DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

30 March 2000

Thursday, 30 March 2000

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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.

TERRITORY SUPERANNUATION PROVISION PROTECTION BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.33): Mr Speaker, I present the Territory Superannuation Provision Protection Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I am pleased to present today to the Assembly the Territory Superannuation Provision Protection Bill 2000. It could be subtitled the "Keep your grubby hands out of the cookie jar" Bill, because it is about making sure that no government of any persuasion in the future will have the capacity to be able to dip into the Territory's superannuation provision to fund short-term political or other concerns. I am hopeful that members of the Opposition appreciate the importance of this piece of legislation in offering that protection to the future citizens of this Territory against the deprivations of possible future governments.

The Bill gives effect to the Government's commitment to ensure that moneys set aside for superannuation funding may only be used for that purpose. The significance with which the Government regards this issue is demonstrated by the drafting of separate legislation rather than an amendment of existing legislation. As a result of the Government's successful financial management, more than $710m has been set aside to provide for future superannuation liabilities. This Bill will ensure that these funds are available when these liabilities arise and are not squandered by future governments on short-term political gains.

The Territory Superannuation Provision Protection Act will establish a new reporting entity. The chief executive of the superannuation department will open and maintain at least one banking account to receive superannuation appropriations, employer

contributions and the interest earnings from superannuation investments. All moneys held in the existing Superannuation Provision Account will be transferred to the new account.

Mr Quinlan: Thirteen months is not bad for you, Gary.

MR HUMPHRIES: I know you are embarrassed, Mr Quinlan, but there is no reason to be shouting out. Moneys appropriated for superannuation in future budgets will be clearly identified as being for superannuation and will be paid to the new account. The moneys received by the superannuation banking account may only be used for superannuation purposes, and at least one superannuation banking account must be kept open. Closure of the superannuation account or diversion of funds for other purposes would be contrary to this legislation. A future government proposing such a course of action would be required to gain the support of this Assembly to amend the law.

The Bill provides for consequential amendments which will ensure the new superannuation protection arrangements operate consistently with the Financial Management Act 1996. The changes will take effect from 1 July 2000.

I announced to the Assembly on 29 February that the Government will adopt the recommendations made by Bernie Fraser regarding the management of the Territory's investments and borrowings. The major initiatives are the creation of a Finance and Investment Advisory Board and the creation of a Finance and Investment Group within the Department of Treasury and Infrastructure.

The Finance and Investment Group will integrate the existing investment roles of the Central Financing Unit and the Superannuation and Insurance Provision Unit. The group will be responsible for the management of over $1 billion of the Government's financial assets as well as approximately $800m of debt.

In line with Mr Fraser's recommendations, the Finance and Investment Advisory Board will comprise three outside members with skills in financial market operation, public sector financial arrangements and corporate governance. The Under Treasurer will be an ex officio member of the board.

The objectives, guidelines and procedures for the investment of superannuation moneys managed in accordance with the new requirements of the Territory Superannuation Provision Protection Act will be reviewed by the advisory board. Any superannuation management guidelines issued by the Treasurer under the Act, including those relating to investments, will be disallowable instruments under the Subordinate Laws Act 1989. The board will provide valuable assistance in ensuring that the Government's financial assets are protected in a prudent and effective way.

The provisions in the Territory Superannuation Provision Protection Bill are a further demonstration of the Government's commitment to the financing of superannuation liabilities as part of its ongoing track record in responsible financial management. This Government has managed the difficult financial pressures on the ACT since we were elected in 1995. We have brought forward a draft budget which proposes eliminating the operating loss, for the first time since self-government. But we do that while also

setting aside money for the provision of superannuation for our employees and setting money aside at a greater rate and on a greater scale than any previous government in the ACT. We do not intend for our work to be undone by a future government, of whatever persuasion, interested in short-term political gain rather than long-term management of the Territory's liabilities.

Mr Speaker, when the present Premier and Treasurer of Victoria came to office, he made some comments on the superannuation provision put aside by the former Liberal Government of Victoria. He expressed a view - a rather ominous view, I would have thought, as the Premier and Treasurer of Victoria -that the former Government had made an overly generous provision for superannuation in that State; that the public of Victoria had been conned by the former Government putting money aside on that scale for superannuation.

Mr Speaker, I am deeply concerned lest such a view ever be expressed by a Treasurer in the ACT, at least while the magnitude of the ACT's unfunded superannuation liability is so large, and I believe it is important for a clear ring fence to be built around the Territory's superannuation investment to ensure that this community's investment in that asset is protected and maintained. I am sure, given the comments from the Opposition today, that this measure will be supported warmly by the Assembly in its desire to make sure that the investment made by this community on behalf of the community is protected into the future. I commend this Bill to the Assembly.

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

FIRST HOME OWNER GRANT BILL 2000

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

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I am pleased to present the First Home Owner Grant Bill 2000. This legislation introduces the first home owner scheme, which provides grants of $7,000 for eligible applicants. The scheme will come into effect on 1 July 2000. The first home owner scheme grants are provided to assist first home buyers to offset additional costs associated with the introduction of the goods and services tax. Grants are not means tested.

Under the Intergovernmental Agreement on the Reform of Commonwealth-State Relations, all States and Territories are required, in return for GST revenues, to fund and administer a new uniform first home owner scheme. This Bill largely mirrors legislation

being introduced by each State and Territory to implement and administer the scheme. Indeed, Mr Speaker, all state and territory jurisdictions cooperated in the development and drafting of a generic First Home Owner Grant Bill which provided the basis for the final Bills being introduced by the various state and territory governments. While each jurisdiction has modified this generic Bill to reflect local administrative practices, the core elements of the Bill - the eligibility criteria and entitlements - are uniform across all jurisdictions. I remind members, Mr Corbell in particular, that that means that in Labor States these provisions will be applied from 1 July to contracts signed on or after 1 July 2000.

Mr Quinlan: I suggest that you incorporate your speech in *Hansard,* as agreed.

MR HUMPHRIES: I am going to incorporate some later speeches in *Hansard.*

Mr Berry: No, not anymore you are not. You are going to read them all. You cannot be picky and choosy, old son. The deal was - - -

MR HUMPHRIES: Sorry, we said we wanted to - - -

Mr Berry: The deal was that they would all be incorporated, and now you are being picky and choosy.

MR HUMPHRIES: No, that was not the deal. Who got out of bed on the wrong side today, Mr Speaker? These first home owner scheme grants become available for eligible applicants as from 1 July 2000, the same date that the goods and service tax is introduced by the Commonwealth. Grants will be available to genuine first home owners who contract to purchase an existing home, buy a house/land package or, in the case of owner-builders, commence construction of their first home on or after 1 July 2000.

An applicant must have title to the property or gain title as a result of the transaction in question and intend it to be their place of residence. To obtain the grant from the ACT, the property must, of course, be in the ACT. An applicant is entitled to only one grant, either individually or in partnership with one or more other persons.

The Bill will be administered in the ACT by the Commissioner for ACT Revenue and her office. The Bill provides for cross-border investigations and, where appropriate, these powers will be used to ensure that fraudulent claims are identified and dealt with.

Mr Speaker, in conclusion, this Bill introduces a scheme which will be of considerable financial assistance to genuine first home owners and will also help ensure that activities in the building industry are not being adversely affected by the introduction of the goods and services tax. I commend the Bill to the Assembly.

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

FINANCIAL RELATIONS AGREEMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.45): Mr Speaker, I present the Financial Relations Agreement Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

This is a Bill to implement certain measures to reform Commonwealth-State financial relations, as agreed by the Commonwealth and all States and Territories in June last year. The agreement, known as the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, or IGA, is set out in the Schedule to the Bill. The IGA is part of the Commonwealth's national tax reform package, which includes introduction of a GST from 1 July 2000.

Mr Speaker, on 15 April 1999, following the Premiers Conference, the Chief Minister advised all members of this Assembly of the signing of the IGA. Then on 12 July 1999, following the release of the revised agreement and as required by the Administration (Interstate Agreements) Act 1997, the Chief Minister referred the signed IGA to all members by attaching a copy of the agreement to a letter of advice.

The agreement sets out those aspects of the Commonwealth tax reform package which directly impact on the States and Territories. Under the agreement, the major change in Commonwealth funding arrangements is that, commencing 1 July 2000, all of the GST revenue will be passed to the States and Territories, replacing financial assistance grants as the major component of Commonwealths grants.

The GST will also compensate for the cessation of a number of state and territory own-source taxes. In addition, States and Territories will fund a first home owners scheme. The Commonwealth undertook a commitment to ensure that the financial position of each State and Territory would be no worse off than under the current arrangements, with the Commonwealth funding any shortfall through guaranteed minimum amounts.

Mr Speaker, the Commonwealth has demonstrated its commitment to the agreement by its attachment of the agreement as a Schedule to the A New Tax System (Commonwealth-State Financial Arrangements) Act 1999. In the same manner, the States and Territories are to demonstrate their commitment by the attachment of the agreement as a Schedule to relevant state and territory legislation. This was seen as an appropriate way to secure endorsements for the state and territory parliaments.

Mr Speaker, in conclusion, this Bill is a statement of the intention of the Australian Capital Territory to comply with, and give effect to, the IGA. It is one of the steps in the process of implementing the national tax reform agenda, with significant benefits to the ACT in the long run.

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

ELECTRICITY AMENDMENT BILL 2000

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

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave not granted.

MR HUMPHRIES: I note that I had the Opposition advised that we would be seeking to have some of the presentation speeches incorporated in *Hansard*.

Mr Hargreaves: No, all of them.

Mr Quinlan: You cannot be selective, just to have your little day when you want it.

MR HUMPHRIES: I might pose the question: What is the problem with incorporating some and not others?

Mr Corbell: You do not get to pick and choose. It is all of them or none of them.

MR HUMPHRIES: Why not?

Mr Berry: Do you have a time problem or do you not?

MR HUMPHRIES: Yes, we do have a time problem. We want to have some speeches incorporated in *Hansard*.

Mr Quinlan: Why did you not provide notice? Why did you not ask us to agree to that? Why did you not say that in the first place?

MR HUMPHRIES: Mr Speaker, could I ask what the problem is? Why is it not possible to incorporate some of these speeches in *Hansard*?

Mr Berry: I will tell you what the problem is, if you like. We do not mind giving agreement if you are specific. What we were asked to agree to this morning was that all of the speeches be incorporated. It might not sound like much, but we are serious about the agreement. That is an agreed, negotiated position. If you want to alter it, it is up to you.

MR SPEAKER: Order! Sit down!

MR HUMPHRIES: The Government's intention - I am not sure how this was transmitted - was that some speeches be incorporated in *Hansard* and others not.

MR SPEAKER: Order! Is leave granted for the Minister to speak on this matter?

Mr Berry: No, it is not.

MR SPEAKER: No leave was granted for you to speak earlier.

MR HUMPHRIES: Mr Speaker, can I say across the chamber that the Government simply wished to do what it does on many other occasions, and that is incorporate some speeches in *Hansard* and not others? If members do not wish to do that, that is fine. We will have to read - - -

Mr Stanhope: That is not the message that came to us.

MR HUMPHRIES: I apologise that the message was sent in the wrong way. The message ought to have been that we wanted to incorporate some of the speeches in *Hansard*. I apologise for having had someone else deliver the wrong message. Having said that, is it possible to seek the leave of the Opposition to have this speech incorporated in *Hansard*.

Mr Stanhope: Yes, it is, but I would like to clarify the misunderstanding.

MR SPEAKER: Is leave granted to Mr Stanhope to speak?

Leave granted.

MR STANHOPE (Leader of the Opposition): We did agree to a request. The request was explicitly that all speeches be incorporated. We agreed to that. That was a negotiated position as far as we were concerned. We have a difficulty with the position being changed midstream, as we perceive it. On the basis of the Minister's explanation and apology, we are happy to agree.

MR HUMPHRIES: I ask for leave to incorporate the speech in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I present the *Electricity Amendment Bill 2000*, together with its explanatory memorandum.

This Bill meets commitments I made when tabling the *Utilities Bill 2000* in February. At that time I referred to the need to improve the regulatory environment for associated activities outside the scope of the utility regulation package. This included consumer installations.

I am pleased to now table the first piece of the legislation in this area.

The *Electricity Amendment Bill 2000* removes ACTEW's formal position as the regulator of electrical activities in the ACT and provides the necessary powers for Urban Services, which is the current regulator.

Until 1995. ACTEW not only supplied electricity but set standards for electrical work within the property boundary, inspected completed electrical work and administered a system under which some kinds of electrical equipment require approval before sale. The legal basis for all of these functions is the *Electricity Act 1971*. These functions were then transferred to Urban Services. Legislative changes made at the time provided for Urban Services to inspect electrical work but did not deal with the other powers.

The Bill transfers the remaining regulatory powers to Urban Services. This is a routine but essential change. Until it is made, there is, for instance no adequate power to take away the licence of an electrician who carries out dangerous electrical work.

The Bill adds to the regulatory system in one respect. It formalises a system taken over from ACTEW by providing for the investigation of serious electrical accidents. The use of electricity can be dangerous and investigation may identify unsafe work practices. Repeated accidents involving electrical equipment may be evidence that a particular electrical product is unsafe or that the safety standards for a class of equipment need to be reconsidered.

There is currently no legal basis for the investigation of electrical accidents and no legal requirement for anyone to report many kinds of accidents. The Bill provides for both of these.

The Bill also introduces in the ACT a system of minimum safety standards for electrical equipment. The Electricity Act currently requires some kinds of customers' electrical equipment to be tested and registered with an Australian government before they can be sold. Most other electrical equipment is tested and voluntarily registered outside the ACT for commercial reasons.

This leaves a small group of products that are not registered and may not have been tested. They are more likely to be dangerous to users.

The Bill provides for equipment that does not require mandatory registration to be tested against minimum safety standards but does not require it to registered. Other means of demonstrating compliance are included. In introducing this requirement the ACT Government will be consistent with policy prevailing in other jurisdictions.

Finally, the Bill consolidates and modernises the inspection and enforcement powers contained in the Act. In doing so, it extends many of the powers that apply to electrical equipment that must be tested and registered to the equipment that is now to be required to meet minimum safety standards and it introduces provisions relevant to the investigation of serious electrical accidents.

The enforcement and inspectorate powers parallel those in the Utilities Bill and the *Water and Sewerage Bill 2000* which I will be tabling today. It is the Government's intention that where appropriate, these provisions will be uniform across associated legislation.

The two Bills I am tabling today represent the beginning of the work on the regulation of customer premises equipment and related activities. Work is continuing on similar legislation for gas installations and appliances which I will bring forward shortly.

Mr Speaker, I commend this Bill to the Assembly.

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

WATER AND SEWERAGE BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.52): Mr Speaker, I present the Water and Sewerage Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I present the *Water and Sewerage Bill 2000*, together with its explanatory memorandum.

This Bill. like the *Electricity Amendment Bill 2000,* complements the regulatory regime for utilities proposed in the *Utilities Bill 2000*.

The *Utilities Bill 2000* repeals the *Energy and Water Act 1988*. The Canberra Sewerage and Water Supply Regulations are in force under that Act and therefore a review of these regulations, which mainly deal with requirements for plumbing and drainage work on private land, was undertaken.

As part of this review, those regulations relating to utilities have been removed and have been picked up in the *Utilities Bill 2000*.

Furthermore, this review has resulted in some regulations, covering work at the customer's premises, transferring to primary legislation hence the *Water and Sewerage Bill 2000*. For example, it was considered more appropriate for the regulations relating to plan approvals including the appointment of certifiers and the issuing of plan approvals to be in primary legislation. The scheme for plan approvals under this Bill will protect the interests of consumers and utilities.

The *Water and Sewerage Bill 2000* also specifies offences for unlicensed persons working at a consumers premises. This includes work on sprinklers, sanitary plumbing and household drainage. These offences also cover work connecting a customer's service pipe to a water network which is important in protecting the integrity of water supply in the Territory.

As with the Electricity Amendment Bill, the enforcement and inspectorate powers parallel those in the Utilities Bill.

Importantly, this Bill establishes the mechanism whereby the Canberra Sewerage and Water Supply Regulations, which have not been picked up in the Water and Sewerage Bill, will have force.

These remaining regulations are to be re-made under this Bill. Work is continuing to re-organise and up-date the regulations. It is anticipated that these will be completed in time for the May sittings.

I commend the *Water and Sewerage Bill 2000* to the Assembly.

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

TERRITORY OWNED CORPORATIONS AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.53): Mr Speaker, I present the Territory Owned Corporations Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have this presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

The *Territory Owned Corporations Amendment Bill 2000* seeks to remove CanDeliver from Schedule 1 of the *TOC Act 1990*.

Back on 9 December 1999 the Legislative Assembly heard how changed market conditions had reduced the need for the Government to own and operate a company like CanDeliver and agreed to the disposal of the main undertakings of the company.

The disposal of CanDeliver's main undertakings, through the sale of its contracts is nearing completion and the Government will soon be in a position to appoint a liquidator to manage the final stages of this process.

Prior to the appointment of the liquidator, it will be necessary to remove CanDeliver from Schedule 1 of the *TOC Act 1990*.

The Government does not intend to take this step until after the disposal of CanDeliver's contracts and the company effectively becomes an empty shell.

The reason CanDeliver needs to be removed from the *TOC Act* prior to the appointment of a liquidator is due to inconsistencies between the Commonwealth *Corporations Law* and provisions within the *TOC Act*.

For example, upon the appointment of a liquidator, all powers of directors cease. The TOC Act requires that all TOCs maintain a certain number of directors at all times. In such circumstances it is unlikely that CanDeliver will be able to comply with the TOC Act.

In addition, the TOC Act requires a TOC to prepare a Statement of Corporate Intent every year. Acknowledging the fact that CanDeliver will not be around for the next three years, preparing a Statement of Corporate Intent would be pointless and a waste of limited resources.

This is not an attempt by the Government to subvert the role of the Assembly in examining the winding up of CanDeliver. Indeed, CanDeliver will be all but an empty corporate shell by the time this Bill is debated.

The Bill before us is simply one of the final steps in a process that was started in this Assembly back in December last year.

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

MILK AUTHORITY (REPEAL) BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.54): Mr Speaker, I present the Milk Authority (Repeal) Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

> Mr Speaker, this Bill provides for the abolition of the Milk Authority of the ACT.
>
> Deregulation of the milk industry in the ACT will occur on 30 June 2000. This is also the date for which the Milk Authority's current contracts for the supply of raw milk expire after which the Authority will have no means of income.
>
> Following deregulation on 30 June 2000 the Milk Authority of the ACT will no longer have a role which explains the reason the Bill is to take effect on 1 July 2000.
>
> Over the past 2 years the Milk Authority of the ACT along with the ACT Government have taken steps to assist milk vendors in the ACT during the transition period prior deregulation.
>
> The Milk Authority has recently provided financial assistance to milk vendors wishing to leave the industry thereby allowing the remaining vendors a chance to increase the size of their milk runs before entering, into a deregulated market.
>
> This Bill represents the final phase of milk industry deregulation in the ACT.
>
> Mr Speaker, I commend the Bill to the Assembly.

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

DISCRIMINATION AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.55): Mr Speaker, I present the Discrimination Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

The Discrimination Act 1991 makes unlawful various forms of discrimination, including race, sex, age, religion and impairment, subject to certain exceptions specified in the Act. The Discrimination Amendment Bill 2000 amends the Discrimination Act 1991 by introducing another exception relating to age discrimination. There are exceptions in the Act already allowing discrimination on the ground of age, such as in relation to the payment under an award of reduced youth wages to employees under the age of 21, or in relation to employment as an actor where the role requires a person of a particular age group. A club for members of a particular age group can exclude persons that are not of that age group.

The Discrimination Amendment Bill 2000 allows credit providers to consider age as a factor when assessing a person's credit application. This is in recognition that a person's age can be significant in assessing the level of risk involved in extending credit to them. However, it should be noted that age is only one of a number of factors considered by credit providers when assessing a person's credit risk or ability to pay. Some of the other factors which come into play are income level, employment stability, domicile, number of dependants, credit and savings history, and assets and liabilities. All these factors are statistically proven predictors of risk and are given weighted scores which, together, present an overall picture of the applicant used for credit approval decisions. Credit will only be refused where an applicant receives a low score on a number of factors. Credit is not refused based simply on the age factor alone.

To ensure that a credit provider cannot discriminate against a person based on age alone, the amendment provides that age can be used as a relevant factor only where there is objective evidence based on statistical or actuarial data or other reasonable data that a person's age puts him or her in a higher or lower risk category than other persons. For example, if there is actual statistical proof, as opposed to stereotypical views, that a person under 25 or a person over 65 is less likely to be able to repay a loan, then the applicant's age can be used as one criterion is assessing credit risk.

Exemptions allowing credit providers to discriminate on the basis of age have already been enacted in New South Wales (since 1993), Victoria (since 1996) and Tasmania (in 1998). In the New South Wales and Tasmanian provisions the relevant discrimination tribunal can require the credit provider to provide the tribunal with the sources of the data and the factors on which the discrimination is based. Further, the provisions in these jurisdictions state that the discrimination must be reasonable. Likewise, these

safeguards are replicated in the present Bill, which requires that the credit provider tell the Discrimination Tribunal and the Discrimination Commissioner the sources on which the data is based and any relevant factors relied on, if asked.

The provision of credit does carry significant risk to the credit provider. Credit providers must carefully assess creditworthiness to ensure that borrowers are not overcommitted and to minimise bad debts and maintain profit. It is therefore in everyone's interest to ensure that applicants are assessed thoroughly as to their ability to repay before a contract is entered into. Credit providers are subject to the Consumer Credit Code, which allows a court to reopen a credit contract if the credit provider knew, or ought to have known, at the time of the transaction that the debtor could not pay or could not do so without substantial hardship. The Credit Tribunal may make an order reducing the amount a borrower is liable to pay. This places a substantial onus on finance providers to conduct a thorough credit assessment of all applicants to enable them to properly assess capacity to pay and make sound commercial decisions to protect their own businesses.

It should also be noted that such an exemption would not be dissimilar to exemptions already in the Act allowing age as a factor for insurance and superannuation purposes. The amendment recognises the benefits to the ACT finance industry of having consistent procedures and operations, particularly with New South Wales and Victoria, as well as with the insurance and superannuation industries locally and nationally. The amendment will have a positive impact on the businesses of credit providers by removing an impediment for such businesses, enabling them to make better, more informed decisions. I commend the Bill to the Assembly.

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

STATUTE LAW AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.59): Mr Speaker, I present the Statute Law Revision Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Like a number of other similar Bills in previous years, this Bill makes technical and housekeeping amendments to the law of the Territory. It is intended to improve the statute book by correcting errors, replacing out-of-date references and repealing legislation of no current use. The significance of this Bill, however, is that it is the first Bill in the technical amendments program that the Government approved last year. The objectives of the program are to develop a simpler, more coherent and accessible statute book for the Territory by means of minor legislative changes.

The underlying idea, Mr Speaker, is that, although few of the changes would justify a separate Bill, periodically a number of minor amendments will be brought together in a Statute Law Amendment Bill. These will facilitate the continuing program for reprinting the laws of the Territory, assist in removing the 'dead wood' from the statute book, and ensure that the statute book is kept up-to-date. It is important to appreciate that the amendments would be of a non-controversial nature.

As a general rule, Statute Law Amendment Bills will deal with four kinds of matters. First, minor amendments proposed by government agencies to rectify minor problems that come to the attention of agencies during the course of administering their legislation. Schedule 1 of the Bill before the Assembly contains such an amendment. These amendments would be included in Schedule 1 so they can be readily identified.

The second kind of matter in Statute Law Amendment Bills will be amendments proposed by the Parliamentary Counsel relating to the *Interpretation Act 1967* and other Acts of general application or which otherwise affect the structure of the statute book. Structural changes are particularly focused on minimising duplication in the statute book and by ensuring the maximum degree of consistency where there is no countervailing policy or operational requirement. Schedule 2 of the Bill contains provisions of this nature.

The third class of matter would be technical statute law revision amendments, as traditionally understood, proposed by the Parliamentary Counsel. In other words, changes in the text of the law which make it clearer and easier to understand without making any significant change in its operation or legal effect. Amendments of this nature may be found in Schedule 3 of the Bill.

Finally, Statute Law Amendment Bills will periodically repeal Acts that have become obsolete or otherwise are no longer required.

And as we turn to the Bill before us, it is quite obvious that the great bulk of it is concerned with the repeal of Acts. Schedules 4 and 5 of the Bill repeal almost 1500 amending Acts. In other words, these are Acts that have amended other Acts but apparently have no continuing operation other than to clutter the statute book. The great benefit of sweeping away these old Acts is that the Acts that remain in force are given more prominence; the so-called 'living law' becomes more accessible. Those who search the statute book can have more confidence that they have found all of the law relevant to their inquiry.

