth is providing loans to the ACT as, I understand, an accounting requirement from their end to ensure that they are not having to appropriate that money; that they can show that money as an asset, as money they have loaned and can be repaid to them.

Mr Quinlan: They do not want to show a deficit, but we have to. It is called double entry.

Mr Stanhope: How does your balance sheet look?

MR HUMPHRIES: It comes at no cost to our balance sheet, Mr Stanhope. The loan is made to us interest free and is repaid by the Commonwealth. Now, I do not know about you, but if someone offered me a loan that was interest free and was repaid by the person who lent it to me, I would take it. I am sure that your family would also take it if you were offered that amount.

Mr Quinlan: You expressed your own doubts about the validity of the promise of the Commonwealth in your first answer. You cannot account for it now.

Mr Berry: You either have the money or you don't.

Mr Hird: I cannot hear the answer.

MR SPEAKER: Order, please!

MR HUMPHRIES: Look, I know you are all excited by the idea of having these sorts of loans, and I am excited about it as well. Mr Speaker, I am prepared to take the offer on face value. If the ACT is short-changed in this respect, I am sure it will not be the only jurisdiction to receive that treatment. There are a number of issues to do with implementation of the GST which are to be discussed at the Ministerial Council on National Tax Reform next month. I have the feeling that the State and Territory Treasurers will be lined up on one side of the table and the Commonwealth Treasurer will be on the other.

Mr Speaker, I have also been advised that, under Accounting Standard AAS 15, the loan will be treated as revenue in year one. So it will not be a liability for the ACT; it will be treated as revenue. It seems to me to be very hard to argue that that is anything of a problem to the ACT. It is an excellent arrangement from our point of view. Obviously we want to make sure it is carried through as promised, but all I can report to the Assembly is what we have been promised.

Aboriginal Justice Advisory Committee - ACT Prison

MR HARGREAVES: My question is to the Minister for Justice and Community Safety. Minister, the Government established the Aboriginal Justice Advisory Committee some time ago to provide high-level advice to government regarding the justice system and indigenous people. Can the Minister tell the Assembly when the committee was actually established, who its chair and members are, and how many times it has met?

MR HUMPHRIES: Mr Speaker, I cannot give Mr Hargreaves that information without taking the question on notice. My recollection is that the committee was established late last year. Pursuant to the representations of the Aboriginal and Torres Strait Islander Consultative Council that reports to the Chief Minister, the chair of the AJAC was to be elected by AJAC itself, not nominated by the Government, and I understand it has now done that. I apologise that I cannot recall the name of the chair. Given that the thing was established late last year and we have only just emerged from the Christmas and New Year break, I doubt that it has met very many times. Mr Speaker, I am happy to give Mr Hargreaves that information and I will take the question on notice.

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

MR HARGREAVES: Thank you, Mr Speaker, and thank you, Minister. I look forward to that. My supplementary question is this: Can the Minister explain how the committee is being involved in the establishment of our prison in the ACT? How do you see its role in that?

MR HUMPHRIES: Mr Speaker, it is my intention to publish shortly a list of organisations that we will invite to be represented on the consultative panel, the community panel, which will overview the prison project. We intend to invite a representative of the Aboriginal Justice Advisory Council to be on that panel.

Bruce Stadium - Fun Day

MR KAINE: My question, I think, is to the Chief Minister. I am never too sure these days to whom I should address questions about Bruce Stadium. I tried yesterday to address one to the Minister for sport, but I think it is still in the Chief Minister's area of responsibility.

MR SPEAKER: Mr Kaine, seeing it is your birthday we will give you an indulgence.

MR KAINE: Thank you, Mr Speaker. Birthdays are always worth a couple of brownie points. Mr Speaker, my question concerns the so-called free fun day to be staged at Bruce Stadium this coming Sunday, about which I know something because I have seen the ads that have been running on commercial television, and I have seen a rather breathless media release put out from the Canberra Tourism and Events Corporation. I can only assume that this is just another public relations stunt, at what I suspect will be considerable public expense, to try to restore the damaged reputation of the Chief Minister and the Government over the financial scandal of the Bruce redevelopment. Perhaps it is also intended to try to deflect public attention away from the Auditor-General's report on Bruce Stadium which is now imminent. If the Chief Minister does not have the information at hand, I will be happy to receive it by close of business today. My question is this: What is the projected total cost of this public relations stunt at Bruce Stadium, and what are the names of individuals who are being paid to appear at this event to lend it some semblance of credibility?

MS CARNELL: Obviously I will have to take that question on notice. It is not something that I or anybody in my direct office has been involved in organising. I think an open day at Bruce Stadium is something that the Canberra community will want to go along to see because they want to see what a great stadium it is and what a great benefit it is to the Canberra community. It is a major public asset.

Places like Canberra Hospital have open days. Parts of Urban Services and so on operate open days. We have open days at our schools and places like the CIT and so on to give the community an opportunity to see those facilities. They are very much part of the way we operate in government. Whether it is an open day at Canberra Hospital or at the CIT, they come - - -

Mr Smyth: The bus rodeo, ACTION.

MS CARNELL: Yes, ACTION buses. They come at an expense, I suppose. There is some expense in opening these facilities on weekends, but I have to say they have been very successful in all sorts of areas of government or of public assets, and I believe this is something that we should continue to do. It gives people an opportunity to come along at no cost and have a look at our public assets, to have a look at how they work, and to have a look at the facilities that we have that, let us be fair, they paid for. I am surprised that Mr Kaine would not be positive about allowing the Canberra community to have a look at Bruce Stadium, something that just this week the International Olympic Committee said had a surface equivalent to Wembley, which cost more than $34m.

MR KAINE: As expected, the Chief Minister gave a very good answer, but she did not answer the question. I can only assume that she is taking my question on notice. While she is considering my question on notice, would she also look at some other aspects? I know that Mrs Carnell would never approve of the despicable practice of cash for comment by people who earn all or part of their income as media commentators, so will the Chief Minister guarantee that no taxpayers funds are being paid to individuals in return for favourable comment? Will she also table, on a confidential basis if that is her wish, the contracts of any individuals being paid to appear at Bruce Stadium on Sunday?

MS CARNELL: Mr Speaker, I am not sure what that question actually is. I do not know what individuals he is talking about.

Mr Kaine: You tell me.

MS CARNELL: You asked me the question. Mr Speaker, this weekend, on looking at what has been given to me, there will be, obviously, a soccer match. That will occur as part of the Prime Television olympic open day at Bruce Stadium, which will happen between 1 o'clock and 8 pm. The celebrity soccer match will kick off at 5 pm. If Mr Kaine would like to come along, that would be fine. My understanding is that on my team there is Mr Berry - - -

Mr Kaine: Well, that is one name. Can I have a copy of his contract?

MS CARNELL: Rob de Castella. I understand that there are people - - -

Mr Quinlan: He will be running dead.

MS CARNELL: Mr Berry is probably the only person in this place apart from me, but there are a number of sporting people, and people from media outlets and so on.

Mr Stefaniak: What time is your game?

MS CARNELL: The game is at 5 pm on Sunday.

Mr Stefaniak: I will be back by then. I would like to have a trot with your team, too.

MS CARNELL: Great. We will get Mr Stefaniak on the field as well. The day will close with fireworks and a concert starring Rick Price and Christine Anu. I am sure we would all agree that they are both great performers. That will follow the Chief Minister's all star match in which we will play the Matildas, which could be very embarrassing.

Some of the other people involved are people like Rob de Castella, and people from the Capitals, the Brumbies and the Cannons. The kids will be able to meet the Olympic mascots, Syd, Olly and Millie, from 1 pm or catch their show at 4.45 pm. If Mr Kaine would like me to continue with a full run-down of the afternoon, I would be happy to do so, Mr Speaker. As you can see, I think it will be a great afternoon, and an afternoon that I hope many Canberrans will get along to see. Obviously it is an event that corporate Canberra has been willing to get behind.

I wonder whether Mr Kaine has got his telegram from the Queen, Mr Speaker?

Mr Kaine: I did not even get one from the Chief Minister.

MR SPEAKER: I would be a little bit cautious in that soccer match about own goals, Chief Minister.

Land and Planning

MR CORBELL: My question is to the Minister for Urban Services. Yesterday the Minister for Urban Services, in his response to Labor's plan for an independent chief planner for the ACT, accused the Labor Party of wanting to duplicate the planning process by, he said, creating a position which was the equivalent of the Commissioner for Land and Planning. My question, Mr Speaker, is this: Can the Minister for Urban Services indicate whether the Commissioner for Land and Planning has any role in the maintenance of and variation to the Territory Plan, a role proposed to be undertaken by Labor's chief planner?

MR SMYTH: Mr Speaker, I am not responsible for what Mr Corbell wants to put out. He has flown a kite on a piece of legislation that he is not going to present to this place for at least two months, and I took the opportunity to comment that what Mr Corbell proposes is back to the future. They do not stand for anything for the future so they are willing to go back to the past. The Assembly, with the assistance of the then Labor Opposition, removed this position - - -

Mr Corbell: I take a point of order, Mr Speaker. The Minister must be relevant in his answer. My question, specifically, was whether or not the Minister could confirm or deny that the Commissioner for Land and Planning had responsibility for the maintenance of or variation to the Territory Plan. That is the question, Mr Speaker, and he does not want to answer it.

MR SPEAKER: There is no point of order. Secondly, I am surprised that the Minister could hear anything with the constant interjections that are going on. If it continues I will suggest that the Minister resume his seat. Continue, Mr Minister.

MR SMYTH: Mr Corbell said many things in his press release and I chose to comment on them because it is appropriate to highlight the fact that the Labor Party does not have a policy. Nor will they reveal any policy whatsoever in regard to planning in the ACT. I will comment any time he chooses to put something out.

Mr Berry: I take a point of order, Mr Speaker. I draw your attention to standing order 118. It specifically says that answers to questions without notice shall be concise and confined to the subject matter of the question. Mr Corbell's question was quite pointed. I would like to hear the Minister at least make an attempt to answer the points raised.

MR SPEAKER: So would I, but unfortunately I cannot hear him for the constant interjections that are going on. There is no point of order.

MR SMYTH: Mr Corbell says many things in his press release. Mr Corbell talks about how they will - - -

Mr Berry: I do not think there were any questions about a press release.

MR SPEAKER: Would you sit down, please, Mr Berry?

MR SMYTH: Mr Speaker, I have made three attempts to answer this question. They are on their feet before they have even heard the answer. If you are not interested in the answer, that is fine. I will stand and talk anyway. If they choose not to listen, that is their problem. I am able to comment on what Mr Corbell said in his entire press release. I am aware of the functions of the commissioner and what he does, and I am aware of the Land Act and how it operates. Mr Corbell, in flying this kite - - -

Mr Corbell: That is a relief.

Mr Berry: Waffle, waffle.

Mr Corbell: You are getting warm.

MR SPEAKER: Order! Sit down, please. Next question. No, I am sorry; I told you that I would not tolerate constant interjections.

Mr Corbell: I am sorry, Mr Speaker. Under what standing order, under what authority, are you making such a ruling?

MR SPEAKER: The Speaker may direct - - -

Mr Humphries: He has a power to exercise that. There is a standing order that allows that to happen. To exercise control over the house.

MR SPEAKER: Yes, that is right. Just a moment; I will find it for you.

Ms Carnell: To exercise control over the house.

Mr Corbell: You are struggling, Mr Speaker.

Mr Humphries: That is right. He is well aware that he has that power, and you know he has, Simon.

MR SPEAKER: You may like to look at the end of standing order 118. It says this:

> … the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question.

The member had more than sufficient opportunity to answer the question. It was just that he could not do it because of the constant interjection.

Mr Corbell: Mr Speaker, on your ruling, I can ask my supplementary question.

MR SPEAKER: You may ask your supplementary question, yes, and the same thing will happen, gentlemen, if we have constant interjections.

MR CORBELL: Thank you, Mr Speaker. I am sure the Minister will thank you for your protection over his gaffe. My supplementary question is this: Is it not the case, Minister, that the Commissioner for Land and Planning has no responsibilities under the Land Act for the maintenance of and variation to the Territory Plan, and that your attempt to accuse Labor of duplication of process was an awful error which revealed not only your ignorance of the Land Act but also your inability to properly handle the planning debate?

MR SMYTH: Mr Speaker, what we have is wishful thinking as a substitution for policy. The Government is getting on with reforming planning in this city to make sure that it is efficient and effective and meeting the needs of a modern city. What we have - - -

Mr Corbell: You made a mistake, Brendan. Just say you made a mistake.

MR SPEAKER: Order! Careful!

MR SMYTH: No, there are no mistakes here at all. What we have from Mr - - -

MR SPEAKER: You will not get an answer.

Mr Berry: Sit him down. He is not well.

MR SPEAKER: I will. Thank you. Please resume your seat. Questions without notice. I call Mr Rugendyke.

Mr Corbell: You are an embarrassment. What a joke.

Mr Berry: Sit him down.

MR SPEAKER: I have called Mr Rugendyke, thank you.

Mr Corbell: His public servants will be squirming over his press release yesterday. It was a disgrace.

MR SPEAKER: You will be squirming in a moment if you keep that up, Mr Corbell.

Sexual Assault Case

MR RUGENDYKE: My question is to the Attorney-General, Mr Humphries, and it relates to a report published in yesterday's *Canberra Times* concerning a decision of Chief Justice Jeffery Miles in a sexual assault case. Chief Justice Miles saw fit to place a sexual offender with prior convictions on a suspended sentence with a good behaviour bond for offences committed on a two-year-old child. The reason given in the report for the lenient penalty was because the child was unlikely to remember the attacks. Of course, I understand that the newspaper report is a summary of proceedings and does not necessarily present all the facts. Perhaps we are missing something. However, Minister,

I am extremely concerned that the possibility that the victim may not recall being molested could be a valid defence and could set a dangerous precedent. Is the Attorney-General aware of any other details relating to the case other than what was published in the paper that he can share with us today? If not, could he please seek clarification on behalf of the Assembly?

MR SPEAKER: Mr Attorney, I think you are aware of the sensitivities of the matter.

MR HUMPHRIES: Mr Speaker, I am aware of those sensitivities and I do not propose to comment on the particular case that Mr Rugendyke has raised. I appreciate his concern about it. I appreciate that he and others may be asking questions of the kind that have just been asked, but it would be inappropriate for me to pass comment on particular cases before the court. I am happy to obtain a transcript of the proceedings and forward it to Mr Rugendyke, but I do not think that I should pass any further comment on the case.

Mr Speaker, I will say that from time to time we all have issues of concern about what goes on in our courts. My observation in the last five years as Attorney-General has been, almost invariably, that, when more information has been brought to my attention and placed before me about a particular matter before the courts, I have had more sympathy than I previously may have had to particular decisions of the court. I do not propose to comment, as I said, on whether this would be such a case or not.

