DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 March 2000

Wednesday, 29 March 2000

Wednesday, 29 March 2000

The Assembly met at 10.30 am.

(Quorum formed)

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

QUORUMS

MR SPEAKER: Members, before I call the Clerk, I think it is necessary to remind you that we were within 40 seconds of my automatically adjourning the Assembly because a quorum was not present. I would hope that other members in the building will listen to this. I ask all members to take this matter on board and I remind all members that it is not only one party's responsibility to provide the quorum. Thank you.

SURVEILLANCE CAMERAS (PRIVACY) BILL 2000

MR STANHOPE (Leader of the Opposition) (10.37): Mr Speaker, I present the Surveillance Cameras (Privacy) Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR STANHOPE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present to the Assembly this Bill which represents a further step towards the end of the debate about bringing surveillance cameras to Civic. Members will recall that the Standing Committee on Legal Affairs reported to the Assembly in September 1996 on the efficacy of surveillance cameras. That committee made 11 recommendations and the Government accepted all but two of them. One of the recommendations rejected was that privacy legislation be enacted before the installation of any cameras.

Mr Speaker, it is probably worth repeating some of the other recommendations that were made by that committee. Recommendation 1 stated:

> because of the lack of substantive Australian research about the effectiveness of CCTV, the Committee requests the A.C.T. Attorney-General seek the co-operation of the Commonwealth in having an Australia wide review conducted - possibly using the resources of the Australian Institute of Criminology.

This recommendation was adopted by the Government; however I do not know whether the Attorney has informed the Assembly about what action has been taken on this eminently sensible recommendation. As members would be aware, 3½ years have passed since the making of the recommendation, and it would be interesting to know whether or not any research has been conducted in relation to the operation of surveillance cameras around Australia, and whether or not the results of such research have been analysed or are available.

Recommendation 5 of the committee's inquiry canvassed proper codes of practice. The committee recommended, and I quote:

> that the Government ensure an adequate Code of Practice is developed prior to introducing a CCTV system. The Committee would appreciate seeing the Code of Practice before it is adopted in its final form. The Committee believes that the Independent Auditor/Ombudsman would be the appropriate person to develop the Code of Practice, perhaps in conjunction with the Australian Privacy Commissioner.

Mr Speaker, the Bill that I am presenting today embodies a model code of practice. The Bill is now available for public scrutiny and comment on all parts of it, including the code of practice. The Privacy Commissioner has had some input into the code of practice, in that I approached his office for advice and guidance when preparing the drafting instructions. I have also had the advantage of perusing the Privacy Commissioner's 1991 guidelines on overt surveillance.

As I mentioned, Mr Speaker, they are the 1991 guidelines issued by the Privacy Commissioner on overt surveillance. The guidelines were prepared five years before "The Electronic Eye – Inquiry into the Efficacy of Surveillance Cameras" report, which is the report of the Standing Committee on Legal Affairs, and eight years before the Attorney-General's first attempt at a draft set of guidelines. Recommendation 6 of "The Electronic Eye" report was "that the Government ensure signs are clearly visible to advise the public that a CCTV system is operating in the area". Surveillance camera principle No. 4 in Schedule 1 to the Bill that I am tabling today, Mr Speaker, gives effect to the recommendation and expands on it.

The principle contains a requirement that, if a camera is to be used only for a particular period, a notice must be prominently published in a daily newspaper in the ACT, in addition to having the fixed sign. Recommendation 7 was that the Government "ensure that the system" - presumably the system of surveillance in Civic, which was a particular focus of that committee inquiry - "is monitored by properly qualified people employed by the ACT Government or the AFP". Clause 2 of the model surveillance camera code in schedule 2 to the Bill requires that surveillance camera operators not be merely technically proficient in the operation of the equipment, but that they are trained to ensure that they have the "ability to avoid undue infringements of privacy or other rights of persons" and "competence to ensure that only material relevant to the purpose"

of the surveillance operation is collected. It also requires that they should have a sound knowledge of their obligations under the Bill and the information privacy principles in the Commonwealth Privacy Act.

Mr Speaker, since the time of "The Electronic Eye" report and the Government's response to it, there has been procrastination over actually implementing the committee's recommendations, even though those recommendations, apart from the two to which I have alluded, were accepted by the Government. The procrastination was fostered by a debate focused on the potential cost of the trial and the need for privacy legislation. I am not sure how genuine that debate has been because Mr Osborne, in a question in this place to the Attorney-General, elicited the information that the Government and its agencies have installed more than 350 cameras in various locations around Canberra.

An unknown number of cameras have been installed by private sector firms and organisations. I have to say, Mr Speaker, that I am pleased that the Government has finally allocated funds in the budget, or at least in the draft budget, to fund the trial of surveillance cameras in Civic. The legislation that I am tabling here today will give effect to the committee's recommendations in relation to the need for a model code of conduct. On that basis, with the funding, and with this very important recommendation now potentially able to be implemented, there is simply no further excuse that the Government can mount to explain not keeping a promise that it has been making repeatedly for the last five or six years, and which has been endorsed and supported by the Labor Party since the completion of "The Electronic Eye" report. The Government has no further excuse for not keeping its promises in relation to proceeding with a trial of security cameras in Civic to determine whether or not they do have an impact on law and order and public safety.

The legislation that I am tabling here, Mr Speaker, will ensure that the images captured by all those cameras are used only for permitted purposes, are stored safely, and that the public can have access to them in appropriate circumstances. The Bill establishes a series of surveillance camera privacy principles similar to the information privacy principles in the Commonwealth Privacy Act. I mention in passing, Mr Speaker, that the Commonwealth is planning to extend the application of the information privacy principles to the private sector. At present they apply only to government agencies.

The Bill also establishes a model surveillance camera code to govern the authorisation of surveillance, the management of it, and the operation of any surveillance cameras. The code has been drawn from a number of sources, including the Privacy Commissioner's guidelines for overt surveillance, which were established in 1991, and the Attorney-General's own guidelines, which have been published on the Internet. The principles and the code, taken together, will prevent such unsavoury practices as the installation of surveillance cameras for the purpose of gathering images to be displayed, for instance, on infotainment shows, or on the Internet. Despite the fact that such shows as *Wildest Police Car Chases*, for instance, are popular and great money-spinners for their makers, they do nothing to assist law enforcement.

The proper use of surveillance cameras in such instances is to assist the police in tracking the progress of the law breaker and, when the law breaker is apprehended, providing images that may be shown in court to assist in proving the case. This is the intention embodied in the objects of this Bill, which are:

> (a) to protect the privacy of persons whose lawful activity is recorded in the course of surveillance;
> (b) to ensure that information collected in the course of surveillance is used only for the following purposes:
> (i) to deter or prevent the commission of offences;
> (ii) to assist in the prosecution of offences;
> (iii) to assist in civil proceedings related to the commission of offences;
> (iv) to enforce laws imposing civil penalties;
> (v) to protect public revenue -

and purposes related to those that I have just listed.

In accordance with recommendation 3 of "The Electronic Eye" report, there are penalties prescribed for the breach of various provisions of the Bill to enforce the intention that surveillance cameras only be used for the objects of the Bill. Mr Speaker, there has been much debate about whether this legislation is necessary, or whether guidelines would be a sufficient safeguard for the public's privacy. This Bill should, and I hope will, end that debate and give effect to the view of a majority of the Assembly - that the legislation is necessary before any trial of safety cameras in Civic commences.

The legislation is timely. The Attorney-General has indicated the Government's intention to now proceed with its long-promised trial of security cameras in Civic, a promise that has been supported by the Labor Party on the basis of the recommendations in "The Electronic Eye" report.

Mr Humphries: Not all the time. Only more recently.

MR STANHOPE: The Attorney-General is interjecting, "Not all the time". I think one can easily put the lie to this line that the Attorney-General has consistently run, that it is only lately that the Labor Party has come to endorse this trial. "The Electronic Eye" report was a report of the Standing Committee on Legal Affairs. It was chaired by Mr Paul Osborne. The Labor Party representative on the committee was Rosemary Follett; the Liberal Party representative, I understand, was Trevor Kaine. It was a unanimous report. It had 11 recommendations, all of which were supported by Ms Rosemary Follett, the Labor Party representative on that committee inquiry. The recommendations were unanimous, and supported a trial of surveillance cameras. The Attorney-General has consistently run this line that the Labor Party was opposed to the trial of surveillance cameras, knowing full well that the Labor Party, through Rosemary Follett, played a significant role in that inquiry and was quite prepared to accept every single recommendation that the committee made, including that there be a trial of

surveillance cameras in Civic. The Attorney-General has consistently run this disingenuous and, I believe, dishonest campaign in relation to the Labor Party's position on this.

Mr Wood: And he never did anything to advance the cause.

MR STANHOPE: He has done nothing. He has promised every year to introduce a trial of security cameras, and has done nothing. It is better that we focus on Mr Humphries' record in relation to security cameras in Civic, and the fact that, as the Attorney-General, he has done nothing. By this appalling lack of attention to this significant issue, he has failed to do anything, and he has sought to cover his failure by suggesting that it is the Labor Party that is holding up the trial. Well, this is really interesting. What we need to do is go back to "The Electronic Eye" report, a report in which both Mr Osborne and Ms Follett stated publicly that, during the inquiry, they both changed to a middle position, where they were able to agree on a wide range of recommendations.

Ms Follett has declared quite publicly that her position moved dramatically from one of opposition to one of support for the trial. Paul Osborne, similarly, said that his position moved from one of total support to one of support for a trial. Those are the facts. The Attorney-General simply needs to accept that. He cannot hide behind the fact that he has done nothing, that he has sat on his hands for the last five years.

Mr Wood: He just wanted an issue.

MR STANHOPE: That is right, it is a nice populist issue that he could run on and an issue that he could pursue irrespective of the facts of the matter. I would not have actually made those concluding remarks had not the Attorney-General interjected, once again, that the Labor Party had had a late change of heart on this. We now have a good piece of legislation, which actually pursues one of the recommendations made by that committee, a recommendation that the Attorney-General chose not to support in his response.

Mr Hargreaves: And it is five years late.

MR STANHOPE: That is absolutely right. Five years of inaction by the Attorney-General; five years of inaction in the face of rising concerns about community safety and law and order issues; five years of doing nothing; five years of empty rhetoric. The Labor Party has now moved to fill one of the gaps that the Attorney-General refused to fill himself because of his penchant for inaction. It has now been done by the Labor Party and Mr Humphries has now been embarrassed into fulfilling the promises that he and the Liberal Party have been making for years about a security camera trial. I commend this Bill to the Assembly, Mr Speaker.

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

PERSONAL EXPLANATION

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, under standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Proceed.

MR HUMPHRIES: Mr Stanhope has made a number of inaccurate statements about the issue of security cameras in his presentation speech and I will not be able to touch on all of them. These include the issue of the opposition of the Labor Party to those cameras - very clear opposition - during the first term of this Government, which was disguised as a motion of support but - - -

Mr Stanhope: On a point of order, Mr Speaker: Would the Attorney-General please indicate how he has been misrepresented? He is simply debating a Bill that I have just introduced.

MR HUMPHRIES: I thought Mr Stanhope would be reluctant to go on to that issue, Mr Speaker. I am not surprised. Mr Stanhope accuses me of inaction on the question of security cameras. What the Government has done - - -

Mr Stanhope: On a point of order, Mr Speaker: The Attorney-General has done nothing for five years. He simply cannot stand up now and debate a Bill that I have just introduced.

MR SPEAKER: There is no point of order. This is a personal explanation.

MR HUMPHRIES: Mr Stanhope said that I had been inactive for five years on the question of security cameras, and I have had to tell Mr - - -

Mr Stanhope: On a point of order, Mr Speaker: I said that, despite promises for five years, he had not introduced the trial of security cameras. He has not introduced a trial of surveillance cameras.

MR SPEAKER: There is no point of order and this is not a court of law. Sit down.

Mr Stanhope: I am simply being misquoted here.

MR SPEAKER: Sit down, otherwise I will deal with you.

MR HUMPHRIES: Mr Speaker, the *Hansard* will show that Mr Stanhope said that I had been inactive for five years and that I had done, and I quote - - -

Mr Stanhope: I said you had a penchant for inaction.

MR HUMPHRIES: You said that as well. You also said that I had been inactive for five years and that I "had done nothing to advance cameras". So, you check the *Hansard*. Mr Speaker, I think Mr Stanhope needs to have a little bit of a history lesson, but he will get that later on.

The fact is that there have been two important steps taken by this Government - and by me particularly - on the question of protection of the community with respect to security cameras. First of all, the Government has introduced a code of practice that will function with respect to cameras operated by the Australian Federal Police. The Government's intention, of course, with respect to cameras operating in the Civic area, is that this code should govern them while they are being operated by the Australian Federal Police.

MR SPEAKER: Just the personal explanation, please.

MR HUMPHRIES: Yes, Mr Speaker. The Government has also put aside a very substantial amount of money in the forthcoming budget - which rather contradicts Mr Stanhope's argument that there has been inaction for five years - to fund for the first time the operation of cameras in the forthcoming budget.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 2000

MR HARGREAVES: Mr Speaker, pursuant to standing order 127, at the request of Mr Berry, I fix a later hour this day for the presentation of a Bill for an Act to amend the Occupational Health and Safety Act 1989.

ADULT ENTERTAINMENT AND RESTRICTED MATERIAL BILL 2000

MR RUGENDYKE (10.56): Mr Speaker, I present the Adult Entertainment and Restricted Material Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR RUGENDYKE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I present this Bill to members of the Assembly today to ensure consistency in the ACT's planning policy of restricting the adult entertainment and sex industry to the industrial suburbs of Fyshwick, Hume and Mitchell. The bulk of the sex industry is located in these three suburbs. Commercial brothels, along with the display and sale of X-rated material, are restricted by law to these areas.

Then, in 1997, the Assembly took another step to entrench this policy in legislation by passing a Bill to restrict the conduct of sexually explicit entertainment on licensed premises to premises in the prescribed locations mentioned before: Fyshwick, Mitchell and Hume. That debate certainly proves an excellent reference in providing background to the Bill that I table today.

The Liquor (Amendment) Bill 1997 was a government initiative that was adopted with the support of the Greens and Mr Osborne. While the principle of removing adult entertainment from residential and city areas was embraced, in practice it has anomalies. One of those glitches surfaced over the summer, when the Capital Exotic Nightclub opened its doors in the city. This establishment was the venue for tabletop dancing which, for the uninitiated, is another term for stripping. It was a strip joint that was allowed to operate because the proprietors chose not to have a bar service. As a result, it was not bound by the Liquor Act and was allowed to trade outside the industrial suburbs.

The first prong of this Bill intends to close this loophole, and make it clear to the community that the appropriate location for all forms of explicit adult entertainment is in the industrial suburbs. While the Assembly made its position clear on this policy in 1997, there was another example of explicit nudity in the city that was overlooked. At this point I would like to point out that speeches made in 1997 in that debate, by both Ms Tucker and Mr Humphries, noted the support of the Eros Foundation for the removal of tabletop dancing from the city. I note that Mr Humphries said in reference to those three industrial suburbs, and I quote, "the Eros Foundation has supported the removal of tabletop dancing to those parts of the Territory we are talking about".

Yet there is another form of strip show, which the Eros Foundation appears to condone, situated in Northbourne Avenue. Of course I am referring to the peep show at the premises known as Club X. Mr Speaker, some members may not know what happens up the stairs at Club X, so I will give them a brief outline. Club X is more than just an outlet that sells adult magazines and sex toys. The peep show is, in effect, a strip show that is much more explicit than tabletop dancing. If it is policy to have tabletop dancing in the suburbs, then it is totally inconsistent to allow females to be the subject of the same type of activity at the peep show.

In my former career as a police officer, I did have the benefit of an insight into a diverse range of activities in our city. One of those was the peep show, and I think it is important that I do outline what happens in that show. It is clear that some members may have no idea of what is involved, and I think it is important that it is clearly understood what happens.

There are a number of booths in the peep show. There is one customer per booth, and they cannot see the stripper until they put $2 in the coin slot. When the time elapses a little window clouds over and they have to insert more money to resume viewing. What they see is live strippers who go all the way, but they are known to go further than just stripping. Without going into explicit detail, let us just say that some of the items that are sold in the shop can appear as props in the peep show. Clearly, the city is not the

appropriate area for this type of establishment. You cannot have any more explicit adult entertainment than this and the place for this, as set by the Assembly policy, is in the industrial areas.

But, Mr Speaker, it is not just the peep show. A recurring message I have received from people I speak to is that Northbourne Avenue is not the appropriate place for a sex shop. It is not consistent with the rest of the adult industry being located in designated zones.

Mr Speaker, the second prong of this Bill is to prohibit the sale of restricted material from a premises of which a major use is the sale of such material, except when it is located in the industrial suburbs. In other words, if you have a sex shop, the only place you should be able to operate it is Fyshwick, Mitchell or Hume. Mr Speaker, this is not about closing an operation down. It is about moving the business to a location that is consistent with policy and keeping it out of residential areas in the city and out of the ACT's main tourist thoroughfare.

It is a blight on our city that we have an adult shop in the heart of town. Their track record is offensive - shopfront displays that include female mannequins in stocks and other unflattering positions. This degrades women and is offensive to both men and women. These are not the types of images with which we want to greet visitors to our tourist precinct, nor are they the types of images we want to promote as acceptable for display to our children and our community on a daily basis.

Mr Speaker, there is another interesting factor in the location of this business. When you look at the transformation of the Melbourne Building over the last couple of years, you see that it now has an array of eateries and bars and has become a popular focal point. However, as I certainly did not know and maybe others did not know, upstairs there are also serviced apartments. So we now have the situation of a sex shop and a peep show being located in a residential area, which is clearly inappropriate.

It is interesting to note that one of the supporting letters I have received - from a person who has requested that his views remain confidential - is from someone in a part of the sex industry. Mr Speaker, might I also mention that Cataldo's Salon on Northbourne Avenue called this morning and also sent me this fax, which they would like me to share with members today. I will quote some of it:

> We are a family business located 6 doors down from Club X. We fully support your stand on the removal of this offensive business. The majority of our clients will also be prepared to support your action with respect to this. They feel unsafe and degraded by Club X's window displays.

It goes on, Mr Speaker:

> We also happen to be crown lessees of Blocks 7 and 8, Section 1 (our premises) and this business has a negative impact on other users, such as the offices, as they feel it is seedy.

Mr Speaker, it does go on. I seek leave to table this document. I think it is an important indication of the feeling of nearby businesses.

Leave granted.

MR RUGENDYKE: Mr Speaker, there are other elements that are circulating misinformation about this Bill and I am sure that members will see through this now that they have a formal copy in front of them. I stress the provisions prohibiting the sale of restricted material are aimed at premises of which a major use is the sale of restricted material. I note that, in the 1997 tabletop dancing debate, it was suggested that the laws would catch things like strip-a-grams for hens' nights. This has not occurred and it will not occur under the provisions of this Bill. The aim is to catch adult shops and explicit adult entertainment. The definitions of these are clear and should not be confused with hens' nights and other such scaremongering.

Mr Speaker, both Mr Humphries and Ms Tucker made two excellent speeches during that tabletop dancing debate in 1997. They both made two very good points, which I would like to share with members. First, Mr Humphries said:

> There are issues of appropriate location and of an important priority for government as a whole to be able to raise the tone and general ambience of important parts of our city, in particular, the Civic area of Canberra.

I could not agree more wholeheartedly with this statement. Second, Ms Tucker said:

> We agree with the general principle that sexually explicit entertainment particularly should be confined to the prescribed area.

I agree that we should be channelling our best endeavours to achieving this outcome. I formulated this Bill with these principles at the forefront of my mind. What I propose is consistent with what we have already put in place, and I commend the Bill to the Assembly.

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

SPENCE PRESCHOOL – 40-KMH SCHOOL ZONE

MR HIRD (11.08): Mr Speaker, I move the motion standing in my name on the notice paper, which reads:

> That this Assembly, notwithstanding that the issue of extending school zones to preschools will be considered by the Standing Committee on Planning and Urban Services, supports the introduction of a 40 kilometre per hour school zone at the Spence Preschool.

The need for this motion was first brought to my attention during last year's hearings of the Standing Committee on Planning and Urban Services, which I chair, on the issue of traffic calming devices. Also it was brought to my attention by parents of children who attend the preschool at Spence, but I will talk about that later. During the hearings about the calming devices, the behaviour of drivers around schools was raised a number of times, and I must say, Mr Speaker, it was not raised in a favourable light.