It is fair to ask, however, whether it is safe to repeal all these Acts. Is it possible, for example, that one of them might contain a provision that should be kept in force? Mr Speaker, Parliamentary Counsel's Office has gone to considerable lengths to satisfy itself that these Acts can be safely repealed. First of all, the *Interpretation Act 1967* was amended last year to ensure that the repeals in this Bill could be made. The repeals in this Bill are supported by a number of provisions of the Interpretation Act. For example, section 39 provides that repealing and amending Acts are not revived on their repeal; section 41 provides that the repeal of an Act does not affect, among other things, any right, privilege or liability; and subsection 42 (1) saves the effect of transitional, validating and related consequential provisions. These three provisions in themselves are probably enough to allow the Acts in question to be safely repealed.

Where there is a possibility, however, that a provision in an amending Act might still have some operation, the additional precaution has been taken of declaring that provision to be one to which section 42 applies. This is the purpose of Schedule 6 of the Bill - which needs to be read in conjunction with subclause 5 (2). Schedule 6 identifies one or more provisions in a number of Acts. The effect of section 42 is that, although the provision is repealed by Schedule 5, it continues to have effect, if in fact it has any, despite its repeal.

I should also point out, Mr Speaker, that there will be no similar accumulation of amending Acts in the future. This is a consequence of two fairly recent developments. The first of these concerns the practice of the Parliamentary Counsel's Office. It is now the practice of that Office to insert transitional provisions that relate to a particular Act in that Act itself. Similarly, if an amendment of an Act is accompanied by a special application or validation provision, the application or validation provision will be inserted in the Principal Act rather than operate as a provision of the amending Act. This means that the whole of the law may now be found in the one place (that is, the Principal Act). The result is that a person using the Principal Act will no longer need to go searching back in earlier amending Acts to discover the effect of an earlier amendment. As a consequence of this change in drafting practice, future amending Acts will almost always operate only to amend a Principal Act (or Acts). This, in turn facilitates the operation of section 43 of the *Interpretation Act 1967* which was inserted late last year. This provides that amending Acts enacted on or after 1 January 2000 are automatically repealed the day after all of their provisions have commenced.

Some of the amendments in Schedule 3 of the Bill are intended to apply this new drafting practice to some of the old amending Acts. For example, if a provision in an amending Act repealed by Schedule 5 appears to have operation into the future, a corresponding provision will be inserted into the relevant Principal Act by one of the amendments in Schedule 3 of the Bill.

Mr Speaker, I am conscious that much of what I have been describing is rather technical. I am pleased to assure the Assembly, however, that the enactment of these provisions will lead to a considerable shortening and simplification of the statute book of the Territory.

Bearing in mind the rather technical nature of much of the Bill, might I also point out to Honourable Members that the Bill itself contains rather detailed explanatory notes that Members may find helpful.

Turning now to Schedule 1, this is a simple amendment to remove an inconsistency in the staffing provisions of the *Gambling and Racing Control Act 1999*. One provision indicates that members of the Gambling and Racing Commission (which includes the chief executive) hold office for no more than 3 years. Another provision enables the chief executive to be engaged by contract for up to 5 years. The amendment resolves this inconsistency by providing, in effect, that the rule about holding office for 3 years does not apply to the chief executive.

Schedule 2 of the Bill contains a number of amendments of the *Interpretation Act 1967*. Section 13 is amended to make it clear that a form can require a signature as one of the requirements for proper completion of the form. Section 25B will have the effect that, when an Act gives a function to a person or body, the person or body will automatically acquire the powers that are necessary and convenient to enable the function to be exercised. Some of the existing provisions about instruments have been remade to clarify their operation. For example, power to make an instrument automatically carries with it power to amend or repeal the instrument. Section 27F would allow a single instrument to be made for the purpose of two or more statutory provisions. Section 32, which concerns the liability of corporations for offences, has been rewritten to make its meaning clearer.

I have already referred to section 43 of the *Interpretation Act 1967*, which provides for the automatic repeal of amending Acts. Section 43 is to be amended so that it would also apply to a section or a subsection in an Act that makes a repeal.

A number of definitions of officials, things or concepts would be added to the dictionary to the *Interpretation Act 1967* and some existing definitions would be clarified. Amendments of the *Interpretation Act 1967* would also improve its structure and make its text more accessible by dividing some of its provisions into Divisions.

Schedule 2 of the Bill also amends the *Legislation* (*Republication*) *Act 1996* to allow notes in legislation and references to provision headings to be kept up-to-date. These are drafting devices that are commonly used in recent Acts.

The *Subordinate Laws Act 1989* is also amended b y Schedule 2 to omit a provision which is not only unnecessary but imposes an unnecessary restriction on the commencement of legislation.

Finally, Schedule 3 of the Bill make a number of amendments that can best be described as ‘technical amendments’. I have already referred to amendments in this Schedule that have the effect of transferring a number of transitional or application provisions from an amending Act to the

relevant Principal Act. The Schedule also corrects a number of minor errors and makes some other amendments to assist the reprinting of the laws of the Territory in an up-to-date form.

Mr Speaker, I commend the Bill to the Assembly.

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

FISHERIES BILL 2000

MR SMYTH (Minister for Urban Services) (11.00): Mr Speaker, I present the Fisheries Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: Mr Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I am pleased to present the Fisheries Bill 2000.

This is a particularly innovative piece of legislation that will provide for comprehensive and sustainable fisheries management in the ACT. It will also ensure the ACT plays an appropriate role in maintaining sustainable fisheries in other jurisdictions.

The existing *Fishing Act 1967* is an outdated piece of legislation, emphasising as it does the protection of exotic angling species without providing adequate protection for native species caught by recreational fishers. The existing Act does not deal with commercial fishing matters, except for some long redundant provisions about sea-fishing in Jervis Bay.

The objects of the Bill are:

to conserve native fish species and their habitats;

to manage sustainably the fisheries of the Territory by applying the principles of ecologically sustainable development;

to provide high quality and viable recreational fishing; and

to cooperate with other Australian jurisdictions in sustaining fisheries and protecting native fish species.

In 1995 NSW Fisheries estimated that illegally caught fish from outside the ACT - usually over quota or under size - worth approximately $17 million per year was being sold in the ACT. The Fisheries Bill 2000 tackles this illegal trade and more.

The Bill provides comprehensively for recreational fishing: the Minister will be able to make determinations relating to recreational fishing in the ACT, covering closures of fishing waters; prohibited sizes; prohibited weights; prohibited amounts; noxious and controlled fish, and prohibited fishing gear.

The ability to make these determinations will allow the Government to ensure that the legislation remains up to date, reflecting the latest scientific and technological advances in the fields of fishing and fish ecology.

I am pleased to be able to announce today that there will still be no licence required for recreational fishing. A number of other States have introduced recreational licences but this Government has been able to make proper provision for recreational fishing without looking to raise extra revenue through recreational licences.

To mark this important step for recreational fishing, I am pleased to announce that funding for the fish stocking program of ACT waterways will be doubled from next financial year.

Several provisions in the Bill relate to the efforts of the ACT and other Australian Governments to stem the trade in fish caught illegally interstate and sold here.

The *Fisheries Bill 2000* includes a requirement to register before undertaking fish receiving, which is receiving wholesale fish supplies direct from commercial fishers. Any registered fish receivers operating in the ACT will be required to keep records.

It will also be an offence to receive fish in the ACT that have been taken illegally interstate.

This will help us to prosecute commercial fishers from NSW and other states who sell or process “excess to quota” and undersized fish in the ACT. Fisheries around the world are under severe pressure and we can now play our part in ensuing that dishonest people do not take more that their fair share of this precious resource.

Provisions have been included in the Bill to bring the enforcement powers of conservation officers up to date.

The legislation will be administered by a team of highly trained conservation officers, including the Lakes Rangers who have recently been transferred to the Environmental Regulation area of Environment ACT, whose role will include continuing education of the fishing community on appropriate fishing practices.

> The Government is confident that the state-of-the-art approach to fisheries management provided for in this Bill will ensure that recreational fishing is sustainable and the biodiversity of our waterways is conserved. The Bill will also allow us to play our part in conserving Australia's fisheries as a whole.
>
> Mr Speaker, the *Fisheries Bill 2000* is a long overdue reform and I invite members to join with me in ensuing this bill does not become "the one that got away".
>
> I commend the Bill to the Assembly.

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

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Notice of Motion

Notice No. 1, Assembly business, having been called on and the member not being present, the notice was withdrawn from the notice paper, in accordance with standing order 127.

BOOKMAKERS ACT – INSTRUMENT NO. 55 OF 2000
Motion for Disallowance of Provision

MS TUCKER (11.01): I move:

> That the provision of Instrument No. 55 of 2000, made under the Bookmakers Act 1985, which revokes Determination No. 138 of 1995 notified in *Gazette* No. S250 of 29 September 1995 be disallowed pursuant to the Subordinate Laws Act 1989.

Mr Speaker, the instrument which Mr Humphries tabled in the last sitting period and which I move to disallow today has the effect of clearly removing any reference to a cap on the number of sports betting licences. Until December last year there was a cap of four. In December this cap was removed with determination No. 272. This latest determination appears to be a technical clarification of the previous determination.

Unfortunately, I was not aware in December that this instrument was tabled so did not respond at that time. It is an unfortunate fact, Mr Speaker, that due to pressures of responsibilities in this place members here do not always get to check everything as thoroughly as we would like. I am concerned that sometimes I feel government could take advantage of that. That is the reason I am more and more resistant to power being delegated to the Minister through regulation. It is just too easy for government to slip things across the table and hope no-one notices. The Government is not usually shy about putting out press releases but they were this time. Isn't that funny?

This instrument we are debating today was justified by the Minister in the explanatory memorandum by the findings of the Allen Consulting Group's national competition policy review of legislation relating to ACT TAB Ltd and bookmakers. It is interesting to note that the decision to remove the cap was made last December, before such a report existed, and no justification was given at that time.

Last year, when I asked for the report, I was told I could not have. Finally, it was tabled yesterday, the day before this debate. I am not at all happy with this process. As members are aware, competition policy reviews are not the definitive documents on issues of public interest in decisions related to the imposition of competition policy. In the last sitting period we debated legislation on the Independent Competition and Regulatory Commission, whose function is, among other things, to investigate competitive neutrality complaints and other issues related to implementation of competition policy.

We have also set up a Gambling Commission, which has responsibility to advise the Minister and the Assembly on issues of public interest and consumer protection related to gambling. One would think it was pretty obvious that the gambling industry, of all industries, needs to be regarded as having particular consumer protection and public interest concerns. If not, why did we have a select committee in this Assembly to look at the social and economic impacts of gambling? Why did the Senate have such an inquiry? Why did both these reports and many other reports make recommendations about problem gambling, consumer protection and so on, and about the need to do more research and to improve our understanding of what governments' promotion of gambling in order to get easy money for themselves through taxes is doing to our society? Why did we see my legislation imposing a cap on the number of poker machines get support in this place?

Why are the churches of Australia speaking out on this? For heaven's sake even our poll-driven Prime Minister is making statements of concern about the matter. But in the ACT our Government is obviously not too worried. Even when they knew the Senate Inquiry was looking at the issues of online gambling, they proceeded happily with their instrument to definitely remove the cap. It really is no wonder that those people who are seeking a national approach are so disappointed with the ACT's grab for cash in this instance.

There are a number of points I think I should make in this debate. For the benefit of all members, I will explain exactly how the various sorts of gambling are defined and what is operating in the ACT now. Internet gambling includes two different activities - online gaming and interactive wagering, including betting on sports and other events conducted over the Internet. That is called interactive wagering in the Senate report. The Senate committee report called for a short moratorium on Internet gambling, including sports betting.

Sports betting in the ACT includes interactive wagering but it also includes telephone betting and on-site betting. In the ACT at present there are four sports betting licences. Two of them conduct interactive wagering - Canbet and MegaSports. City Index and Capital Sports only do telephone betting. However, we understand Capital Sports is soon to be subsumed by Canbet.

The cap of four licences on sports betting is a de facto cap on interactive wagering. According to the Gambling Commission, there is no clamouring demand for more on-site or telephone betting licences. I understand that one sports betting licence application was received last month and started in December 1999.

Last week when I raised this publicly, instead of addressing the real issues behind the call for a moratorium, the Minister tried to discount these significant national concerns with arguments about definition of sports betting and interactive gambling. While technically our definition in the Interactive Gambling Act 1998 can be interpreted that way, I think Mr Humphries should think twice before he tries to use arguments of that nature in this discussion. He will lose all credibility if he does use them.

The clear reality is that sports betting using the Internet is a major growth area of gambling; that there are millions of dollars to be made; that problem gambling will increase as this greater access is provided to yet another form of gambling; that we have no idea of the broader economic impact of this industry; that consumer protection mechanisms are not adequately developed. That is why the Senate committee has made the recommendations it has made.

Mr Humphries also argued that all we are doing is creating a few lucky people who get rich if we have a cap of four or that we are supporting a monopoly. Obviously, that is the line that comes out of the Allen Consulting Group's report on competition policy and gambling. It is predictable and it is what they said before when they looked at other gaming laws in the ACT. In fact, that report was rejected by the select committee as not being the definitive statement on the public interest and gambling.

Mr Humphries, in his argument that all we are doing is making a few people rich, is ignoring the fact that the Senate committee has requested a short moratorium while there is a national approach to looking at how we can protect consumer interest and the public interest in this very fast-growing industry that is so attractive to people who will make many millions of dollars out of it.

I am not arguing that capping is the best form of market regulation. I am saying that the committee of the Senate has recommended a short moratorium until these other issues are looked at from a national perspective. The Senate committee wants a national ministerial council set up. Mr Howard said:

> A key recommendation of that report [of the Senate inquiry] is the establishment of a ministerial council on gambling aimed at achieving a national approach to the challenge of problem gambling.

I am encouraging this Government - and I hope other members will support this encouragement - to enter into this desire with the rest of Australia. The Northern Territory is reluctant on sports betting, I understand, but everyone else, including Mr Howard, is very keen to have a national approach to this issue. That is why it is quite appropriate that we do not proceed with delimiting the cap on sports betting at this point. It is totally inconsistent with what the Prime Minister is asking for and the Senate committee has asked for - a short moratorium. I am not arguing that capping is the ultimate and best form of market regulation. I think it probably is not. The point is that it is something that we need to do at the moment until we work out how best to ensure that consumer protection and the public interest are guaranteed. It is a very strange argument to say that it is not appropriate to allow just four people to make money; that we should allow everyone to make money; that we should let as many people flood into the market as want to, and then we will look at it.

It is interesting to look at what is happening in the ACT with the two providers. We see that 95 per cent of Canbet's business comes from the United States. Members may be aware that the United States has prohibited Internet gambling business. They may also be aware that some people in Australia are calling for that. That is a national debate to be had as well. I do not particularly have a position on that, but I think this is one of the issues that will be discussed across Australia. The United States has prohibited Internet gambling businesses.

MegaSports has a licence in Nevada and it does not allow US citizens to use its service, because I assume it would lose its Nevada licence if it did. There is case law developing to suggest that there is a prohibition on Australian online gambling services taking bets from US citizens. There are obviously some very interesting jurisdictional legal issues here which I do not think anyone understands and which have not been worked out. That is one of the issues that came out of the Senate inquiry. We really have no idea what our responsibilities will be or what our liabilities will be if in little old Canberra we are assisting US citizens to partake in an activity which the US has decided, through its democratic government, is not a good activity.

The ethical question here is equally important. Is the ACT Government and this Assembly comfortable with the argument that it is good to make money in the ACT from online gambling because most of the punters do not live here? Is it ethical to support industries which move social harm to another community, even if, as in the US, those communities have chosen to prohibit it? What is it we are saying? I think that is a questionable ethical position. The Government needs to put a clear position on that.

Another issue in this discussion is the price the ACT Government has put on these licences. I have a question on notice about this, and I am looking forward very much to getting a response. We can see from the instrument that $10,000 is the licence fee for each year. I have been looking at this issue for some time and looking at the costs of regulation and monitoring and also the costs to industry. I can tell you that $10,000 is looking very generous.

My question on notice asks Mr Humphries to explain to this Assembly what considerations were taken into account when they came up with this nice round $10,000 figure. Did they take into account the cost of regulation of the industry, including the implementation of transparent and accountable reporting mechanisms; the cost of problem gambling; and the cost of research on the social impact of online sports betting? What is the projected cost of enforcement? What is the projected total cost of administering such a regulatory regime and of conducting the appropriate research over the 15-year life of the licences? Was the Gambling and Racing Commission consulted on setting the fee structure for these businesses? If so, what was the advice tendered by the commission? I have also asked about other factors and procedures that led to the fee being set at the current rate.

I hope the Assembly will be interested to see the answers to those questions. If we let this open up now and we get a whole lot more people coming in and paying that amount of money and we have not had the opportunity even to see how the Government came up with that amount, then I think we are failing as an Assembly to ensure that government is doing the job it should be doing. We have noticed in the past that government can be quite generous to business. Is this just another case of that?

I ask members to take a look at the Senate committee inquiry if they are interested in these matters. It is very interesting and worth while to take the time to do that, although I know everyone is really busy. If nothing else, look at the recommendations. I will put them on the record. The first recommendation reads:

> The Committee recommends that Federal, State and Territory governments work together to develop uniform and strict regulatory controls on online gambling with a particular focus on consumer protection through the Ministerial Council on Gambling.
>
> Working with its expert advisory body of community and gambling representatives and resourced by the National Office for the Information Economy, the Council should develop a range of policies that reflect existing community standards, and which will be applied by all States and Territories.
>
> These policy initiatives should include:
>
> . clear procedures to assist problem gamblers such as outlawing direct credit card online gambling, self and third-party exclusion, pre determined betting amounts, limited gambling times with a regular ‘cooling off period’ and a permanent screen display of financial losses and gains.

(Extension of time granted)

- the prohibition on any form of gambling manipulation, specifically the 'near miss' signal, which gives gamblers the perception that they have just missed out on a jackpot, thereby inducing them to continue gambling.

- the provision of personal electronic security passwords, 'challenge' questions and PIN numbers to ensure that gambling sites cannot be accessed by any other family member.

- strict privacy arrangements to protect consumers' financial details including gambling accounts, credit card identification and exclusion arrangements.

- legislation to ensure that all online winnings are paid by non-negotiable cheques posted to the registered gambling account holder. Credit card accounts should not be used to receive automatic payment from on line gambling wins.

- the need to work with international agencies, the National Crime Authority (NCA) and the Australian Transaction Reports and Analysis Centre (AUSTRAC) to stop Australian online gambling sites being used to 'launder' large amounts of illegally acquired money.

Pending the implementation of these consumer protection policies the Committee recommends that no further online gambling licences be granted in Australia for a limited period of time. This moratorium should be implemented by the Ministerial Council on Gambling with the assistance of Federal, State and Territory governments, or through the Commonwealth's power to regulate telecommunications.

There were more recommendations. I will not read them all out. A few comments from the National Office for the Information Economy report "E-commerce beyond 2000" are interesting:

> The Productivity Commission's report asserts that gambling is a supply driven industry: the more outlets there are, the more money will be gambled. The development of Internet gambling, which brings the means to gamble into the home, vastly increases the number of outlets and it follows that substantially more money will be bet.
>
> If Internet gambling grows to about $1 billion dollars by 2003, one could postulate that between 50 and 70 percent would be diverted from traditional channels.

That is an estimated increase in the total amount of gambling in Australia due to increased online gambling of between 30 and 50 per cent. Another important point came from the Productivity Commission:

> Internet gambling offers the potential for consumer benefits as well as new risks for problem gambling. Managed liberalisation - with licensing of sites for probity, consumer protection and taxation - could meet most concerns, although it effectiveness would require the assistance of the Commonwealth Government.

Once again, the Productivity Commission is calling for a national approach. It is obvious that we need to step back and allow this national work to occur. Another issue which has been raised in discussion is: "Why are you doing this? We do not have any kind of limit on interactive gambling licences". And the point made is: "We do it so well". We do not do it that well. Although the interactive gambling legislation is quite good, it is certainly not to the level that the Senate committee is asking for.

I intend to address the moratorium on the interactive gambling licences. I foreshadow today that I will be moving a motion in the next sitting period which will call on the Government to work in good faith with the Senate committee's recommendation that we have a moratorium and calling on the ACT to take a responsible attitude. I believe that the people of the ACT expect that of this parliament. If there is one issue that I know people are concerned about, not only broadly in Australia but in the ACT, it is this issue. As Tim Costello said, with interactive gaming we are literally putting three million casinos into Australian homes, and we need to look at what the impact of that will be.

As members are aware, a select committee of this Assembly looked at the social and economic impacts of gambling. We did not go into great detail about online gaming, because we did not have the time and because we thought the Government had taken some steps on the interactive gaming legislation. But so much has happened since the select committee tabled its report. I am much more aware of all the issues than I was then. That is why I was so interested to read the Senate committee's report on the subject.

Common to online gambling and every other form of gambling that we looked at in the select committee and came up with a unanimous report on is the fact that we do not understand the implications, we do not have the proper data, we have not done the research and we do not understand the broad economic impacts. There is the concept of cannibalising of the economy. So much money that would have been going into much more constructive enterprises is being sucked into the gambling business, which governments encourage because they get easy money through the taxation.

Our committee report, which was totally consistent with the Senate committee report, made clear the problems of access and problem gambling. It is quite clear that the computer is increasing access to gambling. I am concerned about the way the Government is approaching this matter. I am disappointed. I know that other people in the country are disappointed with the ACT's position on sports betting. I hope that

through this motion we will be able to give a clear signal to the Government that we do not accept their position and that we want to work with the rest of this country to deal with these very complicated issues.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.23): Mr Speaker, I was intrigued to see Ms Tucker, with approval, quote the Prime Minister in her arguments. It would have to be the first time we have heard Ms Tucker rely on John Howard.

Ms Tucker: I thought you would be impressed.

MR HUMPHRIES: I am not sure about being impressed, but I was a bit shocked. Mr Speaker, I have a large number of things to say about this motion. I will try to be as succinct as I can. First of all, I want to address the question Ms Tucker has raised about the process being used here and about the claim that the Government has slipped things across the chamber in the hope that nobody will notice.

Ms Tucker: You did not put out a press release.

MR HUMPHRIES: I did not put out a press release, Ms Tucker, because the Government already puts out a large number of releases on a large number of subjects, and we did not regard this as being a significant issue in terms of the regulation of gambling and gaming in the ACT. Would you mind hearing me in silence, as I heard you in silence, Ms Tucker?

The Government tabled its decision on the floor of the Assembly in December, as is required under the legislation. The Government now tables a large volume of notices, disallowable instruments, and regulations all the time in this place. On virtually every sitting day I, as manager of government business, bring down a large pile of material to be tabled here. That list is being added to year in and year out by members building into legislation requirements to table disallowable instruments and other documents on the floor of the Assembly. I think it ill behoves members of the Assembly to call continually to add constantly to things that have to be tabled in the Assembly and then complain when they do not notice a document which has been tabled in the Assembly among those others that they have called for. We do not generally speak when we do not have to. We table what we are required to table under legislation.

We tabled that document because it was, among many other things, something the Government was doing at the time. We made a decision and we put it on the table. If Ms Tucker wants to call all the time, as she does, and move amendments on this floor of this place, as she does, to include more documents for tabling, she cannot complain if she does not notice the documents being tabled in this place. I reject the assertion that the Government is trying to slip things across the chamber. The fact is that tabling a document in parliament is the most public way you can deal with a document at any given time.

Ms Tucker said that the Government had made its decision before receiving the Allen report. That is untrue. I do not know where you got that notion from.

Ms Tucker: I said in December.

MR HUMPHRIES: We tabled the decision. We tabled the lifting of the sports betting licences in December as well. Ms Tucker is wrong. We did not make a decision without looking at what the Allen report had to say about this subject.

Let us be clear about one thing. There are two different issues at work here. There is gambling on the Internet, something which, to be more precise, the ACT's legislation refers to as interactive gambling. I will quote the report Ms Tucker has referred to, the Netbets report, the Senate standing committee report on this subject. Netbets divides gambling into two different categories. First of all, there is online gaming. That is defined on page 2 of the report as:

> … where the gambling event is based on a computer program and the outcome is determined by a random number generator. These activities involve no element of skill and include games such as black-jack, poker, lotteries and electronic gaming machines.

Mr Quinlan: That is unkind. There is no skill in blackjack?

MR HUMPHRIES: I am sorry, Mr Quinlan, but when you play the computer there is no skill involved in blackjack. Perhaps it is the way that you twiddle the return button, but I am told there is no skill involved. Then there is interactive wagering, defined as:

> … where the gambling event takes place on a physical race track or playing field. The Internet merely provides a new mechanism for placing the wagers.

The report says, on page 4:

> … the regulation of interactive wagering … is similar in principle to legislation that regulates telephone betting.

So there are two concepts here. One is the concept of, if you like, playing games which are built into the computer, games which are on line for you to play, much as if you would be playing a poker machine or playing some other game based on an element of chance. Then there is interactive wagering, which is basically no more than using the Internet as your medium to reach the person who is going to receive your bet. It works in much the same way as when you pick up the telephone and place a bet or walk down to the TAB and place your bet over a counter or ask your mate when he is going down the road to put a bet on with the bookmaker you are friendly with.