I do note, Mr Speaker, that apparently there has been an increase in the severity of sentencing in recent years, and I measure that by the fact that there has been a considerable increase in the number of people who have been incarcerated by ACT courts. Our prison population has risen quite significantly, and that is only partly accounted for, in my view, by an increase in the seriousness of certain categories of crime taking place in the ACT. I cannot prove it but I think that a study would demonstrate that there has been more severe sentencing by not just the ACT courts but also by courts across Australia in the last few years. Some would welcome that as a way of indicating a greater concern on the part of the community about particular crimes being committed.

For my part, I stand by the principle in our system of government which leaves decisions about sentencing and the appropriateness of sentencing to our courts. I think the role of the Government in those exercises ends when it appoints particular individuals to the courts. We have taken the approach, in the appointment of people to the courts, that it is important to stress that the needs of the community, particularly those who are victims in the community, have to be addressed in the sense of the processes. But, having offered that piece of advice, the judges and magistrates, on their appointment, are their own masters or mistresses. The Government is prepared then to observe that process, hopeful that the quality of people we have appointed ensures that justice has been done in individual cases.

MR RUGENDYKE: I have a supplementary question. Are you in a position as yet to know whether you would be recommending that the DPP appeal the decision, given its apparent leniency?

MR HUMPHRIES: Very occasionally, Mr Speaker, on the basis of representations made to me, I will request the DPP to consider an appeal. I have not seen the details of the matter Mr Rugendyke is referring to. I will undertake to examine the matter and, if it is appropriate, to recommend to the DPP that he consider launching an appeal.

Women's Legal Centre

MR BERRY: My question is to the Attorney-General and it is in relation to grants made under the Legal Practitioners Act. By way of background, Mr Speaker, I refer to section 128 of the Legal Practitioners Act. Amongst other things, subsection 128 (4) of the Act says, "The Law Society may, with the consent in writing of the Attorney-General given either generally or in a particular case, use moneys standing to the credit of a Statutory Interest Account" for a range of purposes. I understand that last year, and possibly in earlier years, the Women's Legal Centre was given grants by this means. Mr Speaker, the Women's Legal Centre is the organisation that collaborated with others in the community to oppose the actions of the Attorney-General, in particular, and others generally in this place to wind back a woman's right to choose. In particular, the Women's Legal Centre mounted a campaign against the Attorney-General's move to force pictures on women who might be considering an abortion. The Women's Legal Centre, among others, was also part of a group of people in the community who were working hard to extend the right of a woman to choose an abortion if they so desired, and it was also part of a campaign which exposed the ineptitude of this Minister on the pictures issue. Mr Speaker, I would like to ask the Attorney-General why he refused a grant of $48,000 to the Women's Legal Centre, under section 128 of the Legal Practitioners Act. Why did he block that proposed grant which was put forward by the Law Society along the usual lines that they put forward grants for consideration by the Attorney-General? Attorney, why did you block that grant?

MR SPEAKER: Apart from the inferences and imputations, which I suggest you ignore, Mr Attorney - - -

MR HUMPHRIES: Yes, Mr Speaker, I am happy to do that. I am used to Mr Berry muckraking. That is his modus operandi. That is fine. Mr Speaker, I have not refused outright a grant to the Women's Legal Centre. I have indicated to the Law Society that I am not prepared at this stage to approve a grant to the Women's Legal Centre because on the advice of my department - I stress again, on the advice of my department - the grants being sought to be made from the statutory interest account of the Law Society did not adequately reflect the requirements that the recipients be in the business of providing legal aid or services in the nature of legal aid to the broader community. Recommendations were made to me - - -

Mr Berry: Who are you kidding? Women's Legal Centre.

MR HUMPHRIES: Mr Berry can scoff all he wishes. The fact is that that is the direct advice that has been given to me. I can advise the Assembly that the letter that was submitted to me for my signature by my department was the letter which I signed without amendment.

Mr Berry: Your office told them they were not getting the money.

MR HUMPHRIES: I beg your pardon?

Mr Berry: Your office told them that they were not getting the money.

Ms Carnell: How do you know?

MR HUMPHRIES: No, my office - - -

MR SPEAKER: I will treat that as a supplementary question very shortly.

MR HUMPHRIES: Mr Speaker, the reference Mr Berry makes to my office telling them they were not getting the money was a reference to a telephone call made after the decision that I have just referred to was conveyed to the Law Society and which, in turn, presumably was conveyed on to the Women's Legal Centre. They then rang my office, spoke to a member of my staff, and made inquiries about the matter. Then they were told that that was my decision - that there had been a decision as conveyed by me to the ACT Law Society. So the inference that they were told before the brief came in is not true. They were told only what had been decided by me pursuant to the advice of my department.

Mr Berry: Yes, payback.

MR HUMPHRIES: Mr Berry, you can live in your little fantasy world of conspiracy, ulterior motives and so on if you wish. You can make all these sorts of connections if you wish. I might point out that the Women's Legal Centre was not the only organisation that was refused money under that arrangement.

Mr Stanhope: Who else?

MR HUMPHRIES: The Environmental Defender's Office was also refused money on the same basis.

Ms Carnell: They didn't say anything about the abortion issue.

MR HUMPHRIES: No, I do not recall them saying anything about abortions, so what is my motivation to get them, I wonder? I hate trees? I want to knock down trees and so on?

Mr Speaker, my principle concern about the proposals from the Law Society was that, despite a growth in the amount available under the statutory interest account for dispersal in this way, there was only a very small increase proposed for ACT Legal Aid,

an amount which in fact would have amounted to a reduction in real terms to legal aid. My view is that legal aid in this Territory is meeting increasingly serious levels of demand and it needs to be supported as the first priority of government. Mr Speaker, I would be surprised if anyone else in this chamber would think that there were more important demands on moneys of this kind than legal aid. Mr Speaker, that principally is the basis for my decision. I repeat that I followed the advice I was given in this matter, and I did so with no hesitation or sense of regret.

MR BERRY: Mr Speaker, I have a supplementary question. Is it not true, Mr Attorney, that you were stung by the Women's Legal Centre's activities when they exposed your complete and utter ineptitude on the issue of restricting a woman's right to choose? Is it not true that when your obsession with this issue was exposed you responded, Mr Attorney, in a spiteful and vindictive way against people who are keen to ensure that women's rights are protected? This is an organisation which is charged with protecting a woman's right and you have been vindictive and spiteful?

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

MR SPEAKER: It is all right, Mr Minister. I am about to rule it out of order. He is asking for an expression of opinion.

MR BERRY: No, no, no.

MR SPEAKER: Yes, it is. Is it true?

MR BERRY: Is it true that you are spiteful and vindictive and you have paid them back?

MR SPEAKER: Sit down. I am ruling it out of order.

MR HUMPHRIES: I would like to respond, Mr Speaker.

MR SPEAKER: Would you? Very well.

Mr Berry: No, I do not want him to respond. It is okay. We will not get the answer. Yes or no, Gary?

MR HUMPHRIES: Mr Speaker, the answer is no. With great respect, Mr Speaker, if Mr Berry wants to make these accusations in this place I think he should substantiate them.

Ms Carnell: He never does.

MR SPEAKER: I know.

MR HUMPHRIES: He has not done that.

MR SPEAKER: I was happy to rule it out of order.

MR HUMPHRIES: He hurls these sorts of accusations. I will tell you what is spiteful, Mr Berry. What is spiteful, Mr Berry, is asking questions about people having motor vehicle accidents, and asking about conducting breath tests for people who - - -

Mr Berry: When you are worried about people who drink and drive you ask those questions.

MR HUMPHRIES: It is a chance for you to get on your favourite hobby horse, the ACT Chief Minister.

Mr Berry: When you will not worry about people who drink and drive, you ask those questions.

MR HUMPHRIES: If you want to see something spiteful, look at your record with respect to Kate Carnell. That is spiteful.

Report on School Computers

MR HIRD: It is a hard act to follow Mr Berry, but I will attempt to do so.

Mr Smyth: No, do not bother.

MR HIRD: Yes, that is quite right. I will not bother. It is a sad state of affairs. My question is to the Minister for Education, Mr Bill Stefaniak. What is the Minister's response to a recent Commonwealth report, "Real Times: Computers, Change and Schooling", released by the Federal Minister for Education, Training and Youth Affairs, Dr David Kemp?

MR STEFANIAK: I thank Mr Hird for the question. Yes, the report was released by Dr Kemp's department. I am not sure how much Dr Kemp had to do with it, but I will find out. The report was the result of an initiative by DETYA, and it was based on survey samples undertaken within schools throughout Australia back in May 1998. The survey purported to examine the level of computer technology available in schools, and it sought, amongst other things, a judgment call by participating teachers of the level of information technology skill possessed by their students. It is a strange report, Mr Hird, in that it claims that the ACT has the worst computer-to-student ratio in the country. It certainly made me scratch my head a little bit on that one, as it did a number of other people.

Mr Speaker, this flies in the face of all the evidence available to this Government, and indeed the anecdotal evidence reported to me in my department. If you have wandered around our government system and looked at the number of computers in recent times, you must scratch your head and think there is something in this report - pardon my pun -that just does not compute.

In short, I think the report is highly misleading for a number of important reasons. Firstly, it is outdated, and it contains many provisos and qualifications, which is a worry in itself. For a number of the smaller States and Territories - including South Australia, Western Australia, Tasmania, the Northern Territory and the ACT - the report has footnotes attached to it in a number of places. For example, the footnote on pages 191 and 192 states:

> … low statistical reliability due to small sample size. Results should be interpreted with caution.

The Commonwealth usually provides very useful information which can assist governments to make policy decisions based on the data which is revealed. In this case I am extremely disappointed with the report. Normally the reports are of a fairly high standard.

Contrary to a very strange article I saw in the *Canberra Times* education section on Wednesday, this Government does not mind statistics which show it in not so good a light. We have a lot of statistics which show us in a good light. The most recent State of the Territory Report is a warts and all report. There are some things that this Territory is doing exceptionally well; there are others where there is area for improvement. In education, most of the reports that have come out show that we are doing very well. I do not mind if a report indicates that we are not doing well, if it is factually based and accurate. That would give us something to work on to improve.

This is not the first report there have been problems with. There were two others last year. The *Canberra Times* made a bit of an error with the June 1999 ABS figures for students in the ACT participating in vocational education and training. That report said we had only 3,541 students participating. I scratched my head on that one, because at the time we had over 18,000. Quite clearly, that was based on a very bad sampling error.

A report which came out recently gave us the benefit of the doubt. It said we had a 100 per cent increase in trainees and apprentices in a 12-month period. In fact, the number had gone up from 5,500 or so to 6,170. I did not shout it to the rooftops that we had had a 100 per cent increase. That report was wrong. Had I been asked anything on it, I would have quite happily pointed out that the increase had probably been about only 30 to 35 per cent. There were errors there. They do occur.

I get back to the report you asked about, Mr Hird. It is almost useless to the smaller States and Territories as a tool for policy development. It has taken two years to see the light of day. Because of the provisos, the small sample size and the acknowledged statistical unreliability, it is not worth while at all. The sample covered two government schools from a total of 96 and one out of 42 non-government primary schools. It looked at the computer skills of 171 students out of a total of over 60,000 students in both systems. In other words, 0.28 of our students were surveyed. Quite clearly, that is a real problem.

Look at some of the things we have done in information technology. The $20m commitment actioned from 1998 included free educational software of $12m. All of our government teachers now have their own computer, and have had since July of last year. We have also provided all government schools with annual additional grants varying between $10,000 and $30,000 to enable them to upgrade their IT infrastructure and provide additional computers. We did our own survey towards the end of last year and found that the ACT had one computer to every 4.8 primary students, one to every 4.7 high school students and one to every 4.5 college students. That makes a nonsense of this report. Those figures show that the Government, in working towards one computer between every two students in our government school system by the end of 2001, is well and truly on track.

All in all, it is a rather disappointing report. I am glad the *Canberra Times*, in their editorial, raised some concerns about it too. I have taken the matter up with Dr Kemp. I have written to him. I will be seeing him fairly shortly in MCEETYA and I will take it up further. As I said, the Commonwealth usually provides very good statistical information, but occasionally there are things wrong with it and that tends to spoil all the good work that the Commonwealth statistics usually do when they come out.

Mr Stanhope: What did you think of that letter from Wanniassa High School this morning? Tell us about that.

MR HIRD: I ask a supplementary question. I was concerned to read that, Minister. I am pleased to hear your comments, and I daresay those opposite and those on the crossbenches also will be pleased to learn that you are taking up the cause. Of course, when we talk of causes, the Carnell Government was one of the first governments in Australia to bring on this sort of program - - -

MR SPEAKER: Question, please!

MR HIRD: I would ask you whether you intend to continue - - -

Mr Kaine: I raise a point of order, Mr Speaker. I understand there may be no preamble to a supplementary question.

MR SPEAKER: I uphold the point of order. Ask your supplementary question, please, without preamble.

MR HIRD: I owe him one and I will return the favour later. My supplementary question is: Does the Minister intend to keep up the good work of the Carnell Government in putting more computers into schools? Bill, you are a rugby player. Please do not pick on those poor Matildas over the weekend. We need them for the Olympics.

MR STEFANIAK: I will certainly try not to. Mate, they will run rings around me. The Matildas are excellent. I am glad you asked about computers in schools, Mr Hird, because only a couple of hours ago I announced a further government initiative aimed at achieving our goal. I announced a major new information technology program for three of our Canberra colleges which will also have ramifications for other schools because it

is a regional approach. There was important assistance from the Commonwealth in this through the Australian National Training Authority. I am delighted to recognise their assistance. We will develop Narrabundah College, Lake Ginninderra College and St Clare's College as information technology skill centres. This announcement delivers on the Chief Minister's pledge made in last year's vision statement to concentrate government energies on quality information technology resources for our students.

The skill centres project will target nearly half a million dollars over two years to those three colleges for a range of projects aimed at providing students with the most up-to-date information technology skills - skills demanded by the Australian community in the twenty-first century, skills that will take students into the work force or into further study. The computers will be geared to specially developed information technology skills for use in vocational education and training.

Narrabundah College will get $150,000 to develop IT resources, a web site, and retail, financing and office skills. Lake Ginninderra College will get $150,000 over two years. That is in your electorate, Mr Hird, and mine. You will be pleased with that. That will develop a call centre as well as promoting IT, retail and office skills. St Clare's College will receive a similar amount of funding, and their computers will be used to help in courses in things like child care and aged care. What is more, the computers and the skills that are available at Narrabundah College and St Clare's College will also be utilised by students from Marist and St Edmunds as part of the regional aspect of this program.

I think it is a very exciting announcement, Mr Hird. It further scotches the misleading impression left by that unfortunate DETYA report. Over the last couple of years we have done similar things for IT and multimedia facilities at Copland College and Lake Tuggeranong College. Now we are seeing a very nice spread of these important things throughout the Territory.

Mr Stanhope interjected about a letter from the Wanniassa High School board. Mr Stanhope, I have written to that board. Unfortunately, they did not see the corrections made in the *Canberra Times* and the *Chronicle* in relation to school bank balances. I suggest, Mr Stanhope, you check my press release of 9 February and get your facts right.