The matter also received extensive media coverage in direct response to the representations being made by the Spence Preschool community in relation to this school, some parents of the children and also neighbours of the school. It reflects the fact that a 40-kilometre per hour zone used to exist when the Spence Preschool shared the site with a primary school, which is closed. This particular site is almost entirely surrounded by roads, and care is obviously needed by the children, their parents and also drivers entering or exiting that area. And, of course, there are many other preschools within the Territory that deserve our attention and the protection of this arrangement.

There was also some discussion as to whether preschools are schools and therefore whether they were entitled to school zone status. This Government is always flexible in its approach to the issues, so discussions were taken to the Minister concerned and the Government has now accepted my argument that a preschool fits the same definition as a primary school. It is a place to which children travel to receive instruction. Preschool teachers receive the same level of training as high school or primary school teachers, and their job is to educate.

I have advocated that the same safety conditions should apply at all school levels, and the Government has agreed to this. Indeed, after my discussions with Minister Smyth, he has now announced that all preschools which are not currently 40-kilometre zoned will become so. On that issue, Mr Speaker, I seek leave to table a press statement by the Minister.

Leave granted.

MR HIRD: My motion has focused this issue and the desired outcome has been achieved. This initiative will cost somewhere in the order of $36,000 territory-wide, a small price to pay for improved child safety, Mr Speaker.

I will raise with my colleagues on the Standing Committee on Planning and Urban Services at a later time the issue of whether the same speed zoning should apply to streets around care centres. The reason I have brought this matter to the Assembly this day, after achieving the obvious result - getting the Government to implement the policy that Minister Smyth has promulgated in his press statement, and to spend the $36,000 - is to ask this chamber to endorse my action in approaching the Minister, and his action in introducing 40-kilometre zones around preschools. Therefore, I seek the Assembly's endorsement of the Minister's and my actions on this issue.

MR CORBELL (11.13): This motion touches on a number of issues and perhaps the most important is that of traffic management in suburbs generally, not only around school zones. As Mr Hird rightly points out, traffic issues around school zones are of great interest and importance both to the parents of children who attend schools in their local suburbs and to the broader community. Mr Hird has raised a number of issues in relation to traffic management and I think that the inquiry by the Standing Committee on Planning and Urban Services late last year, which looked at the use of a warrant system for the management of traffic, produced a very strong report which I am pleased to see the Government has adopted essentially in total.

That report, I think, identifies a range of measures that can be used to ensure that traffic in residential areas, including in areas around schools, can be managed and slowed down. Our street design, which we were bequeathed by the Commonwealth, does not always encourage slow speeds. In fact, very wide, straight roads - or at least those with very long curves, which make it quite easy to maintain speed even if you are going around a bend - in suburban areas actually do encourage people to travel well beyond the signposted speed limit.

So, Mr Speaker, I think these are issues that do need to be properly addressed and we certainly want to see the Government respond properly and, more importantly, provide the resources to make sure that traffic warrants can be properly implemented across the city. There are a range of areas where traffic issues do need to be addressed. Mr Hird has obviously highlighted one in relation to Spence, but there are many others and we would certainly urge the Government to properly consider and resource a traffic warrant system so that we can see it properly implemented.

Mr Speaker, the other issue that I would raise is in relation to the 40-kilometre per hour school zone. I note that the Government has actually already responded on this issue, so perhaps Mr Hird's motion is a little bit late in that regard. I understand that the Minister has already agreed that it is appropriate to provide for 40-kilometre an hour speed zones outside preschools where they are not co-located with primary schools. In areas where we are seeing the closure of primary schools, we may be left with a situation where there is a preschool sitting out on its own, still operational, but the actual school building is closed. So, we do need to make sure that that situation is addressed. It would appear that the Government has done this, but broader traffic management issues need to be addressed also.

MR STEFANIAK (Minister for Education) (11.16): I would like to support the motion of my colleague and fellow member for Ginninderra, Mr Hird, in relation to the Spence Preschool. It is a preschool I have visited on a number of occasions. It has quite a large number of students, who would very clearly benefit from a 40- kilometre speed zone, and the normal laws that apply around schools. I will also place on the record that a number of parents have also approached me about that issue, and I have made representations, too, to my colleague the Minister for Urban Services.

I am therefore delighted that he has seen fit to ensure that the area does become a 40-kilometre speed zone and, in fact, quite sensibly, to extend that provision not only to the Spence Preschool site, which quite clearly needs it, but indeed to other preschool sites that might need it as well. I think that is a very sensible move and one that can only impact very positively on the safety of these very young children. Any members who have kids, especially young kids, will be well aware that they are not road smart and that taking steps like this will further reduce the risk of accidents and, indeed, potential tragedies to young students and other pedestrians around preschool sites. I think it is an excellent motion and I am happy to support it.

MR BERRY (11.18): Mr Speaker, certainly I support this move by Mr Hird, but I think the picture really needs to be completed. This would not be a difficulty were it not for the actions of Mr Stefaniak in facilitating the closure of Spence - - -

Mr Stefaniak: On a point of order, Mr Speaker: The school did that, quite clearly. Can he tell the truth?

MR SPEAKER: There is no point of order.

Mr Stefaniak: The school community did that. The Government accepted it.

MR SPEAKER: There is no point of order.

Mr Stefaniak: Can you get the man to tell the truth, Mr Speaker?

MR SPEAKER: Mr Berry has the floor, please.

MR BERRY: Mr Speaker, if it were not for the fact that that school was closed by this Government, with the Minister's approval - - -

Mr Stefaniak: Yes, it gained the Minister's approval as a result of the school community's decision. Get your facts right.

MR SPEAKER: Mr Berry has the floor.

MR BERRY: Mr Speaker, this would not be an issue, and the people of Spence would be much happier as a result. I was approached by a constituent in relation to this matter some time ago, and I think we ought to give some credit where credit is due. Mr Jack Woodforde had been in contact with the Department of Urban Services as far back as January this year - - -

Mr Hird: Earlier than that.

MR BERRY: Or much earlier than that, and in fact had been engaging with the department on this subject for some time, and seemed to be getting nowhere in relation to the matter. He contacted my office and the advice I gave him was: "Go public. This

Government is influenced by these sorts of things", and Jack did. I am pleased to see that, as a result, there is some activity around the issue and that the surrounds of preschools will be safer as a result. Mr Woodforde has been something of an activist around this issue, and has been strongly committed to getting a result in relation to the matter. I know that he would be pleased with the results so far, particularly because he pretty much led the argument in relation to the matter.

I am pleased now that Mr Hird has been recruited to this cause and, of course, has been recruited by a citizen using his influence through the media. I just wish that Mr Hird had used this sort of influence when the Government was facilitating the closure of Spence school.

Mr Stefaniak: What, and go against what the community wanted to do, Wayne?

MR BERRY: Mr Speaker, I just wish that Mr Hird had used his significant influence in relation to the matter then. No matter which way you look at it, Spence school was closed by this Government. All attempts to prevent it from happening were thwarted by this Government, notwithstanding those statements that have been made by the Government in relation to the matter over a period of time. So, Mr Speaker, I am pleased that now Mr Hird has been recruited to the throng of people who have been attempting to improve safety for children across Canberra, and particularly in Spence, and I applaud Mr Woodforde for his efforts in relation to this matter.

MR SMYTH (Minister for Urban Services) (11.22): Mr Speaker, it is curious that, after we return to the service of the Assembly, it only takes seven minutes for the misrepresentation and the furphies to start again.

Mr Stefaniak: No. It is about seven seconds.

MR SMYTH: No, no, seven minutes, I was timing to start.

Mr Berry: Mr Speaker, is "misrepresentation" orderly?

MR SPEAKER: No. It is not. Order!

MR SMYTH: Sorry, I withdraw it, if I am not allowed to say the word "misrepresents", Mr Speaker. The furphy that the Spence Primary School was not closed with the agreement of the community is something that Mr Berry repeats habitually, and he does the same thing when he says that we have cut education spending. I am very pleased that we have a report now from KPMG which says that we have actually spent $37m over and above what we promised during the last five years, and Mr Berry should stop spreading his furphies.

Mr Berry: Is "furphies" orderly, Mr Speaker?

MR SPEAKER: Yes.

MR SMYTH: The former Spence Primary School was closed at the end of 1998, after a number of years of declining enrolments, and my colleague the Minister for Education tells me that it occurred with the agreement of the whole school community. There were a number of votes and they all agreed to consolidate on the one side. Because the community chose to consolidate on one side, the school zone that had covered the surrounding streets was removed in March 1999. That was consistent with the policy that covered the provision of school zones.

Mr Speaker, a child-care centre and a preschool now operate out of the buildings that were used by the primary school, and warning signs were put in place, because I think everyone in this place would say that road safety - particularly the road safety of the youngest members of our community - is something we should all take very seriously. The warning signs, which were installed in August 1999, advised that the preschool and the child-care centre were there, which was again consistent with the policy at that time.

There was some interaction with the community, who made representations that they would like a school zone back, particularly the 40-kilometre an hour zone on Baddeley Street. As a result of this, and some approaches that I have had from other preschools and child-care centres, I asked the department to review that policy to see whether there was a need to put school zones in other locations.

There are some 81 preschools in the ACT. Two of those are incorporated into schools, nine are co-located in school buildings, 35 are adjoining the school grounds, and 13 are in the neighbourhood of a school, and so are covered, but 24 are isolated or stand-alone preschools. I got the review that the department did and, having looked at what was suggested, I could see that its recommendations were that the 40-kilometre zones be introduced just on an applied basis - if a preschool asked, then we would consider giving it to them.

The report actually also suggested that we might go to the New South Wales system, which stipulates that school zones only operate on the hours when students are approaching and leaving a school, say at 9 and 3 o'clock. I did not think that was appropriate, particularly when you consider the way the preschool system works. You have two shifts: One comes early in the morning and leaves at midday; the second shift comes after lunch and goes at just after 3 o'clock. So it is not appropriate for us to adopt a New South Wales-style system and, indeed, if you then applied that to a child-care centre - were we to determine that child-care centres also should have these zones - then, clearly, some of the busiest times for child-care centres are actually in the school holidays when the zones are not in force.

So, I think we need to lead on this issue simply because the safety of those young ones, as they go to and from school, is of paramount importance. I considered the report and, as a result of that, decided that all 24 preschools should have the school zones installed, and they will be installed on the public streets to cover the preschools within their hours of operation.

Mr Corbell raised the traffic warrant system and I think Mr Hird's committee, of which Mr Corbell is a member, did a very good job on the warrant system. The Government has, as Mr Corbell has said, adopted the majority of what was suggested there. The warrant system will now be used to determine the priority of establishment for the preschool zones, and I have also asked the department to consult with the preschool association to make sure that we stage this correctly. The cost of installing the school zones at the 24 preschools is estimated at about $36,000, and that will come out of the traffic minor works program on a priority basis. We hope to have that done within the next two or three months.

In relation to the child-care centres, there are some 75 long-day care and occasional care centres operating in the ACT, and they operate from 6.30 am to 6.30 pm. Now, the majority of these, about 44 of them, open before 8 and are closed by 6. The child-care centres operate throughout the year and, as I said, they are often busier in the school holidays. Holidays can be peak periods for parents seeking care, and the introduction of reduced speed limits in the vicinity of child-care centres has to be best considered on the basis of the location, and in the context of the speed limits that generally apply in those residential areas.

The Urban Services Committee is conducting an inquiry into the introduction of a 50-kilometre an hour speed limit in residential areas, and I await that report. At this stage what we will do is spend the money and make sure that the school zones do apply to the 24 isolated or stand-alone preschools, so that we ensure the safety of our preschoolers and their families as they travel to and from school. I thank the Assembly for its support for this motion. I thank Mr Hird for raising this very important issue, and it is nice that we all agree in this place on things of such importance.

MS TUCKER (11.29): I will speak very briefly to this. Mr Hird has just given me a copy of the press release. I am interested in the last paragraph, as well as the general content, which says that it is going to be applied broadly across Canberra, and that it is not just Spence that will have a 40-kilometre zone. That is very sensible and the Greens support that. But I was interested to see, in the final paragraph, that the Minister - and he has just explained it - will be referring the introduction of reduced speed limits in the vicinity of child-care centres to the Urban Services Committee, and I also support that.

He refers to the fact that the committee is examining the 50-kilometre speed limit in place in residential streets in other jurisdictions. I am glad to see that this is acknowledged by the Minister, because I must say I was sorry to see in the newspaper in the last few days - and I cannot remember exactly in what context, or what article it was - that the Chief Minister said pretty clearly that the ACT Government rejected the concept of reducing speed limits to 50 kilometres per hour. I am really glad to see here that the Minister appears to be more open about that, and that a committee is looking at the issue, because these reductions are obviously incredibly sensible. It would be consistent with the Government's approach to the 40-kilometre per hour zones around preschools and child-care centres to be supportive of the idea of reducing the speed limit

to 50 kilometres per hour. The evidence well and truly supports the fact that this step will reduce road trauma and road injury, and increase amenity for people living in our city.

This is about addressing the imbalance between the rights of people using cars and the rights of everyone else who shares the streets with them. As we know well, the people who are most vulnerable are the aged and young people. I would really hope that we see the Government shift on that issue in this Assembly.

Question resolved in the affirmative.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 2000

MR BERRY (11.31): I present the Occupational Health and Safety (Amendment) Bill 2000.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

This Bill builds on legislation passed by the Assembly last year, a Bill which established the WorkCover commissioner, the Occupational Health and Safety Commissioner, and set out to give him or her independence from the whims of government. At that time it was believed this would ensure that WorkCover could undertake its duties without interference.

Members will recall the rather gross levels of interference which were documented during the inquest into the death of Katie Bender, which occurred, as members will no doubt sadly recall, as a result of the demolition implosion of the old Canberra Hospital. During that debate the political interference was further documented and made public when the then Minister for Urban Services arranged for his staff to be involved in workplace negotiations between WorkCover inspectors and the contractors who were working on the premises at the time. This was an appalling set of circumstances which would drive anybody to the conclusion that something important needed to be done to ensure the independence of this authority.

Mr Speaker, workplace safety is one of the most important issues citizens have to face each day as they travel to and from work and as they carry out their work in the community, whether it be in the public or private sector. It is extremely important that the occupational health and safety function be carried out in a regime which is completely independent of government influence such as that that has been documented in the past. It is not only important for that to happen. It also has to be seen to be happening in a very clear and concise way. That is what I set out to do in my legislation.

At the time the legislation was introduced last year, and for some time after, I felt satisfied, though uneasy, about the Government's commitment to it. I am now a little more uneasy, since I have had a briefing in relation to the matter, but I will come back to that in moment. Let me explain first of all what this Bill sets out to do.

This is a very straightforward piece of legislation. It merely replaces a provision in the Occupational Health and Safety (Amendment) Act (No. 2) 1999 which reads as follows:

> The commissioner may make an arrangement with a chief executive who has control of an administrative unit or other appropriate person for the use of services of the staff or facilities of an administrative unit or of a Territory authority.

In the initial stages of drafting this Bill, I was concerned about that provision because I thought it did not provide adequate independence for the commissioner, though at the time I was convinced that this was an appropriate course and allowed it to occur. I thought that, on the face of it, the Government would accept that the Assembly wanted this statutory authority to be independent from government. This statutory officer will have the power to take action under the Occupational Health and Safety Act against chief executives of various departments. It is extremely important that he ought not to be influenced by chief executives in relation to these matters. I do not wish to impugn chief executives, but knowing the interference that we have had in the past, I want to ensure that the lines of independence are clearly drawn.

I have chosen to replace that provision with the words which you will find in clause 4 of this Bill:

> The commissioner has all the powers of a chief executive in relation to the staff assisting him or her as if the staff were employed in a department under the control of the commissioner.

Where did that come from? The most independent statutory officer we have in the ACT to scrutinise government operations is the Auditor-General. This provision is lifted from the Auditor-General's Act. It puts the independent Occupational Health and Safety Commissioner in exactly the same position as the Auditor-General in relation to the employment of staff. It clarifies the position and sends a strong message to the Government that we meant it when we said "independent".

I must thank the Government for the briefing I received late yesterday on progress thus far in relation to the Occupational Health and Safety Commissioner. It confirmed the view I had on this matter. I was given a forthright briefing by officers. I thank them very much for their efforts and for putting their time aside. I have been given a sheaf of papers in relation to the Occupational Health and Safety Commissioner. I understand that advertisements have been placed for the position. However, I will express a few concerns for the record.

The first thing that concerns me is the level at which the Occupational Health and Safety Commissioner might be employed. I have been told that there may be some changes and the Remuneration Tribunal may consider this position in the course of its deliberations later on, but I see that an indicative salary package of at least $108,000 is anticipated. That is at the lower end of the scale for these sorts of positions, and I think that places this particular officer pretty well down the pecking order. I would recommend that the Remuneration Tribunal take a very close look at this, because this officer has immense responsibilities for tens of thousands of workers in the ACT on a significant issue for the Territory. I believe there needs to be a closer look at that position.

Mr Speaker, a great deal of detail was provided in the papers that were given to me. For anybody reading them, the commissioner would be seen to be a tool of the Minister for Urban Services. We see language like this: "The commissioner will be a statutory position reporting direct to the Minister for Urban Services". That is not the sort of language I would like to see used in relation to independent office-holders. They talk about collaboration and contribution to the role. That is all very fine, but this officer has to be seen to be independent. I do not want to harp on the subject, but I will say it over and over again, until it sinks in, that we need to be convinced.

His key accountability strategic directions are the directions that have been mapped out already before the independent commissioner is appointed. The first is to lead the development of a three-year strategic plan to guide WorkCover's redevelopment and operations. I suppose the Minister is going to issue a direction to the new commissioner in relation to that and we might see it in this Assembly in accordance with the legislation.

When requested to do so by the Minister, the commissioner will examine any proposed law to ascertain whether any aspects would be inconsistent with the OH&S Act. I do not feel very calm about that sort of language. That seems to suggest that if the Minister just requests something it will be done. To comply with the legislation, this statutory officer has to be ordered to do these things.

This is legislation that could be dealt with today. It is straightforward, and it would assist officers who are dealing with this matter. However, I intend to have the Bill dealt with in the next period of sittings. That would clarify the staff situation before the appointment of this officer. It would reinforce the message which came from this Assembly with the adoption of the Bill.

Departmental officers have advised me that they are aiming to have the new commissioner in place before the commencement of the new sections of the Act. That is about late May, I understand. The amending legislation I am introducing today sits pretty well with that timetable and would allow this new commissioner to commence with the freedom to operate independently, as was envisaged when the Assembly passed the legislation last year.

Mr Speaker, I urge members to support this legislation. Before I close I will mention one very disturbing message I got at my briefing. Officers made it clear to me that the Government was still running the agenda of the defeated legislation which they put forward. They were doing it this way: If at some time in the future anybody wanted to put in place a statutory authority model envisaged by the Government, they could. The entire structure is being developed with that possibility in mind. That suggests to my slightly suspicious mind that the Government might have in mind a prospective failure of the model which has been put forward by this Assembly.

I can tell you that, now that I have a whiff of it, I am on to it, and I am going to make sure that the statutory independence of this officer is protected and that he is enabled, through this statutory independence, to provide better and safer workplaces throughout the Territory and will be free of the curse of political intervention which has occurred in the past, much to the shame of the Liberal Government opposite. Their performance on this issue has been appalling.

Officers from the Minister's office have interfered with the role of occupational health and safety officers. There was evidence at the recent coronial inquiry that there was an attempt to influence occupational health and safety officers in relation to the tragic hospital implosion. Those matters should never be forgotten when we are pursuing occupational health and safety in this Territory. They should never be forgotten against the background of moves to ensure the statutory independence, free from interference, which should apply to the Occupational Health and Safety Commissioner in the ACT. I commend the Bill to the house.

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

EAST TIMOR – SUPPORT FOR RE-ESTABLISHMENT OF EDUCATION INFRASTRUCTURE

MR BERRY (11.46): I move:

> That this Assembly notes:
>
> (1) the devastation of the education infrastructure in East Timor;
>
> (2) that the CNRT Education Spokesperson, Father Filomeno Jacob has called for support from Australian authorities;
>
> (3) that Father Filomeno Jacob will attend the Ministerial Council on Education, Employment, Training and Youth Affairs.
>
> Accordingly, this Assembly calls on the Government to support all practical aid to re–establish the education infrastructure in East Timor.

Mr Speaker, this is a matter which I am sure will gain the overwhelming support of members in this place because it is an issue which has touched the hearts of Australians for many years, as it has touched the hearts of communities in many other places in the

world - that is, the terrible devastation which occurred in East Timor as a result of the failure of diplomatic efforts to resolve peacefully the situation in East Timor after the vote on independence was taken there.