I think Ms Tucker's arguments confuse those two issues. It is true that much sports betting is done on line, but it is not done on line because it is, in the definition of the Netbets report, online gaming. In fact, it is only using the Internet in order to be able to place the bet. To illustrate my point, I could deal with Ms Tucker's concerns about

sports betting entirely by saying, “Okay, there will be no online sports betting in the ACT at all. We will issue more licences, but there will be no online placing of bets for sports betting”.

At the present time two of the existing licences which operate in the sports betting, as I understand it, do not take Internet bets. They only take telephone or personal bets. So it would not be a great restriction to some of these outlets at all. We can say, “You can have as many licences as you want but no taking bets over the Internet”. The punters would have to pick up the telephone or be at the racetrack or wherever else the office of the sports betting agency might be. How is that going to help deal with the problem of online gambling? Of course it is not. It would have no impact on online gambling. The issue Ms Tucker has raised is not about online gambling. The issue she has raised is about access to a form of gambling.

I forget whom Ms Tucker was quoting - I think she might have been quoting this Netbets report or some other outlet - but she said, “The more outlets there are, the more money will be spent on them”, or words to that effect. That might be true, Mr Speaker, for TABs. If I live a long way away from one, you might not go to the TAB to place your bets. It would certainly be true of poker machines. If one is not handy to your house, if it is a long way away from you, some nights of the week you might not take the trouble of going down to the club or wherever to bet some money on the poker machines. That is true.

But sports betting is inherently different. Sports betting is generally a form of gambling accessed remotely, accessed wherever there is a telephone or there is a computer terminal that is on line. In that sense, how does restricting the number of operators in the field inhibit access? How does it deal with this issue Ms Tucker has raised of the more outlets there are the more money will be spent on it? You cannot restrict the number of outlets unless you cut off people’s telephones and refuse to connect them on line to computer accessible services. Sports betting is not inhibited by the issues that Ms Tucker is raising.

Mr Speaker, we have checked with the secretariat of the Senate committee that inquired into online gambling, and it has confirmed that the Senate committee report envisaged a moratorium on Internet gambling but not on telephone betting, for example. We could say tomorrow, “We are changing the conditions on the licences. Nobody will get access to sports betting by the Internet. We will satisfy the concerns of the Senate committee. There will be no more sports betting by the Internet”. If we did that, every one of the existing operators could continue to do business.

We could issue another dozen licences, another two dozen licences or however many more licences we wanted, and people would still get access to sports betting, because Internet access is not the key to this issue. Ms Tucker seeks to restrict the number of people who can provide sports betting in the ACT but ignores the fact that there is unlimited access in other forms. With respect, this argument is misconceived.

I believe that we do need a national approach on betting issues. I certainly do not discount the concerns that have been raised in this place about the impact on the Australian community of gambling. I do not gamble very much myself. It has been years and years since I put any money in a poker machine, and betting on horses is an activity restricted to Melbourne Cup day for me.

Mr Kaine: You have a bet every three years at the polls?

MR HUMPHRIES: That is true. I take a big gamble when it comes to standing for election to the ACT Legislative Assembly, perhaps. Otherwise, I am not a person keen on gambling, in a personal sense. I can see that this community has to deal with the impact of gambling on the community as a whole. That is a concern that I would state on my own behalf, on behalf, I am sure, of the Government as a whole, and I hope on behalf of all members of this place.

But the issue here is not how we prevent access. Restricting the number of sports betting licences in the ACT will not affect access. Let us say we have only one sports betting licence in the ACT. What problem gambler in the ACT would be unable to get access to sports betting as a result of that restriction? None. As long as they have a telephone, an Internet connection or some other means of getting access, they can place a bet with the sports betting operator. What value is there in being able to place that restriction?

We have to ask ourselves how restricting the number of licences available to operate this kind of business prevents the number of problems associated with sports betting. Even if you have a restriction on the number of licences in the ACT, you still have four licences. People have at least four different operators to choose from when placing a bet. No problem gambler is going to be deterred by that. What is more, every gambler in the ACT who has access to a telephone or an Internet connection can bet with interstate operators and indeed international operators, because they are also accessible on the Internet.

So the question has to be asked: What possible benefit do we confer and what possible harm do we rectify by restricting sports betting operators in the ACT to four? The next question that flows from that is: If we want to restrict the number of sports betting operators to four, are we going to start placing restrictions on other gambling providers in the ACT? Only recently we placed a limit on the number of poker machines in the ACT. That is a bit different, because the proximity of the poker machine does determine people's access to it. As I have argued, there is no limit on access to sports betting, as long as you have a telephone or a computer. The problem here is: How do you define the harm you are trying to remedy and, once you do that, how does this particular measure help at all? My argument is that it does not do that.

On the question of regulating this activity properly, the ACT does have a regime at the moment which comprehensively protects consumers. A number of the things which the Senate committee recommended should be put in place to prevent problem gambling are already law in the ACT. Those things which are not are being examined and will be adopted and brought forward to this place by the Government, if not by other members of this place, to consider in due course, if that is appropriate. Mr Speaker, we do not need a moratorium on further licences to be able to effect those sorts of changes.

Another problem which I think I need to draw Ms Tucker's attention to, and it is a fairly significant problem, is a technical problem brought to my attention a few moments ago about the way in which her motion is constructed. My advice is that Determination No. 55 of 2000 was made to revoke Instruments Nos 138 of 1995 and 272 of 1999. The latter instrument revokes the former instrument and imposes a maximum number of sports betting licences that can be issued as "unlimited". Subsequent to the making of Instrument No. 272, advice was received to the effect that it was unclear as to whether or not the word "unlimited" could be a maximum number as provided for in the Act.

Determination No. 55 of 2000 was made to remove any uncertainty, and the Government's intention in making Determination No. 272 of 1999 was that there should be no maximum number of sports licences that can be granted. *(Extension of time granted)* Determination No. 55 of 2000 would reinstate Determination No. 272 of 1999, which allows for an unlimited number of licences.

The effect of Ms Tucker's motion is, in fact, not to place any restriction on the number of licences issued in the ACT at all. I think it is the opposite to what she wants to achieve. I will give Ms Tucker this note to have a look at if she wishes. This matter has just been drawn to my attention. It might be necessary to amend her motion or to deal with the matter in some other way.

Mr Speaker, apart from that technical question, I think we have to ask ourselves what kind of value there is in taking this sort of step. I said before that if we are going to put a restriction on the number of operators in this area we are going to have to look at similar restrictions in other areas. For example, there is no limit at the present time on the number of standing bookmakers in the ACT.

Mr Quinlan: Can this be adjourned?

MR HUMPHRIES: If you want to. That is up to you. I am not sure whether we can. I do not know whether we can or not.

Mr Quinlan: Just to round out that point you were making, we need to know whether the debate can be adjourned.

MR HUMPHRIES: There are a number of points that I think need to be addressed. There is no limit on the number of standing bookmakers in the ACT, for example. When is Ms Tucker's motion going to come forward to restrict the number of standing bookmakers? I do not know.

I think I have said enough generally about this matter. Let me make one final point. Ms Tucker said that she wants to move a motion to urge a cooperative approach towards these issues. She wants to urge us to work in with the national scheme for regulation of gambling and gaming in Australia. That is fine, but it is a bit rich to have her call for that to be taking place at the national level when she is not talking to the Government about these issues in the ACT.

Mr Quinlan: I will adjourn the debate until later.

MR HUMPHRIES: Okay, fine, but I will just make one point before I sit down. The first I knew about this matter was not a letter from Ms Tucker saying, "Can we talk about restricting the number of Internet licences, the number of sporting licences?" or "Can we have discussion about how we deal with this social problem?". It was a press release saying that the Greens were going to move disallowance of this instrument. She is the one calling for cooperation, but the first I heard about this was in her press release. As it turns out, there are a number of technical problems with what she is proposing to do.

I would say to Ms Tucker that she should practise what she preaches. If she wants to deal with this on a cooperative basis, then I would strongly urge her to come and talk to us about it and see whether we can work out some way of dealing sensibly with the problems she has raised.

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

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT – ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATIONS 2000 - SUBORDINATE LAW 2000 NO 10 - PROPOSED AMENDMENT

[COGNATE MOTIONS:

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT –
ROAD TRANSPORT (OFFENCES) REGULATIONS 2000 –
SUBORDINATE LAW 2000 NO 11 –
PROPOSED AMENDMENT

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT –
ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATIONS 2000 -
SUBORDINATE LAW 2000 NO 10 –
PROPOSED AMENDMENT]

MR SPEAKER: Is it the wish of the Assembly to debate this motion concurrently with notices Nos 4 and 5 on the notice paper in the names of Mr Hargreaves and Ms Tucker, respectively, dealing with Subordinate Law 2000 No. 11, Road Transport (Offences) Regulations 2000, and Subordinate Law 2000 No. 10 of the Road Transport (Safety and Traffic Management) Regulations 2000? There being no objection, that course will be followed. I remind members that, in debating notice No. 3, they may also address their remarks to notices Nos 4 and 5.

MR HARGREAVES (11.43): I move:

That Subordinate Law 2000 No 10 made under the Road Transport (Safety and Traffic Management) Act 1999 relating to the Road Transport (Safety and Traffic Management) Regulations 2000 be amended, pursuant to section 6 of the Subordinate Laws Act 1989, as follows:

Proposed new regulation 16A

Page 7, line 24 —

After regulation 16, insert the following new regulation:

16A AAR r 213 - non-application in ACT

Every driver is exempt from rule 213 of the Australian Road Rules.

Note Rule 213 of the Australian Road Rules deals with making a vehicle secure.

The Australian Road Rules became effective in the ACT on 1 March 2000. The ACT is one of the last States or Territories to implement the rule changes. No doubt, there have been lively discussions in pubs and workplaces over the last two weeks on when to indicate in a roundabout, when to keep left and whether you have to lock up your car at a petrol station. I tend to think that, regardless of the rules, people will have their own interpretation of that. Needless to say, for the first few weeks the motorists, cyclists and pedestrians of Canberra will experience teething problems with the new rules. It will take some time for people to break the old habits and try the new.

The Labor Party supported the road legislation in principle last year and is fully supportive of the concept of uniform road rules. However, we are not supportive of rule 213, which relates to the securing of a motor vehicle. Originally, rule 213 said that the driver of a motor vehicle must switch off the engine and apply the park brake. If there is no-one in the vehicle, the driver must remove the ignition key and lock the doors. That rule meant that a parent with young children in the car would have had to take the children out of the car when paying for petrol. Most families would be reluctant to do so because what is often a quick trip to pay something would turn into a major undertaking. However, I received a letter from the Minister for Urban Services late in the afternoon of 28 March, only two days ago, saying that his department was willing to alter the rule and the new rule would be changed to say:

> Switch off the engine. Apply the park brake. If nobody 16 years or older is in the vehicle, remove the ignition key. If nobody at all is in the vehicle, then the vehicle can be locked, removing the ignition key and locking the doors.

The Minister has drafted changes on the run. That is reflected in the wording of the changes. The words "If nobody 16 years or older is in the vehicle, remove the ignition key" are ambiguous and complicated to interpret. The rule would be easier to understand if it read, "If all the persons in the vehicle are younger than 16 years, remove the ignition key". That wording is easier to understand and I think that it would achieve

what the Government wants. The Labor Party acknowledges the changes the Government has made and appreciates the attempt to rectify the anomalies. However, the rule is still ambiguous and only exempts people who are paying a parking fee.

The Minister states in his letter that this rule primarily is to reduce vehicle theft and to reduce the chance of children starting vehicles and possibly causing crashes. He goes on to say that it is common in the larger Australian cities for vehicles to be stolen from places like petrol stations. I am aware of the rising vehicle theft rates in the ACT; it is something that this Government needs to deal with. I would be interested in finding out how many vehicles are stolen each year from service stations in the ACT. I expect that there would not be that many. This rule protects the interests of large insurance companies, who pay out millions of dollars each year for stolen vehicles.

Mr Speaker, it may be a sin not to lock your vehicle, but it certainly should not be a crime attracting a financial penalty. If it does happen, surely it is a matter for the insurance company and the vehicle owner, not the judiciary or the legislature. That is one of the reasons for insuring our vehicles.

It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by **Mr Berry**) put:

> That the time allotted to Assembly business be extended by 30 minutes.

The Assembly voted -

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

Question so resolved in the affirmative.

MR HARGREAVES: Thank you very much for the light relief and the lunch break.

Mr Humphries: You are wasting time there, John.

MR HARGREAVES: You guys are absolute masters at wasting time. Since you have interrupted my train of thought I will, with your generosity, do a bit of backtracking. Mr Speaker, the Government is trying to legislate for an activity which involves

a relationship between an insurance company and an individual, but the only beneficiaries of it will be the insurance companies because they will be assisted in not having to pay claims if vehicles are stolen.

Mr Speaker, as I said before I was so rudely interrupted unnecessarily, it ought not to be a crime. It is a sin if you do not lock up your car. If you do not lock up your car, you are a bit of a goose. But it ought not to be a crime. We are not talking about a road safety issue, we are not talking about a moving vehicle and we are not talking about an issue where somebody is likely to be injured because of a particular activity. Surely, it is an issue of property. It is an issue between the insurance company and the owner. If the insurance company thinks that you are a recidivist, it can increase your premiums accordingly. If it thinks that you are doing well - you have steering locks and things like that - it can reduce the cost of your insurance policy.

The other week on WIN Television the Minister for Urban Services said that this rule would reduce the cost to the community that those car thefts bring each year. It may reduce the inconvenience and the hassles of car thefts, but it would not reduce the cost to the community. The only cost it would reduce is the cost to insurance companies. Surely, insurance companies and the ACT Government should be forging an alliance to combat vehicle thefts. In fact, the only active work I have seen being done by this Government in attacking vehicle theft has been the shifting of an expert in vehicle theft recovery from that activity to a desk job and finally out of the service. We need to see more Ron McFarlanes around the place and less activity like this.

Mr Speaker, the Productivity Commission report on government said that the ACT had the largest increase in vehicle thefts between 1995 and 1998. It rose by 54 per cent. We were even higher than the national average in 1998. Last month, I placed a question on notice regarding vehicle thefts and clear-up rates in the ACT and the results were outstanding. Last year, 3,393 vehicles were stolen, but there was only a 10 per cent clear-up rate. Looking at the percentage for recovered vehicles for previous years, those figures were pretty high. No doubt, the Government will focus on the figures relating to vehicles recovered but not the clear-up rate. But is it not a bit late when a vehicle is found six months later and it is burnt out?

The Government ought to be focusing its attention on the people who are committing the crime in the first place. The ACT should be looking at other States and the Northern Territory for an insight into this escalating problem. Victoria, Queensland and the Northern Territory managed successfully to reduce their rate of vehicle thefts last year and have kept it under control over the last four years. Those figures relate to vehicle thefts before this new road rule was introduced. What programs and campaigns have those States and the Northern Territory initiated to produce such positive results?

I would like the record to note, Mr Speaker, the interference that the Minister is running so rudely while I am making this speech. Mr Speaker, most motorists secure their vehicles when they are shopping or at work because they want to eliminate the risk of having them stolen. Unfortunately, even when we do lock our vehicles, they manage to get broken into or stolen. That is why many of us do a little bit extra to ensure that our

vehicles remain where we leave them. Some of us buy steering locks, install engine immobilisers or install car alarms to deter the would-be thief. Sometimes this is reflected in our insurance policies by our being charged less.

This legislation does not address the implications of locking a vehicle when an animal is inside. There is conflict between this legislation, which exempts people only when there are children under 16 years old in the car, and the Animal Welfare Act. Section 7 of Part II of that Act says:

> A person shall not, without reasonable excuse, commit an act of cruelty on an animal.

Section 8(1) of the same Act says:

> A person shall not, without reasonable excuse, deliberately cause an animal unnecessary pain.

Section 8(2) says:

> A person in charge of an animal shall not, without reasonable excuse -
>
> ... ...
>
> (b) fail to take reasonable steps (including, where appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal.

Paragraph (d) says:

> neglect the animal so as to cause it pain ...

Section 15 says:

> A person shall not, without reasonable excuse, convey or contain, or cause to be conveyed or contained, an animal in circumstances under which the animal is subjected to unnecessary injury, pain or suffering.

Rule 213 requires us to lock up a vehicle when the people in it are younger than 16 years or if there are no adults in it. That means that you can leave a dog in a car with the windows wound up and the dog can become distressed. The Animal Welfare Act clearly says that you cannot do that. Which one is right? Where is the chicken and where is the egg, Mr Speaker? These things ought to be complementary in compliance. They should not have contrary intentions. *(Extension of time granted)* I think that compliance with the new regulations would not constitute a reasonable excuse if an animal were to be distressed by heat and unable to be rescued because a vehicle was locked, even for a short time.

Mr Speaker, that is an important issue. It is an important aspect of these regulations. The regulations are not template legislation; they are uniform legislation. That means that the ACT is at liberty to change parts of the regulations which are not appropriate to the

ACT without breaking the general thrust of the uniformity. I stress that because the Government will say that this is about national road rules and we have to comply with the lot. We do not have to comply with the lot.

The Government may say that we need to pass the whole package so as not to be out of step with the rest of the country. I reject that notion in the case of absurd regulations. These regulations are an affront to the civil liberty of individuals. They legislate our behaviour in our own backyard. It would be a breach of these regulations, with a possibility of a fine, for people to leave their vehicles unlocked in their own yards. That is an example of how legislation, if allowed to run rampant, can dictate every activity of our community.

Mr Speaker, I acknowledge the attempt by the Government to amend the regulations to cover one anomaly, but I suggest that the proposed wording is clumsy, hard to understand and insufficient. Also, it does not address the fundamental right of individuals to be responsible for their own property. The Labor Party has endorsed most of the package because of the provisions that address road safety. They ensure standards of driving behaviour and ensure for drivers that the vehicle coming towards them will conform to those standards. Rule 213 is not about road safety. It is about property; it is about ensuring that thefts decrease. As I said, it is not about safety; it is about reducing the cost of motor vehicle theft. It is not necessary that we adopt the whole road rule package. In fact, knocking back this rule would be a message for the Minister to take back to the forum, through the maintenance group, to get the rest of the country to understand that the rule is against property and is not talking about road safety.

I seek the Assembly's concurrence with my motion of disallowance because the rule is in the wrong spot. Let us talk about road safety, not property. I will not speak to the amendments that Ms Tucker will be putting forward. It is suffice to say that what Ms Tucker is trying to do with those amendments is to take things back to the status quo. The status quo is fine for the ACT and we should support those amendments.

In summary, the road rules are about road safety. This rule is not about road safety; it is about property. It is an infringement of civil liberties in that you can be done for leaving your car unlocked in your own yard. There is anecdotal evidence to show people's confusion about that. The conflict between the Animal Welfare Act and this legislation is apparent. If one can say that one piece of legislation has precedent over the other, I would have no difficulty with that; but the unintended consequences of this rule will cause confusion and we need to fix that up. I urge the Assembly to pass the motion and understand that we do not have to agree to all of these rules. Any suggestion that the whole package has to go forward is nonsense. This is not template legislation; make no mistake. It is not a case of all or none. We can knock off just one little piece of it so that it makes sense to us and support the rest. I am saying that we should support most of the road rules because they are a great idea - uniformity is a great idea - but not this one.

MR BERRY (12.03): Mr Speaker, I will try to confine my contribution to this debate, but I want to deal with a few points. First of all, it seems to me that middle-class people have designed this rule, people who have access to central locking and electric windows in their cars and can secure their cars in that way. But a whole lot of people out there do

not have central locking and have to lock each door separately and do not have electric windows and have to crank up each window, which invites people not to observe the law. In fact, many will not and it will mean that poorer people will be discriminated against.

There are some other ludicrous aspects of this law that demonstrate that it has been drawn up by people who do not have their minds on the job. First of all, it does not say that you have to wind up the windows. You have to lock the doors, but you do not have to wind up the windows. What a joke that is! You can leave the sun roof open. You have to lock the doors, but you can leave the sun roof open. What happens if you are the more showy type and drive a car in which you can show yourself off to the population as you go by, so you have a cabriolet, as they are now called - a little convertible? If you go to a service station or you pull up on the side of the road, you can lock the doors and leave the windows and the hood down. These sorts of laws are really a joke.

We are talking about turning the engine off and taking the keys away so that children cannot drive off in the car. My experience of these things is that children who are not well behaved can be as hazardous in a car without the keys in it as they can let off the handbrake and knock it out of gear and it will roll away. This is just nonsense. This law is badly thought through; it is nanny-state legislation. Someone in the bureaucracy somewhere has a pet hate and they want to cover it with a law. Perhaps it is because at some point in time one of their kids turned the engine on and they have been angry about it or they have been stupid enough to leave their car unlocked in a place where thieves abound and something has been pinched. This rule is a joke.

The rule goes on to say that if you are going to pay for a parking voucher you can ignore all these things. If you happen to be where there is one of those voucher machines and you have to walk 50 metres to get to it, you can go right off the radar as far as your car is concerned and leave it there wide open for thieves. The whole thing has been poorly thought through and deserves to be knocked flat. I am sure that somebody will say that locking the car means winding up the windows, but the rule does not say that and it does not say a damn thing about leaving the hood down. Those in this Assembly who fancy a car with a rag top so that they can show themselves off to the voters should be aware when they go to get petrol that they must lock the doors, but can leave the windows and hood down. They can be just as showy and will not have to worry about the other things, but all of their possessions inside the car are going to be just as vulnerable to thieves. If you happen to have any kiddies in the car, they can still let the handbrake off and knock it out of gear so that it runs into the service station fence. This rule is just nonsense, nanny-state law, and it deserves to be repealed.

MR SMYTH (Minister for Urban Services) (12.06): Mr Speaker, the opening statement by Mr Hargreaves that changes are being made on the run does the whole process of coming to national road rules some discredit. It is not a case of legislation being made on the run. It took 50 years to get to a position of national consistency and decide that we would all drive in this country in the same manner; yet, less than a month after the introduction of the proposal in the ACT, we have local Labor yet again out of step with the rest of the country. Mr Speaker, it is not a matter of change being made on the run because when the legislation was implemented across the country the national maintenance committee was established to look at changes as they came forward. It was

understood right from the start that these rules may need to be finetuned. The national maintenance group of the Australian Transport Council has been charged with overseeing the national road rules and reviewing them as necessary - hardly on the run. We were aware right from the start that they would need some finetuning.

The throwaway lines that we hear from Mr Hargreaves and the shocking comments that he has made in a *Canberra Times* article this morning are just an indication that this is simply a case of opposition for opposition's sake. I asked my people to take the concerns of Canberra residents to the national maintenance group when it first met in the middle of March. There were three issues, of which this law was one. In fact, all the other States were quite happy to leave it as it was, but have accepted that perhaps there is an ambiguity there, and what I have put forward will remove that ambiguity.

Mr Hargreaves made some surprising claims. I think we should start with the animals left inside vehicles. Animals should not be left inside vehicles. Animals left in a vehicle that is locked up and totally sealed become distressed very quickly, so it is ridiculous to suggest that this law somehow is anti-animal. According to the article, Mr Hargreaves said:

> If people leave their cars unsecured, they could lose their insurance payouts. You should not be committing a crime in the process. In this case the only person that suffers is themselves.

An extraordinary claim that he makes earlier in the article is worth putting on the record. The article reads:

> Labor MLA John Hargreaves said last night the law infringed on civil liberties and improperly collaborated with insurance companies to help them to reject legitimate car theft claims.

I guess that Mr Hargreaves is claiming that the Australian Transport Council - the ministerial council which, at last count, had, I think, five Liberal and four Labor members - has somehow colluded to collaborate improperly with insurance companies to help them to reject legitimate car theft claims. If there is evidence of that, I would like to see Mr Hargreaves present it. I think that is an extraordinary statement. It is just one of those glib throwaway lines that we all come to expect from John Hargreaves - anything to get his name in the paper. If he knows of any improper activity, if he knows of this supposed collaboration and which law it has violated, perhaps he should bring it to the attention of the authorities. I am sure that the Attorney-General would like to know about improper collaboration that seeks to deny people of their property rights.

I would like to bring to the attention of the Assembly a case some two years ago. Mr Hargreaves claims that the only people who lose if they get their car stolen are the people themselves and that is their problem. That is not so. That is quite wrong. I bring to the attention of all members of the Assembly an incident in Newcastle two years ago when a stolen car being driven at high speed killed two young doctors. Mr Hargreaves would say that only the owner of the car suffered in that case. The reality is that

whenever a vehicle is stolen we all suffer. In the extreme, it may mean death and physical injury to people; but we all suffer from the fact that we are paying insurance premiums to compensate for people not taking the simple precaution of locking their cars.