Canberra Hospital

MR STANHOPE: My question is to the Minister for Health and Community Care. The Chief Minister has indicated she will take his questions. Mr Speaker, consolidated financial management reports for November and December 1999 tabled in the Assembly yesterday reveal the worsening position of the Canberra Hospital budget. At the end of November the shortfall against budgeted revenue was in the order of $1.1m, and by the end of December the shortfall was in the order $1.5m, according to the reports. In each case the shortfall was reportedly due largely to a decrease in private admissions to the hospital. Responding to the concerns of the Standing Committee on Health and Community Care on this problem, the hospital CEO, Mr Ted Rayment, said:

> The trouble is that every time you take two steps forward, you take a step back… We save another $2m and then the mix between the public and private patients drops considerably, which means we have got lost revenue and increased costs.

Given the extent of this serious problem, can the Minister confirm that significant numbers of patients at Canberra Hospital have been referred to other institutions for surgery? Can the Minister tell the Assembly whether records are kept of the rate of referral of private patients to Calvary, John James and the National Capital Hospital, and whether or not patients so referred include workers compensation and Veterans' Affairs patients? I realise the Chief Minister is answering questions for the Minister today and that these questions do require some detail, but I would also be interested in the ratio of public patients to private patients at the Canberra Hospital and the impact of that ratio on the hospital's budget.

MS CARNELL: I am sure that Mr Moore will give more information on this if necessary. There is no doubt that the financial figures at the hospital continue to be a concern for the Government, as they probably have been for just about every ACT government over the last 10 years and for every government everywhere in Australia. Mr Moore is not here in question time today because there is a hook-up of Health Ministers around Australia, with Mr Moore attempting to achieve a better financial outcome for the people of the ACT and also, with State Health Ministers, looking at the way the States may handle the Senate inquiry, simply because the problem in health around Australia is so endemic.

Mr Speaker, I understand that the December year-to-date financial report for the Canberra Hospital showed an operating loss before abnormal items of $16.8m, which exceeds budget by $3.7m. After abnormal expenses and operating injections, the loss for the period was $2.2m worse than the budget for the hospital. The unfavourable year-to-date performance is due to unfavourable variances in both revenue and expenditure. The year-to-date revenue is $1.6m below budget, mainly due to a lower than budgeted private patient and compensatable revenue figure.

Year-to-date expenses were $2.1m above budget, mainly due to higher than expected employee expenses, $1.6m, as a result of delays in implementing organisational improvement plans, and to higher administration expenses, $0.9m. The full year result is projected to be $6m worse than budget. This is a significant improvement on the $10m overrun as at December 1998 and reflects the reductions which have been made in hospital expenditure.

The hospital board and its executive are currently reviewing the level of expenses to ensure that planned rectification measures are fully implemented. The rectification measures initiated in 1998-99 form the basis of a comprehensive organisational improvement plan aimed at realising significant improvements over two years, with full year improvements in financial performance for 2000-01. Additional opportunities for improvement will be substantially guided by findings of the clinical best practice review and the financial opportunities steering committee.

Mr Speaker, the issues that are involved in the private/public patient mix at Canberra Hospital are very real but, contrary to what Mr Stanhope implied, they are not new. I am confident that if I went to *Hansard* I could find any number of times when Mr Berry, quite a lot of years ago now, as Health Minister was addressing the same issue. It is true that since - - -

Mr Berry: In a far better way. It got results.

MS CARNELL: Mr Berry had four health blow-outs in four years. Mr Berry was consistent. He managed to blow out his budget every single year. With regard to referral of patients, the decision on whether they seek treatment at Canberra Hospital or at John James or National Capital is up to them. It is that simple. It is certainly true that in some cases patients are alerted to their options, but at the end of the day it is their decision. If they choose to have treatment at Canberra Hospital, then that is where they will have treatment. If a private patient chooses to have treatment at National Capital, John James or Calvary Private because they may be able to get in quicker or use their doctor of choice, then they can do that as well. One of the things we do not do in our public hospital system is give private patients any priority or any benefits over public patients. Sometimes private patients choose to use their private health insurance and to go into the private system.

As many who have been involved in health for a long time understand, what private patients pay in our public hospital system has been an ongoing issue. Mr Moore has done some very good work in getting - I am not sure if it has started yet; it may have – a single billing approach in our public hospital system. Private patients will be able to be confident of exactly what they have to pay. There will be a single bill rather than in a huge number of bills, which, as members would be aware, has been a problem in the past.

A lot of work has been done to overcome the issue of private patients in a public hospital, but again it is not new. It has been happening every year. I think the reason it is worse in the ACT is that we have a better educated community. They know what their choices are and they know that private patients can use our public hospital system without declaring their private insurance. The fact they know that is not something that we in this place should be critical of. They are making decisions for themselves - in some circumstances, quite rational decisions.

Nursing Home Employees

MR WOOD: My question is to the Minister for Health and Community Care. It is prompted by a distressing court report of a man convicted of molesting a nursing home resident. The questions the community is asking are: How could this happen and what checks were carried out? The nursing home may not come directly under the province of the ACT Government, though the safety of its citizens does. My questions to the Minister concern the wellbeing of people in the large number of places operated or funded by the ACT Government and the possibility that this man has been employed in some of those places. First, is it known whether this person has worked in places managed or funded by the ACT Government? Second, what checks are carried out on

the acknowledged excessive number of casual workers in community care programs to see that undesirable people are not employed and that qualified people are employed? What check are there, and who carries out those checks? Is it the Government or the hiring agency, both or no-one?

MR MOORE: I thank Mr Wood for the question, as I thank members for their tolerance during my absence from the chamber. I was involved in a ministerial teleconference trying to protect the interests of the people of Canberra. In the particular case you referred to, Mr Wood, I understand the person is up for sentencing today, so I have to be very careful to avoid the particular case. But your question refers to more than that particular case. It also talks about the generic issue of checks.

The disability program within Community Care goes through such checks for both permanent and casual staff. There is the normal interview but there is also a police check. Agencies that employ casual staff also undertake police checks when they employ staff. A similar system is followed at the Canberra Hospital, although I understand it is unusual for police checks to be carried out for casuals there. I think we would agree that the situation at the Canberra Hospital is somewhat different to that in a disability home. I do not think it requires quite the same intensity in following through. There is an effort to ensure that people we are looking after are looked after and not exposed to this kind of behaviour.

With regard to the very specific question about the person involved in the offence, I am not aware whether or not the person has attempted to work in Community Care or not, but I will take that part of the question on notice.

Mandatory Sentencing Laws

MS TUCKER: My question is to the Chief Minister and follows on from my previous questions this week. Yesterday, Chief Minister, you responded to my question about the status of the mandatory sentencing and the Convention on the Rights of the Child. You said that there were legal arguments involved. Are you aware that the following bodies have made submissions to the inquiry, expressing the opinion that mandatory sentencing legislation does breach the Convention on the Rights of the Child - the Law Council of Australia; the Human Rights and Equal Opportunity Commission; ATSIC; the National Children and Youth Law Centre; Sir Ronald Wilson, former High Court judge; Sir Gerard Brennan, former Chief Justice of the High Court; the Criminal Lawyers Association of WA; Amnesty International; the Australian Bar Association; the Martin Flynn Law School of WA; John Willis, associate professor, La Trobe University; the Law Society; the International Commission of Jurists; and the Australian Law Reform Commission - and that the only two submissions to the contrary have been from the Northern Territory and Western Australian governments?

MS CARNELL: I come back to my answer yesterday. I do not believe it is up to this place or to this Government to second guess either the Senate committee or the legal system. Mr Moore had a legal opinion to say that the SIP legislation was within international conventions and Mr Osborne had one to say it was not. I think you can get

legal opinions that go both ways. It would be very wrong for Ms Tucker or this Assembly to determine what was right and what was not. It is up to the courts and it is within the purview of the Senate.

MS TUCKER: I ask a supplementary question. Given that in making a submission to the Senate inquiry you have acknowledged that the ACT has a role in this debate, given the high level of public interest and concern on this issue, and given that it is more complex than just a State/Territory rights issue as it involves an international human rights convention and it contradicts recommendations of the Royal Commission into Aboriginal Deaths in Custody, are you confident you have the broad support of the ACT community and this Assembly for your position that the imposition of mandatory sentencing is not compelling or urgent enough to warrant Federal Government intervention? If you are confident, whom have you consulted in reaching this conclusion?

MS CARNELL: Mr Speaker, this Assembly is always more than capable of bringing forward a motion directing the Government to go down a particular path. It has not done so. On that basis - - -

Ms Tucker: I raise a point of order, Mr Speaker. Is it possible to get any kind of a direct answer?

MR SPEAKER: There is no point of order.

MS CARNELL: Ms Tucker asked a quite definite question. She asked how I knew I had the support of this place. I would ask Ms Tucker whether she has the support of the broad-based community? No, she does not.

ACTEW/AGL – Proposed Joint Venture

MR OSBORNE: My question is to Mr Humphries. It too relates to the question I asked him yesterday. Minister, would you please clarify for me in this Assembly the reason why it was decided to pursue a joint venture between ACTEW and AGL on a single select basis rather than calling for tenders? Were any other companies considered for a joint venture? If so, why were they rejected?

MR HUMPHRIES: Mr Speaker, I have explained broadly the process that the Government went through in this matter, and in particular the process that the board of the ACTEW Corporation went through. The board wrote to the Chief Minister in November of last year to explain the position that it had taken in that matter. I will table this letter to indicate the approach the ACTEW board has taken in respect of this matter.

Mr Quinlan: You are a shareholder, Gary.

MR HUMPHRIES: Indeed, that is right. Members will recall that in the course of last year, after the decision was taken by the Assembly to reject the sale of ACTEW, the Government's focus shifted to a possible merger between ACTEW and GSE. During that process, simultaneously another iron was put in the fire, for the sake of keeping

options open, by calling for expressions of interest. The process of doing so was left very much to the ACTEW board to manage, while the Government was focused on the possibility of a merger with GSE.

The letter from Mr Mackay to the Chief Minister of 9 November explains adequately the process that was pursued by the Government. There was a request from the Chief Minister for the board to explain why a single select arrangement was preferred. The chief executive, Mr Mackay, answered that question at some length in this letter. I will not read the entire letter, but I will read the last part of it. It said:

> The Corporation Board confirmed its support for the AGL proposal at its most recent meeting on 29 October 1999. In summary the Corporation's view is that:
>
> 1) There was no expression of interest that was superior to the AGL proposal;
>
> 2) There was major expense for both parties in assessing more than one proposal;
>
> 3) When the franchising of water and sewerage was removed from all proposals, AGL was well ahead in at least three respects.
>
> i) it already has major operations in the ACT;
>
> ii) it is willing to contribute actual assets to the merger (and, therefore, is not a "sale by stealth"); and
>
> iii) the regional development aspects of its proposal are far superior to those of the other short listed contenders.
>
> 4) Any concerns about value for money could be resolved by having one or more independent valuations.
>
> In short, the Corporation believes that the modified AGL approach is substantially superior to other proposals and it is our view that this is the only proposal that has any real chance of surviving the political process within the Assembly.

Mr Speaker, I might mention that elsewhere in the letter the other three short-listed proposals are referred to. One is from United Energy/CGE; one is from GPU, which is General Power Utilities, a United States company; and the third is from Capital Utilities. All three of those organisations are either entirely or partly foreign-based organisations. AGL was the only one that was entirely Australian owned.

Mr Quinlan: Was that a criterion, was it?

MR HUMPHRIES: No, it was not a criterion, but it was an important issue for the ACTEW board.

Mr Quinlan: Do you want to read into *Hansard* the introduction to those expressions of interest?

MR HUMPHRIES: Mr Quinlan, I understand, has been telling the media today that there is no basis on which the Assembly can consider the merits of other proposals that were offered during that expression of interest process, because the Government has not provided the information. I should remind Mr Quinlan, in case he was on holiday at the time, that on 13 December the Government published a list of the proposals which had been received under that expression of interest process. It included the details of each proposal, the evaluation of each proposal and the nature approximately of the proponent of each proposal, without listing their names. It is pretty rich to be told that there is no information on the table, when that is a very extensive amount of information on the subject. Mr Speaker, I table both that press release and the letter to the Chief Minister which I referred to a moment ago.

I can only repeat that there are a couple of points in that letter. One is that the proposals from the foreign-based organisations were assessed, on all four criteria referred to by ACTEW, as being inferior to the proposal from AGL. The second issue is that there would have been very considerable cost associated with having further work done on a number of different proposals, having them run in tandem. Having had a corporation, joint venture or consortium come to ACTEW or the ACT Government with a proposal of several pages and say, "Here is our proposal. If you want to do further work on it, we will call in consultants and get assessments and valuations done of assets and we will have all these sorts of things done - - -

Mr Quinlan: What is the cost of one on one? What is the cost of having no bargaining power?

MR SPEAKER: Order! If you wish to debate this matter, put something on the notice paper. Do not interject during question time.

MR HUMPHRIES: Each of these proposals was different in nature. Each would have required an extensive amount of money, apart from anything else, to explore further. For that reason, the board, having assessed each of the proposals, decided that the AGL proposal was the best and have put the money that they have for this sort of thing into developing that proposal.

I am not surprised by criticism from the Opposition that says, "You should have assessed them all. You should have actively pursued all of them and you should have employed thousands of consultants to do work on all of them". That is not the approach we have taken. It was not the board's approach either. It was not a sensible approach. For that reason the Government accepted the advice that the ACTEW board's proposal for a joint venture with AGL was the best course.

MR OSBORNE: I ask a supplementary question. Could you let us know at what stage you intend providing us with more detailed information from the two companies in relation to the merger? Is any more information going to be forthcoming before we are forced to make a decision on it?

MR HUMPHRIES: Mr Speaker, for some time now there has been an ongoing negotiation proceeding between ACTEW and AGL. I think as of today, with the tabling of the legislation, an amount of information is on the table. More information will transpire for some period to come. I certainly undertake to put as much information as I reasonably can on the table in this Assembly from now until the point at which the proposal is consummated and becomes a reality - if it is the wish of the Assembly for that proposal to be pursued in that way. That is the point of legislation before the house now.

The Government has no desire to leave anything which is relevant to the Assembly's consideration out of the information package. Its only concern is not to prejudice the position of the parties vis-a-vis their particular competitors and not to drag out the process of making a decision on this matter in a way that would make it impossible to pursue. Having said that, I am happy to put information on the table.

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

PERSONAL EXPLANATIONS

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

MR SPEAKER: Proceed.

MR BERRY: Mr Speaker, during question time, Mr Kaine raised the issue of cash for comment and the possibility of this occurring where potential advocates for the Bruce Stadium might be - - -

MR SPEAKER: I am waiting patiently.

Ms Carnell: I raise a point of order. We cannot wait patiently till he finishes doing it. Mr Berry's name was not even mentioned by Mr Kaine. How can it be a personal explanation when your name was not mentioned?