For many years activists in Australia have been arguing for a better deal for East Timor. We hope that that will occur. We have seen massive efforts to try to restore some human dignity in that place. We hope that in the future well-meaning people who are involved in the process will give a far better standard of living for those people and a guarantee for personal freedoms which should exist in any civilised country.

My motion today relates to education in particular. I have been asked to take this issue up by my Federal colleague Senator Kim Carr. He is a Labor Senator for Victoria and Labor's shadow Parliamentary Secretary for Education. He has been involved in meetings with Father Filomeno Jacob, education spokesperson for the CNRT, which is an acronym for a Portuguese language description of the revolutionary movement for independence in East Timor. Father Filomeno sought assistance in establishing relationships. It is not as if he has just gone to the Labor Senator. He has been talking to a range of people in the Federal Liberal Government, state Labor governments, and so on. So this is not a partisan issue. This is an issue which should excite interest from any person concerned about the dreadful devastation which has happened in East Timor.

Father Filomeno is looking for the most basic of help. Let me give you a few examples of some of the things which have gone on in East Timor in relation to education infrastructure. I am advised that 700 schools need re-roofing. You would think that if a school had lost its roof or two schools had lost their rooves in the ACT, or 10 schools, we would have a job on our hands to deal with the matter with our own resources, assuming that the rest of the infrastructure of the Territory had not been affected. But here we have an entire community that has been devastated and 700 schools need re-roofing. CNRT have identified 36 as urgent priorities, but they have not been able to get the resources to repair those 36 buildings.

That would apply to much of the infrastructure in East Timor, but we cannot hope to see a decent standard of living developing in that country while ever there is not a proper education system in placed. I am informed that it is the intent of the CNRT, and Father Filomeno in particular, to get the education up and running in its first semester, by about October.

The information I have is a little sketchy, and I am no expert on what goes on in East Timor, but this is a plea for help which needs to be responded to quickly. The reason it is being raised today is that I am informed that there is to be a MCEETYA meeting soon. That is a dreadful acronym for the Ministerial Council on Education, Employment, Training and Youth Affairs. I also understand that Minister Stefaniak will attend that meeting and Father Filomeno Jacob will attend also and will put proposals to them for assistance.

Father Filomeno has negotiated with the Victorian Government to obtain a hundred computers for use in higher education, and he is approaching state governments and the Catholic system for help as well. One thing they want is a large photocopier, something we take for granted. They want desks, pens and pencils, paper and the basics.

Another need is for a ship to take the equipment and other items to Dili. It is easy for us to give things, but we have to work out a way to get them there. It is just not going to happen overnight. A massive operation is needed to provide the general infrastructure to keep people fed and healthy while all of this is going on. We cannot ignore the requirements of those who are giving assistance.

This reminds me how much we take for granted much of what goes on around us. Once you sit and think about it for a little while, the total devastation which has occurred begins to have an impact, notwithstanding the pictures you see on the television of all the horrid things which have occurred in that place.

Another thing they are wrestling with is which language is going to be the language of instruction. Indonesian education staff have played a significant role in East Timor because of the transmigration policies of Indonesia, and there has been an attempt to impose the Indonesian culture on the East Timorese culture. I expect that, because it is in the region, Indonesia is not going to be ignored, but there is an effort for them to have a multilingual society. They want to concentrate on developing English and Portuguese schools, but they also want to use Tetum, which I suspect is the local language. This will be used at various levels in the school system. That is fine. We can talk about that, but we have to develop a curriculum and materials in that language and find the teachers. I am told that there are something like only 1,500 teachers left in the province. Many primary school teachers were murdered and all of the Indonesian bureaucracy, which included many Indonesian teachers, has left the country. We have to deal with this problem, which for most of us is incomprehensible. We have to find ways and means of dealing with it.

The Indonesian Universitas Timor Timur was burnt down by the retreating Indonesian forces. Indonesian staff have left the country. There was a move by the Indonesian forces to ruin the entire infrastructure of the country and ruin the culture.

It is hard to come up with a formula for a request from this Assembly to describe what we want. So I have chosen to have a very general motion which just notes the devastation of the education infrastructure in that country; that the CNRT education spokesperson, Father Filomeno Jacob, has called for support from Australian authorities; that he will attend the Ministerial Council on Education, Employment, Training and Youth Affairs. The motion further states that this Assembly calls on the ACT Government to support all practical aid to re-establish the education infrastructure in East Timor. We note that this is going to be an immense task that will require much organisation and the goodwill of many people. I would urge all members to support this motion wholeheartedly in order that we can restore what has been taken away from those people.

MS TUCKER (11.56): Mr Speaker, the Greens will be supporting this motion. While we are very relieved and happy about the progress that has been made in East Timor after 24 years of military rule by Indonesia, we must also acknowledge the terrible price that was paid for the progress that has been made - the destruction of property and the trauma of the people who have survived the bloody events. I remind members of what that trauma has been by quoting from the East Timor Human Rights Centre. Torture, rape, killings and disappearances were common. There was no freedom of speech, freedom of association or freedom of the press. Human rights groups have estimated that, since the invasion of 1975, over one-third of East Timor's population has been killed, disappeared or died of war injuries and famine. Irrespective of the fact that it held a horrendous record on human rights, Indonesia steadfastly refused to give up its hold over East Timor.

Despite being on the United Nations agenda every year, East Timor was isolated and very much forgotten by the international community. In November, 1991 a massacre of possibly hundreds of young mourners at the Santa Cruz cemetery in Dili catapulted East Timor back into the international spotlight. 1998-99 brought great changes to the political landscape of East Timor. This is when Suharto resigned and Habibie assumed the mantle, promising political reform. There was a promise to give autonomy to East Timor which was then further advanced to give a vote on autonomy or independence.

The events since then are well known to us all, with horrendous violence, terror and intimidation being a feature of the lead-up to the ballot. Despite this, the people of East Timor demonstrated tremendous courage by turning out in huge numbers, and 78.5 per cent voted in favour of independence. Sadly, as we know, the violence did not end there, with three weeks of absolute terror and mayhem resulting in hundreds of deaths and disappearances and up to 400,000 people displaced. Cities were razed and in some villages nothing was left standing. There were worldwide protests and finally Australian-led INTERFET troops entered East Timor and stabilised the security situation. There is now a call for an international war crimes tribunal, which I support and I imagine many other members here support.

But now there is a humanitarian crisis. This motion calls on us as a parliament to be active in assisting the community in East Timor to re-establish their systems. In particular, this motion refers to the education system. We know that the young people of Timor have been severely traumatised by events in their country, and we know how critically important an education system is in the rebuilding of a community. There is a very special and important opportunity for us to do something practical to assist. We have in Canberra a rich resource of educational institutions and expertise, but we have a very rich resource of much more in Canberra.

The humanitarian crisis is much broader than a lack of educational services. There is a need for support in every aspect of life. There is a need for assistance in rebuilding basic infrastructure, developing a legal system, developing an electoral system, developing a public administration system, restoring basic services such as communications, power, sewerage, water, roads, housing, health, addressing environmental issues and so on.

I was interested in a communication from Caritas on the legal system in Timor. The Caritas communique reads:

> The common report from almost all visitors to East Timor assessing legal systems development is that there is a fundamental lack of a plan by UNTAET. The attempt to put an interim justice system into operation is floundering, with a backlog of 600 cases already. There appears to be no agreement from Timorese people and organizations with UNTAET as to what sort of legal system is required and what is the best method to proceed. A District court has opened up in Dili and judges and prosecutors have been put in place but the system is not yet working effectively. Property disputes are numerous which, along with a wide range of other difficult legal issues, are causing steadily mounting problems, preventing investment and weakening confidence.
>
> It was reported that there is no effective investigation of crimes underway in East Timor. Both UNTAET and INTERFET have not put adequate resources into this issue. What investigation is being done is ad hoc, limited and lacks direction.

I am raising these broader issues because I would like to broaden the discussion in this debate. I have been approached by a number of different organisations who have expressed an interest in seeing Canberra develop a sister city or friendship city relationship with Dili. What has interested me about this is that the idea has come separately from quite a number of groups in Canberra. I have also had the opportunity and privilege to meet with some representatives from East Timor who are also supportive of, and interested in, the idea. They have explained to me how desperately they need and would appreciate practical community-to-community relationships with, and support from, Australian cities and regions.

Interestingly, a number of such relationships have already been set up in Australia, particularly by local councils. One example is the Friends of Suai, which is a partnership between the City of Port Phillip and the community in Suai, which is in East Timor, based on a council decision in September last year to give support to the establishment of a partnership with a small coastal village or town in East Timor for five to 10 years; the development of community links between the City of Port Phillip and the community in East Timor; the coordination of fundraising activities to support that community; and the sharing of skills of council staff.

The project was kicked off with staff and community forums, through which community donations of bicycles, gardening tools, clothing and rice were coordinated and a strategy for developing a more substantial relationship emerged. The Port Phillip Council team worked with the Melbourne office of the National Council for Timorese Resistance (CNRT) National Commission for Emergency Aid, with the support of CNRT leader

Xanana Gusmao, and the town of Suai was proposed as a partner. To ensure coordination of efforts with other agencies, the delivery of aid in the first instance is being conducted in collaboration with UNTAET district representatives.

The council has also worked in cooperation with Australian Volunteers International, thereby providing human resources and a facility for tax deductible donations, with PLAN Australia and the Australian Local Government Association. The action plan to date includes emergency aid, such as a four-wheel drive truck, rice, bikes, clothes, tools, seeds, et cetera; support for infrastructure development, drawing on council and local business resources and expertise; strategic planning skills; and public administration training. The most interesting feature to note is the range of community support - from Shirley Shackleton's bicycle donation project, which caught the public imagination early on, to support from the East Timorese community in Melbourne - and the enthusiastic support from NGO staff, volunteers and UN employees.

Another local government project is under development with Darebin City Council, based around Preston and Northcote in Melbourne. The Darebin Council is taking first steps in developing a sister-city-like partnership with Baucau in East Timor. The pattern of development is similar, with a partnership developed through the CNRT, through church group links and with community, local government and parliamentarians' support. The first delegation was essentially a community group, mostly of young people who spent Christmas with orphans in East Timor, taking with them donations of food, toys, musical instruments, a drafting kit from the city council and an offer to establish a friendship city relationship.

The delegation came back with community-to-community connections under way, including links to the Student Solidarity Council, churches, schools, the university and the Baucau Reconstruction and Development Committee, which comprises representatives of the UNTEAT, CNRT, SSC and the church. Areas for real and possible assistance included waste management and recycling, public facilities such as libraries, local governance capacity building, and business activity.

The next step in the development of this relationship is to be a visit by a council and community delegation - including experts on engineering, governance and urban and social planning - to establish formal links and protocols with the social institutions, reconstruction committee and key organisations.

The Australian Local Government Association last year adopted a resolution to look for ways in which local government bodies can support the reconstruction of East Timor. We could take a lead from them. Their analysis, which I believe is the correct one, is to do what we do well. It is about responding to the needs and the goodwill of the people of East Timor, and it is about using the goodwill of our community effectively. It is about establishing long-term sustainable relations, not about delivering aid. It is about seeking to contribute expertise and support in the task of community building - which includes understanding the social and physical needs of people - and developing and maintaining day-to-day infrastructure. It is about advocacy and governance. These are

all areas in which the ACT community - including our Government, our businesses and our community sector - have expertise and experience. There is a model for progressing these relationships.

It is clear from everything that has happened in Canberra that there is huge community support in Canberra for the people of Dili and East Timor. I am raising this concept today because it has come to my attention through a wide range of groups, including members of Amnesty International. It was something I intended to raise with the Amnesty group here at the Assembly. A number of members of this place are members of Amnesty, and there is a parliamentary group. I have not had a chance to do that. When Mr Berry put this motion up today, I thought it was a good opportunity to flag it as an idea for the Assembly to consider.

People from Amnesty International have talked to me, not necessarily representing Amnesty's formal position, although I imagine that Amnesty would be supportive. Individuals from ACFOA, Community Aid Abroad and East Timorese support groups, and of course the people I have spoken to from East Timor, desperately want these kinds of links made with cities. I know that the concept of a city having a relationship with another city, whether we call it a sister city relationship or a friendship city relationship, will work only when we know that the community support and the will are there. That is why this is such an exciting and interesting opportunity for us here. We know that the heart of Canberra is with the people of East Timor. I am just flagging it today in this debate. If members are interested I would suggest that it would be useful to have some meetings with the community groups concerned and with representatives from East Timor when they are here and we could progress it further.

I would like to conclude by quoting Xanana Gusmao, who made the point very succinctly when he said:

> Independence cannot be just a president, an anthem and a flag - it has to be a better life for a people that has suffered so much.

I believe with all my heart that many people in the community and, I hope, in this Assembly would want to work to improve the lot of those people who we know have suffered so terribly.

MR STEFANIAK (Minister for Education) (12.10): Might I thank Mr Berry for bringing this motion on. It enables the Assembly to do a number of things. We have not discussed East Timor much and it is appropriate that we do. As Mr Berry quite rightly said, Father Filomeno Jacob will be at MCEETYA later this week.

Mr Speaker, I seek leave to move two amendments together.

Leave granted.

MR STEFANIAK: I move:

(1) After "That this Assembly" omit "notes:

(1) the devastation of the education infrastructure in East Timor;",

substitute "congratulates the members of the Australian Defence Force and AFP for their excellent efforts in East Timor and notes:

(1) the devastation of the infrastructure of East Timor including the education infrastructure;".

(2) Paragraph (3), omit all words after "and Youth Affairs", substitute:

"(4) that the ACT Government will support all practical aid to re-establish the education infrastructure in East Timor.".

These amendments make Mr Berry's motion better. They give the Assembly the opportunity, firstly, to congratulate the members of the Australian Defence Force and our own AFP, who did such a wonderful job in East Timor; and, secondly to note, as a new paragraph (4), that the ACT Government will support all practical aid to re-establish the education infrastructure in East Timor.

As both Mr Berry and Ms Tucker have indicated, all Australians were horrified at the terrible destruction which occurred in East Timor after its citizens had voted so emphatically for independence. The reaction of the militia and the Indonesian military forces to this vote, destroying infrastructure and personal property and killing the as yet uncounted number of civilians, caused outrage. I do not think I have seen such outrage in this country for many years. It not only caused outrage here; it caused outrage internationally.

I am delighted to say - and I think Australia can stand very proud here - that we acted promptly and we acted appropriately. Initially, I must commend the efforts of members of the AFP who were in East Timor before, during and after the vote, who witnessed some horrific actions. They were unarmed. Sixteen or 20 members of the Canberra-based AFP went there, and some of the personal trauma they suffered is incredible. They are worthy of high recognition for their immense courage and bravery in the face of incredible odds. Their actions and their calmness contributed to saving the lives of hundreds, if not thousands, of desperate East Timorese. We can recall some of the great acts of bravery these unarmed police performed during those tumultuous few weeks.

Magnificent work was also done by the Australian Defence Force. All arms of the service did a fantastic job under the outstanding leadership of Peter Cosgrove, who had earlier been commanding officer of the Royal Military College, Duntroon. Only last week, two of the excellent members of the Defence Force were awarded some of this country's highest bravery awards for their deeds in East Timor. Sergeant Steve Oddy was awarded the Medal for Gallantry, our third highest bravery award; and Able Seaman Justin Brown received a Commendation for Gallantry for his role in the landing at the Oecussi enclave in East Timor. Other personnel also received recognition for their many and varied roles in this most difficult operation which has brought such credit to our defence forces. I look forward to the members of our AFP getting their just deserts and their due recognition awards as well.

When the Australian Defence Force moved in with their usual total professionalism, they spread out, with minimal casualties to the people who were likely to interfere with them, and they pacified a traumatised land. They acted in the best traditions of the Australian Defence Force throughout its most impressive history and added another glorious page to it. The diplomacy, the commonsense and the compassion shown from the commander right down to the lowliest private, seaman and airman inspired many people not only in Australia but throughout the world. Those members of the Australian Defence Force are most worthy of our congratulations.

One of the best ways a country, especially a developing country, can be helped is through building up its education system. This is crucially important, especially to enhance a country's long-term capacity to look after itself rather than to have a dependency on aid. The long-term development of East Timor and the efficient and effective use of the resources provided by Australian educational authorities are things we should aim for.

I am delighted that my Federal counterparts and my Victorian counterparts, who both have some papers on this issue for MCEETYA, indicate that they feel that this is best achieved by a coordinated Australian response and support for education and training – a coordinated response both within Australia and within East Timor. Accordingly, I think it is appropriate that Mr Berry's motion should call for support for all practical aid. That is something the Government is very happy to do. It is not absolutely certain yet what the best way of going about that is.

In Australia and indeed in the ACT we have a wealth of experience. We have a wealth of sources from which we can contribute to enhancing educational opportunities and getting basic education infrastructure back up and running in East Timor. I am delighted to read of the Commonwealth paper for MCEETYA. The aim of the World Bank, assisted by international donors, very largely Australian, is to repair and refurbish 75 per cent of primary and junior secondary schools at least to a minimum standard by October of this year.

Mr Berry is quite right - it is interesting to say that Mr Berry is quite right; I normally do not say that - in talking about the massive destruction of 700 schools. They do not have rooms; they are gutted shells. It is crucially important to get the basic infrastructure up and running. Then it is important to ensure that East Timor receive what they need to get back on track and determine what further reconstruction needs to take place and what further practical assistance the Australian States and Territories and Australia as a Commonwealth can give to this fledging nation.

There are some very serious problems facing East Timor and significant issues related to addressing those problems in an effective and timely way. As the two members who have spoken so far have said, there is a broad level of support, a very significant level of support, within Australia for providing assistance. I am pleased to see that this in so in other countries around the world as well. There is a concern in relation to the capacity of East Timor to absorb and effectively use international assistance. The Commonwealth

and Victoria are proposing a coordinated approach and the setting up of a group to coordinate any aid that is given and to ensure that appropriate aid is given. I am delighted to see that. That is certainly something I would be insisting upon and very happy to support when MCEETYA meets later this week.

I also look forward to meeting Father Filomeno Jacob, who I understand has already spoken to a number of people in Australia, including the head of my department, Fran Hinton. I note that the education people suggested for a coordinating group include not only government school representatives but, very properly, members of the Catholic school community and the independent school community. This is especially important, given the nature of schooling in East Timor and the very significant role the Catholic Church plays in that country.

I look forward to a very productive MCEETYA meeting. Both the Commonwealth and Victoria seem to be very much on the right track. I do not think anyone in this Assembly would begrudge the intent of Mr Berry's motion. I would urge them to support my amendments, because as well as telling everyone of our desire to provide all practical aid to re-establish the education infrastructure in East Timor they express our concern about the way all infrastructure was completely gutted during the troubles last year and give us the chance to congratulate the AFP and the Australian Defence Forces on their fantastic efforts in that troubled territory. Many of their members are Canberrans. We have not had a chance to do that before, and my amendments give us a chance to say to them, "Thanks for what you have done. Australia can stand proud because of your actions. We are proud of you. Congratulations on a job well done".

MR STANHOPE (Leader of the Opposition) (12.19): I will not speak at length on this issue. Every member who has spoken has spoken about the recent and perhaps the not so recent history of East Timor. We are all acutely aware of the devastation and trauma that have been suffered in East Timor, both in a material sense and in a human sense; the enormous losses that individuals have suffered in terms of the death and the dislocation of family members and friends; and the extent to which families have been broken up and destroyed. Significant numbers of East Timorese have lost their lives in the struggle that they have endured for so long.

Members have spoken of that and we are all acutely aware of that. It is something that has assailed us all on our televisions and in news broadcasts for a significant period now. Members have spoken about the eventual international response. Mr Stefaniak has commented on the significant role played by Australian police and Australian forces in efforts at restoring order and peace to East Timor. A degree of peace has returned to East Timor. The wounds that have been suffered by individuals will take significant time to heal and for some people will never truly heal.

Mr Berry's motion talks of the devastation to the education infrastructure. As Mr Berry and other speakers have mentioned, there has been devastation to the built environment, the physical environment, in East Timor generally. It is not just restricted to the

education infrastructure. Mr Stefaniak has indicated the Government's support for the thrust of the motion which Mr Berry has placed on the table today, and we welcome that.