What is Mr Hargreaves' answer to that? It is to make sure that there is a better clear-up rate on stolen vehicles; clearing up is an outcome because we have crime. Surely prevention is better than cure, Mr Speaker. Surely we should do everything possible in our means to stop, hinder or slow down those who would steal our vehicles, instead of saying, "Let us leave the cars open so that they can be flogged. After all, you are the only one who suffers and that is a choice you make. We will just make sure that the cops clear up the stolen car rate quicker and more effectively". It is just so illogical that it is ridiculous.

Let me refer to what happened recently in Sydney. It is important that the people know about it. I read from an article in the *Canberra Times* of 24 February this year – a month ago:

> A man was arrested yesterday for allegedly stealing a car from a service station with a 12-year-old girl inside, police said.
>
> The man, 18, allegedly stole the station wagon when the owner went inside the Heatherbrae service station, north of Newcastle, to pay for petrol, a police spokesman said. The owner's 12-year-old daughter remained in the car while her father went inside to pay, with the keys still in the ignition.
>
> The man had jumped into the vehicle and took off. Soon afterwards, he had let the girl out on the Pacific Highway before speeding away again.

What we have from not securing a vehicle and leaving a child inside is the terrible outcome that for a short period this child was kidnapped, effectively, and then the person who stole the vehicle sped away. There was a happy outcome, thank goodness. The same thing happened in an incident that occurred in America earlier this year. A mother went into a shop to purchase a drink and left her six-year-old son in the car. I will read the article because the young boy was killed in the end. The article reads:

> On Tuesday the boy's mother, Christy Robel, left her son sitting in the back seat of her sport-utility vehicle while she ran inside an area sandwich shop to get the boy a soft drink, according to police.
>
> A car thief - who had just been released from police custody due to a mistake - jumped into the vehicle, where Robel had left the keys in the ignition. As the man began to pull out of the parking lot, the frantic mother tried in vain to yank her child from the back seat. But Jake became caught in a twisted seatbelt and Robel lost her grip on her son as the car thief sped away.

> The little boy was crying and screaming for his mother to help him as he was dragged down the street, according to witness statements recorded in a police report.

The boy was pronounced dead at the scene of the crime. It is ridiculous to say that the only one who suffers is the person himself or herself. That is being naive in the extreme. It is ridiculous that Mr Hargreaves should even put out these notions, because we all suffer in one way or another. He said that this provision should not be in the national road rules because it is a property thing. The reality is that the property thing has the rapid ability to become a speeding car. Recently, Mr Humphries authorised the police to have those devices that allow them to slow down speeding cars. A large number of the pursuits are of stolen cars and the police are only doing their job. Surely in this case prevention is better than cure.

We have put forward a proposal that has been accepted by the Australian Transport Council and, oddly enough, it will be agreed to by the States. It simply says that if a driver moves more than three metres away from the vehicle he or she must secure the vehicle by switching off the engine, which I would have thought would be fairly obvious; applying the parking brake, which one would hope most people would do; and removing the ignition key if there are no adult passengers still in the car, which one would hope would happen. But locking the vehicle is no longer a rule if there is anyone in the vehicle. That takes care of people's fears about having to take their children out of baby seats or whatever the circumstances. Mr Hargreaves takes all of that straight out of the law. You do not have to turn your vehicle off, you do not have to put your handbrake on and you do not have to secure your vehicle. It is typical of the lazy overreaction that we get so often in this place from the Labor Party.

Mr Speaker, the Australian Transport Council has given the ACT permission to move forward on this matter. I will bring that legislation forward as quickly as I can. The other States intend to follow our lead on it to clarify the law, which is a good step. We knew that there would be dilemmas, but what Mr Hargreaves does is just take it all out. He just gets rid of it. It is easy for him; just knock it all off. Mr Speaker, prevention is better than cure. Mr Berry raised the issue of somebody who drives a convertible with the top down. There are always exceptions. Nothing will stop a determined car thief.

The extended time allotted to Assembly business having expired -

Suspension of Standing and Temporary Orders

MR BERRY (12.17): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent notices Nos 3 to 5, Assembly business, relating to the proposed amendments of Subordinate Laws 2000 Nos 10 and 11, having precedence over Executive business in the ordinary routine of business until any question relating to each of the notices has been resolved by the Assembly.

Mr Speaker, I need not speak further to that motion. It explains itself and I do not want to waste the time of the Assembly.

MS TUCKER (12.18): I would like to speak very briefly to the motion. I support the motion. I think it needs to be made clear why. We have a situation at the moment where there is already confusion about what is actually happening because we have had publicity over proposals coming from the Labor Party and me on these rules. I understand the Government's concern to get the Impulse Airlines debate up and running and the pressure it feels there, but we should show respect to the community by acknowledging that there is pressure to complete this debate as well. If it means that we will have to work late tonight, so be it. I am quite happy to do that and I would expect other members to do so as well.

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

Motion

MR SMYTH (Minister for Urban Services) (12.19): The motion of Mr Hargreaves removes the entire rule for securing a vehicle. The objectives of rule 213 are to reduce the consequences of vehicle theft, which include the destruction of those vehicles, high-speed chases and the loss of life and limb, and the chances of children starting cars and causing crashes.*(Extension of time granted)* The intent of the rule was not to lock children in vehicles. Our proposal will clarify that. The Assembly should reject Mr Hargreaves' motion. It is lazy because he has not looked at the full implications of what he intends to do. By removing rule 213 in its entirety he will open all of us to lots of consequences that he has not thought about. I will bring forward the amending rules as quickly as I can. When I do, those who have difficulty with the locking section can knock it out if they wish; but to remove rule 213 entirely in the ACT is just plain silly.

MS TUCKER (12.20): Mr Speaker, I will be speaking to my proposed amendments as well as to Mr Hargreaves' amendment. I will address Mr Hargreaves' first as they seems to be what is being discussed a lot at the moment. I will be supporting Mr Hargreaves' motion to disallow rule 213 requiring motorists to secure their vehicles. The Australian Road Rules are primarily about how people should behave and interact when they are on the roads so as to avoid accidents and improve public safety. It seems odd that this rule has been included as it is primarily about reducing vehicle theft, which is really a different issue.

Mr Smyth was really drawing a long bow with his sad story about a child, as I saw Mr Rugendyke demonstrating. If you are going to put that argument, you will have to ban driving altogether because I can give you many examples of tragic deaths in cars. What are you saying here? It is terrible that that happened, but lives are lost every day in Australia because of cars and we are not going to say that people cannot drive cars at all. The element of individual responsibility is obviously what people believe has primacy here and we should do all we can to ensure that responsibility is taken by drivers in every aspect of their use of motor vehicles.

This rule is taking away the basic responsibility given to people there. It is not allowing them to look after personal property and not allowing them to make their own decisions about the risks they are prepared to accept of something being stolen. It seems very paternalistic and interventionist that we have to have these sorts of rules. Are we going

to see next Brendan Smyth tabling legislation making it a crime if we do not close our windows when we go out? That is a logical extension of this rule and I find that to be a quite unacceptable invasion of the rights of people in the community. I will not be supporting what he is trying to do as it does not make sense at all. I will be supporting Mr Hargreaves.

On the issue of my amendments regarding cyclists, the key amendment is No. 2, which states that rule 248 of the Australian Road Rules, which is the rule that requires cyclists to dismount, does not apply in the ACT. Amendment No. 3 establishes a new ACT-specific regulation, 58A, that cyclists may ride across pedestrian and other marked crossings, with the important condition that cyclists must still give way to and not obstruct any pedestrian. This amendment generates a number of consequential amendments. The new regulations 58B to 58D are necessary to ensure that cyclists are subject to the same rules as pedestrians when they cross a pedestrian crossing, such as not crossing when a pedestrian light is red. Amendment No. 4 just copies the parts of the Australian Road Rules that relate to the new regulations 58A to 58D into the regulations. Conversely, my amendment No. 1 ensures that motorists must give way to cyclists when cyclists are in situations where pedestrians already have right of way. For example, a motorist must give way to a cyclist who is on a pedestrian crossing.

Members will be aware that the Australian Road Rules adopted by the ACT on 1 March have been criticised by the Pedal Power group, which represents cyclists in the ACT. They have raised a number of concerns over the treatment of cyclists in the road rules, particularly concerns about how cyclists are required to negotiate roundabouts and the new rule requiring cyclists to dismount before crossing a road at a pedestrian or other marked foot crossing.

Before talking about the substance of my motion, let me say that I am also concerned about the new roundabout rules, which require a cyclist on a two-lane roundabout who is turning right from the left lane of the roundabout to give way to all vehicles leaving the roundabout. I believe that this could create some quite hazardous situations for cyclists on these types of roundabouts, where there is usually a lot of fast-moving traffic. However, after examining in detail the relevant rules in Part 9 of the Australian Road Rules, I have come to the conclusion that there is no simple solution to the situation of cyclists in these large roundabouts wanting to negotiate right-hand turns across two lanes of traffic. There are other issues involved, such as the general attitude of motorists towards cyclists, the design of roundabouts and whether they allow sufficient space for cyclists, and the availability of alternative routes for cyclists around busy roundabouts. I am therefore prepared to let this rule stand for the moment and see how it works in practice. However, if it appears that the rule is generating problems for cyclists, I am prepared to raise this issue again in the Assembly.

Moving on to the amendments I am proposing, let me say firstly that I think there are quite a lot of good things in the Australian Road Rules, even for cyclists. It is quite an achievement that we now have applying across Australia a comprehensive set of road rules that describe in detail the road rules that apply in just about every situation in which motorists, cyclists or pedestrian could find themselves. However, while I appreciate the desire for consistent road rules across Australia because of the extent of

interstate travel, it still has to be recognised that there are some significant local differences between cities that need to be taken into account. That has occurred already to some extent in the Australian Road Rules. For example, there is a whole set of rules relating to trams which probably apply only to traffic in Melbourne.

There is also the rule which is central to this debate, which is that cyclists over 12 years of age must not ride on footpaths. The ACT Government has, to its credit, argued that this rule should not apply in the ACT because it would effectively destroy Canberra's extensive cyclepath network, which relies on the use of footpaths by cyclists. It is generally acknowledged that Canberra has the most extensive cyclepath network in Australia and a high usage of bicycles. I understand that Canberrans have more bicycles than cars per head of population, with 40 per cent of the population cycling at least once a fortnight. However, this has not been taken into account in the development of the Australian Road Rules. These rules appear to be designed primarily for the busy streets of the state capitals, rather than the wide streets and extensive cyclepaths of Canberra.

The Government clearly lost the argument with the States when it came to the rules regarding pedestrian crossings. No account has been taken in the rules of the fact that pedestrian crossings and other marked foot crossings often form key links in the cyclepath network. In fact, I can think of a number of pedestrian crossings round town that are located specifically to provide a crossing for cyclists between sections of bike paths, rather than being used by pedestrians. The Government is supposed to have a policy of promoting bicycle use because of its environmental and health benefits. It released a cycling strategy in 1997, with the aim of increasing the proportion of commuter cycling from 3 per cent in 1997 to 6 per cent in 2007. The strategy acknowledged that cycling has an important role in transport in Canberra. It is a highly energy-efficient, sustainable travel mode and generates no greenhouse gases or noxious exhaust emissions. It uses a minimum of our increasingly scarce non-renewable resources. Cycling promotes accessibility, is affordable and has positive effects on personal health, work productivity and lifestyle. Increased commuter cycling contributes to a reduction in peak period congestion and help postpone the need to build more roads and car parks.

The new rule is a backward step. This rule might make sense in Sydney or Melbourne, where the amount of traffic and the number of pedestrians are larger and there is more potential for conflict between cyclists and pedestrians, but it does not suit Canberra's established pattern of cycle use. If the rule were enforced, I am sure that it would put people off riding their bikes if they had continually to get off and on their bikes to cross roads in their journey. It could really slow some trips down. It is generally acknowledged that for commuter cycling the length of journeys is a factor in whether people will make the effort to ride. Anything we can do to make cycle journeys shorter and simpler will encourage more cycle use, but this rule is doing the opposite.

I have no doubt that this rule will be widely ignored as most cyclists would be used to riding across roads, rather than walking across them. Cyclists have been doing so for years without adverse impacts. In fact, this rule has been in place since 1 March and I have yet to see any cyclists get off their bikes at a pedestrian crossing, and I have not

noticed any calamities arising from that. I doubt that the police would want to enforce this law as I am sure that they would have better things to do than stand round a pedestrian crossing waiting for cyclists to pass by.

The Minister, in defence of the indefensible, attempted to argue that there were safety reasons for this rule. The statistic that has been thrown around is that a cyclist moving onto the road from a path is twice as likely to collide with a car at a pedestrian crossing as a cyclist on a road. The fact is that we have been given no information on where these statistics came from. I have been told that they come from a study in California, hardly a place similar to Canberra. This statistic is really a red herring. It is quite logical to say that it is more dangerous for a cyclist to cut across the line of traffic than to travel with it. However, if the Government is really serious about this danger, it should have required cyclists to dismount before crossing any section of road. But no, the road rules require cyclists to dismount only at pedestrian crossings. It is quite okay under the rules for a cyclist to move a mere 20 metres away from the crossing and ride across the road. In some ways it is more dangerous for a cyclist to ride across the road away from a crossing than at a crossing. At least at a crossing a motorist should be expecting someone to cross the road at this point and be more prepared to stop.

It should also be noted this rule applies not just to zebra crossings but also to signalised pedestrian crossings. In this situation, if the traffic light is red for motorists, they should be stopping anyway, regardless of whether a cyclist or pedestrian is crossing the road. A cyclist who rides across a signalised crossing against the lights breaks the law under either the old or new laws and that is not something that should be encouraged in any situation. *(Extension of time granted)* It is quite clear that this rule is not primarily about making it safer for cyclists, but to reduce conflict between cyclists and pedestrians where they cross the restricted area of a pedestrian crossing. If the Minister is serious about collecting relevant statistics, he should be looking at the number of times that cyclists collide with pedestrians on pedestrian crossings or the number of car accidents involving cyclists riding across the road at pedestrian crossings relative to car accidents involving pedestrians walking across the road at such crossings. I doubt that such studies have been done, but just on the anecdotal evidence from around Canberra, which is where we should be looking at, there is not a significant problem.

If the Government is so concerned about safety, it is being quite inconsistent with this rule as skateboarders or persons on scooters are still allowed to ride their skateboards or scooters across a pedestrian crossing rather than dismount. Even children on tricycles can ride across crossings. Rollerbladers can also ride across pedestrian crossings. Requiring cyclists to get off their bikes is very inconvenient for cyclists and also for the motorists who have to wait for the cyclist to walk across the road when formerly they would have ridden across more quickly.

The Minister has just announced that the Australian Road Rules will be changed to allow a cyclist to ride across selected marked crossings controlled by traffic lights. I am glad that the national maintenance group has realised that the existing rule is silly and needs to be amended, but I believe that in the process they have just made the rules more complicated for cyclists. Firstly, the amended rule applies only to crossings

controlled by traffic lights. Cyclists will still be required to get off their bikes at pedestrian crossings which, for the reasons I have mentioned before, is inhibiting, unnecessary and impractical.

Also, the amended rule will apply to controlled crossings only if a so-called traffic control device, such as a sign or bicycle crossing light, installed at the crossing permits the cyclists to stay on their bikes. Therefore, the rules will create two classes of controlled crossings - one where cyclists can stay on their bikes and one where cyclists have to get off their bikes. That could only create more work for Urban Services in assessing which crossings need signs and then putting up and maintaining the signs. I wonder whether Mr Smyth is worried about the cost of that. Cyclists will have to be constantly looking out to see whether there are signs adjacent to the various crossings to determine whether they stay on or get off their bikes. There will also be much scope for vandals to remove these signs and confuse cyclists even more.

A much simpler and practical approach would be just to remove the rule altogether and let cyclists ride across all crossings when it is safe to do so and without obstructing pedestrians, which is what my amendment provides for. I do not think that this change would create any real problems in terms of consistency with the rules in other States. Motorists anywhere in Australia still have an obligation under the road rules to approach a pedestrian crossing at a speed at which the driver can, if necessary, stop safely before the crossing and then give way to any person on the crossing. It should not matter whether that person is walking or on a bike, skateboard, tricycle or wheelchair; the motorist should still stop. In conclusion, I believe that the national rule requiring cyclists to dismount is impractical and unworkable in Canberra and would be a disincentive for cyclists at a time when we should be encouraging cycling.

Sitting suspended from 12.33 to 2.30 pm

MINISTERIAL ARRANGEMENTS

MS CARNELL (Chief Minister): Mr Speaker, could I let the Assembly know that Mr Stefaniak will not be at question time this afternoon. I will take questions on his behalf.

QUESTIONS WITHOUT NOTICE

COOOL Houses of Macquarie

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. The Minister will be aware that the head of his department has completed a draft review of the appeal by the board of the COOOL Houses of Macquarie Association against the decision to refuse CHOM's application to self-manage the residences. The Minister will also be aware of CHOM's response to Mr Butt's review. Does the Minister accept that CHOM's trenchant criticism points to the fact that the entire process of appointing a support and housing management agency has been seriously flawed?

MR MOORE: No, I do not. Yes, I am aware that the head of the department has done a review of the COOOL houses of Macquarie, and I am also aware that the agreed way of reviewing that issue was for the head of the Department of Health and Community Care to do it. But, instead, at my request, we also asked somebody from the Chief Minister's Department to join him in that review. There were some criticisms of the process. I might remind members that this was a very new process. In a tender-style process the department was trying to do its best to give CHOM an opportunity to be able to meet the criteria.

The most important thing identified in Mr Butt's draft review, to which CHOM responded, was our commitment to duty of care - not duty of care to some or a majority of residents at Macquarie but duty of care to each and every one of them. While that remains the responsibility of the department and while that remains my responsibility, we will continue to look at that as the overriding factor.

MR STANHOPE: I ask a supplementary question. Mr Speaker, can the Minister explain to the Assembly why he and his department have paid no heed to the report the Government commissioned from Dr Anthony Shaddock on the COOOL project, which recommended in favour of self-management?

MR MOORE: I thank Mr Stanhope for that supplementary. In a letter to the chief executive officer of the Department of Health and Community Care, CHOM claimed that the disability program does not meet disability service standards and referred to Dr Shaddock's report on future arrangements for service delivery. There have been a number of occasions when the report by Mr Shaddock has been misrepresented. This certainly applied to the issue of the disability program meeting disability service standards.

Dr Shaddock's report said that we should work towards self-determination. It is not that the department or I am reluctant to do that. We have a track record on it. The Fisher house has gone to that model. There are specific problems with this particular arrangement in place that would mean that, if we handed it over, we would not be taking seriously our duty of care to each and every one of the residents. Once again, duty of care is the overriding factor.

Bruce Stadium

MR QUINLAN: Mr Speaker, my question is to the Treasurer. I would like to quote from the Federal goods and services tax Act, quite a large Act which says, amongst other things:

> For the purposes of making a declaration under this Subdivision, the Commissioner may:
>
> (a) treat a particular event that actually happened as not having happened; and

(b) treat a particular event that did not actually happen as having happened and, if appropriate, treat the events as:

(i) having happened at a particular time, and

(ii) having involved particular action by a particular entity; and

(c) treat a particular event that actually happened as:

(i) having happened at a time different from the time it actually happened; or

(ii) having involved particular action by a particular entity (whether or not the event actually involved any action by that entity).

With the benefit of hindsight, might it have been prudent to have included similar provisions in the Territory's Financial Management Act prior to undertaking the Bruce Stadium redevelopment?

MR HUMPHRIES: I would support such a provision, Mr Speaker, as long as we could also retrospectively delete the existence of certain people. That would make it absolutely acceptable.

MR QUINLAN: I ask a supplementary question. I was going to rise on a point of order because Mr Humphries was verging on answering my supplementary question before I actually asked it.

Mr Smyth: If he has answered it, sit down.

MR QUINLAN: He was only verging on it. I would like the Treasurer to consider whether similar provisions might be included in the Land (Planning and Environment) Act and the futsal slab might disappear altogether.

MR HUMPHRIES: Mr Speaker, let us be clear. Those sorts of provisions would be of great benefit to any government of any particular day. Mr Quinlan might like to show his confidence in the future prospects of his own party by putting forward such a provision for inclusion in legislation before the next election.

Health Budget

MR HIRD: Mr Speaker, my question is to the Minister for Health and Community Care, Mr Moore. In the last two days you, Mr Minister, and the Treasurer, Mr Humphries, have caught out Mr Quinlan making serious mistakes about the health budget. Yet he continues to argue that the Government has not allowed for future needs or for inflation. Can you confirm that the Government has in fact proposed an increase to the health budget to allow for needs growth and for inflation?

MR MOORE: Thank you very much for that question, Mr Hird. I am prepared because I suspected I might get a question along those lines. Mr Quinlan still has not publicly accepted his errors, which is a pity, because they were obvious mistakes and he should be embarrassed.

Mr Quinlan: Mr Speaker, I take a point of order. Could I suggest that Mr Moore be allowed to incorporate his answer in *Hansard*, given that it is pre-written?

MR SPEAKER: There is no point of order.

MR MOORE: I can understand Mr Quinlan's sense of humour about these things, because it is embarrassing. For Mr Quinlan's information, a few simple facts are important. The Government has injected an amount of $4.259m to index the health portfolio - - -

MR SPEAKER: Excuse me, Ms Tucker. Could you have your discussions outside if you wish to have them, particularly during question time.

MR MOORE: Ms Tucker, I encourage you to listen. This is very important to your understanding when Mr Quinlan approaches you with his ideas. You need to have some facts in front you. Firstly, the Government has injected an amount of $4.25m to index the health portfolio for inflation in the next budget. Secondly, the Government is proud to say that additionally it has injected $5.11m into the health portfolio to make allowance for estimated growth in service provision. I am sure you will be pleased about that extra $5m for service provision.

MR SPEAKER: Mr Hargreaves, excuse me. You were complaining about the same thing this morning. Would you mind having your conversation outside?

Mr Berry: I take a point of order. It is an entirely different thing. Another member asked the question, not Mr Rugendyke.

MR SPEAKER: I know, but if people wish to have discussions they should leave the chamber. I am tired of the constant chatting that is going on when people are speaking.

MR MOORE: We are very proud of what has happened in the draft budget. In the following three years the injection grows from $5m - we are putting an extra $5m into service provision - to $9m, $13m, and $20m by 2003-04. These are large sums of money for additional service provision. In total, the government payment for outputs goes up by $8.8m next year. No ifs, no buts - an increase of $8.8m. We are also providing $1m on top of that to the YMCA to assist their Ronald McDonald House project. So this coming year there will be $10m in increases.

It is worth taking a moment to dwell on the importance on the growth needs funds. It is a new initiative adopted in the draft budget and represents very significant extra money for health. As I said a moment ago, by the fourth budget from now, they will have increased our provision for health services by over $20m.

One of our community's most pressing needs is the need to feel assured that our health services will continue to be the best in Australia. Under this Government's guidance, the community can have that assurance. In resolving upon these new injections of funds, we are moving to firewall the health sector from the ongoing increase in demand which communities across Australia are making.

We are a caring and a clever government, and we do not let the grass grow under our feet. The $5.1m in the coming budget and the even larger increases across the forward estimates show that this Government can give the people of Canberra the assurance they seek. Sadly, Mr Quinlan cannot accept this. Perhaps it would not have occurred to the ALP that the community needs that kind of certainty.

MR SPEAKER: Excuse me, Mr Moore. Mr Wood and Ms Tucker, if you want to have a conversation, please do it outside the chamber.

Mr Stanhope: Is this rule being applied generally, Mr Speaker?

MR SPEAKER: Yes, it will be.

Mr Berry: It is a new one, is it?

MR SPEAKER: This has been going on all week. In fact, it has been going on all year, and I am tired of it. The fact is that somebody is answering a question. If you want to have a conversation, we have provided lobbies. I suggest you go out there and have your conversation.

MR MOORE: Mr Speaker, I am very pleased with the change and that we are keeping the chamber in better order. Having the Deputy Speaker calling out from outside of the chamber is something new as well. Mr Wood, you have been in the Assembly for 12 years. Doesn't time fly when you're having fun?

The real issue is that, with a shadow Treasury spokesman as confused as Mr Quinlan, the Labor Party in government would not be able to manage the ACT budget competently enough to be able to put new money into our community's future health needs. That is the critical issue.

I reiterate the offer I made to Mr Quinlan yesterday so he can avoid further mistakes. I will sit down with Mr Quinlan and Health officials and take him through the issues. I am sure Mr Humphries would do exactly same for the whole-of-government budget if you would like it. We are happy to take you through it with officials to show you where you are making your mistakes.

MR HIRD: With all this going on, I have to ask a supplementary question. In damage control, in the adjournment debate yesterday Mr Quinlan had another go. Is Mr Quinlan right in saying that we should deduct these expected needs from the gross expenditure on health, or is it similar to the $50m superannuation gap that he had to retract on Tuesday?

Mr Kaine: The answer is no. That will conclude the debate.