MR SPEAKER: Would you mind identifying why it is a personal explanation, Mr Berry?

MR BERRY: The Chief Minister mentioned my name in the context of the promotion of the Bruce Stadium. I know she is a little bit precious about this, but I want to make it clear, Mr Speaker, that there is not enough money in the world to get me to say that Bruce Stadium was a good idea. Neither do I need any money to promote the Olympic Games.

MR SPEAKER: Thank you. You may resume your seat.

MR BERRY: I have more to say on a personal explanation.

MR SPEAKER: No, you do not.

MR BERRY: The second issue, Mr Speaker, if I may - - -

Ms Carnell: Mr Speaker, I raise a point of order. Could you please rule?

MR BERRY: Mr Humphries asked me during Question Time to justify some of the claims he said I made in relation to the question I asked of him in relation to the Women's Legal Centre. These are matters of fact. The recommendation was notified to the Women's Legal Centre. In June 1998 they were told they were getting the money. So it is very clear that this has been around for a long time. The Women's Legal Centre were not advised of this until last month.

MR SPEAKER: It is no longer a personal explanation. Resume your seat.

MR BERRY: I am off that now. The third issue, Mr Speaker, is that during the discussions - - -

MR SPEAKER: You are beginning to waste my time.

MR BERRY: I was accused by Mr Humphries of being vindictive.

Mr Moore: I take a point of order, Mr Speaker. Standing order 202 makes it very clear that a member must obey the will of the chair. You have asked Mr Berry to resume his seat on a number of occasions, and he has persistently and wilfully disregarded the authority of the chair.

MR SPEAKER: You are persistently and wilfully - - -

MR BERRY: The third issue I wish to - - -

MR SPEAKER: There is no third issue. You have the opportunity to speak on the adjournment if you wish, and you may do so.

MR BERRY: Thank you, Mr Speaker. I wish to make a further personal explanation pursuant to standing order 46.

MR SPEAKER: Mr Berry, I warn you.

MR BERRY: May I explain?

MR SPEAKER: I warn you, Mr Berry. Resume your seat.

MR BERRY: Mr Speaker, I ask to make a personal - - -

MR SPEAKER: You have already made - - -

MR BERRY: No, another one, Mr Speaker.

MR SPEAKER: Mr Berry, you are now contravening standing order 202(e) by persistently and wilfully disregarding the authority of the chair. You are warned.

MR KAINE: Mr Speaker, I seek to pursue a matter of personal explanation under section 46 also, and it has nothing to do with what Mr Berry is talking about. During question time the Chief Minister asked me had I received my message from Her Majesty the Queen yet. I know that from her youthful age the Chief Minister probably thinks that at my venerable age I am getting on a bit. Those of us who are in this age bracket know that we are just reaching mature age. Along with that there goes a certain accumulation, a certain store, of wisdom. The Chief Minister might ponder on the word "wisdom".

Despite my venerable old age, my mature age, I am still a couple of years short of that time at which I might expect to receive a message from Her Gracious Majesty, Queen Elizabeth II. But I live in hope that I will reach that age and that the time will come when I will receive the message either from Her Gracious Majesty or from her successor, King George VII. Regardless of whenever it comes, I have the satisfaction of knowing that when it happens it will be like being Chief Minister of the Territory. I will get there before the present Chief Minister.

ROYAL CANBERRA HOSPITAL IMPLOSION
MANUKA OVAL REFURBISHMENT
Papers

MS CARNELL (Chief Minister) (3.53): Mr Speaker, for the information of members, I present the following papers:

Royal Canberra Hospital Implosion –

Report of an assessment of the ACT Government's response to the Coroner's Report on the inquest into the death of Katie Bender at the demolition of the Royal Canberra Hospital on 13 July 1997, prepared by Mr Tom Sherman AO, dated 14 February 2000.

Government response to the Coronial Inquest into the death of Katie Bender on 13 July 1997 – Progress report.

Manuka Oval Refurbishing -

Totalcare Projects Probity Review Report Award of Project Management Contract for Manuka Oval Refurbishment to Project Coordination (Australia) Pty Ltd, prepared by Harmer Consulting Pty Ltd (Report to the Board of Totalcare Industries Limited, dated 15 December 1999).

I move:

That the Assembly takes note of the papers.

Mr Speaker, following the release of the coroner's report in November 1999, appropriate government agencies began the process of reviewing those recommendations identified in the report. The Government has taken the recommendations of the coroner's report very seriously and has made a concerted effort to address those concerns. As part of the process, I informed the Assembly that an independent person, Mr Tom Sherman, had been appointed to assess the Government's response to recommendations of the coroner's report into the Royal Canberra Hospital implosion.

Mr Gilmour, chief executive of my department, considered a number of choices in relation to the appointment of an independent person to undertake this assessment. After careful consideration, Mr Sherman was chosen on the basis of his particular expertise in public administration and the law, his reputation and his ability to provide a totally independent assessment. For these reasons, Mr Sherman's appointment was one of a single select, which he alludes to on page 11 of his report. Mr Sherman's terms of reference were to assess the ACT Government's response to the coroner's report; to ensure that, where appropriate, the report's recommendations and other matters raised by the coroner relevant to the ACT Public Service were addressed in current practices and procedures; and to report on the findings.

Mr Speaker, today I am tabling Mr Sherman's report on his findings. I am very pleased to see this report and, in particular, to have an independent assessment about the progress that has occurred. Indeed, Mr Sherman states that substantial implementation has already taken place within agencies since the coroner's report was handed down in November 1999. I will refer a little later in greater detail to areas where substantial work has taken place.

As the Assembly is aware, the coroner raised a series of matters in relation to current practices and procedures within the ACT Public Service. As indicated in the terms of reference, Mr Sherman's focus was to assess current practices and procedures, particularly in relation to project management within the ACT Government. In carrying out the terms of reference, Mr Sherman has identified 30 recommendations from the coroner's report. He has examined each of them in detail and made a finding in relation to each one.

Mr Speaker, I am pleased to inform the Assembly that as a result of this independent assessment the overall findings are positive. Of the recommendations outlined in Mr Sherman's report, seven recommendations have been substantially implemented, 14 recommendations are well on the way towards implementation, and five recommendations require more work to reach implementation. The remaining four recommendations either fall outside the responsibility of the Government or are too general to assess their implementation.

Mr Speaker, I would like to give the Assembly just a few examples of where compliance either has occurred or is well on the way to completion. A comprehensive review of WorkCover has taken place. A purchasing guideline on occupational health and safety has been developed. Internal procedures have been developed to check and strengthened the processes of tender evaluation. A regulators forum has been established

by WorkCover to bring together regulators who would be involved in major projects. Totalcare engaged Harmer Consulting to investigate and report on the probity of the processes used to appoint Project Coordination (Australia) Pty Ltd as project manager for Manuka Oval. The report was provided to Totalcare in December 1999. For information, I am tabling a copy of the report by Harmer Consulting on the Manuka Oval refurbishment. It should be noted, however, that Appendix C has been removed because it relates to commercial costings and is not relevant to issues arising from the coroner's report.

Throughout the coronial inquiry, and indeed well before, a number of areas of concern were already being addressed in various ACT government agencies. As I have stated, substantial progress has already been made, and we expect that many matters requiring more work will be completed within the next 12 months. As the Assembly would appreciate, improvement to procedures is an evolving and continuous process. I have said on a number of occasions, and at the time of release of the coroner's report, that we will continue to improve these areas until we are satisfied that the failures identified in the coroner's report, and now the concerns and issues identified in Mr Sherman's report, are addressed adequately.

While, of course, I wish to allow members time to read the report, I do wish to comment on the five recommendations which Mr Sherman has brought to our attention as requiring more work. Mr Sherman has highlighted the need for more extensive coordination of the remaining implementation processes. While there has been coordination to date, Mr Sherman has suggested the establishment of a coordination group comprising chief executives, to be chaired by the chief executive of the Chief Minister's Department, to drive the process. This group will work to ensure that stringent standards are met. He has also suggested that the coordination committee finalise its work within 12 months.

Mr Speaker, my Government accepts Mr Sherman's recommendation for more extensive coordination of the implementation process. I therefore propose to establish immediately a high-level coordination committee to oversee the implementation of those areas of the report which need further work. This group will ensure that the Sherman recommendations are implemented. It will be chaired by the chief executive of the Chief Minister's Department. Further, it is important that there be an assessment at the conclusion of the implementation phase. Mr Sherman suggests periodic reports to the Chief Minister and completing all implementation action within 12 months. At the conclusion of that period a report would be tabled in the Legislative Assembly.

As indicated earlier, Mr Sherman identified five recommendations which will need more work - those on a single select method, accounting for use of explosives, an independent statutory authority, the undesirability of verbal assurances, and safety at public events. I will run through each of those one by one.

The first, a single select method, is dealt with on pages 10 to 13 of the report. Mr Speaker, let us be quite clear what a single select method means. To quote Mr Sherman, "single select occurs when the purchaser selects a single supplier without

going through any tendering process". In his report Mr Sherman states that, through his assessment of a number of contract files, "in all cases there were acceptable reasons" for single select - that is on page 12 - and therefore the processes used were compliant.

Mr Sherman indicates that, while the ACT government purchasing policy is binding on all government agencies, the guidelines which fall under the policy do not appear to be binding. Mr Sherman indicates that there is some inconsistency in this area. It should be noted that, in order to provide appropriate flexibility, guidelines are not mandatory. Obviously, there needs to be a clear process for ensuring the appropriate reporting and documentation of cases which do not fall within these guidelines. Given Mr Sherman's comments, this is a matter for the coordination committee to resolve. In addition, while I acknowledge that the coordination committee will progress this issue, it seems reasonable to propose that any contracts over $100,000 undertaken on a single select basis be identified in the relevant department's annual report.

Accounting for the use of explosives, the issue dealt with on pages 18 and 19 of the report, is about tracking supply and utilisation of stock. I understand that WorkCover advised Mr Sherman that arrangements had been made to "amend the blast plan requirements so that the post-blast reports will include how much explosive was taken on site, how much was used and how much was taken off". Mr Sherman's assessment of this recommendation will be substantially implemented when the action I have just outlined has been carried out.

The independent statutory authority is dealt with on pages 20 to 22. The Government was disappointed that the Assembly did not choose to pass the legislation that this Government proposed. That legislation would have fully implemented the coroner's recommendation for the establishment of an independent statutory authority. However, of course, the Government is implementing the will of the Assembly. Mr Sherman indicates in his report that this recommendation cannot be implemented until the relevant legislation comes into effect and the new authority is up and running with appropriate resources. Mr Berry chose to move away from the coroner's report and go down a different path. Unfortunately, the Government is unable to implement that recommendation. I understand why Mr Berry is concerned that the report does indicate that the approach he took is not in line with the coroner's recommendation, but we have had that debate already in this place. We made that point at the time, and the Assembly chose to go in a different direction.

Mr Berry: You purchased the report, so you get the answers you want.

Mr Humphries: Mr Speaker, I rise on a point of order. Mr Berry has made a very serious accusation. Mr Sherman is the former chairman of the National Crime Authority of Australia. He is a highly respected figure. Mr Berry's clear inference in that comment was that Mr Sherman had been paid to say what he had to say. I think it is a very serious slur, and I ask Mr Berry to withdraw it.

MR SPEAKER: Yes, please. Withdraw, Mr Berry.

Mr Berry: Mr Speaker, I have nothing to withdraw. There is no obligation on me to withdraw. There is no imputation against any member in this place.

MR SPEAKER: Mr Berry, I would ask you to withdraw. Do you mean to say that you can then regard this place as some sort of coward's castle where you can attack people outside?

Mr Berry: Mr Speaker, I do regard this as a place where I will be treated fairly by the chair in accordance with the standing orders.

MR SPEAKER: Mr Humphries has asked you to withdraw. I am supporting the request for you to withdraw the comment against somebody who is in no position to defend himself here.

Mr Berry: If they want to play politics on this issue, I am always happy to play politics.

MR SPEAKER: Mr Berry, it is not a question of politics. It is a matter of simple decency.

Mr Berry: I wish to draw no inference about Mr Sherman's character and withdraw anything that can be described as being such an inference.

MR SPEAKER: Thank you.

MS CARNELL: Thank you very much, Mr Speaker. The undesirability of the verbal assurances is dealt with on pages 32 and 33. There is no doubt that it is important that contracts be managed and supervised properly. Contractual provisions must clearly establish the roles and responsibilities of parties involved. Staff training has commenced as part of the development of the new demolition code. Six staff have completed qualifications in explosives. While I am pleased to see there is progress in this area, I do understand that more work needs to be done.

Safety at public events is dealt with on pages 22 to 23. This refers to the coroner's recommendation that organisers of public events ensure that the safety of the public is not compromised. A regulators forum comprising a wide range of government agencies has been established. It provides a means of exchanging useful information between agencies and discussing particular forthcoming events. It is intended that the regulators forum should have a sharper public event safety focus and act as an early warning mechanism to ensure that nothing slips between the cracks. I certainly support this. The coordination committee will address this issue to ensure that safety considerations and planning are discussed and implemented early in any event or project.

Mr Speaker, I wish to table a progress report which was used by the Government in response to the coroner's recommendations. This document has been used to monitor progress of the recommendations. As you can see, it outlines the current status of work and the substantial work that has already occurred. *(Extension of time granted)* The document was made available to Mr Sherman from the outset as a guide to progress in

the areas of concern. Mr Sherman separately and independently made his own assessment by examining documentation and by interviewing a wide range of relevant personnel.

In conclusion, my Government is committed to ensuring that such failures identified by the coroner's report are not repeated in the future. By having an independent assessment we can now see where we need to focus our attention. There is still work to be done but, as Mr Sherman's report notes, significant steps have already been taken to improve and standardise procedures. The coordination committee that I propose to establish will ensure that work is progressed to a satisfactory level within 12 months. The Government proposes to ask Mr Sherman to return in a year's time and provide a further report on the outcomes that have been achieved.

Mr Speaker, I commend Mr Sherman's report to the Assembly. It is unfortunate how often some members in this place attempt to undermine the reputation of eminent people like Mr Sherman. Members of the Labor Party were making comments this morning, before they even had the report, that it was a whitewash. We cannot expect people of Mr Sherman's qualifications to be willing to do work for this Assembly if that approach is taken - and it is taken time and time again. If we want the best people to be willing to provide their services to this Government and to this Assembly, we have to stop that sort of mud-slinging , at people who should be and are above that.

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

BRINGING THEM HOME - IMPLEMENTATION REPORT
Paper

MS CARNELL (Chief Minister) (4.12): Mr Speaker, for the information of members, I present the ACT Government Implementation Report 1998-99 on the 1997 report Bringing them home by the Human Rights and Equal Opportunity Commission. I move:

> That the Assembly takes note of the paper.

Mr Speaker, I ask for the leave of the Assembly to have my speech incorporated in *Hansard*. I do so in the interests of meeting members' obligations later today.