In these few brief words of endorsement and support, and reiteration of the issues facing East Timor and the significant role which Australia has played and will continue to play, I wish also to comment on the notion raised by Ms Tucker - the prospect, over and above the sentiments expressed in Mr Berry's motion, of a more formal relationship between Canberra and Dili. I think it is a suggestion worthy of further discussion and exploration. There is a role the Assembly can play in coordinating that sort of response.

I simply want to indicate that I endorse this motion and acknowledge the good sense of the suggestion made by Ms Tucker about the prospects for perhaps not a formal sister city relationship but at least a relationship that recognises a continuing and abiding friendship between Canberra and the Canberra community and Dili and the Dili community. I think it would give real expression to this community's solidarity with the people of East Timor, a solidarity that could be expressed through a relationship that we might develop, for the want of a better expression, as a sister city but at least as a city of friends to the people of Dili.

That is probably all I need to say. I think the issues have been canvassed by all members. It is pleasing to see the level of unanimity amongst members about the physical and human devastation and destruction that have been meted out in East Timor. These are some suggestions for how the Canberra community might continue in its obvious practical support for that emerging nation and for the people of that nation, who have suffered so grievously.

MR SMYTH (Minister for Urban Services) (12.23): Mr Speaker, the Chief Minister has been delayed and has asked me to say a few words on her behalf and on behalf of the Government. I am sure that all members of the Assembly join me in acknowledging the dreadful devastation that has been faced by the people of East Timor. Education facilities and services were severely affected following the East Timor ballot. Schools and libraries were damaged or destroyed, and large numbers of teachers left the country. Clearly, education is a basic right and a need for all people.

Particularly important to a country like East Timor, recovering from the devastation it has suffered and moving forward, is rebuilding its infrastructure and its identity. In fact, I doubt whether there is anyone in Australia who has not been shocked and saddened by the situation faced by the people of East Timor. We want to help, and the best way we can do that is to be part of a country strategy managed at a national level through AusAID. It is essential that assistance in East Timor be well planned and coordinated, helping to create a sustainable way for East Timor to move forward. AusAID is developing an interim country strategy within the framework established by the United Nations.

AusAID has made clear its intention to avoid the mistakes of some of the well-intentioned but uncoordinated international efforts evidenced in recent aid programs such as that in Kosovo. The ACT, together with the other States and Territories, is already working in a combined effort to provide the best results for the people of East Timor from our aid.

Of course we support a planned aid strategy to re-establish the education infrastructure in East Timor. We support too the principle that good education of East Timorese children and young people is one of the best guarantees for East Timor's future success. Mr Stefaniak will be part of the deliberations on a motion about the national program of assistance for East Timor at the meeting of Education Ministers which is being held in Sydney tomorrow and on Friday.

Mr Speaker, restoring basic education services and improving service delivery are proposed priorities for future Australian assistance. AusAID advises that activities being employed include specialised education, training and capacity building programs, the establishment of a scholarship program, English language training, as well as technical and vocational education.

The program of assistance being planned by AusAID will provide a range of opportunities for States and Territories to contribute at a level appropriate to their own capacity. At the ministerial council meeting this week Ministers will be asked to endorse the Commonwealth's plan for education to be a priority sector in its aid program to East Timor. Mr Stefaniak will be supportive of this endorsement on behalf of the ACT Government. Education Ministers will be discussing the membership of the committee to assist in identifying priorities and issues and the better utilisation of joint resources.

It is proposed that the committee will be made up of representatives of the school sector, the vocational education and training sector, universities, the Commonwealth and teachers. Mr Speaker, this seems a sound way to ensure that expert advice is available across all educational sectors. By all means, we may vote here to support rebuilding education infrastructure in East Timor and thus put our in-principle support on the record.

But it is very important that we also remember that the best aid for a country in such a plight as East Timor is aid that leads to good, sustainable outcomes for the people of the country and that any support we give as a nation meets needs to have been researched and targeted to make sure we are giving support that will lead to such lasting outcomes, not ad hoc, ill-planned measures which do not always result in the aid reaching the people who are most in need. Mr Speaker, let us work together with AusAID, as part of the national effort, to get the best results we can for the people of East Timor.

MR RUGENDYKE (12.28): I support the motion moved by Mr Berry. It is a very important, timely and appropriate motion to support the rebuilding of East Timor. This East Timor issue has been going on for far too long. We recall some 25 or 30 years ago the assassination of Australian journalists in East Timor. We remember the Dili massacre of not so long ago. So it is important to be part of this important rebuilding of East Timor.

Mr Speaker, I might add a few words in relation to the amendments moved by Mr Stefaniak. I think it is important to congratulate and recognise members of the Australian Defence Force and the AFP for their fine efforts in East Timor. We all saw the graphic footage of children being passed over the razor wire into the compound. I might just relay one very moving observation by a police sergeant who was taking babies as they were being passed over the wire.

A terrified woman, typical of the people of East Timor, was intent on passing her baby across the razor wire into the compound. As she was doing so, she caught her breast on the razor wire. You can imagine the pain that would have caused. But her desire to pass the baby over the wire was so great that the pain was irrelevant. The police officer told me that, as she passed the baby over, the razor wire pared her breast away. That is a very damaging and a very sad event in East Timor.

Mr Speaker, there are other observations I could relay, ones just as traumatic and terrible, but I think I have said enough.

MR HIRD (12.31): I rise in support of this motion and also the amendments moved by my colleague Mr Stefaniak, who is best equipped to carry the thoughts of this chamber in respect of this issue. I will be brief because I think that the sentiments of this chamber in respect of this issue have been well expressed already. I support what Mr Stefaniak and other members have said about our police officers and member of the Australian Defence Force who served in East Timor. Aid workers were also involved in East Timor. In my opinion, they are worthy of a great honour. In the way they dedicated themselves as Australians they did us all very proud. I support both the Berry motion and the Stefaniak amendments.

MR BERRY (12.32): I welcome members' support for the motion and the amendments proposed by Mr Stefaniak. Many members have touched on the impact of affairs in East Timor, and I do not need to refer to those again. I would not presume, and neither could any of us presume, to contemplate the needs of the people in East Timor. That will be in the hands of the experts. I would not want to prescribe what sort of aid was given, being so far away from where all those terrible things have occurred.

I say again that I welcome the support of members for this motion. I trust that the Minister will be able to make a positive contribution to aid support for education in particular, notwithstanding the overwhelming need to redevelop infrastructure across East Timor and the urgent needs for health care, housing security and personal safety. If

we are going to build a foundation for a future East Timor which is democratic, we have to assist the East Timorese, in their decision-making, to put in place an education system which is aimed at those outcomes. I welcome members' support for the motion.

Amendments agreed to.

Motion, as amended, agreed to.

Sitting suspended from 12.35 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Impulse Airlines

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. Access Economics, in its analysis of the economic impacts of investment in the ACT by Impulse Airlines, estimates that 360 direct jobs would be generated by the project over the next five years. The Chief Minister's media release of 22 March referred to nearly 400 jobs, yet the statement of intent between the Territory and the airline that was signed on 22 March refers to 252 jobs after five years. That is only one claim that has been considerably qualified in the statement of intent. For instance, the Chief Minister's media release says that the project would establish Canberra "as a major regional air transport hub", but in the statement of intent Impulse has committed only to trial four routes for a minimum of 10 weeks. Additionally, a commitment to establish an "aviation centre of excellence" becomes in the statement of intent support for the development of such a centre that Impulse will use if it is appropriate. These are significant differences. Can the Chief Minister say what are the implications of these differences for the Territory's negotiating position? On what particular piece of paper will the Assembly be asked to make its decision - the statement of intent, the Access Economics analysis, the ACIL Consulting report prepared for Impulse or the final agreement currently, it is understood, in preparation?

MR SPEAKER: The question was getting a bit long.

MS CARNELL: Mr Speaker, isn't it wonderful that people are so positive in this Assembly! It is just great to see the Opposition, yet again, attempt to talk down something that, as Mr Quinlan said, is their own policy! Mr Quinlan said that they totally support having a regional hub for the ACT.

Mr Stanhope: We do, absolutely.

MS CARNELL: I would like to know how you plan to do it.

Mr Stanhope: By getting some information on the table that we can respond to.

MR SPEAKER: You cannot do it in question time, I am afraid.

MS CARNELL: Mr Speaker, the reality is that Impulse Airlines is, as we know, the third largest airline in Australia. We also know that Virgin, the newcomer, is going to Brisbane at a figure about six times that of the one for Impulse coming to Canberra. I would have to say that there is not another airline, apart from possibly Hazelton, and we do have an offer on the table for Hazelton but their board has not made a decision on it over a significant period. Mr Speaker, if it is not to be Impulse, who is it to be?

It is very obvious that those opposite, yet again, are being negative for the sake of it. It was of interest to me today to see a media release from the TWU. Here it is; I knew that I had it here somewhere. It says that Trevor Santi, secretary of the Transport Workers Union, has lent the considerable weight of the union to the plans to create an enhanced aerospace industry at Canberra Airport. Mr Santi said that the proposed Impulse Airlines deal and subsequent economic flow-on to regional business would provide a much needed boost to new employment opportunities as well as underpinning existing jobs in transport-related dependent enterprises, and so it goes on.

Mr Corbell: Relevance, Mr Speaker.

MS CARNELL: If that is not relevant, I do not know what is. Mr Speaker, with regard to job numbers and what we actually expect from Impulse Airlines, it has a very sound and extremely comprehensive business plan which those opposite who have been interested have been run through. To pretend for a moment that they have not seen any of the information, the actual business plan, from Impulse is simply not to tell the whole truth.

Mr Quinlan: Which numbers? Which business plan?

MS CARNELL: The business plan that Impulse showed you. Mr Stanhope did not bother to turn up at the meeting. Maybe he has seen it since then; I do not know. Mr Speaker, the comprehensive business plan relates to developing jet services on, initially, the Sydney to Melbourne route and then the Sydney to Brisbane route. Only later will it extend services to other capitals. At that stage, in the initial approach that Impulse took, Canberra was a long way down the track. In other words, they were looking at going from Sydney to Brisbane and Sydney to Melbourne. Canberra was on the radar, but quite a long way down there, Mr Speaker.

Mr McGowan certainly had recognised the potential of Canberra for his airline, but he was not planning to include it in the short term. As we now know, Impulse has seen the very considerable benefits of coming to Canberra on the basis, I have to say, of a not insignificant investment from the Canberra community and the ACT Government in that approach. Mr Speaker, the number of jobs is significant, not just direct but indirect. If the argument here is whether it is about 360 or 400 direct job - - -

Mr Stanhope: What does the statement of intent say?

MR SPEAKER: Order, please! If you want detailed information, put the question on the notice paper.

MS CARNELL: Mr Speaker, they know what the statement of intent says because I gave it to them and we gave them the Access Economics report. Also, the Impulse Airlines people came and ran through the business case with them. The fact is that all of the information has been made available to those opposite. The number of jobs is significant - over 1,100 indirect and direct jobs over the first five years and, I think, over 1,700 indirect and direct jobs by the end of 10 years. But this is not about whether it is 360, 370 or 380 jobs. This is about a significant boost, as the Transport Workers Union says, to the ACT economy. It will be a significant boost because they are committed to a new base which will incorporate a heavy maintenance facility for the new Boeing 717s and the Beech 1900D aircraft, ground support facilities, administration functions and, in a couple of years, a reservations call centre. If those opposite do not want that, go for it. They should vote against the motion if they do not support it. We would prefer they did not, but it is in the hands of the Assembly, Mr Speaker, and all of the information is on the table.

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

MR STANHOPE: Yes, Mr Speaker. That was an amazing performance. I should say, Mr Speaker, that the Chief Minister did misrepresent me there. She actually suggested that I had not - - -

MR SPEAKER: Mr Stanhope, ask your supplementary question, please. If you wish to make a personal explanation, you can do so at the end of question time.

MR STANHOPE: I will do that because the Chief Minister has just suggested that I did not turn up for a meeting with Impulse Airlines.

MR SPEAKER: Just the supplementary question, please, at this point.

MR STANHOPE: I do not know who told her that. I can only wonder who told her that.

MR SPEAKER: Do you want me to sit you down or do you want to ask the supplementary question?

MR STANHOPE: My supplementary question, Mr Speaker, is that yesterday the Chief Minister, in answer to a question from Ms Tucker, bemoaned the fact that the Dutch auction style of business incentive currently besets Australian governments. I sympathise with her on that. Was her determination not to get involved in any Dutch auction the reason for agreeing to Impulse's request for $8m or was it merely a trump card designed to stop the bidding? Can the Chief Minister confirm the suggestion made

in her answer to Ms Tucker's question yesterday that no approach was made by Impulse to the New South Wales Government and no offer was made by that government to Impulse?

MS CARNELL: Mr Speaker, it is my understanding that Impulse has been and is speaking to both the Victorian and the New South Wales governments.

Impulse Airlines

MR QUINLAN: My question is to the Chief Minister. At the risk of having our responsible approach to this expenditure of public moneys being seen as a negative attitude towards it, can we say that we have seen projections that give rise to optimism as to the future of the project and we have also been advised that the project requires some $8m in initial subsidy, taking the form of a loan that would be forgiven as milestones are achieved. Aside from the loan for capital works in the impending deal, what alternative options for financial support have been investigated? I am not here thinking about a joint venture or the like. I am thinking more about some form of financing that could be recovered, possibly with interest, on a deferred basis. The projections are rosy over the long term, so is it not a case that the project could return the taxpayers' money in the longer term?

MS CARNELL: Mr Speaker, if Mr Quinlan had read the Access Economics report he would have seen that the project actually does return the taxpayers' money in the longer term. In fact, when you have a look at the - - -

Mr Quinlan: Sorry, direct.

MS CARNELL: Mr Quinlan said, "Return the taxpayers' money". The fact is that this - - -

Opposition members interjected.

MR SPEAKER: Order, please! Let the Chief Minister answer the question, otherwise I will ask the Chief Minister to sit down.

Mr Berry: That would be a good idea.

Mr Quinlan: Sit her down.

MS CARNELL: I am happy to sit down, Mr Speaker. If they do not want to ask questions, that is fine.

Agents Board

MR KAINE: Mr Speaker, my question, through you, is to the Attorney-General and Minister for Justice and Community Safety. I refer to the report of the Agents Board of the Australian Capital Territory for the year ended 30 June 1999. In that report, there is the following statement:

> In February 1993 the then Chief Minister announced a review of the Agents Act 1968 with a view to ensuring that the industries covered under the Act are subject to the appropriate form and level of regulation, and that such regulation is effectively and efficiently administered. The Board continues to be restricted in its aim to improve effective and efficient operations, pending changes to the legislation.

The Chief Minister said in February 1993 said that the Government was going to review the Act. Has that review been completed; if not, why not?

MR HUMPHRIES: I thank Mr Kaine for that question. I do not recall the decision by the former Government to commence a review of the Agents Act. I take Mr Kaine's word that that is what was said in the most recent Agents Board report that there was initiation by the Minister formerly responsible for the Agents Act to review the Act. I have certainly been aware of the need to review the Act and I am aware from discussions with my department about progressing that review, which I think it is true to say has slipped down the order of priorities as other matters have pressed in on my department, that the view of the Agents Board is that there ought to be a review completed by, I think, the middle of next year. I may have got that date wrong. It is certainly some time in the near future because I have made reappointments to the Agents Board based on there being a capacity to change the structure of the board in light of that review. I have limited those appointments to, I think, 12 months in order to have flexibility at that point as to being able to change the structure of the Act and the board underneath it.

We have just started a national competition policy review of agents and that Act is one of a number of pieces of legislation which the Government is reviewing pursuant to the intergovernmental agreement on competition policy. I am reminded that I did write to members only in the last few days under the Interstate Agreements Act on the question of agents. That may have touched on this question. I will certainly check that up and find out if it did. I would concede that the review process for the Act has taken a long time and it certainly should be quicker in an ideal world than it has been. As I say, I think that the review is due to be completed within about 12 months, but I will get back to Mr Kaine and the Assembly if that date is not accurate.

Regional Development

MR HARGREAVES: Mr Speaker, my question is to the Chief Minister. Judging by her answer to a question from Ms Tucker yesterday, the Chief Minister agrees that the practice of States and Territories engaging in bidding wars - "Dutch auctions", in the Chief Minister's words - to attract new business is counterproductive and, in fact, against the national interest. Does she agree that, closer to home, the ACT Government and neighbouring councils should work cooperatively in the interests of regional development?

MS CARNELL: Absolutely, and we do. We had a regional leaders forum meeting just this week, Mr Speaker. The regional leaders forum is an initiative of this Government. We started it very shortly after we were first elected. I have to say that it is one of the most successful forums that exist. In fact, in looking at outcomes from that forum, we were the first entity or region in Australia to have a regional environment report, which other parts of Australia are now looking at putting in place. For example, money from the ACT for the national telecommunications infrastructure has been rolled in with money from New South Wales to get a regional telemedicine program approved. That could not have been done without cross-border cooperation. Similarly, with database projects, we are looking at putting all businesses from the ACT and region on a database for access by other businesses that are looking at buying locally. All of those things are progressing and they would not have happened without the participation of the ACT. The helicopter project is another which has progressed very efficiently as a result of regional cooperation.

MR HARGREAVES: I thank the Chief Minister for that comprehensive response. As a supplementary question, I ask: Is the Chief Minister aware of the forthcoming relocation from Bombala to the ACT of the Toorallie woollen mill, with the consequent loss of 20 jobs in a struggling country town? Did the ACT Government offer any relocation incentive to the company, an incentive which, in effect, outbid the New South Wales Government?

MS CARNELL: The answer is that we did not. Toorallie decided to move to the ACT because they believe that to grow their business and to employ more people in the future they need to have access to a greater number of tourists. It is that simple for them. They also need access, in their view, to a greater spectrum of employees with particular skills. The arrangement that Toorallie has reached with the people who own/lease the land at Harcourt Hill or Gold Creek is a commercial relationship between two businesses. We will welcome Toorallie to the ACT. I have spoken to the mayor of Bombala and explained the situation. She totally accepted that. Toorallie has undertaken to maintain a presence in the Bombala area.

Fringe Benefits Tax - Public Benevolent Institutions

MR WOOD: Mr Speaker, my question is to the Treasurer, Mr Humphries. The Treasurer would be aware of the Howard Government's proposal to limit from 1 July 2000 the exemption of public benevolent institutions from fringe benefits tax. He would know that many of those bodies have used salary packages to take advantage of the exemption from fringe benefit tax to boost staff payments. It is one way of giving a little more in a very tight situation. He would also know of their very great concern about that. I appreciate that this is predominantly a Federal matter because it is a taxation issue, but these changes are likely to have a very severe impact on bodies that the ACT Government funds very largely. To what extent has the ACT Government been able to look at this problem to assess the situation?. It must have had some input from these bodies. What is being done to assess the situation and the extent of the difficulty?

MR HUMPHRIES: I thank Mr Wood for that timely question. As a matter of fact, this issue was discussed only the week before last when the Australian treasurers met in Canberra to address issues associated with the tax reform process. One of the items placed on the agenda for that meeting was the impact of the Federal Government's changes in fringe benefit taxation on small community organisations. I have had a number of representations on that subject, one as recently as today, and I am certainly well aware that the effect of the change that the Commonwealth is proposing to make, which is basically to cap the amount of fringe benefits which can be claimed for taxation purposes, is to reduce the capacity of some organisations to offer, effectively, tax-free benefits to their employees or staff.

Mr Wood: Which they need to do because they are not heavily funded with other things.

MR HUMPHRIES: I concede Mr Wood's point. A number of organisations do rely quite heavily on those sorts of concessional arrangements with their employees, and not just non-government organisations. It is also true to say that salary packaging which employs the use of fringe benefits tax arrangements is in use in the Canberra Hospital and possibly other parts of the ACT government system. As I said, this issue was raised at the meeting of treasurers a week and a half ago. That meeting was held on a Friday. On the night before I chaired a meeting of state and territory Treasurers at which this issue was extensively discussed and there was a large measure of agreement that the issue needed to be raised with the Commonwealth and its view sought about softening the effect of its changes.

The Commonwealth's view is that, in effect, the use of these packages in the past has been a way of avoiding the payment of income tax and that it has been an arrangement which has been accessed in a way which has cost the Commonwealth Government money. Effectively, it has been a concession which has been delivered by public benevolent institutions of the States and Territories, but the Commonwealth has been paying for it above and beyond any arrangements that it has been prepared historically to consider. Mr Speaker, they want to limit the extent of that largesse that they are

effectively delivering to smaller organisations. In spite of the views of States and Territories, they indicated that they were not prepared to adjust the model that they had put forward for effect from 1 July this year.