MR MOORE: The answer is yes, Mr Kaine. You are not right about that. Mr Quinlan's mathematical ability does not appear to be up to his job as Treasury spokesman. It has already been pointed out that in his media statements and in the copy of his statement that he put into the report of his standing committee he has inadvertently counted the Government's $4.2m indexation funds as negative when they are positive. As I said yesterday, he just hit the minus button instead of hitting the plus button.

In trying to explain this away last night, it got worse. In another mistake, Mr Quinlan has now mixed himself up over two different columns in the budget papers. He has mixed up the two new injections I mentioned a moment ago, which are components of government payment for outputs and therefore a revenue item, with the total for the expenses list for the portfolio. Let me say it again. He has confused part of the revenue column with the total of the expenses column. It is really quite amazing. Not only did he hit the minus button instead of the plus button - - -

Mr Quinlan: They are two indicators that you are not spending any more money.

MR MOORE: I am telling you that you are wrong. If you will just listen, I will explain to you how you are making the mistake. Otherwise you will keep making mistakes as you have been. Not only did he hit the minus button instead of the plus button, but he was typing in numbers from the wrong place. A moment later he continued to argue that, while the problems of growing service needs and inflation were there, the Government's very responsible response to them presented in the budget papers was not there at all. He just refuses to give the Government the credit it deserves for addressing these two needs with new money. He talks fast about the pressures facing us and hopes no-one will notice if he ignores our responses to those pressures.

Mr Speaker, it does not assist the Assembly to have a shadow Treasury spokesman in this Assembly make comments that reflect simple ignorance of an operating statement and make comments which give only half the story.

Mr Corbell: I raise a point of order, Mr Speaker. I think the Minister is expressing an opinion rather than answering the question.

MR SPEAKER: Thank you, Mr Corbell. I have been watching that. I might add that the Minister has two minutes left for his answer.

MR MOORE: Mr Speaker, I have been interrupted so much that I must have a full eight minutes left. To assist in lifting the Labor spokesman's performance, I have drawn up a few mottos for him to follow, and here they are. Motto 1: I will not confuse revenue issues with expenditure issues.

Mr Corbell: I take a point of order, Mr Speaker. This is quite outside the standing orders and the direction you made in the last sitting period. He is not providing factual information or answering the question. He is expressing an opinion, Mr Speaker, and that is quite outside the standing orders.

Mr Humphries: On the point of order, Mr Speaker: The standing orders provide that members may not ask a question that seeks an opinion. There is nothing in the standing orders to say that a member cannot pass an opinion in answering a question.

Mr Berry: Mr Speaker, bearing in mind your commitment to this Assembly at the last sitting period, I refer you to standing order 118:

> The answer to a question without notice:
>
> (a) shall be concise and confined to the subject matter of the question; and
>
> (b) shall not debate the subject to which the question refers.

Mr Moore, has offended that standing order regularly, and I would like you to apply the same standing orders to that side of the house as you try to apply to the rest of the house.

MR SPEAKER: I will uphold the point of order that Mr Corbell made. I do not think we can start coming into mottos. This is not part of answers, as far as I am concerned. Do you have any more to say, Mr Moore?

MR MOORE: Thank you, Mr Speaker. I will give Mr Quinlan some accounting rules. These are rules he should apply to himself. Accounting rule 1: I will not confuse revenue issues with expenditure issues. Accounting rule 2: I will not pretend - - -

Mr Corbell: I take a point of order, Mr Speaker. Mr Moore is flagrantly ignoring your ruling.

MR SPEAKER: Sit down. I uphold the point of order.

North Watson Development

MR KAINE: I would like to inject some sense into this question time, Mr Speaker, by addressing a question, through you, to the Minister for Urban Services. I will need to give him a bit of background because the events on which this question is based go back as far as 1995. Minister, back in 1995 there was some controversial debate about a housing development in North Watson. It had to do with land of about 30 acres, identified as sections 72 and 80 and block 6 of section 64. It was quite a controversial matter and the then Minister, Mr Humphries, assured the people in North Watson that that housing development would not proceed in the foreseeable future. That was in 1995. Lately there seem to have been signs that the Government might be rethinking their decision and perhaps reversing it, because in answer to a question in the Urban Services Committee recently you were quoted as having said that the land there is being developed, in particular block 6 of section 64, which is behind the TV studios. There is a street about to be extended to allow access to block 6 and allow for its sale. Can you tell us, Minister, for what purpose that land is now proposed to be sold? Is it for residential development or is it for something else?

MR SMYTH: I thank Mr Kaine for his question. Without having my Canberra by suburb block and section map with me, I assume it is the land to the north of Stirling Avenue.

Mr Kaine: Right behind the television studio.

MR SMYTH: The land is currently zoned residential and any infrastructure that was put in would be there to facilitate residential development of that area.

MR KAINE: I ask a supplementary question. The point is that Mr Humphries assured the people there that in the foreseeable future there would be no residential development. That was only five years ago. Has the foreseeable future now expired or, alternatively, can the Minister assure the residents of North Watson that there is no intention now to build residential accommodation on that land? The Minister has been accused of being evasive and ambiguous about the Minister's intention. Will he give an assurance that this land is not now going to be developed for residential purposes?

MR HUMPHRIES: Mr Speaker, I might take that question as Minister responsible for - - -

Mr Kaine: Can the Minister for Urban Services not answer it?

MR HUMPHRIES: Asset management is the responsibility of the Minister responsible for the Department of Treasury and Infrastructure. It is not a matter of the Minister; it is a matter of who is actually responsible for the area. Mr Speaker, I will check the block and section that Mr Kaine is referring to, to see whether there is any question of residential development, but my recollection is that land adjacent to the Prime television station at Watson has been released for extension to the Prime television station, not for residential development. But I will take the question on notice and get back to Mr Kaine.

Public Servants

MR BERRY: My question is to the Chief Minister. Chief Minister, yesterday you announced the appointment of a new head of your department, Mr Robert Tonkin, and I note his five-year use-by date statement. Mr Tonkin is the fourth to hold that office in the last five years, following Mr Walker, Mr Thompson and Mr Gilmour. Those former CEOs join other senior executives who have left employment with the Chief Minister's Government or office in recent times - people like Ms Pegrum, Ms Ford, Ms Webb, Mr Dawson, who all share the odium of being associated with issues like the fatal hospital implosion, the redevelopment of Bruce Stadium - - -

Mr Moore: I take a point of order, Mr Speaker. There have been a number of resolutions of the Assembly. I refer particularly to the one on freedom of speech. This matter has been raised a number of times. In the back of the standing orders is a resolution on freedom of speech. Still those opposite, Mr Berry in particular, are very

comfortable about using public servants' names. Contrast Mr Stanhope who, yesterday when he inadvertently slipped, agreed to have a name taken out of *Hansard*. But Mr Berry is up to his usual standard in naming public servants.

MR SPEAKER: Mr Berry's question is in conformity with 117(b)(i),which states:

> statements or facts or names of person unless they are strictly necessary to render the question intelligible …

I accept that. However, I will not accept words such as "odium" being used against these people.

Mr Stanhope: He did not.

MR SPEAKER: Yes, you did say that, Mr Berry.

MR BERRY: They have the odium of being associated with these projects.

MR SPEAKER: I would suggest that you use your words with a little more care. I appreciate that you have to name - - -

MR BERRY: I will say that they were unfortunately associated with these matters.

Mr Humphries: He is saying the same thing but in different words.

MR BERRY: I am happy to move on.

MR SPEAKER: Finish your question.

MR BERRY: What do you want me to say? Do you want me to say they were delighted to be associated with them?

MR SPEAKER: I think I understand where your question is coming from.

MR BERRY: Mr Lilley was the most recent one to go. Mr Lilley was around, as we all know - - -

MR SPEAKER: Yes, go on. What is your question? I will sit you down if you make any attack on any of these public servants. I mean it.

MR BERRY: I am not making an attack on anyone. I am trying to suggest some protection for them.

Mr Humphries: Mr Speaker, I take a point of order. The clear inference of these references is that there is some odium or some feature of shame or some derogation to be attached - - -

MR BERRY: I withdraw any such imputation.

MR SPEAKER: Thank you.

MR BERRY: Mr Speaker, I am even prepared to say that they were probably less than delighted to be associated with these particular issues.

Mr Moore: It is a matter of opinion. It is conjecture. Sit him down, Mr Speaker.

MR BERRY: What do you want me to say? Do you want me to say that they were delighted to be associated?

MR SPEAKER: I do not want you to say anything. I want you simply to ask your question.

MR BERRY: These people appear, on the face of it, to be casualties of the mismanagement of the Chief Minister in respect of all of these matters to which I have referred. What is wrong, Chief Minister? Is it the selection process? Is it the workplace environment these people have to work in? Is it a more serious malaise? Or is it just that all of these public servants are scapegoats for your mismanagement?

Mr Moore: I take a point of order, Mr Speaker. Standing orders 117(b)(vi) and (vii) refer to ironic expressions and hypothetical matters. This question is just so far out of order.

MR SPEAKER: I will allow the question.

MS CARNELL: Mr Speaker, do you know why public servants leave? It is because they get offered better jobs. I think it is absolutely wonderful that we have public servants of such calibre that they get offered jobs with SOCOG, heading up the National Capital Authority, with merchant bankers on double the money and in the private sector on significantly more dollars than they were on here. I would hope that we continue to have people who are in demand in other jurisdictions and by the private sector. That is exactly what we want to continue.

Mr Berry seems to be indicating that the previous Government did not have anybody that anybody else wanted. That is very sad. But it is not the case. People left under the previous Government too to go to other jobs. That is just part of any workplace environment.

It is also true that at this time quite a number of contracts are falling due, at which stage people may choose to go on to other options. That is just part of the workplace. I am always pleased when people are offered jobs on better money, promotions and so on. Is it not wonderful that Mr Tonkin is the first senior Federal public servant to choose to take a job in the ACT? I think that is a big tick to the ACT.

MR BERRY: What about Bill Harris? You forgot that one. I have a supplementary question for the Chief Minister. Do you support Mr Tonkin's reported comments that five years was long enough in any job? According to the Canberra Times, he said, "Five

years, I think, is your use-by date in any job". Chief Minister, having been in the job for five years and having subjected us to all of these disasters, is it not about time you took this first piece of frank and fearless advice from Mr Tonkin?

MR SPEAKER: I rule the question out of order. It is clearly asking for an expression of opinion.

Assisted Reproductive Technology - Review of Laws

MR OSBORNE: How long has Mr Berry been here? My question is to Mr Humphries, the Attorney-General. Minister, I have noticed with interest the media reports today in relation the Federal Parliament's inquiry into reproductive technology. I have also been made aware of the Queensland Premier's issuing of a discussion paper on the very subject in the last couple of days. I then went back to find a press release from you dated 5 January 1999, well over 12 months ago, announcing that the ACT Law Reform Commission was about to undertake a major review of our laws on reproductive technology. Could you tell me where that inquiry is currently at and when you hope to table its report? While you are answering that question, can you tell me how many full-time staff members the ACT Law Reform Commission has?

MR HUMPHRIES: I thank Mr Osborne for that question. The Law Reform Commission has no full-time dedicated staff members. All the people who work for the commission are members of the commission who are paid an honorarium but work at other jobs at the same time. The secretariat to the commission is provided by my department. That is the case for a large number of other government advisory bodies - probably all of them. It is appropriate that that be the case, because the cost of free-standing support mechanisms would be very high.

I can recall commissioning the inquiry Mr Osborne asked about, and I am aware that some work has proceeded on that matter. I do not recall any particular reason why a delay might have occurred. The present Law Reform Commission has been extremely good at producing reports in a timely way. I have been very pleased with the output of the commission. I am not sure why this particular report has not been produced. I certainly would not consider a year too long for a matter as important as this. I will make inquiries as to the status of that inquiry.

MR OSBORNE: I ask a supplementary question. Minister, you also said that there would be wide consultation with members of the public and interested groups, such as the legal and medical profession, during the progress of the review. Could you find out whether this has happened yet? If not, is it because in reality the Law Reform Commission is grossly understaffed and in urgent need of resources to assist the members. Will you undertake to adequately resource the ACT Law Reform Commission so that the commission will be able to continue these very worthwhile inquiries?

MR SPEAKER: Some of these questions are getting a bit lengthy.

MR HUMPHRIES: I will have to go back and look at the report of the Justice and Community Safety Committee on the draft budget. I might have overlooked a recommendation there for additional resources for the Law Reform Commission. If it

is there, I will certainly take the recommendation very seriously. In the absence of such a recommendation, I do not have any view that there is a shortage of resources. The bulk of the work of that body is done by the members of the body. They do it because they are skilled people. They are not always lawyers but very often lawyers with a high degree of training and expertise. They come to their task with a wealth of information and a background and experience which make them very well equipped to be able to produce reports of that kind.

If the reports were being written by officers of my department or officers of the commission burrowing away inside a library somewhere, it would rather defeat the purpose of this exercise. I am not convinced there is a need for further resources, although I will keep the matter under review, obviously.

Parkwood Estate - Dust

MR WOOD: Mr Speaker, my question is to Mr Smyth, as Minister for the environment. Minister, for some time businesses at the Parkwood Estate have been bothered by the considerable amount of dust and debris coming from the next-door mulching facility. I think the Minister has had some activity with that. Apart from being a significant health hazard, this dust affects business operations, including those requiring a clean environment. As well, I have been told of cups of coffee being covered in a layer of dust before they can be consumed. Minister, I know some measures have been taken but the problem persists. It is quite serious, I understand. Could you attend to the matter and perhaps report back to the Assembly - or tell me today - on whether some further measures will be taken to protect the next-door neighbours?

MR SMYTH: I thank Mr Wood for his question. I will have to seek further information from the department. The issue was raised some time ago, and I believe PALM did speak to the lessee of the mulching facility about his obligations to protect the environment. I will seek further information for the member.

Impulse Airlines

MS TUCKER: My question is directed to the Chief Minister and relates to the Government's proposed assistance to Impulse Airlines. Chief Minister, the statement of intent you circulated stated that the issue of an assistance package for an Impulse Airlines industry development based in Canberra would be put to the ACT Legislative Assembly and the support of the Assembly sought. I also understood that part of your reason for signing the statement of intent last week was to have time to seek Assembly endorsement of the proposal so that the agreement could be finalised and the assistance started by July. However, the motion you have put forward for debate today merely asks the Assembly to note the Government's proposal. Could you please explain why you are not implementing the terms of the statement of intent, which could be regarded by some as a breach of good faith on your part? Or do you believe that the involvement of the Assembly in deciding on this expenditure is a peripheral matter?

MS CARNELL: The Assembly later today will have an opportunity to vote against the motion. It is quite simple. As we know, motions are not binding in this place, whether they say "agree" or "note" or whatever. The reality is that if people do not support the motion they have an opportunity to get up this afternoon and argue their case and, if they feel so inclined, vote against the motion.

Mr Speaker, the reason we decided to go with the word "notes" was that I listened to comments made by Mr Stanhope and other members of this place suggesting that this was an Executive decision, a decision that the Government should make rather than the Assembly. We discussed that in Cabinet and determined that that was a fair statement. But equally we wanted the Assembly to have input into the decision-making process. If the majority of the Assembly get up this afternoon and say they do not support it, the Government will rethink its position. We have made that very clear. If the majority of the Assembly say they do support it, we will go ahead with it. It is that simple.

We do listen to members of this house. Not just the Labor Party but others made the point that they believed that this was an Executive decision - and it is. But, unlike any other government in this country, we have put a major business incentive package on the table. Compare that with any other government. Look at what Mr Beattie in Queensland did with regard to Virgin Airlines. That was a much bigger deal than ours. When the Mayor of Brisbane, somebody who you would think had some interest, was asked what the deal entailed, the comment was: "If you knew what I know, then you would not have a problem but I am not going to tell you what I know". That is the case in every other State.

We are the only government that puts this information on the table. We accept that with a minority government, with a proposal of this importance and of this size, members of the Assembly should have input. But at the end of the day it is an Executive decision; it is a decision that this Government will stand by.

MS TUCKER: It seems that the answer is: "We changed our mind". My supplementary question is: Given that the implementation of the statement of intent will require the active involvement of the Capital Airport Group, which controls the Canberra Airport and appears to be taking responsibility for a lot of the development of this project, could you explain why the Capital Airport Group is not a signatory to this document, and what exactly their contribution to this project is and why it has not been identified?

MS CARNELL: Mr Speaker, they are not a signatory to it, because they are not part of this business incentive scheme. This is a statement of intent between the Australian Capital Territory and Impulse Transportation Ltd. It is based upon a business incentive package from this Government to Impulse. We are not giving the money to the Capital Airport Group. The money goes to Impulse. It is certainly true that the Capital Airport Group have been very involved in the whole process. I do not think anyone would doubt that they have made many comments and statements and done a bit of lobbying as well. They are very supportive and very much involved, but the business incentive arrangements are not with them; they are with Impulse Airlines.

Gold Creek Homestead

MR CORBELL: Mr Speaker, my question is to the Minister for Urban Services. Minister, over a year ago the Government acquired the lease on the Gold Creek Homestead in Ngunnawal for approximately $1m. Can you tell the Assembly what the Government plans to do with this land?

MR HUMPHRIES: Could you repeat the question, please? I think it is a question that should be directed to me.

MR CORBELL: This is another example of the insanity of separating land from planning. I direct my question to the Treasurer then. Over a year ago the Government acquired the lease on the Gold Creek Homestead in Ngunnawal for approximately $1m. Will the Minister tell the Assembly what the Government plans to do with this land?

MR HUMPHRIES: The Government is not required to announce policy decisions before it is ready to do so, and I should not be required to answer such a question beforehand. I can say that the Government is seriously considering what to do about that issue in light of the fact that it has taken some time to develop the capacity of that particular asset to be able to deliver on the original expectations for it. I will be considering that issue as part of the Government in the near future. No decision has been made by the Government, and therefore I am not in a position to tell the Assembly what the Government's intentions are in respect of the site.

MR CORBELL: I ask a supplementary question. I appreciate, Minister, that this is an issue you have not reached a final decision on. However, the land has now been controlled by the Government for a reasonable period of time.

Mr Moore: Preamble.

MR CORBELL: You are still smarting, aren't you, Mr Moore? Can the Minister rule out that the block will not be rezoned to residential from its current land use of entertainment, accommodation and leisure?

Ms Carnell: Mr Speaker, that is asking about policy.

MR SPEAKER: If it is policy, you cannot answer it.

MR HUMPHRIES: I think it is another way of asking the same question, Mr Speaker, and I have answered that.

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

REFLECTIONS ON SPEAKER
Statement by Speaker

MR SPEAKER: I wish to make a brief statement to the Assembly on a matter of some importance. This morning my attention was drawn to a media statement headed "Is Liberal Speaker Playing to Favourites". The statement, apparently issued by a member of the Assembly, contained words critical of my performance and conduct and, in effect, questioned my impartiality in the performance of my duties as Speaker.

Reflections on the character of the Speaker made inside or outside the chamber or accusations of partiality in the discharge of the Speaker's duties have been treated as breaches of privilege or contempt. I draw members' attention to pages 207 to 210 of *House of Representatives Practice*, where relevant precedents in the House of Representatives are discussed.

It is not that the Speaker's conduct of his or her duties cannot be criticised or challenged. However, the proper way to do so under our standing orders is by way of a substantive motion in the Assembly. I do not propose to take this matter any further, except to remind all members that such comments do reflect badly on the Speakership and therefore on the Assembly.

I conclude by reminding members of the words of Speaker McRae, my predecessor, in this chamber on 23 May 1993. On that occasion, Speaker McRae reminded members that to go to the media and criticise the actions of the Chair did nothing for the standing of the Assembly and tended to lower it in public esteem. I ask members to note those words.

STUDY TRIP
Paper

The following paper was presented by **Mr Speaker**:

> Study trip – Report by Mr Wood, MLA – Adelaide and South Australia, 16 and 17 March 2000.

PRESENTATION OF PAPERS

The following papers were presented by **Ms Carnell**:

> Remuneration Tribunal Act, pursuant to section 12 - Determinations, together with statements for:
>
> > Part-time holders of public offices (Community Crime Prevention Committee) - Determination No. 54, dated 3 March 2000
> >
> > Members of the Legislative Assembly for the Australian Capital Territory (Travel Entitlement for Members' Spouse) – Determination No. 55, dated 3 March 2000

Members of the Legislative Assembly for the Australian Capital Territory (Accompanied Travel Entitlement) – Determination No. 56, dated 3 March 2000

Chief Executives and Executives (Accompanied Travel Entitlement) – Determination No. 57, dated 3 March 2000

Full-time holders of public office (Accompanied Travel Entitlement) - Determination No. 58, dated 3 March 2000

Travel allowances – Determination No. 59, dated 3 March 2000.

PRESENTATION OF PAPERS

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

Agents Act 1968 - History of review

ACT Administration of Justice –

Statistical profile for October to December 1999.

Quarterly trend information – Tables (8 pages).

Financial Management Act – Consolidated Financial Management Report for the month and financial year to date ending 29 February 2000.

PRESENTATION OF PAPERS

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

Calvary Public Hospital - Information Bulletin - Patient Activity Data – January and February 2000

The Canberra Hospital - Information Bulletin - Patient Activity Data – January and February 2000

HEALTHY CITIES AND URBAN POLICY RESEARCH – INTERNATIONAL CONFERENCE
Ministerial Statement

MR MOORE (Minister for Health and Community Care): Mr Speaker, I present the following paper:

Healthy Cities and Urban Policy Research – International Conference - Report on the International Conference on Healthy Cities and Urban Policy Research held in Tokyo in March 2000.

Mr Speaker, I had planned to ask for leave to make a statement concerning the conference in Tokyo and I am quite happy to do so but, to save time, I ask for leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

> Mr Speaker, this report is a summary of my attendance at an international conference on Healthy Cities and Urban Policy Research in Tokyo, a meeting with the head of the World Health Organisation in our region, and a meeting with officials in our sister city of Nara.
>
> The conference was an ideal opportunity to promote Canberra as a healthy city and showcase our credentials to the many international representatives. Our team worked extremely hard to promote the ACT as a desirable destination for international health workers and town planners.
>
> It was also a valuable opportunity to invite delegates to the Healthy Cities conference that we will hold in June this year. From June 26-28 we will be hosting the Australian Pacific Healthy Cities Conference - a forum for examining Healthy Cities projects in the Pacific Region. The Canberra conference will allow us to celebrate the past 12 years of the Healthy Cities program with our international colleagues.
>
> Good health and wellbeing are vital to us all. As the Minister for Health and Community Care, I am committed to improving the health and wellbeing of all members of our society. This requires a shift in our thinking and in the delivery of health services, from a narrow focus on illness treatment, to a broad focus on health and wellbeing and on improving partnerships.
>
> Mr Speaker, this is exactly what the Healthy Cities movement is about and indeed was the focus of the Tokyo conference.
>
> I launched the current Healthy Cities program in Canberra in September 1998. Healthy City Canberra is a stakeholder in health promotion in the ACT. It aims to facilitate partnerships between the government, private and community sectors to improve health and quality of life in the ACT.
>
> The Healthy Cities Program is a world-wide development started by the World Health Organisation (WHO). The Healthy Cities approach engages communities and government in partnership to improve the health and wellbeing and quality of life of people. It recognises that diverse factors such as education, housing, transport, community safety, employment, the environment and the economy in general all impact on people's health status.
>
> The global Healthy Cities movement now incorporates more than 6,000 islands, villages, communities, towns, municipalities, cities and megacities around the world.

The conference in Tokyo was an opportunity to share experiences with health professionals from more than 22 countries and 100 cities.

The 21st Century will see the rise of many new megacities and almost half of the world's population will live in urban areas. Urban development leads to change in a wide range of health determinants. These include economic growth, food supply, information technology, higher education; the arts; infrastructure such as transportation, electricity and gas, water supply and sewage systems; social stability and people's lifestyles and family values.

Mr Speaker, our meeting before the conference was with Dr Shigeru Omi, the Director of WHO's Western Pacific Regional Office. The aim of the meeting with Dr Omi was to discuss Canberra's role and progress in the Healthy Cities movement.

Dr Omi commended our Assembly for supporting such a proactive approach to the Healthy Cities program in Canberra. He was particularly pleased to hear that the future of the program in the ACT has been secured through bi-partisan support from members.

The Tokyo conference offered a range of lectures and analysis from regional experiences including the European Healthy Cities Network and the Western Pacific. Presenters from around the world shared experiences and presented case studies through national and city sessions, and poster presentations. Participating countries included Japan, Australia, The Netherlands, Germany, China, Laos, The Philippines, Mongolia, Malaysia, Slovakia and Vietnam.

Mr Speaker, the presentation from Canberra was extremely successful and, I am proud to say, won the award for best presentation.

The ACT's Chief Health Officer, Dr Shirley Bowen, and myself presented the lecture titled *Canberra - A Healthy Capital*.