Leave granted.

The speech read as follows:

> Mr Speaker, I am very pleased to table today the Government's Implementation Report for 1998-99 on the recommendations of the Bringing them home Report.
>
> On 26 May 1997, the Commonwealth Government tabled the Human Rights and Equal Employment Opportunity Commission (HREOC) Bringing them home Report. This Report contained fifty-four (54) recommendations from

the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families.

The ACT Government responded formally to the recommendations contained in the Bringing them home Report for the first time in 1998.

This response outlined:

proposed Government initiatives to support families and assist in the healing process;

individual responses to the 54 recommendations of the Report; and

key measures already implemented along with relevant policies and practices.

As recommended by the Ministerial Council on Aboriginal and Torres Strait Islander Affairs, the 1998-99 Report covers a financial year, and takes a thematic approach under the following headings:

Bringing them home - the journey so far: This sets out the background to this Report and summarises the ACT Government's response to the Bringing them home recommendations and implementation to the end of June 1998. It also describes recent developments in implementation arrangements.

Helping the Healing - the journey continues: describes new implementation activities and progress over the reporting year (July 1998 to June 1999) in the areas of commemoration, restitution and rehabilitation.

Looking to the Future - guarantees against repetition: describes progress during the reporting year on community information, professional training and self-determination issues.

Mr Speaker, I would like to take this opportunity to acknowledge the work of the Canberra Journey of Healing Network, formerly the Canberra Sorry Day Network. The Network, through its Implementation Task Force, has provided valuable community feedback on implementation issues.

Mr Speaker, the Government has once again honoured its commitments, and has made some very significant achievements, including:

The appointment of the Australian Federal Police (ACT Region) first Aboriginal Community Liaison Officer in August 1998. The Australian Federal Police have also developed an Aboriginal and Torres Strait Islander Career Development and Recruitment Strategy.

The release of a public discussion paper in April 1999 entitled ACT Archives Project-Issues and Options Paper. Twenty responses were received, including one from the Canberra Journey of Healing Network, which had previously formed its own Records Task Force.

It is envisaged that the new records management regime will avoid the need to rely solely on Freedom of Information legislation to access records for those affected by policies of child removal.

The establishment of an Indigenous Foster Care Agency managed by the Department of Education and Community Services;

The appointment of a mental health worker within the Department of Health and Community Care and two trainee Indigenous mental health workers at Winnunga Nimmityjah Aboriginal Health Service who work with Aboriginal and Torres Strait Islander people.

In addition, a second Aboriginal Health Liaison Officer position was established at The Canberra Hospital and additional support provided to address the issues of sexual assault, incest and violence within the Indigenous community.

The establishment of an Interdepartmental Committee on Aboriginal and Torres Strait Islander Issues in early June 1999 to develop an overarching Aboriginal and Torres Strait Islander Policy Framework in consultation with the Indigenous community during 1999-2000.

The Committee will ensure a coordinated effort on Indigenous issues, including the development of agency strategic plans.

The establishment of the third ACT Aboriginal and Torres Strait Islander Consultative Council, following extensive consultation with the Indigenous community and a review of the Council's operations and membership.

The development of a register of Aboriginal cultural heritage information in the ACT. An Aboriginal Heritage Consultation Protocol has also been developed to assist ACT Government liaison with local communities on Indigenous issues.

Continuing consultation with the local Aboriginal and Torres Strait Islander community, including the ACT Cultural Centre Advisory Committee and the ACT Aboriginal and Torres Strait Islander Consultative Council, on the development of the Aboriginal and Torres Strait Islander Cultural Centre.

Financial support was also provided for the establishment of a Reconciliation Committee for the ACT and Region, and for two community meetings held to discuss the documents of reconciliation developed by the Council for Aboriginal Reconciliation.

Negotiations have commenced between the parties to native title claims, in accordance with the provisions of the Native Title Act 1993 (Commonwealth).

Mr Speaker, as well as reporting on what we have already achieved, the 1998-99 Implementation Report also includes a number of significant commitments:

> Reforms in the ACT Children and Young People Act 1999 will ensure that the racial, ethnic and cultural identity of Indigenous young people is recognised and preserved. This Act incorporates the Indigenous Child Placement Principle.
>
> Strategic plans are being developed in the areas of Indigenous employment, health, education, justice, housing and training. These plans will help address the underlying issues related to the Bringing them home recommendations.
>
> An Aboriginal Justice Advisory Committee will be appointed to provide a forum for liaison and consultation on Indigenous justice issues.
>
> A Regional Centre for Social and Emotional Wellbeing will be established, in conjunction with Winnunga Nimmityjah Aboriginal Health Service and the ATSIC Queanbeyan Regional Council.
>
> The Indigenous Education Unit within the Department of Education and Community Services has been restructured.
>
> Under the new model, Canberra has been divided into six zones, and Indigenous Education Workers (IEWs) work with schools to develop and monitor individual education plans for the Indigenous students in their zone.
>
> Mr Speaker, the Government is proud of its achievements in implementing the Bringing them home Report recommendations.
>
> I commend the 1998/99 Implementation Report to the Assembly.

Question resolved in the affirmative.

STATE OF THE TERRITORY REPORT
Paper

MS CARNELL (Chief Minister) (4.13): Mr Speaker, for the information of members, I present the State of the Territory Report. I move:

> That the Assembly takes note of the paper.

Mr Speaker, I ask similarly for leave to have the speech incorporated in *Hansard*, in the interests of time.

Leave granted.

The speech read as follows:

> In tabling the State of the Territory Report today, I'm very pleased to say that this report is the first of its kind in Australia. The Government has produced this report because the sound economic position we have now

achieved provides us with a solid foundation for improving our quality of life in the ACT.

It frankly and honestly appraises quality of life in the ACT and is a genuine attempt by the government to measure our performance and progress.

The focus of the government over the past five years has been on the economy. In that time, we have helped create more than 11,500 new jobs, and the number of unemployed Canberrans has reduced by nearly 10 per cent.

And we have all but balanced the books. The draft 2000-2001 ACT Budget, released for community comment a few weeks ago, is the ACT's first ever balanced budget.

But economic indicators do not tell the whole story about quality of life, and they don't show the overall impact that government decisions have on the lives of everyday Canberrans.

The State of the Territory Report recognises that we need to look at a more rounded picture of life in the ACT - that there are many other contributors beside the government influencing our quality of life.

This kind of approach is not new for the government. The government has already worked in partnership with the ACT Council of Social Services on other social initiatives like the Quality of Life project and the poverty inquiry.

The State of the Territory report builds on these initiatives, and takes a much wider look at social issues in the ACT. We have investigated national and international approaches to measuring, quality of life when preparing the report.

We have examined American, Canadian and British reports as well as the work done by the cities of Melbourne, Sydney and Brisbane. We have researched the World Health Organisation's Healthy Cities project and the World's best livable cities project. But none of them was ideal for measuring the quality of life in the ACT, although the Alberta report from Canada provided some useful insights.

As this is the first time any area in Australia has produced a report like this, there were some constraints on the data that were available. The most robust data available have been used. Generally, the data used are from the past three years, except where the 1996 Census offers the most reliable and comprehensive information.

The report relies heavily on Australian Bureau of Statistics (ABS) data because they include national and state comparisons. Government agency data have also been used where they are more recent or comparable.

The report is structured around 4 interlinking themes and a series of quality of life goals. The 4 themes are our people, our community, our environment and our economy.

The goal for Our People is to assist Canberrans to be self reliant, well educated and healthy. The goal for Our Community is to promote a safe, caring and clever community. The goal for Our Environment is to maintain a sustainable environment. And the goal for Our Economy is to promote a growing economy and a dynamic business sector.

I'm generally pleased with the findings of the report. The report includes more than 130 indicators that are important to our quality of life. It compares our current performance with previous years, and looks at how we compare with the rest of Australia.

Many of us have considered for some time that we enjoy a high quality of life here in the ACT with comparatively high average earnings, generally stable employment, good education and health services and a great environment.

And in fact many of these perceptions are borne out by the report. But it also fills out our picture of ourselves and helps us to understand how and where problems and weaknesses occur and where we should be striving to do better.

Our economy has bounced back from the slump of 1996 and now provides higher employment growth, lower unemployment, and higher average weekly earnings than the national average. It is in good shape.

But we have more work to do in sharing those benefits.

Whilst households on low incomes, women's earnings and the incomes of Indigenous Australians are all better than the national average and in some cases lead Australia, there is plenty of room for improvement.

We are generally better educated than elsewhere in Australia and consequently support education for our children, with more of them completing secondary schooling and moving through to further education.

We are more interested in cultural events and make the highest contribution to voluntary community service.

As you might expect we are generally more mindful of our health. Life expectancy for women has kept up with improvements in the national average. Our males, whilst still lagging, have improved more rapidly than nationally and currently have the highest life expectancy in the nation.

Participation in sport is significantly higher than the national average for both adults and children and we have better immunisation rates for our children. Women participate more fully in a range of cancer screening programs.

More of our people have acceptable weight and we are just under the national average for smoking. Unfortunately our lifestyle also puts more of our population into the high risk category for alcohol use.

We need to be more mindful of our young people. The highest rate of smoking for women occurs in the 18 to 24 range and our youth suicide rate is higher than the national average.

My government was and is very concerned with these results. In 1998 we launched our own Youth Suicide Prevention Strategy. We will ensure that all government agencies work together to develop a whole of government youth strategy. This will provide an integrated focus for youth related services and strengthen links between government and non-government organisations such as Calvary Hospital, LifeLine and the Youth Coalition.

Canberrans enjoy their environment - its high water and air quality - and make more use of parks and nature reserves.

We are also prepared to support the environment, leading the nation in recycling and the use of environmentally friendly products.

This report provides a useful snapshot of the ACT. While much of the information in the report is already available in other publications, this is the first time it has been presented together in one document.

The report will help us to determine priorities, and provides us with an indication of where we are doing well and what steps we need to put in place to improve quality of life for all Canberrans.

In addition to influencing future government decision making, the State of the Territory Report will provide Canberrans with a way to measure the Government's progress and to see how life in the ACT compares with other parts of Australia.

This report demonstrates that Canberra is a clever, caring community.

I commend the State of the Territory Report on improving our quality of life in Canberra to the Assembly.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Aboriginal Justice Advisory Committee - ACT Prison

MR HUMPHRIES: Today, I took on notice a question from Mr Hargreaves about membership of the Aboriginal Justice Advisory Committee, AJAC. The members of the ACT AJAC were appointed on 14 January this year, but it has not been a matter on which the details have been published yet. However, I am happy to advise the Assembly that the six members are Mr Wally Bell, Ms Katrina Fanning, Ms Krystina Green, Mr Fred Leftwich, Mr Fred Monoghan and Ms Calita Murray. The chair will be appointed by the members at their inaugural meeting on 21 February. Obviously, the details will be advertised more broadly at that point.

Department of Treasury and Infrastructure - Quarterly Performance Report

MR HUMPHRIES: Yesterday I took on notice a question from Mr Kaine about alternative uses for the quarterly report of the Department of Treasury and Infrastructure. I seek leave to have my response incorporated in *Hansard*.

Leave granted.

The response read as follows:

> **MR KAINE** - Asked the Treasurer on 16 February 2000:
>
> Will you, Minister, undertake to instruct your department to provide in future full, frank and informative information in these reports that actually is of some use to us, rather than the rubbish that is in this report, and secondly, do you not agree that in its present form each page of this so-called quarterly performance report might perform a more useful purpose if it were carefully tom into four pieces and stuck on a nail in a more appropriate place?
>
> *Supplementary:* Given that the one report of failure against target, was in connection with objections against revenue collections, and we did not meet the target, will the Treasurer investigate, at the same time, whether it is the department's imposition of $50 objection fee, is actually discouraging Canberrans from exercising their democratic right to appeal against Government decisions that they believe to be unfair.
>
> **MR HUMPHRIES** - The answer to the Member's question is as follows:
>
> (a) The statistics provided in the variation schedule attached to the Performance Report to the Legislative Assembly for the December Quarter 1999-2000 are correct and there was a correctly reported increase of 180% in the number of appeals and litigation processed.
>
> However, the accompanying explanation for the variation was not correct. It should have read:
>
> *The increase reflected the number of cases for commercial valuation for rates and land tax purposes, and also reflected a shift in resources to deal with litigation and appeal cases.*
>
> Indeed, the target for the financial year has been increased from 10 to 20 to reflect the above factors.
>
> It is correct that compliance revenue per inspector is 149% over the target due to the successful outcome of a large compliance case. I believe that it is a useful indicator to assess the performance of compliance activity.
>
> In future quarterly reports, more detailed explanation can be added where possible to improve their usefulness to the Assembly. Details such as abnormal and one-off compliance revenue assessments issued against

a particular taxpayer cannot be disclosed due to the secrecy provisions of the taxation law.

Nevertheless, I take Mr Kaine's point about the usefulness of the information provided. I have asked my Department to review these measures and the reporting information provided to the Assembly.

(b) As anticipated by the Government, the introduction of a $50.00 objection lodgement fee has resulted in a fall in the number of objection cases received to date. This reduction is in line with Government policy outcomes and does not in any way indicate a failure against the target.

The cost of processing various objections relating to revenue matters is quite high and, before 1 July 1999, there was no mechanism to deter the lodgement of frivolous objections from taxpayers and ratepayers. The introduction of the $50 objection lodgement fee from 1 July 1999 has reduced the high adminstrative costs associated with processing frivolous objections and resulted in more resources being available to review genuine cases.

The $50 objection lodgement fee will be refundable to the taxpayer/ratepayer upon a successful result, either in whole or in part, at the objection or appeal stages.

A similar fee of $190 currently applies to the lodgement of appeals to the Administrative Appeals Tribunal.

The introduction of the $50 objection lodgement fee for revenue related matters does not in any way compromise the fundamental principles of administrative law whereby taxpayers and ratepayers have the right to apply for a review of an administrative decision or assessment.

PLANNING AND URBAN SERVICES - STANDING COMMITTEE
Report on Motor Traffic (Amendment) Bill (No. 4) 1998 – Government Response

MR SMYTH (Minister for Urban Services) (4.15): For the information of members, I present the Government's response to report No. 37 of the Standing Committee on Planning and Urban Services, entitled "Motor Traffic (Amendment) Bill (No. 4) 1998". The report was presented to the Assembly on 25 November 1999. I move:

That the Assembly takes note of the paper.