That is certainly going to hit some organisations hard. I can see the argument the Commonwealth has put forward about that being a concession which has come at their expense rather than other people's expense, if you like. I would have been more happy if the Commonwealth had been prepared to consider some kind of concessional arrangement for organisations that, obviously, have already structured their operations around the delivery of those fringe benefits in the way that their salary packaging has proposed. However, the issue has been raised and considered by the Commonwealth Government. I did not detect any likelihood of the Commonwealth Government changing its mind about that, but I am very happy to discuss this matter with individual organisations in the ACT to see how the impact is actually falling on those organisations and whether there is anything that the ACT can do to assist in that process.

MR WOOD: I have a supplementary question, Mr Speaker. I know that Mr Humphries will not jump up and down about my preamble to it, but I thank him for the information provided. It was explicit and appreciated.

Mr Berry: Do not get carried away.

MR WOOD: I will not. Mr Humphries, as you talk to these groups, will you see whether you can build something into the budget that you are still working on?

MR HUMPHRIES: I know what Mr Wood is asking for. The Government is looking at the moment at the impact of tax changes on community organisations. I indicated in the course of debate yesterday about tax-related issues that the Government was considering whether the savings that organisations will be making from embedded wholesale sales tax being abolished would be a benefit which would flow on to community organisations or be collected by government, as is our obligation under the intergovernmental agreement which establishes the new tax system. I note the suggestion by Mr Wood and I will consider it as the budget is being developed.

Impulse Airlines

MS TUCKER: My question is to the Chief Minister and relates to the Impulse Airlines proposal. Has your Government done an analysis of alternative ways of investing $10m in employment-creating initiatives?

MS CARNELL: The Government looks all the time at opportunities that exist for the ACT. At the moment, we believe that the Impulse Airlines deal is a very appropriate way to allocate $8m plus $2m in payroll tax relief. Of course, that $2m is for relief only on the basis that the jobs are created, so it is not money that we would get anyway. In fact, it is money that we would not get if Impulse did not come to the ACT. We believe that you will find when you look at the work that is being done by Access Economics and the work that was done by our own people that the return on that $8m will be

significant, not just in jobs, but in the financial return to the ACT taxpayer over the medium to long term. These figures show that, if we got that many new jobs into the system, the return to the ACT down the track in a number of different ways, not the least being payroll tax, would be significant. In fact, we would end up getting to a return on this deal inside 10 years, which is quite quick for these sorts of business incentive arrangements.

Mr Moore: That is the return to government.

MS CARNELL: As Mr Moore says, that is the return to government. It does not take into account the return to the community more broadly. If Ms Tucker has a look at the Access Economics report she will see that it runs through that at length. Mr Speaker, although I do have a copy of it with me, it would take me more than four minutes to run through it and show how significant dollars would flow back to both government and the community more generally. I would suggest that an investment of $8m to achieve the sorts of ends that we are talking about here is a very good investment. I would like to have more of those sorts of investments.

MS TUCKER: That was not an answer to my question. Maybe it was; maybe it was no. Mr Osborne thinks that it was no. I have a supplementary question. Instead of offering a business incentive of this amount of money, why did you not consider just making it a loan?

MS CARNELL: Mr Speaker, it is a capital injection loan which will be forgiven to Impulse when they reach the targets that will be in the final contract and that we have alluded to in the memorandum of understanding. If they do not actually achieve the ends, the loan will not be forgiven; that is the way the whole approach has been put together. If they achieve the ends, ends that produce very real benefit to the Canberra community in jobs, regional hubs, tourism and so on, the capital injection loan will be forgiven, which seems to me to be an absolute win for the people of Canberra.

Budget 2000-01

MR HIRD: My question is to the Treasurer, Mr Humphries. Has the Treasurer kept count of the number of gaffes made by the Deputy Leader of the Opposition in the last few days on budget matters? Did Mr Quinlan get his budget responses wrong in the media releases of yesterday and earlier in the budget processes?

Mr Moore: A pertinent question**.**

MR HUMPHRIES: It was a good question, but it is a bit hard to know where to begin on this process. A large number of claims have been made in the last three months or so about the Government's draft budget, but the extraordinary thing is how many inaccurate statements have been made by the shadow Treasurer and how extremely serious the errors that he has made in that process have been. Let us take a few of them. Mr Quinlan said in his blundered attempt to discredit the Government's balanced budget that even the new money from the Commonwealth will not put us truly in the black.

I have to say that that is a very strange statement to make. I would have thought that even the former public sector accountant of the year would understand that revenue will improve a surplus and expenditure will reduce a surplus. If the Commonwealth gives us money to spend, it is revenue and therefore our position, our surplus, is improved. That seems to me, without having the accolades that Mr Quinlan has had poured on his shoulders, to be axiomatic and very obvious.

Mr Quinlan has again expressed concerns at the recording of interest earnings as revenue in the Territory's financial statements. Let us be clear about these earnings. The treatment of earnings on interest as revenue is consistent with Australian accounting standards. It is not some far-fetched creation of the ACT Government; it is, in fact, consistent with Australian accounting standards. It is consistent with the definition of revenue recorded in statement of accounts concepts 4. In fact, interest is listed as an example of revenue in SAC 4. What is more, Mr Speaker, this particular treatment by the ACT Government has been scrutinised already by the ACT Auditor-General.

Ms Carnell: That is right. What did he say?

MR HUMPHRIES: He said that it is appropriate to treat the interest that the Government earns as revenue. If you think about it, Mr Speaker, how else can you treat it? Is it a liability or an asset? What else is it? It is obviously revenue.

Mr Speaker, the other point that needs to be noted here in terms of the way that this process has come about is that Mr Quinlan was briefed on the day the draft budget was brought down - back in January - on this very issue. He asked about the issue and he was given an answer which explained why it was that we were treating interest as revenue. He made no challenge to that statement, he expressed no adverse view. Yet today in the *Canberra Times* we have a report that when Mr Quinlan withdrew his statement that the Government had faked the surplus in its budget he defended it on the basis that the Government had failed to provide enough information in the draft budget document.

Mr Speaker, if we had not provided enough information in the draft budget document, and we had, why did Mr Quinlan not ask the question? When I appeared before his committee, when the Under Treasurer appeared before his committee and when he put questions on notice to me subsequent to my appearance before his committee, why did he not do that?

Mr Hird: I am trying to hear this, Mr Speaker.

MR SPEAKER: Order, please! Keep your voices down or go out into the lobby.

MR HUMPHRIES: I know that members opposite have found, all of a sudden, reason to discuss what they had for lunch and what was the price of the last laundry list that they happened to lodge over the road, Mr Speaker. I would, too, if I was as embarrassed

as they were about the subject. But the fact is that the public sector accountant of the year has made some very serious errors in the way in which he has evaluated this budget.

Mr Stanhope: Tell us about the assets in the retail arm of ACTEW.

MR SPEAKER: Order!

Mr Stanhope: Come on, tell us about the assets in the retail arm.

MR SPEAKER: Be quiet, otherwise you will be dealt with.

MR HUMPHRIES: Perhaps you should go back to talking about your laundry list, Mr Stanhope. Perhaps that would be better. Mr Speaker, on the question of the treatment of superannuation in the budget, we had a $52m error made by the shadow Treasurer of the ACT.

Mr Moore: A gaffe.

MR HUMPHRIES: A gaffe, in fact. The actuarial gain arising from the reduction in the Territory's superannuation liability meets the definition of revenue according to statement of accounts concepts 4 that I referred to before. The treatment is consistent also with the international accounting standard for employee benefits, IAS 19, and the approach was discussed and agreed with the Auditor-General during the audit of the 1998-99 financial statements. As members know, the gain that the Territory achieved there was capitalised in the superannuation accounts and it is being amortised over the coming 12-year period, determined by the actuary to be the future membership period of fund members to the review date. That is all perfectly clear. We have treated it in a consistent way, in consistency with the Auditor-General's views about the matter. Mr Quinlan's comments amount to a $52m mistake on the budget.

Mr Stanhope: Have you worked out the difference between a lease and a block?

MR HUMPHRIES: I would rather be mistaken on the difference between a lease and a block than about $52m. There is a considerable difference between those two things.

Mr Stanhope: Are those three blocks still on the Chief Minister's table where you put them?

MR SPEAKER: Mr Stanhope, have you yet worked out the difference between being present and not being present in this chamber, because you may find out shortly?

MR HUMPHRIES: Mr Speaker, I know that it is upsetting for those opposite, but they need to acknowledge that what they had here was a very serious error made in the accounting treatment of issues as fundamental as earnings on interest and superannuation accounts.

MR HIRD: I have a supplementary question, Mr Speaker. I thank the Minister for that answer, and ask: Did Mr Quinlan make similar mistakes in referring to the amount contained in the draft budget for increased health funding?

MR HUMPHRIES: Unfortunately, Mr Quinlan has made further mistakes in respect of his accounting for the treatment of health in the draft budget. Some time ago, Mr Quinlan issued a document entitled "A draft response to the draft budget". He proudly put it out a few days after the draft budget was tabled in May. In that document he made an $8m error. In his statement, under the heading "Health and community care", he commented as follows:

> The claimed injections of funds are no more than price indexation. The claimed increase for 2000-2001 is $5.111m, while price inflation is estimated at $4.259m. This leaves precious little room for growth in demand, let alone service improvement.

He has said that that amounts to $852,000. Mr Quinlan has taken two separate injections the Government has made into the budget - an injection for price inflation and another injection - and he has described one as being subtracted from the other. Rather than adding the two together, rather than pressing the plus button on the calculator, he has pressed the minus button on the calculator. Mr Speaker, it really is hard to understand that mistake being made, because the draft budget papers explain how that sort of figure was got to. The budget papers explain that the 2000-01 government payment for outputs figure is an increase on the latest estimated result for the end of this year of $7.092m, an increase. Mr Quinlan has characterised an increase of $7.092m as an increase of just $852,000 - a pretty big mistake, I would have thought. Mr Quinlan's comment shows that he had simply deducted for no apparent reason the positive price indexation figure from the new growth needs funding figure. That is either incompetence or just plain laziness; I do not know which it is. He ignored the total value shown in the operating statement, leaving him $8m in error in his response.

Mr Speaker, I think it is worth quoting a few sections from Mr Quinlan's press release on the draft budget and then quoting a few paragraphs from the report of the Standing Committee on Finance and Public Administration. Let me read the first of them, page 5 of Mr Quinlan's January statement about health and community care:

> The claimed injections of funds are no more than price indexation. The claimed increase for 2000-2001 is $5.111m, while price inflation is estimated at $4.259m. This leaves precious little room for growth in demand, let alone service improvement.

Let me read now a similar paragraph in the report of the standing committee:

> The claimed injections of funds are no more than price indexation. The claimed increase for 2000-2001 is $5.111m, while price inflation is estimated at $4.259m. This leaves precious little room for growth in demand, let alone service improvement.

Mr Moore: Word for word.

MR HUMPHRIES: Word for word. The report of the standing committee lifted word for word from Mr Quinlan's press release in January, before any examination had begun by the standing committee of the draft budget. From where does he get that sort of information, Mr Speaker? Why did he lead his committee to think that his press release was a good substitute for proper, hard work on the draft budget process? Mr Speaker, if you add the $52m mistake on superannuation and the $8m mistake on health funding, you get an error by this shadow Treasurer of $60m. All I can say is that I think that lots of people will be very glad if those mistakes are mistakes Mr Quinlan makes only in opposition. Let us hope that there will be no opportunity ever for him to make those sorts of mistakes in government.

Fringe Benefits Tax - Public Benevolent Institutions

MR BERRY: My question is to the Minister for Health and Community Care. Mr Wood noted in his question to the Treasurer that the Commonwealth Government is proposing to limit the exemption of public benevolent institutions from fringe benefits tax. Canberra and Calvary hospitals, as I recall, are held as public benevolent institutions. Minister, the chickens have come home to roost. You will, no doubt, recall that on 17 November 1998 I asked you what you would do if the tax arrangements changed. You refused to speculate. Minister, nobody wanted speculation; all we wanted was a bit of planning mixed with some caution. That would have been very useful for us. Minister, what plans do you have to resolve this mess that you have created?

MR MOORE: I would not speculate then and I still will not speculate because my understanding is that, while the legislation passed through the House of Representatives on Thursday, 16 March, it has not yet been passed by the Senate. I think that it would be very foolish for us to speculate on what the Senate might do with such legislation. With regard to the taxation system, Mr Berry will be pleased to know that we are making plans. I have asked for information on how the fringe benefits tax affects salary packaging in the Canberra Hospital for nurses with regard to the new EBAs they have just agreed to and for doctors. The Canberra Hospital has provided advice to me on the proposed FBT cap. The cap set by the legislation is $8,755, or $17,000 grossed up, for packaging by employees of public benevolent institutions. The Canberra Hospital has advised on the implications it would have for salary packages in TCH of clerical, technical, professional and general services officers and nursing staff through our new EBA information sessions; so they have all been advised as to what they would be. The nursing staff were advised of the implications prior to their agreeing to the EBA. Staff covered by the medical officers agreement who are currently salary packaged also

should have received similar information from either Salary Packaging Services Ltd or McMillan Shakespeare, the salary packaging bureau services contracted by TCH to administer salary packaging.

Mr Berry, this was not just a go. We have actually worked quite hard to ensure, first of all, that our employees understand the implications and, secondly, that we are in place to be able to handle them. We are in place to be able to handle them because the Canberra Hospital's documentation on salary packaging states very clearly that any changes to taxation legislation are not a basis for further pay claims unless the taxation exemption status of the hospital is removed. Mr Speaker, that is a concern. Not only did the Treasurers discuss it, but also Health Ministers met and discussed exactly the same issue.

Ms Carnell: Because every hospital is in the same boat.

MR MOORE: Hospitals right across Australia are in the same boat. More importantly, for the States with rural medical services, rural doctors, often it has been the extra benefit that they have been able to provide that has lured doctors and other medical staff to remote hospitals, so it is of major concern to them. It is of particular concern when you take into account the fact that the Prime Minister said not so long ago that there would be no further action by the Federal Government that would hit at rural folk in Australia. I do not remember his exact words, but they were to that effect.

The other thing I would like to say is that Ernst and Young regularly brief the Canberra Hospital on the progress of the FBT legislation as part of the services that they are providing to the hospital on FBT. If the Bill is passed by the Senate, and there is still great doubt about that, it will impact on wage negotiations with the ACT Salaried Medical Officers Federation, ASMOF. However, it should be recognised that even though the benefits will be lower - it could be as much as $1,000 a month - salary packaging will still provide employees of the hospital with a significant economic advantage if the legislation is passed.

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

MR BERRY: Yes, Mr Speaker. Minister, do you not now wish you had given them a real pay rise, instead of one based on this legislation?

MR SPEAKER: That is an expression of opinion.

MR MOORE: I understand your jealousy, Mr Berry, because what has happened is that we have had an enterprise agreement negotiated in good faith which the vast majority of the nursing staff and the union supported.

Mr Berry: Oh, you are pathetic.

MR MOORE: You ought to talk to them, Mr Berry. The vast majority of the nursing staff and the union supported it. They supported it and it has been passed. Mr Berry, there are significant benefits, particularly for nurses, through the package that they have got. It is something that we are able to manage within the context of the budget. Mr Speaker, it is something that I am particularly proud of because we have been able to work with the nurses. Members might just remember the difficulty that Mr Berry had working with the nurses when he was the Minister for Health. We have been able to negotiate a sensible agreement with them. It is something that I am very proud of and this Government is very proud of.

Goods and Services Tax - First Home Owners Scheme

MR CORBELL: My question is to the Treasurer. I have received complaints from constituents about the operation of the proposed first home owners scheme, to be administered by the ACT Government, which will provide compensation for first home owners for the impact of the goods and services tax. Can the Treasurer explain to the Assembly why the scheme will not apply to first home owners who sign building contracts before 1 July 2000 but who are expected to pay the GST on all parts of the contracts that are completed after that date, as they have been advised by your department?

MR HUMPHRIES: Mr Speaker, the answer is very simple. It is because the Commonwealth provision for the payment of a subsidy in those circumstances does not begin until that point. If the ACT were to provide subsidies for those people who signed contracts prior to 1 July - that could be a very long time before 1 July, I might point out; it could go back several years - we would have to meet them from the ACT's pocket, rather than from the pocket of the Federal Government.

I am very happy to put in place a first home owners scheme, and I intend to introduce that legislation in the Assembly tomorrow. It will reflect the agreement that all States and Territories have reached on this subject and, therefore, will have terms consistent with those of other States and Territories. It would be nice to be more generous than any other place in Australia, but the idea of having it operate from a particular date is that it should be possible to bring a new system of monitoring the details of the new scheme under the control of the scheme which begins on that date. There would have to be some casting back, I suppose, or inspection of documents and so on from dates before the new scheme was actually established to take on board contracts signed before 1 July. Some people may suffer some loss as a result of that, because the GST will apply, obviously, from 1 July. If you signed a contract on, say, 1 June - - -

Mr Corbell: That is what I am saying.

MR HUMPHRIES: Yes, and that is what I am agreeing with. If you signed a contract on 1 June and you were still incurring building costs after 1 July, until the house is completed, you would be affected by the GST, but there would not be a first home owner scheme there to supplement that; that is quite true. Mr Speaker, all I can say is

that we will be administering a scheme which has been provided for and funded by the Commonwealth Government and, much as I would like to top up that scheme, I do not believe it is incumbent on us to do that.

MR SPEAKER: Mr Corbell has a supplementary question**.**

MR CORBELL: The point I am making, Minister, is that there will be people who will be paying GST in the period from which the GST is implemented for part or all of their building contract. Can you explain why the government-administered scheme, the scheme you are administering, cannot be applied on a pro rata basis to first home owners who sign those building contracts, because they will be still having to pay GST? I do not believe that it is going to be a significant impost, but a number of people out there will be caught in this situation, many under circumstances which are beyond their control. They may have anticipated completing the work prior to the GST taking effect but, for a number of reasons, they will be caught in the situation where their work will be continuing beyond 1 July. Why not simply administer it on a pro rata basis?

MR HUMPHRIES: Mr Speaker, the answer to that question is the answer I have already given. If we were to apply it on a pro rata basis, we would have to provide the funds to do that.

Mr Corbell: They do not care.

MR HUMPHRIES: I do care about it, Mr Corbell. With great respect, it is hardly fair to say to me, "You are not enlarging a Commonwealth scheme beyond what every other State and Territory, including a number of Labor States, have administered and therefore you are mean and unaware of the suffering of people who are building homes". I am sorry, but that is not the way it works. We have been given a sum of money by the Commonwealth to administer a scheme. We propose to administer that scheme on the basis - - -

Mr Stanhope: Have you been out pleading?

MR SPEAKER: Be quiet! Mr Corbell asked the question, Mr Stanhope.

MR HUMPHRIES: Mr Speaker, we have been attacked in this place on the basis that people opposite do not believe that we can deliver on the promise that there will be no adverse impact suffered by the ACT fiscus, the ACT budget, as a result of the administration of the GST. We will be no worse off as a result of the GST. The people opposite have attacked us several times about that and tried to find out whether we will be worse off. But if we picked up Mr Corbell's suggestion, we certainly would be worse off because we would be administering a scheme that the Commonwealth has not asked us to administer and would not be paying for, so we would have to pick up that cost.

The other point I want to make is that Mr Corbell, as a member of the Standing Committee on Planning and Urban Services, has just considered the draft budget for the ACT. Presumably he has been aware of this issue for a little while. Why has he not

recommended in his committee's report that we should put some more money aside, pursuant to the resolution of the Assembly. Heaven help us if we disobeyed the Assembly's rules. Heaven help us if we just ignored what the Assembly had instructed us to do.

Mr Corbell: I would like to hear you put that argument to the people in Gungahlin. I would love you to wander out to Amaroo and say, "We are not going to pay GST compensation".

MR SPEAKER: Order! You will not be making any more statements if you keep interjecting, Mr Corbell.

MR HUMPHRIES: Mr Speaker, if they had wanted us to spend more money in the coming financial year on a first home owners scheme than was provided for in the way we outlined very clearly, why did they not - - -

Mr Quinlan: It is a budget initiative, Gary.

MR HUMPHRIES: Exactly. Why was it not put down in the draft budget recommendations of Mr Corbell's committee? Why was it not there, Mr Speaker? It seems logical to me. I do not know what I am missing. If Mr Corbell wanted it, he should have asked for it.