We introduced our presentation by inviting participants to our Australian Pacific Healthy Cities Conference in June. The objectives of our conference are to showcase and promote Healthy Cities projects; respond to the challenges of community health development; and provide a forum for communities, policy makers and academics to share experiences.

The conference themes are campaigning for change; health promotion and intervention; indigenous communities; social and environmental sustainability; and profiles of Healthy Cities in our region.

We then provided a snapshot of life in the ACT, our health indicators and the challenges we faced, and how Canberra rates against the WHO Healthy Cities Principles.

Canberra is a planned city with more than 53% of its total area comprising nature parks and reserves. Its decentralised town centres are separated by urban bushland, while its residential, commercial, industrial areas and community are balanced with rural and urban open spaces.

It offers public housing for low-income households, which is integrated in almost all suburbs (10% of households). 79% of the houses in Canberra are detached, 12% are semi-detached townhouses, and 8% are apartments.

The city has the highest workforce participation rate and the second lowest unemployment rate in the country (about 5.3%). Average weekly earnings are about $100 higher than the national average and there has been 5% growth in the economy over the past year.

Air and water quality is monitored regularly with the ACT's Greenhouse Strategy actively promoting initiatives for reducing greenhouse gases. The Lower Molonglo Water Quality Control Centre is the city's major treatment plant - from here treated waste-water is discharged into natural waterways. The city is proud of its 98% participation rate for kerbside recycling and aims to meet its *No Waste Strategy by 2010*.

The ACT was the first jurisdiction to enact smoke-free legislation to reduce the harmful effects of cigarette smoke. Prostitution is legal but restricted to industrial areas. Our drug policy is based on harm minimisation and includes a needle exchange, supervised injecting room, and decriminalisation for the personal use of cannabis ($100 fine).

We then highlighted the health indicators for Canberra. ACT residents compare favourably with the Australian averages on all main health indicators. Cardiovascular disease and cancer are the main causes of death and disease in the ACT. It has the lowest infant mortality rate in Australia (3.8 per 1000 live births: Australian average 5.3%).

It has a higher than national average participation rate in organised sport (73% compared with the Australian average of 59%). 93% of children under 3 years of age are breastfed (Australian average is 86%). There are also high rates of immunisation for childhood diseases (89% of children under 12 months are fully immunised, compared to the Australian average of 86%).

Canberra's mortality rate is 10% lower than the Australian average (ACT: 5.4 deaths per 1000 people, Australia: 6.0 per 1000). It has fewer than the average admissions to hospital (ACT: 182 separations per 1000 people, Australian average is 198). Mental illness is the major cause of long hospital stays, with an average of 12 days.

The ACT has two major public hospitals, four private hospitals, and a community health care program that offers a range of services to people's homes or in clinics. There is about 1 doctor per 770 people.

As part of our approach we explained how Canberra rates against WHO Healthy Cities principles. The city has high child immunisation rates, participation in health screening programs and high overall health status.

It supports a sustainable ecosystem and meets the basic needs of its inhabitants by supplying clean air and water and a range of housing options. A high proportion of its students complete secondary education.

Canberra has a strong community and is culturally diverse. It involves the community in government and offers many opportunities for consultation and input.

It offers access to many experiences and interactions with easy access to the natural environment, and a range of sports and interest clubs. It promotes historical and cultural heritage and has a diverse and innovative economy.

It does however, have a number of health risk factors. The proportion of people in the ACT who consume high levels of alcohol are generally higher than the national average (especially 25-34 year olds). 30% of people are overweight, skin cancer from sun exposure is a major concern, and 23% of the population are smokers (higher proportion of young people).

We then discussed our emerging challenges and opportunities. The ACT is 1.7% of the Australian population and is the second youngest jurisdiction. It has a younger population than the national average (32.1 years compared with 34.6 years for Australia). The proportion of people over 65 years of age are expected to triple by 2051. The life expectancy for people in the ACT is 81 years for females, and 77 years for males. The life expectancy for people in the Western Pacific region is 72 years for females, and 69 years for males.

We need to implement mental health strategies for depression and adolescent suicide. Illicit drug use is a big problem, with the implementation of broad ranging harm-minimisation strategies. The level of alcohol consumption is a high risk, especially for young people.

Addressing obesity and cardiovascular disease by promoting physical activity, and assessing the impact of work on family life, are also challenges that we face in Canberra.

Mr Speaker as I mentioned, the trip also included a brief visit to Nara, our sister city. Before meeting with Mayor Ohkawa, I met with a range of officials from the Life Long Health Sporting Centre, the Emergency Crisis and Disaster Centre, and the Nara Medical Centre.

During my meeting with Mayor Ohkawa I raised the possibility of Nara joining the Healthy Cities program. Nara, like Canberra, is already a healthy city in many respects but I am sure it, and other cities in the region, could learn from its participation.

The Mayor indicated that such a move might further cement relations between the two cities. He said how excited students from Ichijo High School were about their upcoming visit to Canberra. He also said the strong relationship between Canberra and Nara had encouraged the children to work so much harder in preparation for their musical performance here.

He spoke of the employment rate in Nara, saying while it was not fantastic it was reasonable compared to the rest of Japan. He said the standard of living in Nara was also better than in the rest of the country.

Every time he thinks of Canberra and Nara there are so many commonalities that reinforce what a good sister city relationship it is. I have to say Mr Speaker, that I could not agree more.

He asked that his best wishes be extended to the ACT Government and indeed the entire Legislative Assembly.

CANBERRA NATIONAL MULTICULTURAL FESTIVAL 2000
Ministerial Statement

MS CARNELL (Chief Minister) (3.17): Mr Speaker, I ask for the leave of the Assembly to make a ministerial statement on the Canberra National Multicultural Festival 2000.

Leave granted.

MS CARNELL: I am pleased to provide the Assembly with a brief overview of the highly successful Canberra National Multicultural Festival, which was held from 4 March to 20 March this year. I am advised that this year the festival attracted an estimated 300,000-plus attendance at all events by both Canberrans and interstate visitors. They enjoyed a multitude of performances, events and exhibitions with a strong international flavour, whilst celebrating the cultural diversity of the national capital. It was the second year of the festival, after the merger of the former Canberra Festival and the Multicultural Festival, and the first time that it was under the auspices of the Canberra Tourism and Events Corporation.

The merger and the new management structure resulted in a range of efficiencies, including a more effective approach to sourcing additional sponsorship dollars, better allocation of scarce resources and greater synergies in the marketing and promotion of the event. That was evident in what was, by all accounts, a highly successful community-based event for Canberra.

The 2000 festival successfully reflected Canberra's rich cultural diversity without deviating from the festival's other focus, the celebration of Canberra's birthday. The program mirrored these twin aims by the skilful combination of an exciting array of international events with the traditionally popular events that Canberrans enjoy. This year's festival featured some 90 events by local and interstate artists, as well as performances, exhibitions and concerts by artists from countries such as Israel, Iran, the Philippines, Romania, Japan, Korea, Sri Lanka and Belgium, to name just a few.

Canberrans are known to have the highest level of participation in cultural activity such as attendance at cultural venues. It is of paramount importance, therefore, that the festival demonstrate the ability to cater primarily to a discerning local community. Indeed, community expectations have been met, if attendances are anything to go by.

I would like to take this opportunity to mention some of the major success stories of the festival. The festival parade was a great success, attracting an estimated 21,000 people, 5,000 more than last year, with 82 participants compared with 40 last year. Skyfire, with

an estimated 80,000 people in attendance, and the balloon fiesta, drawing 45,000 people, were also spectacular events. The Glebe Park week attracted some 42,000 visitors. Collectively, over its 16 days, the festival attracted an audience of some 360,000 people to all events. Arguably, the major arts events of the festival was Mahler's *Symphony of 1,000 Voices*, enthralling the thousands who weathered a rainy evening for the festival's finale.

The contribution that the Canberra Tourism and Events Corporation has made towards the events certainly has made it a success and CTEC is deserving of special mention. In addition to the overall financial management and assistance in sourcing sponsorship, the corporation was able to provide its marketing and public relations expertise to obtain optimum media coverage for the event, with impressive results in terms of inquiries from prospective visitors to the festival. Mr Speaker, it is good to see that interstate interest in the festival continues to increase.

The media coverage included building the festival into a central theme tour, which brought several international journalists to Canberra. In addition, the festival was promoted in national television programs, particularly by SBS, and in a range of metropolitan and multicultural media. The net value of the entire public relations activity is still in the process of being compiled, but we believe that it will be substantial.

It is pleasing to report the high degree of support that the Canberra National Multicultural Festival has had from all elements of the Canberra community. Our diplomatic community, which is a keen supporter of the event, was impressed with the level of support and interest that international performers received. Through the Canberra National Multicultural Festival, we have been able to build upon the richness and strengths of many cultures to create a city of which we can justifiably be proud.

I take this opportunity to congratulate Mr Domenic Mico and his staff for their unwavering commitment and skill in ensuring that the 2000 festival was unique in its artistic and cultural content while retaining its overall appeal to the wider community. The Canberra National Multicultural Festival is a prime example of our recognition that Australia is and will remain a culturally diverse country. We have to aim at ensuring that this diversity is a positive and unifying force in our society. Mr Speaker, I believe that the Canberra National Multicultural Festival is a very important part of making sure that multiculturalism is seen as a positive part of our community. I present the following paper:

> Canberra National Multicultural Festival 2000

I move:

> That the Assembly takes note of the paper.

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

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT –
ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATIONS 2000 - SUBORDINATE LAW 2000 NO 10 –
PROPOSED AMENDMENT**

[COGNATE MOTIONS:

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT ACT) –
ROAD TRANSPORT (OFFENCES) REGULATIONS 2000 –
SUBORDINATE LAW 2000 NO 10 –
PROPOSED AMENDMENT

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT -
ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATIONS 2000 –
SUBORDINATE LAW 2000 NO 10 –
PROPOSED AMENDMENT]

Debate resumed.

MR SPEAKER: I remind members that the Assembly has agreed to consider this motion concurrently with notices Nos 4 and 5 on the notice paper in the names of Mr Hargreaves and Ms Tucker, respectively, dealing with Subordinate Law 2000 No. 11, Road Transport (Offences) Regulations 2000, and Subordinate Law 2000 No. 10 of the Road Transport (Safety and Traffic Management) Regulations 2000.

MR OSBORNE (3.25): Mr Speaker, I think that the issues raised by Mr Hargreaves and Ms Tucker are both worthy issues and ones that should be debated. As a cyclist, but not quite as regular as I was - - -

Mr Quinlan: It must be a big bike.

MR OSBORNE: It is a big bike, Mr Speaker. I can understand and appreciate what Ms Tucker is attempting to do, but the dilemma for me and the question that I need to ask myself is whether I support being a part of the national road rules. At this point, I have to admit to being on the side of the Government in that I think that, if you have national road rules, you should keep them as national road rules and not tinker with them at the edges. I just had a discussion outside with Mr Hargreaves and Mr Rugendyke. I understand that Mr Rugendyke will be supporting a small part of Mr Hargreaves' motion for disallowance. I think that it is quite sensible. We have passed the national road rules. I am sure that all of us in here could have gone through the whole of the legislation and pulled out little bits that we did not like, but that would have been pointless. I will be siding with the Government on these two issues because, as I have said, we have national road rules and it would be silly to tinker with them at the edges. I think that Mr Hargreaves has raised a valid point, as has Ms Tucker, but the issue of the road rules being national has been enough to sway me to support the Government, Mr Speaker.

MR RUGENDYKE (3.27): Mr Speaker, we have had a very interesting debate over a number of trivial things concerning rule 213. The national road rules have lots to do with the road rules in the ACT. There may be some that are specific to the ACT and others that are specific to other places. Who, for example, knew that you had to abide by rule 212 if you were entering or leaving a median strip? Put your hand up if you knew that you could only go forward. I did not. I will bet that no-one else did. Did you know that if you park in the middle of Bougainville Street in Manuka, where you can park in the middle, you are not allowed to back out of your parking spot? I will bet that no-one knew that. There are some silly things in these rules. Put up your hand if you know what is a hook turn. No-one knows, but we have to go through this charade.

Mr Speaker, the one thing I simply cannot abide is having to lock my car when I am at a petrol station. What a ludicrous thing to have to do! Mr Speaker, as a compromise in this very tedious and difficult debate, I propose to move an amendment to Mr Hargreaves' motion - - -

Ms Tucker: I raise a point of order, Mr Speaker. I would like you to be consistent. There were two conversations going on then. Mr Humphries did not even hear a question in question time and you pulled me up and pulled up Mr Rugendyke.

Mr Wood: And me.

Ms Tucker: And Mr Wood. If you are introducing rules, be consistent.

MR SPEAKER: Thank you, Ms Tucker. I uphold your complaint. It is perfectly in order. Members, if you want to have conversations, please go outside. That is what the lobbies are for. It is very difficult to hear people speaking if conversations are going on all over the place. Mr Rugendyke is raising an important point about an amendment. He will sign the original shortly and, therefore, will be able to submit it.

MR RUGENDYKE: Mr Speaker, I move the following amendment to Mr Hargreaves' motion:

> Proposed new regulation 16A, after "rule 213" insert "(4) (b)".

The amendment simply says that we no longer have to lock the doors of our cars when we get petrol - a crazy and ludicrous idea. Mr Speaker, I commend my amendment to the Assembly and trust that it will be seen in the light in which it is meant - as a compromise.

MR OSBORNE (3.31): I wish to speak briefly to the amendment, Mr Speaker. I will be voting against it because, as I said earlier, either you have national road rules or you do not; but I do think that Mr Rugendyke's proposal, if you move away from the issue of national road rules, is quite sensible. The rest of Part 4 is worth supporting. Requiring people to remove their car keys is a sensible thing. It is probably a safety issue as well. Leaving children in a car with the key in the ignition can be hazardous. Leaving your car

sitting in places without the handbrake on can be hazardous, too. I think the amendment is worth while, but the principle with the national road rules is forcing me to vote against it.

MR HARGREAVES (3.32): Firstly, I would like to express appreciation to Mr Rugendyke for looking at this matter - - -

MR SPEAKER: Mr Hargreaves, are you just speaking to the amendment?

MR HARGREAVES: I am speaking to the amendment.

MR SPEAKER: Thank you, otherwise you would be concluding the debate.

MR HARGREAVES: No, Mr Speaker. In fact, my conclusion to the debate will be even briefer than you would ask for. As I said, I would like to express appreciation to Mr Rugendyke for looking at it from the point of view that he did, that is, as an issue of safety. I disagree with him, but I wish to acknowledge that point. The amendment does go a long way towards overcoming the idiocy of this situation.

I want to make a couple of points about the national road rules. The rules talk about controlling the safety of vehicles travelling towards you on the road. To that extent, we are all happy with them. I think most members of this place are happy with almost everything that they have read. But I will bet you, Mr Speaker, that most of the members here have not read this tome, 400-odd pages of it. My office has gone right through it and I have gone right through it, Mr Speaker, and all of the rules, bar this one, relate to road safety.

We are not obliged to support all of the national road rules. The idea that we might look silly if we do not agree with a particular part of them should be debunked. Most of these rules come out of two notions. The first is about having consistency round the country, which we are really keen to have. The second is about framing them around a worst case scenario. A lot of these things are framed around the Sydney or Melbourne road environment. We do not have that situation here. They are about the way in which people in those capital cities address their responsibilities to their own cars. We do not have the same attitude here. We ought not to be bound slavishly to these road rules. I believe that we can set aside those notions. Mr Rugendyke is agreeing, in effect, with what I am saying here. He is attempting to amend this legislation, saying to the drafters of the national road rules that certain things do not work here in that way. They may well be applicable in their States, in which case they would pick up the total wording.

The other thing I want to say, Mr Speaker, is that I do not believe that failure to do these sorts of things should be an offence. I think it should be a matter of common sense. Really, the implications of what will happen if people do not do so are that they will have problems with their insurance companies. They ought not to have a problem with society at large. It should not be an offence which carries a penalty of $60 or whatever. That is just taking behavioural modification and behavioural control too far. Where a breach of the rest of these road rules can endanger a life, I have no difficulty with the penalties. This rule does not cover that.

My preference was for cutting this provision out of the national road rules and sending it back to the maintenance group to look at and see whether there is some way in which a compromise can be reached for the conditions in the ACT and not necessarily slavishly stick the New South Wales one onto the ACT. Mr Speaker, pragmatism will hold forth here. Half a cake is better than no cake at all. Mr Speaker, I wish to signal that, reluctantly, the Labor Party will be supporting Mr Rugendyke's amendment for the reasons that I have expressed. I think that we are making a mistake, but I would rather make a small mistake than suffer the fate of having the whole lot maintained in these road rules. I will not go on any further. I signal the Opposition's support for the amendment.

MR SMYTH (Minister for Urban Services) (3.37): I wish to speak to the amendment, Mr Speaker. It is important to correct the record on some things that Mr Hargreaves just said. I do not recall anybody saying that we will look silly if we buck the national road rules. I do not believe anybody has said that. He said also that these rules have been modelled slavishly on what happens in Sydney and Melbourne. That is not quite true, either. All of us, all jurisdictions, had a place in putting together these road rules. In fact, many of them conform very closely to what we already have in the ACT.

Mr Hargreaves: Not this one.

MR SMITH: You can see that quite clearly from the small amount of change that ACT drivers have had to undergo. Mr Hargreaves interjects, "Including this one". Section 135 of the old Motor Transport Act said:

> The driver of a motor vehicle upon a public street shall not -
>
> (a) leave the motor vehicle without having taken due precaution against the motor vehicle being started in his or her absence; or
>
> (b) permit a person to drive the motor vehicle without the consent of the owner.

Those words were in the negative, but what we had there was an intent to stop people using cars without permission - in other words, secure your car. Is not Australian road rule 213 a better way of doing so by actually telling people what they should do to make sure that their vehicles are secure, that their cars are not taken without their permission, that their cars do not end up as stolen vehicles in a high-speed chase by police and that their cars do not injure somebody as an unintended consequence? Mr Hargreaves said, "Send it back to the national monitoring committee". We did; the ACT took up all of these issues with the national monitoring group recently. That is why I have been able to say that we will change the provision for the use of bicycles on pedestrian crossings that have traffic lights. That has been back to the national monitoring committee. You have to pay attention, Mr Hargreaves.

Mr Rugendyke's amendment is far better than Mr Hargreaves' proposal. Mr Hargreaves is seeking to take out of the national road rules all those features that stop car theft. If the Labor Party wants to be in favour of car theft, that is fine. He wants to take them out. He said that we do not need any of them. At least Mr Rugendyke has had the good sense to say that the one that really annoys people is covered by 213(4)(b).

Mr Berry: Putting the handbrake on stops car theft!

Mr Hargreaves: And taking the key out of the ignition stops car theft! Have you ever heard of hot wiring?

MR SMYTH: Let us extend it: Car theft or children causing damage by either starting their parent's car or pulling off the handbrake and letting it roll. Mr Rugendyke's option is a much better option.

I turn briefly to Ms Tucker's proposal. Ms Tucker would have us accept that a bicycle rider is actually a pedestrian. That is the gist of her amendments; bicycle riders should have the same rights as pedestrians. Clearly, they are different and should be treated differently. No stretch of the imagination would allow you to consider even vaguely that a cycle rider is a pedestrian. It would be absurd to place cycle riders in peril. If these amendments were accepted, I believe that Ms Tucker would be putting cycle riders in the ACT in danger.

There is absolutely no joy in being declared posthumously to be right. Let me just give you one example of what she wants to alter. Ms Tucker would have us alter Australian road rule 72, concerning giving way at an intersection. What does she want to do?

Mr Hargreaves: I rise to a point of order about relevance, Mr Speaker. We are talking about Mr Rugendyke's amendment, not Ms Tucker's amendments.

MR SPEAKER: I do have to uphold that point of order.

MR SMYTH: Then I will close by saying that Mr Rugendyke's amendment is - - -

Mr Kaine: I take a point of order, Mr Speaker. Will you enforce your rule of earlier today about discussions in the chamber?

MR SPEAKER: Yes, I am happy to. Members, please go outside if you want to have a conversation.

MR SMYTH: Mr Speaker, the Government will support Mr Rugendyke's amendment. I will discuss Ms Tucker's motion when we get to it.

Amendment agreed to.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MR SMYTH (Minister for Urban Services): I will now continue my speech at the appropriate place, Mr Speaker. Let us look at Australian road rule 72 - - -

MR SPEAKER: Is leave granted for Mr Smyth to speak again?

Leave granted.

MR SMYTH: I will be very quick. I will give just one example instead of going through all of them. Australian road rule 72 is about causing a driver to give way at an intersection to a bicycle rider when the driver is turning right or left or is making a U-turn. Consider that you are at a busy intersection and a person is turning right. A driver must look out for the vehicles on his left or right and any pedestrians that cross near the intersection. Ms Tucker would have the driver look out for a cyclist who would be travelling at any speed from any direction onto the road. Mr Speaker, we have to make sure the cyclists are also responsible for their actions. I think that fundamentally these provisions are flawed. We have made amendment to, particularly, the provision for cyclists using a crossing that has traffic lights on it. I do not believe that we should be supporting these amendments because I do not think that they add to the safety of, certainly, ACT cyclists and any cyclist that would visit the ACT.

A division having been called and the bells having been rung -

Mr Smyth: Mr Speaker, I seek leave to withdraw the call for a division.

Leave granted.

Motion, as amended, agreed to.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT ACT – ROAD TRANSPORT (OFFENCES) REGULATIONS 2000 – SUBORDINATE LAW 2000 NO 11 – PROPOSED AMENDMENT

MR HARGREAVES (3.45): I move:

> That Subordinate Law 2000 No 11 made under the Road Transport (Safety and Traffic Management) Act 1999 relating to the Road Transport (Offences) Regulations 2000 be amended, pursuant to section 6 of the Subordinate Laws Act 1989, as follows:
>
> **Schedule**
>
> **Part 2 (Australian Road Rules)**
>
> **Page 56 -**
>
> Omit item 257 (257.1 to 257.4).

This motion seeks to remove as offences the provisions that Mr Rugendyke, Mr Osborne and I were speaking about. Members may recall that I have three concerns about that. One is the substantive issue of the provisions of rule 213 which we have changed due to Mr Rugendyke's amendment. This motion seeks to remove specific offences. I am seeking the agreement of the Assembly to making the situation as Mr Rugendyke has set out but that we take out the offences, such that the penalty of $60 would not apply.

Question put:

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

The Assembly voted -

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

Question so resolved in the negative.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT – ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) REGULATIONS 2000 - SUBORDINATE LAW 2000 NO 10 – PROPOSED AMENDMENT

Motion (by **Ms Tucker**) put:

That Subordinate Law 2000 No 10 made under the *Road Transport (Safety and Traffic Management) Act 1999* relating to the Road Transport (Safety and Traffic Management) Regulations 2000 be amended, pursuant to section 6 of the *Subordinate Laws Act 1989*, as follows:

1

Proposed new regulation 8A

Page 5, line 29—

After regulation 8, insert the following new regulation:

8A ARR rr 62-63, r 65, r 67, r 69, rr 72-73, rr 80-83—modification of certain give-way rules for bicycle riders

The following rules of the Australian Road Rules apply as if a reference to a pedestrian included a reference to the rider of a bicycle:

(a) rule 62 (Giving way when turning at an intersection with traffic lights);

(b) rule 63 (Giving way at an intersection with traffic lights not operating or only partly operating);

(c) rule 65 (Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light);

(d) rule 67 (Stopping and giving way at a stop sign or stop line at an intersection without traffic lights);

(e) rule 69 (Giving way at a give way sign or give way line at an intersection);

(f) rule 72 (Giving way at an intersection (except a T–intersection or roundabout));

(g) rule 73 (Giving way at a T–intersection);

(h) rule 80 (Stopping at a children's crossing);

(i) rule 81 (Giving way at a pedestrian crossing);

(j) rule 82 (Overtaking or passing a vehicle at a children's crossing or pedestrian crossing);

(k) rule 83 (Giving way to pedestrians in a shared zone).

Note 1 - Regulation 23A provides that rule 248 of the Australian Road Rules (which prohibits riders of bicycles to ride across roads at crossings) does not apply in the ACT.

Note 2 - Division 2.3.5A contains provisions dealing with riders of bicycles crossing roads at crossings.

2

Proposed new regulation 23A
Page 8, line 32—

After regulation 23, insert the following new regulation:

23A ARR r 248 — non-application in ACT

Rule 248 of the Australian Road Rules does not apply in the ACT.

Note 1 - Rule 248 of the Australian Road Rules provides that the rider of a bicycle must not ride across a road, or a part of a road, on a children's crossing, marked foot crossing or pedestrian crossing.

Note 2 - Regulation 58A provides that bicycle riders may cross roads on crossings as long as they give way to, and do not obstruct, pedestrians.

3

Proposed new Division 2.3.5A

Page 27, line 25—

After Division 2.3.5, insert the following new Division:

Division 2.3.5A—Additional rules for bicycle riders

58A Rider may cross a road on a crossing

(1) The rider of a bicycle may ride across a road, or part of a road, on a children's crossing, marked foot crossing or pedestrian crossing.