Mr Speaker, in the interests of brevity, I ask for leave to have my tabling speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

1. The Government's response to each of the recommendations of the Standing Committee is as follows:

1. ***The committee recommends*** *that the Motor Traffic (Amendment) Bill (No.4) proceed but with amendments incorporating the following:*

The definition of burnout be in line with that used in the NSW legislation

The approvals process (for an approved event) be simplified in line with the amendments moved by the Minister for Urban Services

The officer approving an otherwise prohibited activity be the Registrar of Motor Vehicles rather than the chief police officer

That, before approving an event, the Registrar be required to liaise with the chief police officer and with those citizens likely to be immediately affected by the event (such as residents living adjacent to the area where the event is to take place)

That the legislation provide for the Administrative Appeals Tribunal to review a refusal by the Registrar or the imposition of a condition on such an approval

That the legislation clearly identify the conduct in respect of which a permit can be sought; and that it also clearly identify any approved exemptions from other provisions of the Motor Traffic Act

That the use of any 'substance', liquid or lubricant used in conjunction with prohibited conduct attract an increased penalty

Provision be made for police to be held liable for theft of an offending vehicle id their negligence contributed to the theft

that the penalties for prohibited conduct be graduated, being greater where the conduct is a repeat offence and/or where it endangers the public; and that, following on from this point, that the prosecution be permitted to give details of the severity of an offence to the magistrate.

that in relation to alleged offences, the legislation provide for the use in court of sworn statements by the public.

2. Agreed. The Government notes that the changes to the Bill proposed by the Committee (Recommendation 1) were incorporated in the Motor Traffic (Amendment) Act (No.3) 1999 which was passed by the Assembly on 8 December 1999 and gazetted on 23 December 1999.

2. **The committee recommends** *that an extensive education campaign accompany the introduction of the Motor Traffic (Amendment) Bill (No.4). The campaign should aim to widely publicise the provisions of the amending Bill.*

3. Agreed. The Government notes that the passage of the burnouts amendments attracted considerable media attention. The Australian Federal

Police advise that this publicity, in conjunction with the enforcement of the new provisions, has already resulted in a significant reduction of burnout activity in problem areas such as Braddon.

4. The Government and the AFP consider that publicity regarding the burnouts legislation is most appropriately targeted at the particular groups of persons most likely to be involved, instead of using mass media advertising (print and electronic). As burnout participants and spectators tend to form a subculture, word is getting round these groups very quickly that the Police are enforcing the new laws and, in particular, that offenders risk losing their vehicles.

5. The Summernats organisers distributed a printed flyer about the new laws to all entrants, based on information provided by the Police. The AFP report no problems of illegal burnout activity in association with the January 2000 Summernats.

6. If significant levels of illegal burnout activity recur, the AFP intends to take enforcement action, combined with further publicity.

3. ***The committee recommends*** *that the new legislation be closely monitored after* it is *introduced and, in particular, that the Government advise the Assembly in writing of how the amending legislation is operating at the end of its first six months and its first year of operation. This advice should incorporate comment by departmental officials, the police, motorists, event organisers and the Registrar of Motor Vehicles.*

7. Agreed in part. Rather than carry out two separate reviews of the legislation during its first year of operation, the Government considers that it would be more useful to conduct a single review in approximately 12 months, following the 200.1 Summernats. As burnout activity generally peaks during the warmer months, this will permit a more considered assessment of the legislation's long-term deterrent effect and allow seasonal factors to be discounted. The AFP supports this view.

4. ***The committee recommends*** *that the government advise the Assembly of suitable sites in the ACT (and in the surrounding region) where activities such as burnouts and motor racing might be conducted legally and under appropriate supervision. The government's advice should include consideration of suggestions by Mr Chic Henry that the existing burnout pad and motor strip at EPIC be moved to locations, still within EPIC, that are further removed from residences.*

8. Agreed in part. The primary role of the Government is to establish the regulatory framework within which burnout activities may take place and to assess any proposals in accordance with that framework.

9. In addition to complying with the process for obtaining permits under the Motor Traffic (Amendment) Act (No.3) 1999, burnout event organisers will need to comply with planning controls and the Environment Protection Policies (EPPs), and in particular the EPP on Motor Sports Noise.

10. The Government is aware of two proposals to conduct controlled burnout activities in accordance with the new provisions:

- The proposal by Mr Chic Henry, the promoter of Summernats, for the purpose-built burnout track at Exhibition Park in Canberra (EPIC) to be made available for burnouts outside Summernats. (EPIC does not currently permit the use of this track for burnouts at other times.) Mr Henry has suggested that relocating the track could reduce noise impacts on nearby residents.

- A proposal by the Rotary Club of Canberra City to use the former AFP driver training facility on Majura Road. The Rotary Club is negotiating with Transport Training ACT for access to this facility and is currently seeking sponsorship for burnout events.

11.1 Consideration will be given to any specific proposals for the relocation of the existing track at EPIC, within the context of the Master Plan for EPIC. Should this occur, it is envisioned that EPIC would need to retain control over access to the facility in order to ensure that the EPP on Motor Sports Noise is complied with.

Question resolved in the affirmative.

PRESENTATION OF PAPERS

The following papers were presented by **Mr Moore**:

Health Regulation (Maternal Health Information) Act 1998 - Quarterly reports for approved facilities - July to September 1999

Calvary Public Hospital - Information Bulletins - Patient Activity Data - November and December 1999

The Canberra Hospital - Information Bulletins - Patient Activity Data - November and December 1999

The Canberra Hospital Ownership Reports for October 1999 and November-December 1999.

DISCHARGE OF ORDERS OF THE DAY - EXECUTIVE BUSINESS AND PRIVATE MEMBERS BUSINESS

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.16): I ask for leave of the Assembly to move a motion to discharge a number of orders of the day for both Executive and private members business.

Leave granted.

MR HUMPHRIES: I move:

> That the following orders of the day be discharged from the *Notice Paper*:
>
> Executive business –
>
> No. 6 relating to the Commonwealth Year 2000 legislation;
>
> No. 9 relating to the Ministerial Statement on the Draft Drugs Education Policy Framework for ACT Government Schools;
>
> No. 12 relating to Review of the Milk Authority Act and Public Health (Dairy Regulations); and
>
> No. 14 relating to the Ministerial statement on rural residential development.
>
> Private Members' business –
>
> No. 21 relating to the motion of the legislative requirement for an Independent Statutory Body on Official Corruption;
>
> No. 24 relating to the Motor Traffic (Amendment) Bill (No. 3) 1999; and
>
> No. 25 relating to the Motor Traffic (Alcohol and Drugs) Amendment Bill 1999

I assume that there has been discussion and agreement about these matters being removed from the notice paper.

Question resolved in the affirmative.

GOODS AND SERVICES TAX - IMPLEMENTATION
Ministerial Statement and Paper

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.18): I ask for the leave of the Assembly to make a ministerial statement on the implementation of the goods and services tax.

Leave granted.

MR HUMPHRIES: Recent articles in the press and media releases by members of the Assembly indicate to me that there is still some misunderstanding surrounding the effects of national tax reform on Commonwealth-State financial relations and the implications for the Territory budget. I would therefore like first to address a number of the broader issues of principle before moving on to detail the strategies that the ACT Government is adopting to ensure ACT government agencies will be GST compliant by 1 July 2000.

Mr Speaker, the Opposition has gone so far as to accuse this Government of not detailing the impact of the GST and to suggest that it has deliberately remained silent on the subject by not detailing estimates in the draft budget papers. Those claims are untrue. The draft budget papers do outline in some detail the principles of the GST and the very important agreements covering the transition period from the time the GST is introduced until the ACT begins to reap the benefits of having access to a growth tax base. The impact on forward estimates of the expected change in grant funding levels, while not built into the budget, is identified in Budget Paper No. 3.

Let me say again for the record that the major change in Commonwealth funding arrangements arising from the proposed tax reform will be that all the GST revenue will be passed to the States and Territories, replacing financial assistance grants as the major component of Commonwealth grants. In addition, States will abolish a number of own source taxes and fund an expanded first home owners scheme, but States and Territories will be, according to the Commonwealth, no worse off.

Mr Speaker, as one would expect, there are a number of important principles underpinning the reforms which are fundamental to the successful changeover to the new system. Firstly, the Commonwealth has indicated that the financial position of each State and Territory will be no worse than it would be under the current arrangements. The Commonwealth will fund any shortfall to ensure this occurs, and in any case it will only be a short-term issue. With these fundamental principles in place, the ACT, the Northern Territory and States will all benefit from the tax reform package. However, the benefits will not be instantaneous as the full tax package and consequential effects will require time to flow through the economy.

Not since World War II have the States and Territories had access to a tax base which grows in line with growth in the economy. This is a result of the nature of the GST being a growth tax. However, in the early years of the GST, the total pool of GST revenue to be distributed to the States and Territories will not be enough to compensate for the abolished taxes plus the additional costs imposed on the States and Territories. The Commonwealth will need to make additional payments to abide by the principle that States and Territories will be no worse off. Secondly, the GST will be distributed among States and Territories in accordance with the Commonwealth Grants Commission's recommendations of per capita relativities, due for release at the end of this month.

Of all the principles, the one causing the most concern relates to the guarantee from the Commonwealth to top up the States and Territories for a number of years. This will continue until the GST is fully operational and the pool of GST collections reflects a growth economy which is sufficient to put States and Territories in an improved position compared with the current system. To give effect to this guarantee, the Commonwealth has agreed to provide additional financial assistance to any State or Territory that is worse off under the new taxation arrangements during the changeover period, for as long as required.

To determine whether the States and Territories are worse off, all state and territory treasuries have agreed to a set of estimates which reflect state and territory future revenue collections under the current system. These estimates cover a period of 10 years, although most jurisdictions are expected to be better off in half that time. These estimates are used to determine the ACT's guaranteed minimum amount; that is, the amount it must receive from the Commonwealth to ensure that it is no worse off. The calculation of the guaranteed minimum amount incorporates the revenues forgone, plus the additional costs which will be imposed on the ACT as a result of the administration of the GST.

If the ACT's entitlement to GST revenue falls short of this guaranteed minimum amount, the Commonwealth will top up the level of financial assistance to the Territory to ensure that its financial position is no worse off due to tax reform. These top-up payments will continue until the Territory's budget position is no worse off under the GST arrangements than it would have been had the reforms to the taxation system not taken place.

Within that framework, recent modelling of indicative benefits by the Commonwealth and State treasuries suggests that, after the completion of the guarantee, the ACT will be in an improved position by $1.7m in 2003-04, the fourth year of operation. Thereafter, the ACT is expected to be better off by $14.9m in 2004-05 and $10.3m in 2005-06, rising to $73.9m by 2009-10. However, these estimates are indicative only at this stage and were not incorporated in the 2000-01 draft budget and forward estimates for that very reason.

The Commonwealth Grants Commission will determine the relative shares in the context of its 2000 update of relativities, which is due to be released on 25 February 2000. The recommendations will then be submitted to the new Ministerial Council on National Tax Reform for approval on 17 March 2000. It is at that point that the final measures will be factored into the ACT's 2000-01 budget.

Mr Speaker, I recognise that the implementation of the GST will require some up-front funding from the budget. This is estimated to be around $2.5m in 1999-2000, and will be funded from the Treasurer's advance. There will be other implementation costs that will be provided from within existing agency budgets, currently estimated at about $1m.

In terms of the effect that the GST will have on the Territory's financial statements, many of these issues are still to be addressed by the Commonwealth. The effect on government purchases of the abolition of wholesale sales tax is still being calculated. The ACT, like all States and Territories, is heavily reliant on the Commonwealth Government to make speedy decisions on issues relating to the GST implementation.

One of the major factors governing the timing of the GST implementation across governments is the speed at which the Commonwealth responds to requests for information. For example, the Commonwealth has only just released - on Monday, 31 January 2000 - the draft determination of GST-exempt state and territory taxes, fees and charges. Similarly, the Urgent Issues Group, the accounting body responsible for

discussing the accounting treatments in financial statements, has only just released - in January 2000 - its abstract dealing with the accounting for the GST. It is therefore not surprising to see no effect of the GST in the draft budget.

With regard to the draft determination of GST-exempt taxes and charges, this means that fees, taxes and levies would be GST exempt and GST would apply only to charges and services which are commercial in nature. Even if the GST were applied to taxes and charges, the ACT would collect and remit it to the Commonwealth, with zero net effect on the ACT budget. As I said on the day the draft budget was released, the issue is one of cash flow, which does not impact on the budget bottom line.

The ACT has been working with the Commonwealth for some time on establishing the exemption list and determining the impacts of the GST. The charges listed as exempt by the Commonwealth Treasurer have already been incorporated into the ACT Government's overall GST implementation strategy, which I will speak about shortly. The list proposes GST-exempt treatment for a number of important ACT charges, such as the insurance levy, payroll tax, stamp duties, registration board fees for dentists, nurses, doctors and other like professionals, business registration fees and dog registration, to name a few. The Government is assessing the detail of the draft declaration now, as well as analysing the needs of ACT Government systems to ensure that they are GST ready.

Mr Speaker, as I mentioned before, the GST will deliver to the States and Territories access to a growth tax. For the first time the ACT, along with other States and Territories, will be provided with a share of a tax that in general terms is projected to grow at a rate above that of GDP. As such, the Territory and the States can expect and will receive a greater level of guaranteed funding from the GST than they would have if the current arrangements of annual financial assistance grants were to continue. That is why the Chief Minister agreed to the arrangements in the first place at the 1999 Premiers Conference. State and territory heads of government have been crying out loudly for many years to gain access to a broader tax base. The attainment of this goal is, from the States' perspective, one of the major achievements of tax reform.

I would like briefly to cover the ACT's perspective to ensure that our agencies will be GST compliant by 1 July 2000. The broad base of the GST will mean that ACT government operations will also be subject to the GST. However, the ACT Government, like all registered businesses, will receive a refund from the ATO of any GST paid on inputs. The ACT government agencies are therefore in a similar position to businesses in that GST paid on our purchases will need to be properly accounted for in order to ensure a full refund from the ATO.

The Department of Treasury and Infrastructure has been given the responsibility for assisting the ACT general government sector agencies to successfully meet the administrative and practical requirements of the GST. A steering committee within the Department of Treasury and Infrastructure has been established to manage the implementation of the GST for the ACT Government at the whole-of-government level, monitor developments in other jurisdictions and identify areas of common interest with a view to sharing information and resources.

To facilitate the sharing of information between agencies and to ensure that each agency is provided with sufficient time for implementation, a phased implementation schedule has been established. This schedule is in five phases. Phase one is project scoping, planning and identification of GST issues. Phase two is to determine agency business changes required. Phase three will be project implementation. Phase four is about evaluation and testing and phase five is about post-implementation and compliance.

Phase one of this schedule has been completed with agencies having identified the scope of issues associated with the implementation of the GST and developed a work plan to attack these issues. Agencies are now entering into phase two, which is to review existing accounting systems and procedures for accounts receivable and payable and point of sale transactions, identify costing impacts and undertake detailed transaction flow analysis.

As part of the implementation strategy for the Territory, the Department of Treasury and Infrastructure has appointed a consultant team to provide high-level technical advice and assistance on the development and implementation of processes, infrastructure including systems change issues, and training programs. The consultancy team consists of Deloitte Touche Tohmatsu, KPMG Consulting and ASSIST. We expect that this approach to the provision of advice on GST matters will ensure high-quality, consistent and cost-effective outcomes for the Territory and each agency.