Olympic Games

MR RUGENDYKE: Chief Minister, the December 1999 issue of *Business Update* by Project 2000 states that the first of the pre-2000 Olympic Games activities for Canberra was the welcoming of the 35-person Finnish team - track and field, judo, medical staff and officials - which was here in residence for about three weeks in December 1999. It also stated that there will be many other Olympic teams coming to Canberra and that the ACT will be providing Olympic banners and street plantings along major arterial routes, creating an exciting Olympic look for Canberra. With the Olympic Games just six months away, I am interested in obtaining details on the Olympic athletes and teams that will be using Canberra as a base to prepare for their respective sports. How many teams have been secured? Which countries are they from? How many athletes are involved? How long will they be here? What has it cost to get them here? Also, by how much is the final figure different, above or below, from the Government's target?

Mr Berry: And what are their names and addresses**.**

MR SPEAKER: The question was getting to be too long.

MS CARNELL: Mr Speaker, the middle names of the people would go down well, too. The Brazilian Olympic Committee, the French Olympic Committee and the Netherlands Olympic Committee have confirmed their intention to bring their teams, in whole or

part, to Canberra for training in the run-up to the 2000 games. Delegations from other countries continue to be hosted and a number of countries still have not decided where they will train or whether their pre-Olympic training will be in Australia.

As we know, almost all the Brazilian Olympic team will train in the ACT. Mr Rugendyke has made comment about the Finnish team, which will train here. As I said, the Netherlands Paralympic team will as well. I am happy to get more details on that. We are very pleased with the results. In fact, the problem was that there was really no more space, particularly in the AIS facilities, for more athletes to come to the ACT pre-Olympics.

MR RUGENDYKE: As a supplementary question, I ask the Chief Minister: What facilities will these teams be using when they are based in Canberra and what would be the total cost of refurbishment of grounds and sporting facilities to accommodate them if the AIS were full?

MS CARNELL: I am happy to take that on notice, Mr Speaker. I do not think that there is any extra financial requirement to upgrade facilities or anything like that; nothing that I know about at this stage. It would be minor, if anything. Unlike other cities in Australia, the ACT Government is not subsidising teams that have chosen to come to the ACT. In fact, we could have had many more if we had chosen to subsidise or give significant dollars to the teams. We decided not to go down that path, but to charge a commercial rate for the teams that have chosen Canberra. The approach we have taken has proven to be very beneficial to the people of Canberra.

ACT Prison

MR OSBORNE: My question is to the Attorney-General, Mr Humphries, and relates to the new prison. Minister, I have been somewhat intrigued at the apparent turnaround from you on the issue of women prisoners for the new gaol. What is the Government's attitude towards women being included, given that the Justice and Community Safety Committee was, I think, unanimous on supporting women being included in any new facility?

MR HUMPHRIES: I do not think that I have been inconsistent at all on this subject. As far as I am aware, my view always has been the same, that is, that there needs to be a plan developed for the building of this prison and that it would be highly desirable to include as many different classifications of prisoner as possible in the new facility so that we are able to make the prison both cost effective and socially effective. If we have to put certain categories of prisoner in Goulburn, Junee or somewhere further afield, we clearly lose that social benefit and, to some extent, we may lose also the cost benefit of having them here. Our average prisoner population these days in New South Wales is about 136. That consists, obviously, of a number of categories of whom less than a dozen would be women, probably seven to nine would be women.

Mr Speaker, I sincerely hope that it will be possible to include women in that prison. It remains the Government's desire to build a prison that will accommodate a number of categories of prisoner, including women prisoners. The only thing I would make clear is that I cannot promise absolutely and categorically that there will be women or, indeed, any other particular category in the prison until I know how it will fit into the overall operation of the prison. There will be no other institution in Australia, perhaps none other in the world, that will contain so many different categories of prisoner under the one roof or set of roofs. There is no other in the world, as far as I am aware. We are embarking on a very different process here to incorporate so many categories of prisoner in the one facility. I hope that we will be able to do it, but I do not want to promise more than I can deliver. Therefore, my position is that I will try to include women. I hope to include women; certainly, it is highly desirable that we include women. But I cannot promise that absolutely and categorically without further information.

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

MR OSBORNE: Yes, Mr Speaker. Minister, I do hope that women will be included, because I think the general feeling of all members of the committee was that there should not be a cost issue in relation to that category of prisoner. Nevertheless, we look forward to your response. Minister, has the final make-up of the advisory committee been completed? I have a question to you on the number of people who are to be on that committee; I think it is 18. Are you confident that it will be workable with that number of people on it?

MR HUMPHRIES: Mr Speaker, the point about the inclusion of women that I think Mr Quinlan - I am sorry, Mr Osborne - is making is that it is - - -

Mr Quinlan: You have a fixation with me.

MR HUMPHRIES: Yes. I am sorry about that, to both of you. Mr Speaker, my view is that there is a social issue here. I hope that it is not a question of saying that it will cost us $X to include women and it will cost us $Y - only two-thirds of that amount - to include sex offenders; therefore, we will take the sex offenders and the women can go to New South Wales. We realise that there is a very important social dimension to this matter. I agree with the sentiment that Mr Osborne's question just reflected, which is that there is a very important value in having women, particularly women with families, especially those nursing young children, as very often they are, unfortunately, close to their family homes. For that reason, there is a very powerful argument which goes beyond cost for having women included in the ACT prison.

Mr Speaker, we are close to finalising the composition of the community panel. I am happy to read out the current list of organisations that have been invited to nominate to the panel. Of course, it is to be chaired by Mr Leedman.

Ms Carnell: You are running out of time.

MR HUMPHRIES: The Chief Minister tells me that I have not got time.

MR SPEAKER: No, you have run out of your four minutes.

MR HUMPHRIES: Yes, Mr Speaker. Those organisations are: Prisoners Aid; the ACT Churches Council; the legal profession, both the Law Society and the Bar Association in the one representative, pursuant to a recommendation made to me by members of the committee; the Alcohol and Drug Foundation of the ACT; the ACT and Region Chamber of Commerce; the Aboriginal Justice Advisory Committee; the ACT Crime Prevention Committee; the ACT Council of Social Service; the Women's Consultative Council; the Australian Federal Police; the Official Visitor; ACT Corrective Services; the ACT Parole Board; the Mental Health Foundation; a representative of the Welfare Rights and Legal Centre and the Women's Legal Centre; a former prisoner; a representative of residents of the region; an expert on conservation issues; and an educationalist. Also, I have had discussions via a third party with the Trades and Labour Council of the ACT and I am hopeful of nominating someone from that organisation as well. That might be more than 20, Mr Speaker. Is it workable? Only time will tell, Mr Osborne, but I am hopeful that the enthusiasm which members of your committee have shown towards this process will also imbue members of that panel and that whatever divisions or different points of view are present on the panel will be reconciled as we move towards this important project.

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

ANSWERS TO QUESTIONS ON NOTICE

MS TUCKER: Mr Speaker, under standing order 118A, I ask the Minister for Urban Services for an explanation of why an answer has not yet been provided to my question on notice No. 221, regarding the environmental authorisations issued to the Fairbairn Park Control Council for motor racing activities at Fairbairn Park. Notice of this question was given on 17 February and the 30-day period in which the Minister is supposed to respond expired on 18 March.

MR SMYTH: Mr Speaker, I will have to find out what has happened to that question. I will get an answer to the member as quickly as I can.

PERSONAL EXPLANATION

MR STANHOPE: I seek leave to make a personal explanation.

MR SPEAKER: Yes, please proceed.

MR STANHOPE: Mr Speaker, in response to a question from me in question time today, the Chief Minister said that I failed to turn up for a meeting that had been arranged with Impulse Airlines. That is simply not true, and I would just like to give

a bit of background to that. I am concerned about a number of aspects of that, one being that the Chief Minister would make a statement in this place that is quite simply false.

I am also quite bemused, I would have to say, as to where the Chief Minister may have got that information from that led her to make that false statement. It intrigues us that meetings that I was supposed to have attended - appointments that were meant to have been made for me - are fictitiously reported to the Chief Minister and she comes into this place and gives false answers.

MR SPEAKER: That is not a personal explanation.

MR STANHOPE: To complete the background of this, Mr Speaker, I have not failed to turn up to any meeting with Impulse Airlines or any of its representatives. I have met with Impulse Airlines. I had a detailed discussion on the matter. I have attempted to pursue the invitation that was made, but Mr X from the Chief Minister's Department was unavailable to brief on behalf of the Government. My office has made a number of attempts today to contact Mr X. I was hopeful of a briefing from Mr X today, but he has failed to return calls to my office. That is what has happened today. In the context of suggestions that the Opposition has been negative in relation to Impulse Airlines, we have major concern about the nature of the advice given to us.

MR SPEAKER: We are now beginning to debate the matter. You have made your personal explanation. Resume your seat.

Mr Berry: I rise on a point of order, Mr Speaker. I saw you intervene and sit the leader of the Labor Party down - - -

Ms Carnell: What's your point of order?

MR SPEAKER: What is your point of order?

Mr Berry: And now this morning, Mr Speaker - - -

MR SPEAKER: What is your point of order?

Mr Moore: Consistent with standing orders.

Mr Berry: Will you shut up, Michael, and let me speak. Mr Speaker, this morning I listened to Mr Humphries arguing the case in a personal explanation, and I expect the same treatment for the Labor Party.

MR SPEAKER: There is no point of order. You know the rules about personal explanations.

Mr Berry: Just consistency.

MR SPEAKER: I was happy to let Mr Stanhope continue until he started talking about the Labor Party. It is not a personal explanation.

Mr Humphries: I rise on a point of order. Mr Speaker, during question time Mr Stanhope referred to the Minister for Health as a "shallow, sycophantic fool". I think that that falls outside standing orders and I would ask him to withdraw it.

MR SPEAKER: It certainly does. If that statement was made, please withdraw it.

MR STANHOPE: Mr Speaker, I did call the Minister for Health a "shallow and sycophantic fool". I would appreciate your direction on what I should withdraw – "shallow", "sycophantic" or "fool"?

MR SPEAKER: Thank you, withdraw it.

Mr Moore: It was not withdrawn.

Ms Carnell: Mr Speaker, was that withdrawn?

MR SPEAKER: Was that a withdrawal?

MR STANHOPE: I was seeking your direction, Mr Speaker, on what I should withdraw.

MR SPEAKER: Withdraw it.

MR STANHOPE: Withdraw what? Which one? What, "shallow"?

MR SPEAKER: Your comments about the Minister for Health.

MR STANHOPE: "Shallow", "sycophantic" or "fool", Mr Speaker?

MR SPEAKER: Withdraw the lot.

MR STANHOPE: All right, I will withdraw it.

QUESTIONS WITHOUT NOTICE

Bruce Stadium - Seats

MR STEFANIAK: Mr Speaker, yesterday Mr Wood asked me a question in relation to the number of seats and where they had gone from Bruce Stadium. I can tell him that 2,400 went to Manuka in 1998. I indicated also that some had gone to some other places and I do not yet have the exact information as to exactly where and exactly how many.

I indicate today that I will seek to get that to him. If it is available tomorrow one of my colleagues can table that. If not, I will get it to him out of session and then appropriately table that response at the next sitting.

City Market

MR SMYTH: Mr Speaker, further to Mr Quinlan's question yesterday, the issues that relate to sublease renewals are issues that must be resolved between the City Market traders and the lessees of the Canberra Centre and City Markets, who are Queensland Investment Corporation. He asked whether I could act. I have no powers to enter into negotiations on subleasing arrangements between the lessee and a sublessee. Once the DA for the redevelopment of the Canberra Centre has been finalised, QIC will be in a better position to renegotiate leases with their lessees, and the finalisation of that DA is imminent.

PERSONAL EXPLANATION

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

MR SPEAKER: Yes, proceed.

MR BERRY: Thank you, Mr Speaker. During question time, Mr Humphries said that I was wrong about a $12m blowout in Health in 1991. Mr Speaker, I cannot claim to have been Gary-ed in relation to that matter. My recollection of it is that it was much, much larger than that - perhaps $17m or $19m. But that was not the point. The point is that, when pressed on it, Mr Humphries did not know what the blowout was.

MR SPEAKER: That is not a personal explanation; it is an abuse.

PUBLIC SERVANTS - NAMING

MS CARNELL (Chief Minister): Mr Speaker, I wonder whether Mr Stanhope would agree to have Mr X's name removed from *Hansard*. It is a usual approach for us not to name public servants in this place, particularly in any negative manner.

Mr Stanhope: I am more than happy with that, Mr Speaker. I meant no embarrassment. What I said is a fact. This debate is on tomorrow. I am most concerned that I did not have the courtesy of a return to that call.

MS CARNELL: Mr Speaker, we will obviously do all in our power to ensure that Mr Stanhope is briefed. I do not know what the circumstances are, but I do not think we normally name - - -

MR SPEAKER: Mr Stanhope has agreed with that arrangement.

MS CARNELL: Thank you.

PUBLIC SECTOR MANAGEMENT ACT – EXECUTIVE CONTRACTS
Papers and Ministerial Statement

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

> Public Sector Management Act, pursuant to sections 31A and 79 - copies of executive contracts or instruments –
> Long term contracts:
> Gordon Lee Koo, dated 10 March 2000.
> Olaf Moon, dated 17 March 2000.
> Short term contract:
> Bronwen Overton-Clarke, dated 17 March 2000.

I ask for leave to make a short statement.

Leave granted.

MS CARNELL: Mr Speaker, I ask members to respect the confidentiality of some of the information that is part of these contracts and thank members for their cooperation on this in the past.

TRANS-TASMAN MUTUAL RECOGNITION ACT – REGULATIONS
Paper and Ministerial Statement

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

> Trans-Tasman Mutual Recognition Act (1997) – Endorsement of proposed regulations of the Commonwealth, published in Gazette S10, dated 27 March 2000 which extends Special and Temporary Exemptions under the Trans-Tasman Mutual Recognition Agreement.

I ask for leave to make a statement in relation to this paper.

Leave granted.

MS CARNELL: Thank you very much. Mr Speaker, as the designated person under subsection 5(4) of the ACT's Trans-Tasman Mutual Recognition Act 1997, I have endorsed proposed regulations of the Commonwealth to introduce a permanent

exemption for mandatory energy efficiency labelling for electrical appliances and to roll-over special exemptions described in schedule 3 of the Commonwealth's Trans-Tasman Mutual Recognition Act 1997.

The Commonwealth Act provides for the recognition within Australia of regulatory standards adopted in New Zealand regarding goods and occupations. It is legislation as contemplated by the Trans-Tasman mutual recognition agreement, a non-treaty agreement signed in 1996 between the Commonwealth, state and territory governments of Australia and the Government of New Zealand.

Last year it was agreed by the Australia and New Zealand Mineral Energy Council that the temporary exemption relating to energy efficiency labelling would be converted to a permanent exemption before 1 May 2000. The permanent exemption must be put in place so that mutual recognition does not come into being by default for goods not using energy efficiency labelling. Because New Zealand has not finalised energy efficiency labelling laws, goods could be imported from New Zealand to Australia without a display of energy efficiency ratings if the permanent exemption is not made. The permanent exemption therefore preserves the integrity of Australia's energy efficient labelling laws.

The regulation will also provide a further 12-month period to 30 June 2001, for special exemptions described in Schedule 3 of the Act. The purpose of the extension is to allow Australia and New Zealand regulators to develop complementary arrangements across the Tasman in the areas of therapeutic goods, hazardous substances, industrial chemicals and dangerous goods, consumer product safety standards, radio telecommunication standards and electromagnetic compatibility, road vehicles and gas appliances.

Under the Commonwealth Act, the Governor-General can make regulations to introduce a permanent exemption and to continue special exemptions. A permanent exemption requires the endorsement of all participating jurisdictions and special exemptions require the endorsement of at least two-thirds of the participating jurisdictions to the agreement. An endorsement is made by a jurisdiction publishing a notice, endorsing the terms of the regulation, in its official gazette.

Currently the participating jurisdictions to the arrangement are the Commonwealth, New Zealand, New South Wales, Victoria, Queensland, Tasmania, the Northern Territory and the ACT. All participating jurisdictions, including New Zealand, have agreed to the proposed regulations.

ACTTAB LTD AND BOOKMAKERS
Papers

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (3.48): Mr Speaker, for the information of members, I present the following papers:

> ACTTAB Limited and bookmakers -
> ACT Legislation Relating to ACTTAB Limited and bookmakers - Compliance with national competition policy – Final report prepared by The Allen Consulting Group, dated November 1999.
> Government response to the Allen Consulting Group national competition policy review of legislation relating to ACTTAB Limited and bookmakers.

I move:

> That the Assembly takes note of the papers.

Mr Speaker, the response and the report relate to ACTTAB's compliance with national competition policy issues. In June of last year, the Government commissioned the Allen Consulting Group to undertake the review. They completed the review in November of last year. The bulk of the review's recommendations are to remove unnecessary costs or restrictions on gambling operators. The government response focuses mostly on those recommendations.

The review also recommends the conditional removal of restrictions on interstate TAB businesses operating in the ACT. The Government partially supports this recommendation. The Government supports the recommendation to the extent that interstate operators could be allowed to operate in the ACT only after systems had been put in place that identify all ACT-based gambling turnover.

Furthermore, the Government is concerned that there could be adverse revenue implications to all stakeholders including government, ACTTAB and the racing industry in relation to the potential loss of clients outside the ACT who currently bet with the ACTTAB. There was also some justification for limiting the proliferation of TAB outlets to minimise possible adverse social impacts of gambling caused by increased access to TABs.

MS TUCKER (3.50): I just want to make a quick comment about this. I am happy for Mr Corbell to adjourn it after that. I just want to say that I am pleased to see that this has been tabled, and I look forward to reading it. But I am really concerned that it is at this point we get a copy of this, considering the fact that the Minister moved some subordinate legislation in this place a few weeks ago using this report as justification for that. When I asked to see a copy of this report, I was told I could not because the Minister had not seen it himself. This is surprising in itself as he was using it as a justification for the subordinate legislation.

I just make the comment on the record here that it is not okay - in terms of good process - to see subordinate legislation justified by something like this, which is a review about competition policy looking at an issue about which clearly there is agreement. Gambling as an industry needs to be treated quite differently, and has particular issues around it when we apply competition policy.

It is pretty well accepted by the Government - considering the legislation we debated in the last sitting week - that there is a public interest discussion to be had, and that we want a wide discussion involving the community. So finally we have this report, and hopefully now we will be able to have some discussion.

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

PRESENTATION OF REPORT

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): I seek leave to make a statement, Mr Speaker, on the Allen Consulting Group report.

Leave granted.

MR HUMPHRIES: Mr Speaker, I just want to say very simply that the report has been tabled because of the concerns that Ms Tucker raised about the issue, and the desire of the Government to have this document on the table so that, when the motion that Ms Tucker has on the notice paper is debated tomorrow, members can see the background against which the Government made this decision.

I do not know whether anyone told Ms Tucker that I had not seen the report. This report has been to Cabinet. I have seen the report, and I do not know whether there is misunderstanding there. The fact is that this report is available in this form. It is tabled now so that the debate tomorrow can be illuminated.

JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE
Scrutiny Report No. 4 of 2000

MR HARGREAVES: I seek leave to present Scrutiny Report No. 4 of the year 2000 of the Standing Committee on Justice and Community Safety incorporating the duties of a scrutiny of Bills and subordinate legislation committee and seek leave to make a brief statement on the report.

Leave granted.

MR HARGREAVES: Mr Speaker, I present the following report:

> Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 4 of 2000 - Second Meeting of Chairs and Deputy Chairs of Primary and Delegated Legislation Committees, dated 28 March 2000.

A meeting of chairs and deputy chairs of Australian scrutiny of primary and delegated legislation committees met in Darwin on 14 and 15 February this year. It was hosted by the Northern Territory Subordinate Legislation Publications Committee. We enjoyed their hospitality very much. Mr Speaker, the meeting was attended by representatives of scrutiny committees from Australian States and Territories, except for the Australian Senate, which was sitting at the time and which was represented by the Secretary of the Standing Committee on Scrutiny Appeals.

Mr Speaker, essentially the resolutions that were agreed at the conference were to establish a formal system of national scrutiny of national scheme legislation. The meeting defined NSL - national scheme legislation - as any legislation which is enacted or made, or proposed to be enacted or made, in more than one Australian jurisdiction as a result of intergovernmental agreement. There were divergent views at the meeting but there was more agreement than disagreement. I will not go through all the resolutions - they are there for members to read in the report - but 2.1.(b) states that the conference agreed to:

> ensure that all Federal, State and Territory committees receive the earliest possible advice of any proposed or potential NSL and assign a staff member from each Committee for that purpose.