(2) The rider must give way to, and not obstruct, any pedestrian on the children's crossing, marked foot crossing or pedestrian crossing.

Maximum penalty: 20 penalty units.

Note 1 - Regulation 23A provides that rule 248 of the Australian Road Rules (which prohibits riders of bicycles to ride across roads at crossings) does not apply in the ACT.

Note 2 - Regulation 8A provides that certain give-way rules in the Australian Road Rules apply as if references to a pedestrian included the rider of a bicycle.

Note 3 - ***Children's crossing*** is defined in rule 80 of the Australian Road Rules, ***marked foot crossing*** is defined in the dictionary to the Australian Road Rules, and ***pedestrian crossing*** is defined in rule 81 of the Australian Road Rules.

58B Riding across a road on a crossing—general

(1) The rider of a bicycle riding across a road on a children's crossing, marked foot crossing or pedestrian crossing—

(a) must cross by the shortest safe route; and

(b) must not stay on the crossing longer than necessary to cross the road safely.

Maximum penalty: 20 penalty units.

(2)A However, if the rider is crossing the road at an intersection with traffic lights and a *pedestrians may cross diagonally sign*, the rider may cross the road diagonally at the intersection.

Note ***Intersection*** and ***traffic lights*** are defined in the dictionary to the Australian Road Rules.

(3) In this regulation—

road does not include a road related area, but includes any shoulder of the road.

Note 1 ***Road-related area*** is defined in the dictionary to the Act, and ***shoulder*** is defined in rule 12 of the Australian Road Rules.

Note 2 Rule 230 of the Australian Road Rules makes equivalent provision for pedestrians.

Pedestrians may cross diagonally sign

Note for diagram There is another permitted version of this sign—see the diagram in Schedule 3 of the Australian Road Rules.

58C Riding across a road on a crossing at pedestrian lights

(1) The rider of a bicycle approaching or at an intersection, or another place on a road, with pedestrian lights and traffic lights must comply with this regulation if the rider is crossing the road on a marked foot crossing at the intersection or other place.

Maximum penalty: 20 penalty units.

Note ***Intersection***, ***pedestrian lights*** and ***traffic lights*** are defined in the dictionary to the Australian Road Rules.

(2) If the pedestrian lights show a red pedestrian light and the rider has not already started crossing the intersection or road, the rider must not start to cross until the pedestrian lights change to green.

Note 1 ***Green pedestrian light*** and ***red pedestrian light*** are defined in the dictionary to the Australian Road Rules.

Note 2 A traffic control device (including pedestrian lights) generally only applies to a person if the device faces the person—see Part 20, Division 3, especially rule 340 of the Australian Road Rules.

(3) If, while the rider is crossing the road, the pedestrian lights change to flashing red or red, the rider must not stay on the road for longer than necessary to cross safely to the nearer (in the direction of travel of the rider) of the following:

(a) a dividing strip, safety zone, or traffic island, forming part of the area set aside or used by pedestrians or riders to cross the road at the intersection or place (the ***safety area***);

(b) the nearest side of the road.

Note ***Dividing strip*** and ***traffic island*** are defined in the dictionary to the Australian Road Rules, and ***safety zone*** is defined in rule 162 of the Australian Road Rules.

(4) If, under subregulation (3), the rider crosses to the safety area, the rider must remain in the safety area until the pedestrian lights change to green.

(5) However, if the rider cannot operate the pedestrian lights from the safety area, the rider may cross to the far side of the road when—

(a) the traffic lights change to green or flashing yellow, or there is no red traffic light showing; and

(b) it is safe to do so.

Note ***Red traffic light*** is defined in the dictionary to the Australian Road Rules.

(6) In this regulation—

road does not include a road related area, but includes any shoulder of the road.

Note 1 ***Road related area*** is defined in the dictionary to the Act, and ***shoulder*** is defined in rule 12 of the Australian Road Rules.

Note 2 Rule 231 of the Australian Road Rules makes equivalent provision for pedestrians.

Red pedestrian light showing red pedestrian symbol

Green pedestrian light showing green pedestrian symbol

Note for diagram Colour versions of these diagrams are in rule 231 of the Australian Road Rules.

58D Riding across a road on or near a crossing for pedestrians

The rider of a bicycle must not cross a road, or part of a road, within 20m of a children's crossing, marked foot crossing or pedestrian crossing on the road, except at the crossing or another crossing, unless the rider is—

(a) crossing to or from a safety zone; or

(b)crossing at an intersection with traffic lights and a *pedestrians may cross diagonally sign*; or

(c) crossing in a shared zone; or

(d) crossing a road, or a part of a road, from which vehicles (other than bicycles) are excluded, either permanently or temporarily.

Maximum penalty: 20 penalty units.

Note 1 ***Intersection, marked foot crossing*** and ***traffic lights*** are defined in the dictionary to the Australian Road Rules, ***children's crossing*** is defined in rule 80 of the Australian Road Rules, ***pedestrian crossing*** is defined in rule 81 of the Australian Road Rules, ***safety zone*** is defined in rule 162 of the Australian Road Rules, and ***shared zone*** is defined in rule 24 of the Australian Road Rules.

Note 2 Rule 234 of the Australian Road Rules makes equivalent provision for pedestrians.

Pedestrians may cross diagonally sign

Note 1 for diagram There is another permitted version of this sign—see the diagram in Schedule 3 of the Australian Road Rules.

Note 2 for diagram There is a colour version of this sign in rule 234 of the Australian Road Rules.

4

Proposed new regulation 117A

Page 53, line 13—

After regulation 117, insert the following new regulation:

117A Diagrams of traffic control devices etc in these regulations

(1) A diagram in these regulations of a traffic control device or symbol represents a likeness of the device.

Note 55 ***Traffic control device*** is defined in the dictionary to the Australian Road Rules.

(2) If there are 2 or more diagrams of a traffic sign in Schedules 2 and 3, or of a symbol in Schedule 4, to the Australian Road Rules, each diagram represents a likeness of a permitted version of the sign or symbol.

Note 1 ***Traffic sign*** is defined in the dictionary to the Australian Road Rules.

Note 2 A number of traffic signs or symbols have 2 or more permitted versions.

(3) If a diagram of a traffic sign in Schedule 2 or 3, or of a symbol in Schedule 4, to the Australian Road Rules is in black and white, the permitted version of the sign is black and white only.

(4) If a diagram of a traffic sign or symbol in a regulation is in black and white and the sign or symbol is not in black and white only in Schedule 2, 3 or 4 to the Australian Road Rules, the diagram is a black and white representation of the sign or symbol and is not a permitted version of the sign or symbol.

Note The permitted version is the version shown in Schedule 2, 3 or 4 to the Australian Road Rules (which is in colour)—see rules 316 (1) (a) and 320 (1) (a) of the Australian Road Rules.

5

Dictionary

Proposed new definitions

Page 60, line 1—

Insert the following new definitions:

children's crossing—see the Australian Road Rules, rule 80.

dividing strip—see the Australian Road Rules, dictionary.

green pedestrian light—see the Australian Road Rules, dictionary.

intersection—see the Australian Road Rules, dictionary.

marked foot crossing—see the Australian Road Rules, dictionary.

pedestrian—see the Australian Road Rules, rule 18.

pedestrian crossing—see the Australian Road Rules, rule 81.

pedestrian lights—see the Australian Road Rules, dictionary.

red pedestrian light—see the Australian Road Rules, dictionary.

red traffic light—see the Australian Road Rules, dictionary.

ride—see the Australian Road Rules, dictionary.

rider—see the Australian Road Rules, rule 17.

road related area—see the Act, dictionary.

safety zone—see the Australian Road Rules, dictionary.

shared zone—see the Australian Road Rules, rule 24.

shoulder—see the Australian Road Rules, rule 12.

traffic island—see the Australian Road Rules, dictionary.

traffic lights—see the Australian Road Rules, dictionary.

The Assembly voted -

AYES, 6	*NOES, 9*
Mr Berry	Ms Carnell
Mr Hargreaves	Mr Cornwell
Mr Quinlan	Mr Hird
Mr Stanhope	Mr Humphries
Ms Tucker	Mr Kaine
Mr Wood	Mr Moore
	Mr Osborne
	Mr Rugendyke
	Mr Smyth

Question so resolved in the negative.

COMMONWEALTH-STATE FINANCIAL RELATIONS – MINISTERIAL COUNCIL MEETING - OUTCOME
Ministerial Statement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (3.52): Mr Speaker, I seek leave to incorporate in *Hansard* a ministerial statement on the outcome of the meeting of the Ministerial Council for Commonwealth-State Financial Relations.

Leave granted.

The statement read as follows:

Mr Speaker, I am pleased to report to this Assembly on the outcomes of the inaugural meeting of the Ministerial Council charged with the very important task of oversighting the first major reform in Commonwealth-State financial relations in many decades.

The successful introduction of national tax reform and the implementation of the GST are a national priority and I am confident that the decisions from the Council meeting concluded on Friday 17 March will go a long way to ensuring its success.

The outcomes of the meeting should send a clear message to the general public that the reform of Commonwealth-State financial relations is well and truly underway.

Mr Speaker, the meeting of Commonwealth, State and Territory Treasurers covered a number of topics underpinning the new environment of Commonwealth-State Financial Relations, and in particular, considered expected revenue payments to the States and Territories in 2000-01, as well as a range of GST administration issues.

From an ACT perspective, there were a number of very important outcomes with the ACT securing a funding boost of $21.3 million above estimates in the draft ACT Budget for the 2000-01 financial year. This equates to some $30 million, or 8.2 per cent more in Commonwealth funding than this current financial year.

As members would be aware, the bulk of this gain arose from the Ministerial Council decision to adopt the recommendations from the Commonwealth Grants Commission's 2000 Update Report on General Revenue Grant Relativities released on 29 February 2000. This report recommended an initial increase of some $16.8 million to the ACT above the draft estimate. The extra $4.5 million gained at the Council meeting resulted from the application of the recommended GST relativities to a revised GST pool estimated by the Commonwealth.

Mr Speaker; what this basically means for the ACT is that the ACT's increased relative share of the GST pool, which replaces the old financial assistance pool, better than ever before is reflective of the service delivery disabilities and low revenue raising capacities faced by the Territory when compared to other jurisdictions. It continues on the excellent work of ACT officials in the Department of Treasury and Infrastructure.

Importantly, this good outcome provides flexibility for the Government to improve the financial outlook for the Territory through the enhancement of the Budget Surplus and maximises the delivery of services to the Canberra community.

Mr Speaker, prior to the Ministerial Council endorsing a draft Statement of Estimated Payments (SOEP), State and Territory Treasurers were required to be satisfied that their budgetary positions were no worse off than had the new taxation reforms not been implemented.

Such a budgetary assurance was by no means easily determined given the changes resulting from tax reform and the inherent difficulties associated with comparing GST revenue to general revenue assistance funding between 1999-2000 and 2000-01.

Mr Speaker, from a State and Territory perspective, it was also important that the Commonwealth complied with paragraph 5 (v) of the Intergovernmental Agreement (IGA) which highlights that the Commonwealth will continue to provide Specific Purpose Payments (SPPs) to the States and Territories without cutting aggregate SPPs as part of the reform process.

In this context, Mr Speaker, I was able to offer my endorsement to the SOEP as:

• the SOEP delivered on the Guaranteed Minimum Amount;

• Heads of Treasuries (HoTs) at its meeting of 25 February 2000 raised no objections to the SOEP report;

• there were no surprises, with the estimates remaining the same as the draft report discussed at the HoTs meeting; and

• although all States and Territories had difficulties in reconciling the Commonwealth's SPP estimates to those in their forward estimates, a examination indicated that this funding broadly complied with the aggregate guarantee in the IGA:

aggregate SPPs to all States and Territories are estimated to increase by $792.8 million, or 4.5 per cent between 1999-2000 and 2000-01 , and

aggregate SPPs for the ACT are expected to increase from $315.0 million in 1999-2000 to $345.7million in 2000-01, an increase of $30.7 million or 9.7 per cent.

Mr Speaker, I am happy to report that the Commonwealth did reiterate its commitment under the IGA not to cut aggregate SPPs to the States and Territories as part of the reform processes.

Mr Speaker, in regard to SPPs, however, all States and Territories still consider that the meaning of 'aggregate guarantee' and how this will be monitored in the future requires further development.

As such, ongoing work has been identified that should help clarify whether or not the SPP guarantee has been fulfilled at a future date when:

- the Goods and Services Tax Administration sub-committee considers the means by which the Ministerial Council would monitor the Commonwealth's compliance with paragraph 5 (v) of the IGA. The sub-committee is to provide a report on this matter for the next HoTs meeting in July 2000; and

- an SPP database is put in place to more accurately determine SPP estimates. As part of the States' SPP working group process, the ACT has a lead role in working with the Federal Department of Finance and Administration in developing this database.

Mr Speaker, the Council Meeting also progressed a number of important GST related issues.

- It considered a number of Ministerial determinations, including the Division 81 determination, gazetted on 1 March 2000, containing a list of Commonwealth, State and Territory taxes and charges that will not be subject to the GST.

- The Council also noted that all jurisdictions have made considerable progress in implementing the First Home Owners Scheme with all jurisdictions anticipating the passage of the necessary legislation prior to the commencement date of 1 July 2000, with promotional activities due to commence shortly to alert first home buyers to the existence of the $7,000 grant for home purchases after 1 July 2000.

- Finally, the Council secured the Commonwealth Treasurer's commitment to consider further relief for charities affected by the GST.

Mr Speaker, as the newly constituted forum for ongoing deliberations on Commonwealth-State Financial Relations, a number of other non GST related subjects were also discussed, including:

- the agreement to a target date for implementing a National Tax Equivalent Regime for income tax for State and Territory government business enterprise of 1 July 2001, which is a requirement of the IGA; and

- the agreement to progress the reciprocal application of other Commonwealth, State and Territory taxes on a revenue neutral basis as soon as practicable.

The biggest disappointment of the meeting, however, Mr Speaker, was that the Commonwealth refused to accept the arbitrated outcome in the dispute over the Hospital Costs Index issue. At the States-only Meeting of Treasurers on the eve of the Council Meeting, State and Territory Treasurers had agreed to raise this issue with the Commonwealth.

The Australian Health Care Agreement Grants are adjusted each year by an index, which should take account of the increase in hospitals' costs. The Commonwealth's failure to agree an index means a default index of 0.5 per cent applies.

As members would be aware, an arbiter was appointed who recommended a CPI plus 0.5 per cent index be applied. Instead, the Commonwealth has decided to index the grants by the Wage Cost Index Series 1, which over five years, represents a loss to the ACT health system of $7 million.

Mr Speaker, I have joined with my State and Territory colleagues to express the strong view that the Council of Australian Governments should meet to consider this issue as a matter of priority. The Commonwealth's failure to accept an independent arbitrated outcome to this dispute, using the procedures the Commonwealth signed up to, Mr Speaker; sets a damaging precedent for the management of financial relations.

Finally Mr Speaker, the same members of the Council then met for the 139th meeting of the Australian Loan Council.

Loan Council endorsed the Loan Council Allocations nominated by the Commonwealth and each State and Territory for 2000-2001 with the ACT's Loan Council Allocation agreed at minus $96 million, which means that the ACT is expected to be a net investor, as opposed to a borrower, in 2000-2001.

MR HUMPHRIES: I present the following paper:

Commonwealth-State Financial Relations-Ministerial Council meeting - Outcome - Ministerial statement, 30 March 2000

I move:

That the Assembly takes note of the paper.

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

FINANCE AND PUBLIC ADMINISTRATION - STANDING COMMITTEE
Proposed ACTEW/AGL Partnership Arrangement – Statement by Chair

MR QUINLAN: Pursuant to standing order 246A, I wish to inform the Assembly that on 24 March 2000 the Standing Committee on Finance and Public Administration, incorporating the public accounts committee, resolved that the committee inquire into and report on the proposed ACTEW/AGL partnership arrangement and that a statement be made detailing the arrangements that the committee has made. I seek leave to incorporate the statement in *Hansard*.

Leave granted.

The statement read as follows:

On behalf of the committee I inform the Assembly that the committee has resolved to inquire into the proposed ACTEW/AGL Partnership Arrangement.

The committee has self-referred this matter as a formal means of enabling it to report to the Assembly in due course on the outcome of its regular meetings with ACTEW, AGL and the Independent Probity Auditor for the partnership arrangement.

On 9 March the Assembly resolved that after consultation with this committee, the Treasurer appoint an Independent Probity Auditor with terms of reference determined by the Assembly to oversight the establishment of the proposed partnership arrangements between ACTEW and AGL. The committee was consulted and Mr Stephen G Marks of Stephen Marks and Co Pty Ltd was subsequently appointed as the Independent Probity Auditor.

It was arranged with the Treasurer for Mr Marks to consult with the committee on an as required basis and for the committee to receive Mr Marks' reports.

On 9 March the Assembly also noted and availed itself of the offer from ACTEW and AGI, jointly to provide fulsome reports on progress with their negotiations and to appear before relevant committees to answer questions.

At this point the committee has met with the companies on two occasions and with the Probity Auditor. The companies have provided the committee with a joint report on progress with negotiations and it is has been agreed that there be further meetings between the committee and the companies on a regular basis leading up to the implementation agreement.

Those consultations and associated reports will include:

• Updates on negotiations on the heads of agreement, including key milestones achieved, anticipated milestones and timing
• The corporate and financial structure of the new organisation
• The cash and physical asset structure, including valuations
• Due diligence and other relevant issues

A good deal of preliminary work has already been undertaken by the parties and leading up to the implementation agreement the companies are focussing upon due diligence and further commercial investigation, legal documentation and negotiation, business structure and business plan development and valuation and financial modelling analysis.

The issues are complex, the Territory financial exposure is substantial and there are important principles to be worked through in reaching for implementation.

The committee sees its role as ensuring as far as is possible that what is being done is being done properly and in the best interests of the community.

HEALTH AND COMMUNITY CARE - STANDING COMMITTEE
Aboriginal and Torres Strait Islander Health in the ACT – Statement by Chair

MR WOOD: Mr Speaker, pursuant to standing order 246A, I wish to inform the Assembly that on 29 March 2000 the Standing Committee on Health and Community Care resolved that the following statement be made in relation to the committee's inquiry into Aboriginal and Torres Strait Islander health in the ACT.

Mr Speaker, I wish to advise the Assembly about the manner in which the Health and Community Care Committee will attend to the reference that you gave it to consider and report on the health of indigenous residents of the ACT. I indicated at the time that a very likely prerequisite of any effective action would be to consider the spirit of a group of people and see where society may need to change, if that is possible, to lift that spirit. The primary tasks that the committee is undertaking are these: First, to consider those underlying societal, cultural and identity factors which may predetermine the approach a person takes to maintaining a healthy outlook and high morale. Secondly, to consider the relationship between the Aboriginal and Torres Strait Islander people, the Assembly, the Government and the general community as community attitudes impact on a person's sense of belonging and worth. Attending to those two task may, in turn, lead to greater concern for a healthy body.

As a long-time political activist, I am much aware of the strong claims over many years of different governments, especially the national government, that they will attend to problems around indigenous health. There was no more genuine, dedicated and knowledgeable Minister than Gordon Bryant, whom I recall as Mr Whitlam's Aboriginal affairs Minister. He set out with determination to improve the health of Aborigines and Torres Strait Islanders. It did not happen. A succession of mostly competent and interested Ministers, including "Mr Fixit or Heads Will Roll", Graham Richardson, have since had no more success. Richardson's comment was particularly inane, failing to recognise that the answer does not entail simply providing programs, resources and facilities, important as they are.

Though gaps no doubt exist, if it were simply a matter of providing services and facilities, the health of Aborigines and Islanders in the well-resourced ACT would be very much better than the statistics indicate. We know that the Aboriginal and Torres Strait Islander members of the ACT community are overrepresented in many areas associated with poor health and lower life expectancies, and we know that we must work with them to turn this around. Still, we do not have the rough camps and the remote settlements with few facilities and many more health problems. Canberra, the Aboriginal word for meeting place, is truly that. The indigenous population here is formed by people from many areas of Australia, with many different backgrounds even within the community. This adds to the complexity of the problem.

The committee will attend to the reference that you have given us by considering those fundamental issues I have indicated. As a natural extension of that, we will also focus on the circumstances of the youngest of that community and the means by which

interventions may successfully occur as early as possible. A detailed account of providing actual services to meet specific health needs is under way. The Assembly knew that when it gave the committee the reference. The strategy for improving indigenous health is being developed through the work of the ACT Department of Health and Community Care, the Aboriginal and Torres Strait Islander Commission, the Commonwealth and the ACT indigenous community.

The work of the Assembly committee will complement that task. After meeting with the Minister and his officers, there is agreement that there should be no unnecessary duplication of work. The committee expects the departmentally organised strategy to deal with measures to improve the services and facilities that are needed over the foreseeable future. If appropriate, we will join with departmental officers in meetings with local groups. We will be briefed on progress. We ask the Minister to allow the committee to make comments on a draft strategy and, where appropriate, we will recommend changes based on our work. Whilst it will be no easy task, the committee hopes to return with a meaningful report.

MR MOORE (Minister for Health and Community Care): I seek leave to make a short comment on the same matter.

Leave granted.

MR MOORE: Mr Speaker, when the motion was first put in February of this year, I welcomed the support of the inquiry into indigenous health. I am not on this occasion outlining what the Government has done in relation to Aboriginal and Torres Strait Islander health because, to be quite frank about it, there is so much more that we have to do before any government can really claim to have achieved a significant level of success.

Mr Speaker, I agree with Mr Wood that for a number of years many governments, both Federal and State, have promised to deliver on indigenous health, but rarely if ever have these promises led to successful outcomes for our indigenous people. The ACT's indigenous population is diverse in geographic origin and background, as Mr Wood highlighted. It is this diversity that makes the ACT's indigenous population at once unique and complex. It is up to this Government and future ACT governments to come to grips with these local peculiarities if we are really to address ACT indigenous health issues.

The Government is working in a tripartite agreement with the Commonwealth and the regional ATSIC office on developing an Aboriginal and Torres Strait Islander regional health action plan. The plan is a genuine attempt to achieve improved health outcomes for indigenous people in and around the ACT. A coordinated approach will address the priority areas of injury, trauma and poisoning, alcohol and drugs, diabetes mellitus, cardiovascular and circulatory diseases, women's and children's health, mental and emotional health including suicide, violence including sexual assault, communicable and preventable diseases, indigenous youth, bringing them home services, men's health and men's business.

The most important aspect of this plan is not so much the proposed programs but the fact that it is being generated and supported by the ACT and region indigenous community. As Mr Wood has pointed out, many programs, resources and facilities have failed to fill the gap between the health status of black and white in the past. I believe that this is due to our failure truly to understand indigenous culture in the community. We now know that all the money, programs and words that governments have committed in good faith in the past mean nothing without the support and the input of the indigenous community. I believe that the ACT has come a long way towards understanding that the community is the key to delivering successful outcomes for indigenous people.

I welcome the Assembly's standing committee having input to the draft plan, but repeat that the document as it stands to date comes from the community. We do not want the handprint of white legislators to rub away what has been achieved to date in addressing an important and complex problem. Addressing the terms of reference of the inquiry into Aboriginal and Torres Strait Islander health in the ACT will inform and strengthen the plan and its strategies. The inquiry should, in investigating, for example, the appropriateness of mainstream health services and the delivery of health services to Aboriginal and Torres Strait Islander people in the ACT, provide further evidence that it is the need to understand the community that is crucial to achieving successful outcomes. That is why it is that I particularly welcome the statement of Mr Wood today.

MS TUCKER: I seek leave to make a brief statement on the same subject.

Leave granted.

MS TUCKER: I was pleased to some extent to hear Mr Moore's and Mr Wood's comments, although I find it a bit ironic that Mr Moore is asking that the hands of white legislators not rub out what came from the community. Of course, that would not be desirable at all, but the fear in many Aboriginal communities is that the hands of the white bureaucrats do that. I have spoken to Mr Wood about this inquiry. I understand that Mr Wood does not want to see duplication of the work that the department is doing at the moment. I hope that the community will have an opportunity to comment on any draft document referred to Mr Wood's committee. On several occasions recently people who have had input to documents being developed by government departments have been quite surprised at the result. It would be a good accountability check if it went to Mr Wood's committee for comment by members of the community, if necessary. I hope that that will not be necessary and that everyone will agree that the draft document does reflect the majority opinion of the indigenous community, as much as consensus can be reached.

I was really delighted to hear Mr Moore acknowledge the importance of their role in this matter. It is, after all, about their fate and they need to be involved. That links with the whole issue of the morale of the culture and the sense of pride or loss of self-esteem in the culture. If there is a respectful process, hopefully there will be positive outcomes. I noted the negative tone of the presentations in saying that it has been done before by people who have tried in good faith. I acknowledge that that is true, but there definitely are lessons to be learnt.