An ACT government GST web site also has been developed. This web site is used constantly to update agencies on answers to the latest GST technical issues specific to government and to provide general GST information. The web site also provides an avenue for agencies to raise GST issues of particular concern to them. The web site also acts as a management tool for the Department of Treasury and Infrastructure. Agencies use the web site regularly to report their progress against particular milestones in each implementation phase. This enables the Department of Treasury and Infrastructure to ensure that GST issues are being addressed in a timely and appropriate manner and that each agency is at an appropriate implementation stage to ensure that they will be GST compliant by 1 July 2000.

A number of general GST information sessions have been arranged for agencies. These include presentations by both the Treasury and the Australian Taxation Office. Similar sessions will continue throughout the implementation process, with more detailed presentations from the ATO and the Australian Competition and Consumer Commission being arranged.

To facilitate the sharing of knowledge and resources across jurisdictions, the ACT is a member of an interjurisdictional GST working group. This group comprises representatives from the Commonwealth Department of Finance and Administration and all States and Territories. Representatives from the ATO and the ACCC will also attend this forum as required. Furthermore, the Commissioner of ACT Revenue represents the Territory on the GST administration subcommittee. This committee was established to provide an interjurisdictional monitoring and policy role and provide advice to the ministerial council.

The ACT Government has also been active in assisting community welfare groups. A departmental officer participated in a seminar for the welfare sector and the ACT Government supported ACTCOSS in its successful attempt to obtain Commonwealth funding to provide assistance to the welfare sector. The ACT Government has also facilitated contact between the ATO and community welfare groups.

Finally, Mr Speaker, I would like to say that the ACT Government is being proactive in ensuring that the GST implementation in ACT government agencies is dealt with in an efficient manner. I am confident that the ACT Government will work very closely with the ATO, the consultancy team, agencies and the ACT community to ensure a smooth transition and will be GST ready by 1 July 2000. I present the following paper:

> Implementation of the goods and services tax - Ministerial statement, 17 February 2000

I move:

> That the Assembly takes note of the paper.

MR QUINLAN (4.32): Mr Speaker, I will be very brief on this matter because, obviously, I did not have any notice of it. I do feel a little satisfaction that the Government has recognised that there have been deficiencies, to the point of needing to come to this place with a statement putting the best spin on what has been done to date, and that in February 2000 we have reached the planning stage. As I did point out when the draft budget was brought down, it was necessary that there be some work done and there would be some impacts on the budget. I saw $3.5m fly by in the course of the Treasurer's speech today.

Ms Carnell: That is in the budget this year.

MR QUINLAN: In the Treasurer's advance; all right. As to the draft budget, I have contended in a number of places that it looks like it started at the bottom line, because we had a bottom line back in May of $2.1m and we have heralded today that we are back in the black. Somehow a lot of numbers above the $2.1m have changed; but, coincidentally, we have fallen out at $2.1m again with - I will not say creative accounting - some novel treatments of superannuation adjustments and revisions, treatments that were quite considerably different from treatments that were incorporated into this Government's first statements based on accrual accounting when they were, I think, painting a picture of having taken over a terrible economy. There was a $91m negative adjustment at that stage which was incorporated into the bottom line and which came to $344m, a number which the Chief Minister has used again and again. I wonder whether, from this point on, she will revise that $344m by the rinky-dink amortisation process that has been applied to the positive adjustment of superannuation, now being moved above the line to give this coincidental result.

I note that the Treasurer has engaged a team of consultants to assist in this process. If we need them, we need them; but I do hope and trust that we will build in house a capacity to deal with the GST at the same time, so that we do have some sort of corporate knowledge and continuity of knowledge, given that the GST is going to be a pervasive problem and probably a moveable feast over a year or two before it is bedded down completely.

Today we have learnt about loans. I do not think that this paper and the speech that the Treasurer just delivered include the term "loan". However, we talked about interest-free loans. I can see that the Treasurer is taking notes, so I presume he is going to respond to this debate. He might let us know what will happen with those loans at the point when there is a break even between the position we are now in under grants and the position we will be in under this growth tax. At that point will we not grow until we have actually expunged those loans with our positive margin?

Mr Humphries: No, you do not understand what I said.

MR QUINLAN: No, I did not. I am only asking for clarification. Please give me clarification. I just do not know whether these loans are refundable or whether they will be clawed back as the tax grows beyond the current situation. While you are clarifying that point, you might go the further mile and clarify whether the position that we will be no worse off is in nominal terms or in real terms.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.37), in reply: Mr Speaker, I wish to respond to a couple of issues Mr Quinlan raised. I think he was suggesting that the process of planning for the GST seemed to have been begun in February 2000. I want to point out to Mr Quinlan that on page 12 of the speech I have just presented there are five phases listed. We have already completed phase 1 of that planning process and are now well into phase 2 of that planning process. That has been a considerable exercise, given that there are many unanswered questions about the GST remaining - I am happy to concede that - and the Commonwealth has yet to completely reconcile a number of issues which have been discussed between State governments and, of course, between the Federal Government and the community more generally. Mr Speaker, there are many planning issues yet to be sorted out, but we have proceeded with issues as quickly as we have felt able to.

Mr Quinlan made reference to creative accounting - - -

Mr Quinlan: Novel accounting.

MR HUMPHRIES: You actually said "creative accounting".

Mr Quinlan: I did not. I said that I would not say "creative accounting".

MR HUMPHRIES: Okay. That is a "when did you stop beating your wife" type of comment. As to the comment about novel accounting, not creative accounting, I simply say to Mr Quinlan that he will have the Treasury before his committee in the next week,

I think, and he will have more than ample opportunity to test the creative accounting, or not creative accounting, that we are using. I look forward to his questions on that subject.

I was puzzled by the comment about a coincidental result of the surplus. I am not sure what this coincidental result is meant to coincide with. Is it to do with the transition from one Treasurer to another, the 21st century or Chinese New Year? I do not know what it is meant to be coinciding with, but whatever it is - - -

Mr Quinlan: Forward estimates of six or seven months ago.

MR HUMPHRIES: Governments do try to project their forward estimates in an accurate way and we have managed to do that, if that is a coincidence. It could also be very good planning.

Mr Quinlan: It is, given the number of changes above that line.

MR HUMPHRIES: Again, there will be plenty of opportunity for Mr Quinlan and his colleagues to ask questions about the novel accounting we have used to get to that point when the committee next meets.

Questions were asked about loans. Mr Quinlan asked whether we would have to repay the loans that have been made to us out of the surplus we start to make from the GST in the outyears, probably from year 3 onwards. No, because, as I said earlier in question time today, the loans are to be fully repaid in year 2 by the Commonwealth, so there would not be any money to be repaid in year 4 when the surplus starts to accrue. There is one circumstance where we would have to repay the loan. That would be if, against all the expectations, the revenue from the GST in year 1 was much greater than expected and, as a result, there was an improvement in the ACT's position, notwithstanding that the projections are that we will not get that improvement until year 4. If that were the case, the extent of any improvement would be eaten up, first of all, by repaying loans, but again on the basis that the ACT would be no worse off. If we did extremely well, getting millions and millions of dollars more than expected, then we might actually make some money, but that is so unlikely that it is not worth commenting upon.

Mr Speaker, that is the approach that the Government is taking with this matter. I do not pretend that we have all the answers on the GST. It is a matter which is still being addressed by the Commonwealth. I think I am not making a rash statement by saying that the Commonwealth has not yet answered for itself some of the questions in relation to the GST. However, we do point to the irrefutable fact that whoever is Treasurer in 2009 and 2010 - Mr Quinlan might have cracked it by then if he is really lucky; Mr Kaine could have made a comeback as Treasurer by that stage and still be waiting for a telegram from the Queen - - -

Mr Quinlan: And very wise by then by his own standards.

MR HUMPHRIES: And very wise, incredibly wise, by that stage.

Mr Kaine: I am very patient.

MR HUMPHRIES: And very patient. Mr Speaker, there is no doubting that whoever is Treasurer at that time will be basking in a $73.9m-odd increase per annum in funding under the GST, under the growth tax which the GST is, and many of the problems that this community is facing today as a result of a continuous process of reduction because of tightening financial circumstances possibly will be able to be turned around. That is a possibility. I think that it is certainly a positive long-term outlook. For that reason, I think that we should weather the short-term pain, and there is certainly some of that to be experienced.

Question resolved in the affirmative.

LIQUOR LICENSING STANDARDS MANUAL – INSTRUMENT No. 252 of 1999
Motion for Disallowance

Debate resumed.

MR STANHOPE (Leader of the Opposition) (4.43): The Government has sought to address the question of sharps units and disposal of used syringes in a very narrow way by introducing into the Licensing Standards Manual presented to the Assembly in October last year a requirement that certain premises where alcohol is sold provide in each toilet facility a disposal bin. A very narrow range of premises are caught up by the requirement. Paragraph 16 of the manual sets out general standards for the toilets, then requires that each of those toilets contain a sharps disposal unit.

I have been advised by the Attorney-General that the definition includes a table of 81 premises in the restaurant, tavern, tavern bar and nightclub categories. The department says that venues such as the Kingston Hotel would be included in the number. When the manual was released last October, Mr Temporary Deputy Speaker, the Australian Hotels Association made public its objection to the requirement for sharps containers and free water. We see some free water being thrown around at the moment. It objected to the provision of water - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Some mothers do have them.

MR STANHOPE: Yes. It objected to the provision of the water on the basis that it was designed to stop users of stimulants such as ecstasy and speed from dehydrating. I declare that I have very little sympathy for the argument that has been run in relation to not providing tap water free of charge in these premises. But, as I understand it, the Australian Hotels Association is not proceeding with its objection, at least not that I am aware of, in relation to the provision of tap water.

It is relevant to go to some of the arguments advanced by the Australian Hotels Association on behalf of its members. As the Attorney mentioned this morning, each of us has received representations from the association and from individual tavern and

nightclub owners. I will summarise the arguments of the Australian Hotels Association as I see them. They have been provided in written form. A fair summary of objections is that the decision to require the provision of syringe disposal units in public toilets in this very limited range of facilities was based on a lack of research and a lack of evidence of needles being found in the premises.

The association is concerned that the containers will suggest that establishments condone the use of IV drugs in their premises, and is concerned about the consequent negative impact on their business. The association is concerned about the cost of providing disposal units and possible increases in insurance because of the installation. The association then discussed other initiatives that it might consider appropriate, having regard to views of some of its members to drug taking generally, and that involves the installation, for instance, of ultraviolet lights.

The association also proposes another way of proceeding with the issue of this very difficult public health and safety issue of the discarding of syringes. It involves the identification of problems and it is more of a self-regulating arrangement in relation to establishments that might be identified or recognise that they do have a problem with injecting drug users. We then come to the Government's response to this and some of the arguments that have been mounted in this debate, particularly by the Attorney-General, in defence of the manual. They go to a claim of a need to do something about the very serious problem of disposal of syringes used generally for injecting of heroin. We all agree with that. I do not think there is anybody in this place that disagrees with the need for a coordinated, comprehensive approach to the very difficult issue of drug use generally and the disposal of syringes.

But there has been a significant leap in the Government's attitude to this in terms of identifying what is a significant problem across the whole of the community and this one single legislative initiative to deal with the problem. It may be that the placement of syringe disposal units in taverns, hotels and nightclubs is a reasonable initiative. No evidence has been produced, or advanced, to substantiate that position. There is no concrete, definitive, black and white evidence that tavern users, for instance, are injecting drug users. It has not been provided by the Government.

That is the difficulty that the Labor Party faces in supporting this particular aspect of the manual. I was very pleased to see that Mr Rugendyke amended his motion of disallowance to restrict it to this one paragraph. The Labor Party would not have supported the disallowance of the entire manual. We have no difficulty in supporting the other 99 per cent of it. It was through discussions I had with Mr Rugendyke this morning that we came to that arrangement to restrict it to this one paragraph. I make it clear that I do not want to mislead the Australian Hotels Association or any tavern, hotel or nightclub owner that the Labor Party is not concerned about the reckless disposal of syringes. I echo the comments made by Mr Kaine this morning. It may be that down the track the Labor Party would be more than happy to consider a further approach on this issue by the Government. But we are not prepared, having regard to the history of this particular initiative, to support it as it is.

The ACT, and Australia, is a world leader in dealing with the difficult problems of drug abuse. For instance, in the last couple of months, this community endorsed a trial of a safe injecting place. The Labor Party, as everybody knows, was prepared to support that initiative, designed to gain the evidence about whether it had a role to play in dealing with the myriad issues affecting communities in relation to illicit drug users. It is the consistent approach adopted by the Minister, Mr Moore, and Ms Tucker in relation to almost everything that we do in this community in relation to drugs. We have to deal with the question of the disposal of syringes in the same generic way in which we deal with all other aspects of the enormously difficult problems confronting us in relation to drugs; that is, we must have a rigorous, evidence-based approach to the problem. If we do not pursue evidence-based responses, all we will do is alienate some parts of the community in relation to a problem that affects the entire community. If we wish to move forward with this problem, we must take the entire community with us.

This is a classic case of pursuing an initiative without the evidence and, in so doing, simply alienating a significant sector of the community, namely the hotel, tavern and nightclub owners. Tavern owners and their representatives have approached my office and have said to my face - and I have no reason to disbelieve them - that they have never had to take a disposed syringe from their public toilets. If tavern owners come to me and say, "I have never had an injecting drug user in my toilets that I'm aware of. My premises, my business, my business of selling alcohol simply does not attract injecting drug users and I am offended at being singled out to provide this particular service", why shouldn't I believe them. *(Extension of time granted)*

To compound that, those of us in this place that have inquired into this issue are then confronted by a government position based on no evidence. In simple fairness we have to step back and say, "Well, on what basis have we decided to single out these 81 establishments and say to these 81 establishments, 'We will legislate that you must have syringe disposal units'?". In effect, we are legislating that 162 toilets in private premises throughout Canberra have syringe disposal units and, if we ever get around to it, we will deal with the other tens of thousands of locations.

If we are going to deal with these things in a consistent, strategic way - if we are going to take the entire community with us, if we are genuinely serious about this very grave problem – we have to do the job properly. Do not divide the community, do not make these 81 business people feel that they are bearing the unfair brunt of a selective response to a community-wide problem.

The Government produced no evidence. What did Mr Humphries produce to us this morning as the justification? I have his letter. He has anecdotal evidence that an unnamed cleaner may have received a needlestick injury in unnamed premises, at an unknown location, at a time that has not been revealed. This morning the Minister gave us anecdotal evidence. The Minister then went on to say that licensing inspectors have from time to time seen some syringes. He did this in the face of the response from tavern owners that have spoken to members directly - tavern owners that have said, "I have never had a single syringe in my premises and we know the Minister has no stats.". Why should I disbelieve the tavern owners, as Mr Humphries did this morning?

Mr Humphries said, "Well, what would you expect them to say?". Mr Humphries is saying that he would probably expect them to lie about it. I have no reason to believe that the tavern owners lied to me. In fact, I choose to believe that they did not.