In essence, the meeting considered the issue of national scheme legislation and the lack of prior opportunity for scrutiny. National scheme legislation can be uniform, consistent or template legislation. Uniform or consistent legislation is copy legislation, where a jurisdiction may copy legislation from another jurisdiction in the interests of having uniformity across the States. However, uniform or consistent legislation is not dependent on the legislation from another jurisdiction, nor is there a total commitment to total uniformity.

Template legislation is where a jurisdiction enacts legislation which is dependent upon legislation from another jurisdiction. It may say, for example, such and such an activity is governed by the provisions in such and such an Act from such and such a State. This means that, when changes are made in the original jurisdiction's legislation through amendments passed in its parliament, those changes are automatically binding in other jurisdictions. The dangers here are that rules in one jurisdiction are governed by the citizens of another.

It is doubly so when the application of subordinate legislation comes into play. Subordinate legislation need not be passed through debate in a parliament. It is not always the case that provisions are disallowable. There is a movement away from template legislation. This became obvious at the meeting in Darwin.

I wish to acknowledge the support in Darwin of Mr Duncan, who was the committee secretary at the time, and also Mr Peter Bayne, who is a legal adviser.

Mr Speaker, the meeting was keen to look at our Interstate Agreements Act, which I had provided to the conference earlier in the piece – in about June 1999. The meeting informally congratulated the ACT on being proactive in scrutinising potential agreements between the States. I indicated that, as an individual member, I had received some advice from Ministers on potential agreements in such meetings as ministerial councils. Mr Speaker, what I did not tell the meeting was that, contrary to the Interstate Agreements Act, the ACT Government has not complied with the requirement for prior consultation with the Assembly scrutiny of Bills committee.

I would urge the Government to comply with these provisions. What in a sense this means is that, when individual members receive advice from a Minister that they intend to undertake an interstate agreement, that advice is also forwarded to the scrutiny of Bills committee or to the Standing Committee on Justice and Community Safety acting in that role. Then the Act will be totally complied with and we can get on with it.

The meeting was most productive. There is goodwill amongst the delegates to move towards appropriate consultation and scrutiny of national scheme legislation and possibly the scrutiny of treaties at a later date. Mr Speaker, I commend the report to the Assembly.

JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE
Scrutiny Report No. 5 of 2000

MR OSBORNE: I present the following report:

> Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 5 of 2000, dated 28 March 2000.

I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 5 of 2000 contains the committee's comments on four Bills, 24 subordinate laws and four government responses. I commend the report to the Assembly.

Just briefly, Mr Speaker, the report is quite a detailed one. There are some pieces of legislation within that report which I think the Government does need to look quite closely at. One in particular - the Cooperatives Bill - does have some quite significant problems. There appear to be some major problems with the Bill, so I would encourage the Minister - I am not quite sure which Minister tabled it; I think it may have been Mr Humphries – to have a look at that.

There are some comments in relation to I think the three government contracts pieces of legislation. I do not have a copy of the report in front of me, Mr Speaker, but from memory I think it may have been only a minor thing for Mr Moore to look at.

Mr Moore: He did all three together, Paul, remember? So it was hard to draw out which one they were applying to.

MR OSBORNE: That is right, yes. Finally, Mr Speaker, the Interpretation Amendment Bill also does have some issues which the appropriate Minister should have a look at. I would just like to thank Mr Hargreaves for filling in for me at Darwin. I think he is doing a great job in relation to scrutiny of national legislation. I will be encouraging him to continue to attend those meetings, as they do have the potential to put some members to sleep, Mr Speaker, but I commend the report to the Assembly.

LEGISLATIVE ASSEMBLY - NUMBER OF MEMBERS

MS TUCKER (4.00): I move:

> That this Assembly:
> (1) agree that the ACT community should have legislative control over the structure of their Legislative Assembly;
> (2) agree that the size of the Assembly should change in proportion to changes in the population of electors in the ACT;
> (3) agree that a ratio of 1 Member per 10,000 electors, as recommended in the Pettit Review of Governance of the ACT, is an appropriate ratio of Members of the Assembly to the number of electors;
> (4) agree that the Assembly should continue to have an odd number of Members; and
> (5) affirming the principles of the proportional representation (Hare-Clark) electoral system laid out in section 4 of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994;*
> requests the Chief Minister to –
> (1) undertake discussions with the Commonwealth Minister for Territories to achieve –
> (a) amendments to the *Australian Capital Territory (Self- Government) Act 1988* to devolve to the Assembly the power to determine the number of Members, or if this is not possible;
> (b) a regulation under section 8 of the *Australian Capital Territory (Self Government) Act 1988* to fix a different number of Members;
> with the aim of fixing the number of Members to be elected in the first election after 2001 as the largest odd number that is less than the number of enrolled electors at the time of the 2001 election divided by 10,000.
> (2) prepare an exposure draft of amendments to the Electoral Act 1992 to establish a process for determining the number of electorates and the number of Members per electorate for an enlarged Assembly, for consideration by the Assembly.

This motion is about starting up a process to expand the number of members in the Assembly. The Greens do not believe that this Assembly can continue ad infinitum with its current number of 17 members, a number set before self-government in 1989, regardless of the population changes that have occurred in Canberra since this time and the growing experience of problems that have arisen in the Assembly due to the relatively small number of members. Members here need to bite the bullet and start to examine the issue of the appropriate size of the Assembly to ensure the good governance of the Territory, even though this move may be unpopular with some people in the community who have a negative attitude towards politicians.

The Pettit review of the governance of the ACT was quite clear in its opinion that the Territory was underrepresented relative to the other States. It pointed out that in 1996 the ratio of the ACT population to the number of representatives was about 1 to 14,500 when the average ratio in Australia was 1 to 2,250 - in fact, over six times higher than average. More striking was the comparison with other small jurisdictions. The ACT ratio is 10 times higher than the ratio in Tasmania and over 50 times higher than that of the Northern Territory.

Of course, having more politicians does not necessarily imply that a place is better governed, but there are some specific areas where the number of members is an issue. A larger Assembly allows a more diverse range of members to be elected, including from currently underrepresented sectors of the community like women, and thus greater scope for constituents to find a member who may be able to assist them in a particular matter. There is likely to be a greater talent pool of members from the government side from which Ministers can be selected. It would also provide a greater number of backbenchers and non-government members to participate in the Assembly committees, thus making them more effective and spreading the workload.

Of course, there is no objective measure of the ideal number of representatives. Indeed, the current number of 17 was an arbitrary number. The Pettit review however concluded that a ratio of one member per 10,000 electors was a reasonable figure, which would maintain the original ratio when self-government started in 1989. Even with this increase, the ACT would still have a higher ratio than the Australian average.

The Pettit review was referred to a select committee, where a majority of the committee took the view that the arguments against an increase outweighed the arguments in support. I obviously do not agree with this view. Concerns were raised about the additional cost, with an estimate that four extra parliamentarians would cost $3m over a three-year term. However, given that the Government can find many more millions of dollars at the drop of a hat to support airlines or V8 car races, then I do not think this extra expense is a problem, and indeed it could be seen as a good investment.

The view was also expressed that the ACT is more compact and homogenous than other States and therefore the current number of members is more accessible. However, I think this view confuses physical accessibility with accessibility to a member who will be sympathetic to one’s concerns.

The main concern expressed by the committee appeared to be with the public perception of an increase in members rather than a rational assessment of the workload and responsibilities of members. There were concerns that self-government was still unpopular with some sectors of the community and that an increase in numbers would just increase the community cynicism of politicians - that they were just creating more cushy jobs for their mates. However, I believe the community's cynicism of politicians relates much more to their individual behaviour rather than the overall number of them. Improving the status of politicians is really a separate issue and I do not think that artificially restricting the number of politicians will do anything to improve this status.

My motion attempts to move on this debate by calling on the Chief Minister to work with the Federal Minister for Territories to give the ACT the legislative scope to increase the number of members. Under the self-government legislation we need to get the approval of the Federal Minister before we can do anything to increase the number of MLAs.

My motion puts forward a number of principles which should guide the decision on the expansion of the number of members. Most are self-evident, but of particular note is that I have suggested that we apply the ratio of one member to 10,000 electors. This is so that there is an objective measure to determine future numbers of members rather than setting up a situation of requiring an argument each Assembly on the number of members that may be appropriate in future Assemblies, with the accusations of self-interest that this may generate.

Similarly, I have suggested that the Assembly be expanded for the election after the election due in 2001. If we were to attempt to expand the Assembly for the next election, not only would this end up being a rushed job but also it would inevitably lead to accusations that the current members are seeking an expansion of the Assembly only to increase their own re-election chances at the next election.

The selection of the date on which the number of electors will be counted in order to apply the ratio is by nature arbitrary. I have suggested that this be the date of the 2001 election, given that the date of the election is already clearly fixed and there will be much effort around this time to get people enrolled. It is true that, with an increasing population, this will result in a smaller number of voters than the actual number of voters who will vote in the subsequent election three years later. But we believe it is better to err on the side of caution when increasing the number of members.

The second point in my motion addresses the issue that not only do we have to agree on an expanded number of members but also we need to determine the number of electorates and the distribution of members between them. At present the Electoral Act is fixed around the current system of 17 members across three electorates of 7, 5 and 5 members, so the Act will need to be made more flexible so that it can handle further expansions of the Assembly.

However, my intention with this motion is not to have debate now on the most desirable configuration of electorates, but merely to initiate an objective process for expanding the overall numbers of members in this Assembly. I think it is time to get started on this process rather than continue to regard any thought of expanding the size of the Assembly as a taboo subject.

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 25 November 1998, on motion by **Ms Tucker**:

> That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (4.08): The Government will be opposing Ms Tucker's Bill because it believes that the Bill does not add anything to the process. We worked very hard over the last two years, particularly throughout 1999 after the Ernst and Young review, to make sure that the process that we have is simple, is clear and delivers good planning outcomes for all Canberrans. What is being proposed here does not add to that at all. These amendments relate to two areas of the Act. The first is about minor changes to development application approvals. We need to understand that these development applications have received approval and the applicant is coming back for some minor amendment. It is not about a new process; it is not a new application. What they are applying for really has not been contentious. There are one or two examples of there having been some issue with minor amendments; but, in the main, this part of the Act has been working particularly well.

The amendments seek to impose new notification and approval requirements in relation to a minor amendment to something that has already been approved. That just does not seem sensible, Mr Temporary Deputy Speaker. Under Ms Tucker's amendments, notice of a proposed minor amendment would have to be given to any objector. The notice to objectors must set out the particulars of the amendment and advise that copies may be inspected for at least 14 days. Copies of the proposed amendment generally would be available for inspection during the 14-day period. The notice must also advise that objectors have 14 days to comment on the proposed amendment and that those comments will be taken into consideration in determining the application. The proposed minor amendment must not cause an increase to the detriment of any person or to the environment and notice of the minor amendment would be required to be given to an objector. That would add little to the existing practice, which requires notification of objectors. Objectors have been notified of minor amendments for some time and their comments are taken into account. But we are talking about minor amendments to something that has already gone through a full process to receive approval.

The proposed requirements relating to the inspection and notification of decisions ignore the fact that section 247 of the Act is about minor amendments and the process regarding objectors has been improved. It should be remembered that the practice changes also require that applications not be processed under section 247 unless they are minor. We have a process which says that it is a substantial change or an important change to the DA or it is not. That is already being done. I believe that it is being done quite effectively by the staff at PALM and they are working hard to make sure that there are no significant changes to any DA that has already been approved.

It is not possible to change the kind of development already approved or the effect of any condition on that approval. Therefore, the additional requirements of the amendments would not cause any decrease in detriment to the environment. The amendments seem unnecessary because we already have that through the formal process and then there is the decision on whether the proposed change is, in fact, minor. I think that the safeguards are there. I think that we would be adding more bureaucracy. I do not believe that the Bill adds anything to the planning process.

The other two provisions, clauses 5 and 6, relate to sections 276 and 282A of the Act, which deal with reviews of decisions under the Act. The proposed amendments remove from the sections all requirements that a person's interest be substantial and adversely affected. They are removing qualifications and providing for open slather on appeals, putting third party standing back into a position that existed before the post-Stein amendments in 1996, and then it was that a person must only have an interest that is affected. Ms Tucker's position was debated at that time and defeated. We believe that the provision has worked quite well since that time. I am not aware of any evidence to suggest that there is a need to move back to something that has been debated in this place many times as we now have a system that is working effectively.

The proposed amendment to section 276 would go on to change subsection (4), as well as removing subsections (5) and (7), which place conditions on the availability of third-party appeals. We would be taking out all those conditions. What would that do? What would happen to the regulations under subsection 229(8) which limit notification of an application to any person whose interests are affected so that they may appeal? There would be no need to be an objector. For instance, the existing exclusion of a situation where the Minister, having had an environmental assessment or an inquiry and substantially dealt with the subject of an appeal, could be removed. What would you get? You would have an outcome based on an inquiry or an assessment that had already been dealt with and the answer given, but when you went to the DA you could undo that answer simply by being able to appeal. We would get a circular argument where you would get an answer and use that answer to lodge a DA but, because somebody did not like the DA, they could undo the decision that allowed you to lodge the DA in the first place. Again, that would not add anything to the process.

It is important to note that subsections 276(5) and 276(7) would be removed. Of importance also - I bring it to the attention of members because we may well end up debating it tomorrow - is that the Land (Planning and Environment) Amendment Bill 2000, which is about some of the issues that have come out of the PALM review and is

currently before the Assembly, actually repeals subsection 229(8). It has a power in it to make regulations and that power has never been used. There has never been a need for it. It is superfluous, so we are going to get rid of it. Subsection 276(4) will become redundant and it is also being repealed.

The removal of conditions on appeals, particularly those relating to environmental assessments or inquiries, only serves to complicate the entire development process. It opens up appeals in circumstances where a public process has already resulted in a decision being made on the same subject matter. The environmental assessment process would become less useful as a result of that, and then it could be challenged again. I think that what is being proposed here is somewhat convoluted. I think that it takes us back to a position in time that we have already resolved. I think that it throws a lot of doubt on the planning process, rather than clarifying anything. It may have the effect of enabling those who simply wish to thwart any planning to object because of the removal of those qualifications which would allow those who have a legitimate interest in planning or are legitimately affected by development to appeal or to object. I think we would be throwing a cloud over planning in the ACT.

There is no reason for this change. The number of inquiries that I have on these issues has diminished, particularly over the last year, simply because we have worked very hard in PALM. I congratulate the directors of PALM on the work that they have done in making sure that the staff know how the Act works and making sure that they know how the process should work and can explain it appropriately to all those with an interest in these issues. We have been able to make sure that the planning process works smoothly for all.

The Government cannot support these amendments. There is nothing in them that adds to good planning. I think they would throw a cloud over good planning because they would open up everything for appeal. There are no qualifications on appeals. There is no reason for that. The ACT already has one of the most stringent planning regimes in the country. It is far tougher and far more organised than what happens in the majority of the States. I think that this Bill would cloud it even further. It would lead to uncertainty in the DA process and that would have a negative impact on the sort of good planning and the sorts of good planning outcomes that we want in the ACT. Mr Temporary Deputy Speaker, the Government will oppose this Bill.

MR MOORE (Minister for Health and Community Care) (4.17): I have risen on many occasions over the last 12 years or so in support of this sort of legislation, but I have to say that it is getting harder to do so. The reason it is getting harder is, as many of us are recognising, the significant improvements in PALM. I think it is appropriate to put that on the table. Those improvements are counting in many ways. So, when we make a decision on balance between the efficiency of the planning system on the one hand and the accountability and the rights of people to appeal on the other, it is a bit more interesting for us to decide exactly where the line goes.

On the one hand, we all want to be able to say that it is time for us to redevelop our house by putting on an extension or doing something to that effect and we want to have a nice, efficient way of dealing with the bureaucracy. On the other, we want to be able to say that it is reasonable for people to be able to appeal. I have to say that one of the things that have been particularly effective in improving our planning system is the appointment of the Commissioner for Planning. I think that that has had a major impact on seeing the system as having a fair arbiter, particularly because he is from New South Wales.

Mr Corbell: It shows what you can achieve with independence.

MR MOORE: And he has an element of independence, as Mr Corbell says. He may well be even more independent shortly. In making a choice between those balances, I have decided to support the Bill in principle, but I must say that I will have some difficulty in supporting clause 4, which is headed "Minor amendments". I will speak about those first. We are speaking now about a position where a development proposal has been considered, people have had the right to object, the development proposal has been approved and the person doing the building has found need for an amendment on some minor issue - the positioning of a window, a slight variation to the roof line or something like that. In the vast majority of cases, those changes have been handled successfully. I am aware of some cases where they have been handled poorly by PALM, but not many. In making my comments here, I would like to say that if there were a growth in the number of such approvals that were inappropriate, I would be happy to reconsider my position on this matter. But at this stage, considering the efforts and improvements made by PALM, I am prepared to oppose this part of the legislation. That is where I have fallen down the line on this one.

I have fallen down the opposite side of the line on the second part of Ms Tucker's legislation - that is, the review process - but exactly the same thing applies. In this case the onus of responsibility will not be with PALM; the onus of responsibility will be with community members generally, ordinary citizens. Mr Smyth claims that there will be a number of vexatious claims. I do not think that there will be, but if there were to be an increase in the number of vexatious claims I would be prepared to reconsider that as well. Interestingly enough, they will not be just from community groups and citizens. In fact, as I see it, the vexatious claims are more likely to be from one developer trying to restrict the development opportunities of another developer. They are the ones that I have seen more commonly. They are the ones that I am much more nervous about because those claims really are vexatious.

I think it is worth keeping in mind that the AAT retains the power to dismiss vexatious objections. You still have to get them through to the AAT and, with the legislation in its current form, it is less likely that such vexatious issues will come forward because it is quite clear that they will be dismissed fairly easily. I am saying that I am prepared to support this part of the legislation but, once again, I will be keeping an eye on that. If there is an increase in the number of vexatious objections, objections of the sort that Mr Smyth is concerned about, I will be ready to take a different view from the one I have had for the last 10 or 12 years and say that this simply is not necessary. I say that

because, generally, the system has worked very well in this respect over the last 18 months. I am still concerned that there have been circumstances where people who wished to appeal and who had reasonable reasons for doing so have not been able to appeal, although there has not been a substantial and adverse impact.

I will be supporting the legislation in principle. I will be opposing clause 4, which relates to minor amendments, and I will be supporting the most important part of it, which is the review process in terms of what is a substantial and adverse effect. But in both cases I have put a caveat on my support, saying that I will be monitoring the impact.

MR CORBELL (4.23): Mr Temporary Deputy Speaker, the Labor Party will be supporting this legislation today. Firstly, I wish to respond to some of the comments of Mr Moore, particularly those in relation to the improvements he has seen in PALM. There is no doubt that we have seen in PALM a far greater focus on getting the process right and getting the administrative requirements of working through a development application right. That certainly is to be commended. But Mr Moore omitted to mention that we have seen at the same time significant budget cuts to PALM that have diminished considerably its capacity to provide strategic planning advice to the Territory and its capacity to process development applications adequately within the statutory timeframes. Yes, we have seen positive efforts made to improve the technical efficiency of officers and their ability to streamline the processing of development applications. At the same time, the Government has deliberately undermined the efforts to achieve a better outcome by imposing significant budget cuts on PALM, not only in the strategic planning area but also in the development applications area. We really have a double-edged sword there as far as the actions of the Government are concerned.

The Labor Party is of the view that there is an increasing level of unease in the community in relation to approvals, particularly those approvals which have been deemed to be for minor amendments. My office in particular is receiving an increasing number of complaints about certain development applications and minor amendments which have been approved and which residents feel have had a very significant impact on their amenity, but they have not been able to have any effect on the outcome. That is really the question here, Mr Temporary Deputy Speaker: Do we enable people in the community to have an impact on the form that their suburb, the community in which they live, is taking shape? Do we allow them to have a say? Do we allow them to have an ability to influence the outcome? Ms Tucker's Bill gives people in the community the ability to influence the outcome in a way that is currently not available. What the Government is saying and what Mr Moore is saying is that they are not going to allow the community to be able to have a say and influence the outcome for the area in which they live.

This argument is not just the technicalities of the Land Act. It is about the philosophy you bring to a planning policy and to planning legislation. It is an argument about whether people have a direct and vested interest in making sure that the communities in which they live are not changed in ways in which they are unable to influence the decisions. It is about making sure that people in those communities do have the capacity

to influence those outcomes. Planning is a public activity. It is perhaps one of the most important of all public activities a government undertakes. Important principles of urban governance require that our processes in relation to land management and therefore development applications be democratic and provide for people to have a clear and open say on what occurs in the urban area in which they live. This is not a radical change, but it is a change which will give that opportunity to those individuals who are currently excluded from the capacity to make a comment and to object to something if it does impinge on their amenity.

We are seeing right round Australia a reaction against governments which have advocated proposals that have restricted and downgraded the community's capacity to influence the decisions that affect the shape and nature of their cities. This legislation is a small step towards trying to redress the balance. It would be unwise of members of this Government and others who choose not to support this legislation today to downplay the significance of the reaction against the loss of community control on planning legislation and the shape and nature of our cities. This legislation - certainly from our analysis of it; I should stress that I have spoken with representatives of industry as well as, obviously, people who are directly concerned with seeing this type of process put into place - does provide for a very important step towards allowing people to regain control of the shape and nature of the suburb or the area in which they live; so we will be supporting the legislation in total.

The other point I wish to make is in relation to clause 5 of the legislation, which is about a very important principle that, again, goes to the very heart of saying that people should have the capacity to influence the shape and nature of their areas. By removing the words "substantially and adversely affected by a decision", we are allowing for what is generally called open standing. I do not subscribe to the view that, just because you do not live immediately next door to a development, you have no interest in it. That is, I think, a fundamentally flawed view of the world because it tries to compartmentalise people and divide them into areas by saying, "If you live in this part of the city, you have no interest in what happens in this other part of the city".

As I said before, planning is a public activity. We are all citizens of this city. We all have an interest in what occurs in this city. To compartmentalise people and say that they can comment on certain things but not on others is really to undermine a citizen's fundamental democratic right to be able to have a say and influence the direction that their city takes. It may appear on the surface to be a small change, but it has significant implications which go to the heart of the sort of philosophy you bring to the planning debate.

I do not accept the arguments that this change would lead to a clogging up of the appeal system. I do not accept the arguments that it would lead to a situation where the legislation and the appeals mechanism would be unworkable. If this parliament decides that this is the most appropriate way of allowing people to have their say in relation to development applications, it is incumbent upon the Government to make sure that it is properly resourced. I do not accept for a moment the argument that we are going to have PALM officers spending more time on these sorts of issues, appeal issues, than on

trying to assess development applications that need more detailed consideration. It is not an either/or choice, Mr Temporary Deputy Speaker. The Government should not present it to this Assembly as an either/or choice. It should accept that, if the Assembly makes a decision on how appeals should be handled, it has to make sure that that system works effectively and efficiently. That is why it is in government and that is why we have the role of determining the policy direction through legislation.

As Mr Moore pointed out, vexatious complaints can be dealt with in a number of ways and there is a capacity for various tribunals and other decision-makers to rule out appeals on the ground that they are vexatious, but I do not think that we will see an enormous number of them. I really do not accept that. I think that most people take a sensible approach to the planning debate and are prepared to contribute and to give and take in discussions on development applications and, for that matter, other planning issues. There are always people who are going to take a less consultative approach, a less negotiated approach, but the response to that approach is not to say that we will not allow them to participate in the appeals process. The response to that is to say that we will have independent decision-makers determine whether they have a valid case. The way to address the appeals process is to have independent decision-makers. This legislation is a small but important step in returning to the community its capacity to have a direct say in the form and structure of the city in which we live. For that reason, the Labor Party will be supporting it today.

MS TUCKER (4.33), in reply: I wish to respond to a few of the points made by Mr Humphries to begin with. First of all, he has rejected our amendments - - -

Mr Moore: Do you mean Mr Smyth?

MS TUCKER: I am sorry, Mr Smyth. Mr Humphries has spoken about this matter and I wish to quote him. That is probably why I said his name. Mr Humphries did speak about the minor amendments when he was the Minister responsible for PALM. He acknowledged in the Assembly that the issue concerning minor amendments had not been handled well by PALM. He said:

> ... it was unwise of PALM to amend the original approval without going back and talking to the original objectors. It was apparently within the power of PALM to make the decision, but it was, I think, unwise to make the decision without having consulted with those who were clearly stakeholders in this matter by virtue of their objection to the original building height for the proposed structure. I have indicated to PALM that this should not recur...

Our legislation is attempting to ensure that it does not recur. Mr Smyth says that approval has been given and the amendments are only minor; therefore, there is no point to it. We are putting up this Bill because it is clear that there is a point to it. It is because some minor amendments have had a significant impact on neighbours. Huge discretion resides in PALM and the process is closed. The fact that it is closed and secret is of concern to the community as it can see that the discretion exercised by PALM in this

regard can have a major impact on neighbours. In fact, the one that I spoke about when I tabled this legislation was on the issue of height. The minor amendment almost took the height back to the one originally objected to, which would have had a significant impact on solar access. There is an issue here about the process being open. It is perfectly reasonable that it be open. If you want the community to have confidence in the planning laws in Canberra, you will support this proposal.

The other aspect of our legislation is about whether you should have to prove that you are going to be impacted upon substantially. The thing I find a little ironic about this argument is that you really cannot win in this town if you do not like a particular development. If you live next door and you object, you are called a nimby; you are described as a selfish person who only cares about his or her own backyard. The Government is saying today that it will not allow someone with broad community or public interests at heart to make a comment. You are going to get into trouble for that as well from this Government, whose approach is: "What business is it of yours?". The business of it is, as Mr Corbell said and, I think, Mr Moore said, that there are people who love this city and who do have a broader interest in what is happening in the development of this city.

There are organisations which spend a lot of time, quite often voluntarily, working to ensure that the integrity of our beautiful city is maintained and is not let go by a government that is a bit too keen to support the development lobby and a bit too concerned about not offending it. The point is that the developers can come into the ACT, make a lot of money and go, but we are left in this city with the result of that, so we want to see long-term concerns taken into consideration in planning. If you are living next door to a house which has been extended to the point where you have lost sun in your backyard, you will have to live with that for the rest of the time that you live in that property and the next person to buy it will have to live with it after that. It is just about being cautious and careful about how we allow development to occur. As I have already explained, we have people in the community who have broad public interests in mind when they make statements about development and we should support their ability to do so.

Mr Smyth puts out the line that there would be a big influx of appeals, everything would get clogged up and it would all be really worrying. I did put a question on notice about exactly how many appeals were lodged when we had a situation similar to the one I am trying to introduce now. The figures are very interesting. For the period from 1 January 1996 to 31 December 1996, 71 appeals were lodged by proponents, eight by organisations and 25 by individuals. We had a total of 104 appeals and 71 of them were from proponents. Twenty-one of the 25 individuals lived in the same suburb. For the period from 1 January 1997 to 31 December 1997 there were 77 appeals. The majority of the appeals, 48, were from proponents, nine were from organisations and 20 were from individuals, 18 of those 20 appeals being from the same suburb.

I do not believe that it is a true reflection of the situation where we had a greater availability of appeal mechanisms to say that we are going to have chaos in planning. It is really just about good planning and respecting the fact that people in the ACT do care

about what happens in our city. Certainly, we want to support appropriate development and developers will continue to make money in this town, but we want to point out clearly that we want a say in what is appropriate because, as I said, we have to live with the result of the development.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR OSBORNE (4.40): I will be supporting the legislation, but I am concerned about some of the things that Mr Smyth has said and I intend to watch very closely what happens when this legislation is in place. If Mr Smyth comes to me and proves that the new regime - - -

MR SPEAKER: Mr Osborne, are you giving an in-principle speech in speaking to clause 1, because it would be better if you were to do so at the end of the debate?

Mr Moore: We will give him leave.

MR SPEAKER: Is leave granted for Mr Osborne to make a statement in relation to the principles of the Bill? There being no objection, leave is granted.

MR OSBORNE: I apologise, Mr Speaker. As I said, I will be supporting this legislation, but I intend to watch what happens with the implementation of the legislation. If the Government can prove to me that it has brought about the end of the world as we know it and the system is being abused, I will come in here the following week and right the wrong. In principle, I have no problem with the proposal and I have indicated to Ms Tucker that I will support the Bill, but it is with that proviso hanging over it.

Clause agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4

MR MOORE (Minister for Health and Community Care) (4.42): I indicated earlier that I would be opposing clause 4 and I still intend to do so. I would perhaps use the opportunity to explain to Mr Osborne particularly why it would be consistent with his approach to oppose this clause. There are times when minor amendments need to be made after somebody has been through the process of getting approval as people who

have had building work done would know. Indeed, having done an owner/builder extension to my own house, I know that there are times when you start building something and you find that you need to make a minor modification. The difficulty with this matter is that there is a judgment now about how much impact that would or would not have in terms of the building, but having to go through the processes outlined here would mean that there would be a significant delay and as soon as that occurred the whole project - how you have designed it, when you have people coming in and so forth - would be delayed significantly.

Ms Tucker: But it would be there for the next 30 years.

MR MOORE: Yes, we know that it would be there for the next 30 years, but we have already been through a process whereby we have consulted with the neighbours and they have agreed to something. We are talking about minor amendments, and there is a judgment about what is minor, that - - -

Ms Tucker: Considered behind closed doors.

MR MOORE: Indeed. Ms Tucker, that is why I have said that if this provision is not used properly, I will be happy to review it; but it seems to me that there has been a significant improvement in how PALM has handled this issue. Therefore, I think it is appropriate for us to say, as Mr Osborne has said that we should do, that we will keep monitoring what is going on in this area to see that PALM is ensuring that the changes are minor. Certainly, I have said to the Minister that I am very serious about this matter and that, if he wants the legislation not to have this section in it, he and the department have to ensure that they are talking about just minor amendments, not amendments that have a significant effect, and that remains. I think that it is appropriate to leave the warning said and not to support this clause. That is why it is that I will be opposing this clause.

MR CORBELL (4.44): Speaking to this clause, Mr Moore's argument is not as strong as he makes it out to be. The simple fact is that Ms Tucker has already outlined to this place the levels of appeal that we have seen when open standing has been in place, as it was prior to the amendments of 1997.

Mr Moore: No, that applies to clause 5.

MR CORBELL: I understand that it relates to clause 5, but the point I am wishing to make is that there we have seen the type of response there has been when people have been given the capacity to have a say. When they have been given the capacity to appeal a decision, we have seen that the impost has not been significant. Let us relate that to what we are being asked to consider here, which is a provision to allow people to appeal against a minor amendment. I think you will see a similar situation to that outlined by Ms Tucker in relation to clause 5. You will see a small number of people appealing against minor amendments. In most instances, people will be prepared to accept that the minor amendments are entirely reasonable; but there may be, probably will be, situations where those changes, whilst technically minor amendments, could be seen to

have a significant impact either on the amenity of an immediately adjacent residence, a neighbour, or on the suburb overall. Therefore, there is absolutely no reason why you should simply say, "We are going to allow open standing, but not in relation to these amendments".

People have a right to say, "That is going to have a significant impact on my quality of life. That is going to have a significant impact on my home". The point Ms Tucker makes is correct. Whilst we talk about the amendments being minor, they may not be minor in any regard for the person who has to live with them for the next five, 10, 15, 20 or 25 years. Today, we are being asked to consider whether we should allow those people to have a say and appeal against them and let the matter be decided by an independent decision-maker. That is what we are asking for today. It is not an unreasonable ask. You are prepared to accept the argument in relation to clause 5 that the number of appeals is not going to be significant. The same argument applies in relation to this clause.

MR SMYTH (Minister for Urban Services) (4.47): Mr Speaker, much work has been done on this matter. I was pleased to have the acknowledgment of both Mr Moore and Mr Corbell at the introduction of their speeches that PALM has done much over the last couple of years to make sure that this provision works effectively and appropriately. If the amendment is not minor, it is subject to further approval. There is a judgment to be made here. The PALM staff are qualified to make that judgment. The improvement in the process over the last couple of years has been quite outstanding, quite extraordinary, and the staff are to be congratulated on the way that they have handled it. All this clause will do is place another hurdle where it is not required. The Government will oppose clause 4.

MR MOORE (Minister for Health and Community Care) (4.48): Mr Speaker, I would like to add one other thing in response to Mr Corbell's comments. I think it is worth reminding members about what we call minor amendments. If you want to build a pergola - I think we refer to them as class 10s - you can actually do so with no planning approval at all.

Mr Corbell: Within certain constraints.

MR MOORE: Within certain constraints. There are things we do already that are done as minor changes. Once again, this operates within certain constraints and still requires the approval of PALM, except that what we are doing here is quite possibly stopping work going ahead for well up to a month for a minor issue. I think we have to be very careful about doing that while the process takes place. I do not see that we have need for a situation to be available for people to stop somebody's building work proceeding for a month over a minor matter when it is quite possible that a neighbour who is quite vexed about the building work has been through a process that has allowed for broad approval. I have made it very clear that we would want PALM to look at these matters very carefully, but there is no indication that they have not been doing so within the last 12 months or so.

MS TUCKER (4.49): Mr Moore has just introduced the element of vexatious claims. I think I just need to repeat what I have already said. There is obviously a mechanism in the AAT to deal with those matters and they are dealt with pretty quickly. The real argument from Mr Moore seems to be about what is minor. My whole argument is that what is minor to one person may be quite major to somebody else and that the process is conducted behind closed doors. It is perfectly reasonable for the neighbour to know what PALM considers to be a minor amendment and to have the opportunity to object if they are concerned about the impact on their residence or block as a result of that so-called minor amendment. The example I have given - I have already gone through it, so I will not repeat it - shows that, clearly, that has happened. This is just about making the process open. It is highly unlikely that we would have a flood of appeals over it. People are reasonable and there are mechanisms to deal with vexatious complaints.

MR CORBELL (4.51): Mr Speaker, I wish to respond to some of the comments made by Mr Moore. He presents two arguments. The first argument he presents is that the application has already been approved and the change is only minor. Yes, the application has been approved, but it was approved on the basis that the minor change was not in it; so you are introducing a new element to what is being approved. Once that occurs, the question is open as to whether the impact is significant. As Ms Tucker says, we are really arguing for the neighbour who feels that it will have a significant impact on their amenity to have the right to appeal against it, to have the right to object to it and to have the issue resolved by an independent decision-maker.

That brings me to the other point Mr Moore made, which was that it takes time. Yes, it may take time, but we have to look at comparative lengths of time. It may take time to get the appeal resolved, but the alternative in the current situation is that it just occurs and the neighbour lives with it for a lengthy period or sells. That is the choice that we are being presented with here. I think it is unreasonable to use the time argument, firstly, when you compare it with the consequences of the current situation whereby a neighbour just has to put up with it or leave the house. Secondly, if there is a problem with the processing of appeals, the way to address that is to better resource the appeals process, not to deny people the right to appeal.

MS TUCKER (4.52): I want to clarify something I just said. After I said it I thought, "No, we are talking about the minor amendments here". Obviously, these appeals would not be going to the AAT. We did not go that far in this legislation. There would just be an objection going back to PALM. All that this provision is doing is making the situation more open when there are minor amendments. Literally, that is all it is doing. It is still leaving the matter with PALM. It is just opening up the process so that there is an opportunity to express a concern if a so-called minor amendment does not seem to be minor to the person living next door or wherever.

MR SMYTH (Minister for Urban Services) (4.53): I will finish with one point. Ms Tucker says that an objection would not lead to the AAT, but it could. An objection must go to the commissioner. That decision is appealable to the AAT and ultimately could end up in the Supreme Court.

Mr Moore: Unless you call it in.

MR SMYTH: Unless it is called in, as Mr Moore says; so it is not quite accurate to say that it cannot end up with the AAT.

MS TUCKER (4.54): I acknowledge that, but I missed a step in it and I think that there is a need to be clear on the processes, particularly those members who have not made up their mind here. We would not want to remove that right.

Question put:

> That clause 4 be agreed to.

The Assembly voted -

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

Question so resolved in the negative.

Clause negatived.

Clause 5 agreed to.

Clause 6 agreed to.

Title agreed to.

Question put:

> That this Bill, as amended, be agreed to.

The Assembly voted -

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

Question so resolved in the affirmative.

Bill, as amended, agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

ACT Arts and Crafts

MR WOOD (5.00): Mr Speaker, members, a little while a go - a year or so ago - the Chief Minister had the very pleasant task of launching a book that said a small amount about a lot of very good artists in the ACT. It was done across the way there. It was a very good book. The book I have here is one that I think has been sent to all members. It has not had an official launch. It is a book from Craft ACT. It is an excellent publication. I cannot tell you just how many crafts people are represented in it – 50 or more.

Ms Carnell: The scarf's in it; the one we gave the Queen.

MR WOOD: Yes. I wanted you to check my memory on that, because I think it was Jennifer Robertson who provided the scarf that was presented to the Queen.

Ms Carnell: And that's where we got it from - by finding her picture in there.

MR WOOD: The Chief Minister and I are making a very good claim here. Members should attend to this. These are fine crafts people. If you are looking for a present for a spouse, a parent, any relation or anybody or if the Government is looking for gifts - - -

Mr Berry: For us.

MR WOOD: Mr Berry, I think you would do very well to look at this. There is some craft here that your spouse would love. I do not think I need to, but I want to say to members: Do not just put this in the bottom drawer somewhere or put it in a shelf; keep it as a ready reference. When there is a purchase to be made, this is the book to use.

Speaker's Ruling

MS TUCKER (5.01): I will take the opportunity in the adjournment debate to comment on something that happened yesterday. I was not very happy with a vote of mine and I want it on the record. I am sorry, Mr Berry, but I did support Labor on the motion related to standing orders 202 and 203. You, Mr Speaker, made a ruling. I was not in the chamber at the time. When I came in I did not understand quite what had been debated. I regret that because I think it is important to respect the rulings of the Speaker. I am just saying I was wrong and I acknowledge it.

MR SPEAKER: Thank you, Ms Tucker.

Draft Budget

MR QUINLAN (5.02): Mr Speaker, in relation to the debate on the draft budget, I just wanted to respond to some of what was said today in question time, particularly in relation to health. Just to reduce it to the essence - I am sorry I did not bring my books down with me because I came down in response to the bells; I did not know the house was going to adjourn straight away, but I think I can remember the figures well enough - the draft budget shows an increase in government expenditure of about $7m over the anticipated result for the current financial year. Is that right?

Mr Moore: It is $7.092m.

MR QUINLAN: The same page of the budget shows that gross expenditure on health will be about the same, about $396m. That is, I think, on the same page. It also states in the budget that, in order to cater for growth in the need for services, we need to spend an extra $5m. It also states that we need to expend about a further $4.5m - $4.4m or something, $4.3m maybe - to cover inflation. A quick mental sum says we are going backwards already. In real terms we are spending less because you need to spend $5m to cater for real growth. You need to spend $4m for price inflation.

Mr Moore: Add them together.

MR QUINLAN: Nine and a half. You have only increased the budget overall by $7m in gross terms. In gross terms you have gone backwards. That is the whole point of what was said in here. You are spending less, you have got to provide more services at a higher price. You are spending insufficient money to cover both the increase of those services - - -

Mr Humphries: Why are we spending insufficient money?

MR QUINLAN: Because overall you have gone up by only $7m. I will cease at this stage because I am incurring the Speaker's displeasure. In summary, you have increased, over the current year, $7m. You have clearly stated you need to spend $5m on additional demand for service. You need to spend an extra $4.5m just to cover price indexation. That is over and above; it exceeds the $7m increase.

Draft Budget

MR MOORE (Minister for Health and Community Care) (5.05), in reply: It is a great shame, Mr Speaker, that Mr Quinlan does not look at those figures, including the gross figures, more carefully, as I explained them particularly carefully yesterday in the debate. As he correctly says, there is price indexation and there are growth needs. We have actually put in that extra money - the $4.259m, the extra $5m. Mr Quinlan said earlier that you take one from the other. That is wrong and that is the most important thing the Treasurer said today. That is what was quoted in both your press release and also the statement that you made. In fact, in both the words are the same. You said, "the claimed injection of funds is no more than price indexation. The claimed increase for 2001 is $5.11m while inflation is estimated at $4.25m, and this leaves precious little for growth in demand" - except that is what the money is. That is what the $5m is, let alone service improvement. We are putting the money in, Mr Quinlan - - -

Mr Quinlan: No, you're not; you are only putting in an extra $7m.

MR MOORE: That is the whole point, which is why you made an $8m mistake. But if you want, Mr Quinlan, we will provide for you a briefing in writing to make it really clear to you.

Mr Quinlan: I have seen the one that's been forcefed to the media already, thank you.

MR MOORE: If you do not want it, we will not give it to you.

Question resolved in the affirmative.

Assembly adjourned at 5.06 pm.