There is some evidence that licensing inspectors have seen some syringes and, of course, one expects that they would. We in this place have no reason to assume that there is not an injecting drug user in the Legislative Assembly, but there are no syringe disposal units in the Legislative Assembly. The Government has not seen fit, through the office of the Speaker, to provide syringe disposal units for politicians or workers in this place. I raise that simply to ask: Why pick on these 81 premises? We have not even got our own house in order. This is a significant problem. How many syringe disposal units are there in the Chief Minister's Department? Are we seriously to suggest that there are no injecting drug users throughout the Public Service? Of course there are. The majority of injecting drug users in the ACT are recreational users. They are users that perhaps have not slipped to the stage of hopeless addiction, been reduced to the levels of degradation that some others have and who are forced to live on the street.

There are significant numbers of injecting drug users throughout the Public Service. What is the Government's response to the provision of syringe disposal units throughout the entire Public Service? How many syringe disposal units are there in the Nara building? How consistent an approach has this Government taken to the question of syringe disposal units, and why are we leaving it to the Liquor Licensing Board to develop our first foray into the difficult issue of developing a Canberra-wide, coordinated, cross-departmental response to this incredibly difficult issue?

The Labor Party is echoing – this may be cold comfort to the Australian Hotels Association and to tavern owners – the sentiment expressed this morning by Mr Kaine. If the Government does the job properly – if it goes away, develops perhaps an interdepartmental committee of some sort, across departments, and looks seriously at the question of syringe disposal - then I think that the Labor Party would look much more kindly at it. *(Further extension of time granted)* We would then be disposed to looking much more favourably at that approach.

But the Government really does need to do the job properly. It is simply not appropriate to come in here and give some anecdotal evidence - none of it backed by stats - when it can, at the same time, provide us with, for instance, the number of sharps collected by Urban Services and detailed stats. They can tell us that in July 1999 they picked up two syringes in Gungahlin; that in November 1999 they picked up 1,996 syringes in Civic; and that in August 1999 they collected 29 syringes in Tuggeranong. But the Government cannot tell us how many syringes were collected in private premises. They cannot tell us whether they took any steps to ascertain from the owners of private premises whether any have been found in private premises or the steps that need to be taken.

This issue has been recognised by a range of other licensed premises. The Labor Club is installing syringe disposal units. I am sure other clubs around town have made decisions. The Canberra Casino has installed syringe disposal units. If Mr Humphries had been serious about this initiative, he would have come to us and said, "Well, since the - - -

At 5.00 pm the proceedings were 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: I will conclude on that point. There is now a syringe disposal unit in the Labor Club. There are now syringe disposal units in the Casino. I have no doubt there are syringe disposal units in other licensed premises around town and I applaud that. I look forward to the day when responsible licensees and occupants of premises around town acknowledge that we have a significant public safety and health issue here and act to protect their workers and people that frequent those premises.

The Government could have provided us with some information on the number of syringes, for instance, taken from the Casino - give us some idea of whether people do utilise these premises. We have always pursued drug related issues on the catchcry: "What does the evidence say?", and the Labor Party for one is not walking away from that catchcry. That is why we supported the drug injecting place and all those trials into different arrangements - methadone, vibramorphine - to get the evidence. In this instance, we are walking away from that. We are dividing the community, we have alienated one section of it, and it will not be productive.

MR TEMPORARY DEPUTY SPEAKER: The question is that the motion be agreed to.

MR STANHOPE: I should just conclude by actually acknowledging - - -

MR TEMPORARY DEPUTY SPEAKER: Order!

MR STANHOPE: We know Mr Humphries supports syringe disposal units in public toilets - - -

MR TEMPORARY DEPUTY SPEAKER: Order!

MR STANHOPE: We learnt through the drug injecting - - -

MR TEMPORARY DEPUTY SPEAKER: The Leader of the Opposition! Order!

MR STANHOPE: But that is the only place - - -

MR TEMPORARY DEPUTY SPEAKER: Order! The Leader of the Opposition will come to order.

MR STANHOPE: That is what he thinks about public safety - - -

MR TEMPORARY DEPUTY SPEAKER: Order! The Leader of the Opposition will resume his seat.

MS TUCKER (5.02): This has been quite a difficult decision to make. Obviously I am very supportive of having sharps containers made available in the community. It is certainly a major public health issue in the ACT. I was interested to understand why the Government was getting this mandatory requirement to apply only to hotels. So I wrote to Mr Humphries and asked for some more information on it. In response, he gave me some information about the number of sharps collected by providers across Canberra, but they were not specific in location. So that was not really useful in terms of whether the clubs or hotels, particularly, were a place where the needles were found. He also gave me a copy of a letter from the Chief Health Officer, who was supportive of the sharps containers being put in hotels. The Chief Health Officer said:

> In a recent review of the trial of safety packs at needle and syringe outlets in the ACT, a recommendation was provided to the Department of Health and Community Care which stated that it be made mandatory for shopping malls and the private sector to provide sharps disposal units. This was considered desirable for many reasons including occupational safety of cleaners and staff of these venues. I cannot see how the provision of these units would encourage illicit drug use in licensed premises, and to argue this is more likely a lame excuse on behalf of the owners.

That report made recommendations regarding this issue. Recommendation 17 said:

> Businesses which involve entertaining the public are strongly encouraged to have sharps disposal bins in their toilets.

That is arguably going to cover clubs as well. For that reason, I am surprised that this particular regulation did not cover clubs. I support members here today who have raised that concern.

The other recommendation is that either it should be mandatory for shopping malls to have sharps disposal bins in their toilets or they should be persuaded by education to do the same thing, and that policy on responsibilities of the private sector in regard to disposal of sharps be developed as a matter or urgency in consultation with the sector.

I understand that the Department of Health and Mr Moore are working on those recommendations. My concern about this process has been what appears to be a lack of communication between the two areas of government. Obviously work has been done in Health. I respect the view of the Chief Health Officer and I take that seriously, but the recommendations of the report that she quotes are a little bit more broad than you would think from this particular letter of support.

We have heard that some clubs have already chosen to have sharps containers. That does not support what Mr Humphries is saying. He is saying that it is not likely to be an issue in clubs because a different sort of person uses the clubs, and that they are member oriented organisations not open to the general public.

Mr Stanhope: At the Commonwealth Club, I agree.

MS TUCKER: It is open for discussion if some clubs have sharps containers. It is ironic that he states that the focus is on gambling rather than on alcohol consumption. Through the gambling debate the Government kept arguing that it was gaming, not gambling, and that it was entertainment. The consistent line of the gambling industry is that it is entertainment, but suddenly in this letter it is gambling and that is different from entertainment. That is not consistent either.

I understand that there is a public health issue here. It is important to have these sharps containers in the facilities. It is clear that there already exists some use of the sharps containers, but I ask Mr Moore and Mr Humphries to come back to this place with a proposal that I hope will enjoy support from the rest of the Assembly and that we will be able to get up, more broadly applied, across entertainment venues in Canberra. I look forward to seeing a response from Mr Moore on the other recommendations that it be mandatory to have them in shopping malls, and see how that is progressing. The hotels obviously would not then feel so isolated. I understand why they do at this point. Because I think the public health benefits are a greater consideration at this point in time - we are talking about risk of serious illness to people who accidentally get pricked by one of these needles – I will err on the side of support for the public health argument rather than for the fact that it does not seem as if it is broadly enough applied.

I ask Mr Moore and Mr Humphries to give a commitment today to take up my suggestion and come back to this place with a broader application of the principles that this particular regulation has in it. There would probably be support if it were more broadly applied, as I understand the arguments here. I am not hearing members say they do not think that anybody ever uses sharps in hotels or clubs. As Mr Rugendyke said, you do not get asked to tick a box to say if you are an injecting drug user when you join a club. Mr Rugendyke's point is that there could well be injecting drug users in clubs. As I understand the arguments, there will be more support if it is more broadly applied.

MR MOORE (Minister for Health and Community Care) (5.10): The intention of the Government in this policy was quite clear. It was about preventing the spread of disease, the public health issue. The Government has listened to the debate today. It is quite clear the numbers are there to modify the manual and that will happen. We can see that. Some clear messages have come through the debate. We are taking those on board because we are interested in the public health issues and therefore what is required of us should we bring this policy back to the Assembly. I suspect this will happen in a broader way and in a way that is supported with appropriate research. I hear that message clearly from members.

I have been pleased with the majority of debate. Members have concentrated on and understand the public health issue. The notion thrown in by a couple of members that this encourages drug use has been fairly easily dismissed. The international literature on all these issues makes it very clear that that does not happen. We would not expect that the Labor Club would have sharps containers if they believed it encouraged drug use. It does not; it is a disposal issue, a safety issue and an occupational health and safety issue.

There is also a message here for the AHA. I know there is a member of that organisation with us today. When they came to lobby me - I imagine it was the same when they lobbied other members - they said that there is more than one way to deal with a particular issue. One of the ways they prefer to deal with this issue is to make sure that their cleaners have a sharps container attached to their cleaning equipment - the tongs, the glove – and the appropriate training. If you are really keen to see that you do not have to manage sharp containers in the way proposed in the manual about to be modified, then you carry through with the way you lobby members. You make sure that the matter is dealt with in the way that you prefer to deal with it. If that is successful, and we see it is successful, then I imagine the matter will not come back to the house. But if it is quite clear to us that there are still sharps around in venues where the public attends, then it is quite clear that the matter, with the evidence, will come back to the house. My guess is that this would include the clubs as well.

It seems to me that we have the opportunity here to take time to look at what we have done, work out where we could have done it better and ensure that we do that. I know that all members are interested in stopping the spread of, particularly, HIV and hepatitis C. We will try to find the best way to do that. As Mr Stanhope says, it has to be based on evidence. We will make sure that we bring that evidence when we bring this policy back to the chamber.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.13 pm until Tuesday, 29 February 2000, at 10.30 am

ANSWERS TO QUESTIONS

Energy Costs
(Question No. 207)

Mr Corbell asked the Chief Minister, upon notice, on 16 November 1999:

In relation to ACT departments' and agencies' energy costs:

(1) What do ACT department and agencies spend annually on energy use as a total and in relation to each department and agency.

(2) What proportion of this total is energy use related to government-owned or leased buildings.

(3) What is the age of each government-owned building.

Mr Humphries: The answer to the Member's question is as follows:

(1) The total electricity cost for 1998/99 was $11,725,705.86.

The break down is follows:

Department/Agency	Cost for 1998/99	
	Owned	Leased
Chief Minister's Department		$85,819.00
Infrastructure and Asset Management Group	$662,929.98*	$28,968.78
Department of Justice and Community Safety	$412,926.89	$102,906.11
Department of Health and Community Care	$79,416.15	$1,353.51
ACT Community Care	$309,077.21	
Department of Urban Services **	$3,940,258 .00***	$74,890
Department of Education and Community Services	$3,050,932 .00****	$94,641.83
Canberra Tourism and Events Corporation	$20,831.59	$10,892,50
Australian International Hotel School	$86,908.30	
Gungahlin Development Authority		$2,600.00
Interim Kingston Forshore Development Authority	$140,000.00	
Exhibition Park Canberra*****	$49,051.00	
The Canberra Hospital	$1,512,265.00	
The Cultural Facilities Corporation	$168,043.00	
Canberra Institute of Technology	$877,729.70	
Casino Surveillance Authority		$2,600.93
ACT Auditor General's Office		$6,889.00
ACT Commissioner for Health Complaints	$2101.66	
ACT Electoral Commission		$1,673.72
TOTAL	**$11,312,470.48**	**$413,235.38**

There are a number of owed buildings, which are rented to a number of community organisations. They have been excluded from this report as the tenant assumes the energy costs in relation to these buildings.

* The North Building, Moore Street Building, Macarthur House, Callam Offices, Dame Pattie Menzies, Howard Florey Centre and the Magistrates Court are owned buildings. The Infrastructure and Asset Management Group manage these properties and assumes responsibility of the landlord component of electricity costs.

** Incorporates Housing, ACTION, Forests and Cemeteries Trust and Planning and Land Management

*** This figure includes Street Lights and Traffic Lights and a miscellaneous component to the value of $2.86m.

**** This figure includes a Sports Ground component which covers lighting, toilets, irrigations systems valued at 5105,000.

***** Exhibition Park recovers electricity cost from hirers; in 1998/99 this amounted to $67,181,the remaining $49,051 is administration.

(2) Of the total electricity cost for ACT Government departments and agencies $8,719,109 relates to government owned or leased buildings. 95.3% of the total electricity consumption was in owned buildings and 4.7% in leased.

(3) The ACT Government owns 6 major office buildings ranging from 4 to 40 years old. Specific ages are as follows:

Callam Offices	20 years old
Dame Pattie Menzies	4 years old
Moore Street Buildings	22 years old
Macarthur House	33 years old
Magistrates Court	4 years old
North Building	40 years old

Department of Urban Services – Clothing Supply Contracts
(Question No. 209)

Mr Quinlan asked the Minister for Urban Services, upon notice:

In relation to the answers provided to Question on Notice No. 177:

(1) What are the details of the number of units purchased per contract according to each of the suppliers and business units outlined in the answer.

(2) What are the differences between:

(a) a competitive tender
(b) a local purchase agreement; and
(c) a contract "chosen by quotes".

Mr Smyth: The answer to the Member's question is as follows.

(1) I am not prepared to authorise the significant resources required to answer this question.

(2)(a)(b)(c) The different purchasing methods described are in line with the ACT Purchasing Guidelines:

- competitive tenders are obtained when the value of the purchase is greater than $50,000 or the product has limited availability or is complex in nature - public advertisements are used to select a supplier, sometimes through a multi-part process involving expressions of interest followed by invited tender

- written quotations (at least 3) are obtained when the value of the purchase is between $5,000 and $50,000 and the product is readily available and easily defined

- local purchasing arrangements are used where the value of the purchase is less than $5,000 - purchasers are made by petty cash, credit or local purchase orders from local suppliers without formal testing of prices on individual purchases (although prior establishment of period orders may have done that).

Chief Minister's Motor Vehicle
(Question No. 220)

Mr Berry asked the Chief Minister, upon notice, on 17 February 2000:

In relation to the Chief Minister's car which was recently damaged in a motor vehicle accident:

(1) What was the time and date of the accident;
(2) What was the location of the accident;
(3) Who was driving the vehicle and were there any other occupant(s), if so whom;
(4) Was any other vehicle involved;
(5) Was anyone injured;
(6) Were the police called to the accident, if not, why not;
(7) Was the driver breathalysed;
(8) What is the estimate of the damage to the vehicle.

Ms Carnell: The answers to the member's questions are as follows:

(1) 4.30pm, 1 February 2000.
(2) Parking area outside National Convention Centre.
(3) Staff member; no other occupants.
(4) No other vehicle involved.
(5) No injuries.
(6) Police did not attend; accident report made out at station.
(7) Breath test requested by driver - police refused.
(8) Quotes still being obtained.