There are reasons that things have not worked, so the situation is not hopeless. It is not as if we have no idea why the expenditure of funds has not worked. There are plenty of ideas out there in the indigenous community about why they have not worked. I do not feel quite as negative about this matter as some members do, although I realise that the issue of self-esteem and strength of the culture is huge. I do not believe that anybody is saying that there is going to be a magic solution or fix to the problems, but we are showing that we are committed to working continually with the community to find out how we can make progress. That is the message I am getting at the moment from both members who have spoken. That is great and I would encourage it. I would also make the comment that as part of that respect there has been a suggestion that there will be cultural awareness training. I hope that that will be picked up. I am interested in participating in that with my committee as well because that is a fundamental first step and a signal of respect. I wish Mr Wood and Mr Moore the best in the work that they are undertaking at the moment. I am sure that if we all work together on this matter we will make some progress.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Crimes (Amendment) Bill (No. 4) 1998 - Alteration to Resolution of Appointment

MR OSBORNE (4.06): Mr Speaker, I seek leave to move a motion.

Leave granted.

MR OSBORNE: I move:

> That the resolution of the Assembly of 27 August 1998 which referred the Crimes (Amendment) Bill (No. 4) 1998 to the Standing Committee on Justice and Community Safety for consideration be amended by adding the following paragraphs:
>
> "(2) that if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication; and
>
> (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.".

The report into what is commonly referred to as the drunks' defence legislation is very close to being finalised and the committee would like to report out of session. That is the reason for this motion, Mr Speaker.

Question resolved in the affirmative.

ASSEMBLY BUSINESS
Suspension of Standing and Temporary Orders

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

> That so much of the standing and temporary orders be suspended as would prevent the order of the day, Assembly business relating to the disallowance of a provision of Instrument No. 55 of 2000, being called on forthwith.

BOOKMAKERS ACT - INSTRUMENT NO. 55 OF 2000
Motion for Disallowance of Provision

Debate resumed.

MR QUINLAN (4.08): The Opposition will support Ms Tucker's motion. We do not accept much of what has been said. We do not accept that there will be a rampant expansion of gambling just because the number of licences increases. We do accept what the Treasurer has said in relation to the value of licences and we do not want to see them inflated and become a traded commodity or a scarce commodity. At the same time, we do want to see that the newly formed commission, in which we have confidence, has a chance to look through the controls and processes that exist and the protection mechanisms that are included. We would like to hear from them in relation to that before we rubber-stamp having virtually unlimited licences. We understand the difference between sports betting and Internet betting, but I would still like to hear from the commission whether that line is becoming blurred. Can we keep a clear distinction on that - - -

Mr Humphries: They have not been asked to comment.

MR QUINLAN: They have not?

Mr Humphries: No. No-one has asked them to comment.

MR QUINLAN: We are hoping that they will be, Mr Humphries. We are hoping that they will be and that they will come back to us and say, "We are satisfied with the probity processes which are set down and which we will apply. We are satisfied with the public safety and public protection mechanisms that exist", and simply no more than that. I do believe that it will not be a long time before this particular ceiling on sports betting licences is removed, but I would like to think that the newly formed commission has had a thorough look at the procedures around it and can report to this Assembly that it is satisfied with the mechanisms that are available to it and the powers that it has in terms of control before we actually take that final step.

We will be supporting the motion, but I want to make it clear that we would not support an indefinite continuation of a ceiling on sports betting. I think that would have some downside effects as well - not just the economic ones but also, as I said, we do not want to turn them into a valuable commodity and have people trading in them. We would just

like people who wish to run these operations to be exposed to the probity checks that we would expect the commission to let us know that it is happy with. As long as the commission comes back to this place and assures us that that it has reviewed the structure of probity checks and of public protection and is happy with the whole structure, we certainly will be happy to have this ceiling lifted; but we will be supporting the motion.

MR RUGENDYKE (4.12): Mr Temporary Deputy Speaker, I will be brief in speaking to this motion. Throughout the debate we have been worrying about the Senate inquiry and we have been taking into account the gambling inquiry that this Assembly undertook. I see a fair difference between wagering and gaming. I see wagering as totally different from gaming in that wagering is a contract between a bookmaker or a body where there is a wager on an outcome that neither has control over. Gaming, to me, is mainly around poker machines - computer-generated, random number, complete chance products.

I do not think that increasing the cap of four licences would alter the capacity for people to pick up a phone or turn a computer on and gamble as much as they want or can. I am very conscious of the concern for problem gamblers and I see the main concern being through poker machines. I have been trying to get my head around the concept of online gambling, but I am afraid I cannot. I have tried to fathom out what is meant by the response of the Government to the Allen report on competition policy review of legislation relating to ACTTAB and bookmakers.

The first recommendation of the report appears to relate to the New South Wales TAB not being able to enter the ACT until certain things have been satisfied. The next couple relate specifically to TABs. There is one - recommendation 7.6 - that indicates that the ministerial limit of four sports betting licences should be removed and there should be no arbitrary restriction on the number of sports betting licences. I have not been convinced as to why that should not be the case, given that the access to these products is dependent solely on a telephone or a computer.

There are issues around what the Gambling and Racing Commission ought to do. It should look at things such as the value of a licence. Currently, there are four licences and two of those licences have sold for around $10m. That indicates that there is speculation on the value of these things. Removing the cap might remove the speculation to a degree. I would suggest strongly that $10,000 is far too generous for a licence fee, given that millions of dollars can be made out of these things.

Ms Tucker: Then support my motion.

MR RUGENDYKE: But I do not know that supporting the motion would achieve anything that Ms Tucker is trying to achieve. I have not been convinced that it would, put it that way. As hard as I have tried, I have not been able to come up with a valid reason to support the motion.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Temporary Deputy Speaker, I seek leave to speak a second time.

Leave granted.

MR HUMPHRIES: I will be quite brief. I thank members for the indulgence. I want to touch on the last point that Mr Rugendyke raised. I think that there certainly is a case for reviewing the number of sports betting licences. The recent sale of two licences, one of which was to an Internet betting agency, namely, Canbet, and the price associated with those transfers do raise the question whether the fee is actually appropriate. The commission advises me that it has, in fact, taken that matter under review and will consider it. If the commission recommends a change, obviously the Government will be quite likely to bring that recommendation forward for decision.

MS TUCKER (4.19), in reply: It's good that I raised this matter, isn't it? We are now hearing Mr Humphries acknowledge that maybe $10,000 is not the right amount, so we are going to have an analysis of the situation. I look forward to answers to my questions about how they came up with that amount in the first place.

I would like to address some of the issues that Mr Rugendyke raised. I was very interested to see the Government's response to the Allen Consulting Group's national competition policy review of the legislation relating to ACTTAB and bookmakers. There are some quite interesting contradictions in the Government's position. One of the recommendations of the Allen Consulting Group reads:

> The ACT Government should not open the market to interstate totalisators until it is satisfied that there are ongoing systems and procedures in place that will enable the racing turnover (and any other turnover-based taxes and licences) to be extracted from wagers that originated from within the ACT.

Obviously, that is another way of saying, "Do not open it up to more totalisators until we know that the ACT will keep the money". The concerns there are purely financial.

Mr Humphries: It is about protecting the revenue of the Territory.

MS TUCKER: That is right, it is about protecting the revenue of the Territory. You would also be aware that the concerns that were taken into account by Allen Consulting in coming to that recommendation included containing the social costs of gambling, which is also listed; ensuring product quality and consumer protection; securing a significant revenue base - yes, that has been dealt with; controlling monopolistic exploitation; supporting the ACT racing industry, which is obviously relevant to the recommendation; and minimising systemic risk and contagion. That recommendation was only partially supported by the Government. The reasons are interesting. The Government's response reads:

> The recommendation is supported to the extent that the ACT market should not be opened to further competition until there are arrangements in place to ensure that all betting activity in the ACT is appropriately identified.
>
> The Government is also concerned about the harmful social impacts of the introduction of new totalisator service operators. The Productivity Commission has identified "TABs as a significant source of problem gambling". The Government believes it is acting socially responsible by maintaining the status quo in the number of TAB operators permitted in the ACT.

An argument about social harm is being used there by the Government. Basically, there are issues about that type of betting, which Mr Rugendyke has argued is different. That is the point I am trying to make there, as well as how interesting it is that social harm is used by the Government when it suits. Another interesting recommendation is the one which reads:

> The suitability requirements for sports bookmakers should mirror those for holders of interactive gambling licences under the Interactive Gambling Act 1998.

What is that saying? The Government is supporting that. Why? The Government's response reads:

> The sports betting industry has grown rapidly over recent years aided by the development of Internet based platforms. Many new gambling service providers see the Internet as the principal means of providing sports betting products.
>
> In addition, there are many service providers who propose to supply a suite -

a suite, Mr Rugendyke -

> of Internet based gambling products, encompassing gaming and wagering options. It is therefore appropriate that the suitability requirements applying to applicants for a sports betting licence should be consistent with those applying to applicants for an interactive gaming licence.

That is exactly what the Senate committee is saying. The two are equally potentially damaging in terms of problem gambling and the two are equally potentially open to huge growth and huge profit. That is why this Government is agreeing that it needs to be controlled. I agree with Mr Rugendyke that there is also a recommendation regarding sport betting licences, but we are rejecting that. I believe that this report is contradictory in the line that it has taken.

I have just dealt with the price. We have been told by Mr Humphries that the Gambling and Racing Commission is going to look at that. As to the other points that have been raised, I think that I have already answered them. The Government has answered the argument that Mr Humphries is continually putting that the implications are not nearly as great. The Senate committee did put them together and did see the potential. The Government has acknowledged that in its response to the Allen report.

Mr Humphries spoke about how inappropriate it was that this motion is going to impact on telephone betting. I have asked the commission whether there has been a flood of applications concerning telephone betting. There has not been. I understand that there has been one and, as we have already heard today, a licence will be made available because of the subsuming of one of the smaller companies by one of the larger Internet-wagering companies. Even so, Mr Humphries did say this morning that, if it were to be a big issue, he would be prepared to separate the two. I am quite happy with that.

Members can support this motion now and, if Mr Humphries finds that there is a flood of applications concerning telephone betting, there will be no problem. He can come here and tell the Assembly that he wants to separate them because he has suddenly had a flood of telephone betting applications. That would not be a problem at all. Of concern is that this Government is using technical problems and interpretations of definitions totally to avoid responsibility for the position it is taking when the nation is having a broad debate about trying to get a coordinated national approach to the issues of Internet gambling, which includes Internet gaming and Internet sports betting and wagering.

Mr Humphries: It is not Internet gambling.

MS TUCKER: Mr Humphries keeps saying that it is not Internet gambling. I wish you would read the definition in the Senate committee's report. It is that Internet gambling has two components: Internet gaming, which is the poker machine games, and sports betting and wagering, which is what we are talking about today. They are both included in the definition of Internet gambling. I know that page off by heart because I have had to speak about it so often as Mr Humphries keeps misrepresenting the work of the committee.

I think that I have said enough. I have dealt with all the issues before. I close the debate by asking members for their support.

Question put:

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

The Assembly voted -

AYES, 7	*NOES, 8*
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 Smyth

Question so resolved in the negative.

IMPULSE AIRLINES - GOVERNMENT NEGOTIATIONS

MS CARNELL (Chief Minister) (4.30): I move:

> That this Assembly notes:
>
> (1) that the Government is conducting negotiations with Impulse Airlines;
>
> (2) the Government's intention to offer Impulse Airlines an $8 million capital injection and $2 million payroll tax exemption in return for Impulse Airlines establishing at Canberra International Airport:
>
> (a) its heavy maintenance and engineering base;
>
> (b)its new regional operational headquarters;
>
> (c) its second call centre facility; and
>
> (d) new regional air routes based on Canberra.

It is with great pleasure that I put before the Assembly a motion asking the Assembly to note the assistance package that the Government has negotiated with Impulse Airlines. It would be hard to overstate the importance of this opportunity that presents itself to the ACT. I believe that every administration since self-government has recognised the importance of Canberra Airport as an economic asset to the ACT in delivering jobs and economic activity, and its strategic significance in the further development of Canberra and the region.

This Government has publicly recognised that importance on a number of occasions. We have outlined our policy of support for its development as a multimodal transport hub with strong air, road and rail links to capital cities and regional centres. We have worked actively with the airport owners and the local business community in developing proposals for Kendall Airlines, Hazelton Airlines and Virgin Australia. All of them

were identified as having the potential to contribute to achieving the vision for the airport which I believe is shared by many members of the Assembly. I have spoken with many airlines in an attempt to interest them in Canberra.

I would like to draw your attention to some of the elements of our vision for the airport. For the airport to develop as a hub, we need to improve our links with other capital cities. We already have frequent flights to Sydney and Melbourne and less frequent flights to Brisbane and Adelaide. The more we can improve these, the easier it becomes for people to come here and do business. We sought Kendall and Virgin for their ability to achieve just that.

Equally, development as a hub requires the development of good connections with regional centres. What does Canberra have at present? We have only a fraction of the number of regional connections enjoyed by Dubbo, a city of about one-tenth our size. Access Economics says that Canberra probably has fewer direct flight connections than any other capital city in the OECD. Why? It is because the major airlines have invested in a Sydney hub and have no interest in developing an alternative so close to Sydney. But the routes and the demand exist. Studies commissioned independently by the Canberra International Airport and by us show that convincingly. We sought Hazelton Airlines as a means of developing these regional routes.

We have also looked at developing aircraft servicing facilities at Canberra Airport. Airlines love to fly their aircraft into a servicing centre with a full load of passengers, have the work undertaken and then fly out fully loaded as it helps them with their balance sheets. But that turns out to be somewhat of a chicken and egg situation. The bottom line is that you need to be a hub to attract the other high-value activities associated with airports.

It is worth pausing here to remind you of some of the reasons why an airport is a strategic asset to a region. Certainly, the airline industry is job intensive. It provides lots of jobs in its own right - check-in staff, baggage handlers, ground staff, cabin staff, aircrew, maintenance staff and administrative staff, to name just some. So, as an industry in its own right, it provides lots of benefits to the local community. But it is about much more than that. It is about innovation, expansion, growth and training. Development of the airport can also lead to the development of the local aerospace industry, a new industry for this area.

Initially, that may be for servicing aircraft passing through; but once that capacity is established, it can attract support industries for aircraft and their servicing facilities, research, education, training, financing and communications - the list goes on. Once you have that happening, if you have created the right environment, it will bring in other airline operators and manufacturers who are attracted by the support infrastructure that has been established. In short, you will have a growing aerospace industry. I am sure that we will discuss the development of the aerospace industry again in the Assembly. In fact, I was informed just today of the first potential spin-off or additional development. The provider of the jet aircraft and Rolls Royce are proposing to locate their spare parts consignment centre - worth, I am advised, $30m - in the ACT if Impulse locates its jet base here.

The business of an airline is primarily the carriage of passengers, with some high-value freight. We know that there is an unmet demand for air services that will bring more regional people to Canberra if flights are provided. The same is probably true for capital cities if more flights are available and the costs are reduced. These additional passengers may be tourists, but they are equally likely to be coming here to access specialised services unavailable in their local communities, such as medical, dental, legal, financial, education, entertainment, sporting, commercial and retail services - a huge list of service delivery possibilities. All of them would contribute jobs, and highly skilled jobs at that, and income to the local economy.

ACIL Consulting, a respected ACT economic consultant, was commissioned by the Canberra International Airport to examine the Impulse proposal. ACIL concluded that if flights were available we would get around 80,000 new regional visitors and around 20,000 new eastern state capital visitors each year. The new visitors' spending would be about $73m per year and would inject a further $130m into the local economy.

I have mentioned freight. Aircraft carry high-value freight and the more flights you have to more destinations, the more opportunities you have to develop high-value industries, whether they are in high technology or in specialised agriculture. But the real payoff, the real reason why an airport is such a strategic asset to a community, is in the way that it opens up that community to new business opportunities, ones that perhaps we had not even envisaged up until now. An airport increases the opportunity to trade - to discover, explore and develop new commercial and business opportunities, something I would have thought that everyone in this Assembly would support.

Telecommunications, an area in which we have assets as good as or better than anywhere else in Australia, may increasingly underpin our community's ability to find and do business, but that needs to be backed up by good physical accessibility if we are to be able to capitalise on our communications assets. That is the background against which we need to consider the proposal to bring Impulse Airlines to Canberra.

The Impulse opportunity provides us with a major aircraft-servicing base and the opportunity to establish a growing aerospace industry. Impulse plans to have 31 staff by the end of the first year, growing to 65 by the fourth year, including 20 apprentices. It provides us with an operational airline headquarters and base, an airline with a track record of very successful development of regional routes and, more to the point, an airline with the incentive to develop the regional air routes based on Canberra that we know are attainable and are available to be developed. Impulse plans to have 32 staff in this operation by the third year. The proposal provides us with the opportunity to build up our own capital city routes as Impulse develops new jet routes - again, something I am sure that every member of this Assembly would be very pleased about.

These developments involve a capital expenditure of over $10m and together will provide a strong base for developing Canberra as the regional transport hub that we need. Indeed, it may not be too much to say that bringing Impulse here will in itself establish us as a regional air hub, the foundation on which we can continue to build.

We could not attract new businesses of this kind to Canberra Airport unless the airport owners were prepared to pull their weight and take some risks in investing and expanding infrastructure and facilities. This includes redevelopment of the airport terminal, improvements to taxiways and landing aprons and the development of a business park targeting airport-related activities.

In addition, Impulse will bring with it another call centre, projected to provide another 150 new jobs, and a further capital expenditure of $2.5m. That will contribute in no small measure to our growing reputation as a major destination for call centres. Beyond this, I believe that the presence of Impulse Airlines will provide real opportunities to establish high-level pilot, engineering, aircrew and ground staff training, and I look forward to developments in aero-education in the near future.

Canberra Airport has already been designated as an international airport, thanks to representations that the Government made to the Commonwealth when the airport was being privatised. However, that does not mean that we will automatically get international flights. We need to generate the passenger numbers to support viable international flights from Canberra. The Impulse development will help establish Canberra as a major national hub and will go a long way towards assisting us to realise the goal of developing Canberra as an airport with active direct international connections that enhance our business attractions and provide benefits to our regional residents.

This opportunity for Canberra has emerged because Impulse is about to expand its network and capacities quite significantly. That will bring them up against strong competition at the national level. I know that one of the issues of concern to the Assembly is the risk that the ACT takes in supporting Impulse just when they are embarking on a new venture in what is a high-risk industry. In considering the risk element, there are two points that the Assembly should bear in mind. Firstly, the ACT is providing funds as a capital injection which will be forgiven as Impulse achieves certain milestones in the ACT. In other words Impulse, which is a sound business with a proven track record, has agreed to guarantee to the ACT that it will fulfil its side of the arrangement. Secondly, Impulse has a very sound business plan to support this new venture for jet services between Brisbane, Sydney and Melbourne. That business plan was sufficient to convince the AMP Society and other significant financial institutions to invest substantially in Impulse Airlines.

We have had Access Economics review Impulse's business plan and Access states that the business plan appears to set out a sound commercial basis on which to introduce Impulse's proposed new jet services. Access also examined the potential impact on the ACT of the proposal for Impulse to develop its operational base here. It found that, even using conservative assumptions, once the initial ACT payments to Impulse were taken into account, the net present value of the project to Canberra over the next 10 years would be over one-third of a billion dollars, which would be a handsome return in itself on an investment of $8m and $2m in payroll tax relief. I am sure that all of us would like to have more investments that had that sort of return. The reward for the ACT is

quite large. The outlay is a very small amount of money for a huge strategic opportunity to create the base for a new industry and new business opportunities. I invite the Assembly to note the significance of this very important initiative.

I think it is appropriate for me to make a couple of comments about why we believed it was important to bring this motion to the Assembly. We believe very strongly that on an issue of this importance with the sorts of timeframes involved it is essential that members of this Assembly have an opportunity to state on the record their beliefs about this proposal and to support or not support this approach. This is by far the biggest business incentive project that we have entered into. It is certainly the biggest in dollar terms. As we have a minority government and as the cash component of $8m was not in the draft budget, we believed that it was appropriate to bring this issue to the Assembly. That does not mean that the Government in any way backs away from its Executive responsibility to make these decisions on behalf of the people of Canberra who, let us be fair, elected it. But we do believe that it is appropriate for every member of the Assembly, if they choose, to have their say.

MR STANHOPE (Leader of the Opposition) (4.46): Mr Temporary Deputy Speaker, there are several drivers for this proposal. The first is the Government's desire to bring industry and employment to the Territory. That is, quite obviously, a creditable and worthwhile reason. According to my briefing from departmental officers, since the privatisation of the airport the Government has been working to encourage businesses to establish there. It is appropriate that it does that. The hope is to develop Canberra as a regional transport hub, a policy also fully supported and advocated by the Labor Party. I have often commented of my support of Terry Snow and the Capital Airport Group and their vision for the Canberra Airport.

The second driver - one that has been little remarked on publicly - is, of course, Impulse Airlines' plan to join the big league. They intend to compete against Qantas and Ansett and in time Virgin on the Sydney-Melbourne and Sydney-Brisbane routes. They have leased planes and made substantial commitments to this goal, but before they can get the approval of the Federal authorities they need to have arrangements in place to give them the heavy engineering facilities which they will need to service their new fleet. This proposal would meet that need.

It seems that we have a marriage, a good marriage, of interests. It is probably fair to say that in a deal such as this one the Territory is unable to compete in an all-out bidding war with the other and larger States. The commercial and regulatory imperatives on Impulse may, in fact, have worked to the advantage of the ACT on this occasion. Our public servants have done their job and, at face value, they have done it well. They have identified the opportunities for growth and they have gone looking for other parties who might be interested in those opportunities. They have done their job and they have brought the parties together.

One of the questions now, and there are a number of questions, is whether the Government should go further. Should it be involved financially? Should it spend taxpayers' money on the proposal and what are the risks of such expenditure? If the Government is to be involved financially, how much should it contribute and in what form? Should governments be involved in picking winners? If that is to be the case,

should the Government be involved in ventures that carry an inherent high level of risk? On what basis does the Government seek to determine the opportunity cost of any financial contribution to a venture such as this one?

Having said all that, this proposal is of the type that, as the Chief Minister said, most members of this place would agree we want. It brings a new industry to the Territory. It brings skills and capital to the Territory and it complements and enhances industries already here. It could be the catalyst for further growth in other sectors of the Territory's economy. As has been indicated through the statement of intent, the Government has decided to contribute up to $10m to the project by way of an $8m capital injection loan and a $2m payroll holiday or exemption over five years. That is, effectively, a $10m grant to Impulse.

Access Economics, as the Chief Minister indicates, is positive about the proposal and Access Economics concludes that a $10m investment by the ACT Government is worth while. But there are risks. The first is, with great respect to Impulse, whether Impulse will deliver on the deal. Some questions have to be asked. Several come from the discrepancies between the various reports and media releases and the statement of intent signed by the parties. The statement of intent will form the basis of a contract between the parties and these discrepancies are therefore important.

What are the discrepancies? Access Economics, for instance, estimated that 360 direct jobs would be generated by the proposal. The Chief Minister, in her usual style, rounded that up to nearly 400 jobs. The statement of intent, however, has a total of 252 jobs.

Ms Carnell: It has not got the regional airline jobs. You know that.

MR STANHOPE: The Chief Minister interjects that some jobs have not been counted. That is my point and that is the only point I am making. In relation to a single proposal, we have three projections about job increases, and these things are important. Access Economics says 360 direct jobs, the Chief Minister says about 400 jobs and the statement of intent says a total of 252 jobs. The ACIL Consulting report lists 26 pilot positions and 15 to 45 terminal staff positions as coming to Canberra, but there is no mention of those in the statement of intent. The commitment to training positions and an aviation centre of excellence in the ACIL report become support for the development of such a centre. There is a marked difference between commitment and mere support.

Making Canberra Airport a regular transport hub is the Government's main reason for sponsoring and supporting the proposal. The statement of intent commits Impulse to trial four routes for a minimum of 10 weeks. As I said, these differences are significant and they do need to be explained and we do need some explanation of what the final agreement between the parties will look like. Mr McGowan has assured me that the commitments made will be reflected in the final contract and in Impulse's performance. Similar commitments were made in Impulse's media release at 22 March. I have met Mr McGowan twice and he strikes me as both honest and able and I have no doubt that it is his intention to keep his commitments to us and to Newcastle. Even so, we are being asked to take some things on faith.

There is a bigger risk: Will Impulse survive in the bigger market? Can it prosper where the two Compasses went under. Access Economics have concluded that Impulse has a good business plan. Of course, in the end this does come down to a matter of judgment. Our judgment, made in a short time and with limited information, is that the proposal, if it comes off, will be good - in fact, very good - for Canberra. I do not think anybody doubts that or is prepared to contradict it. The amount of government support, if any, that should be given is, however, less clear cut. On balance and relying on the Access Economics report, the expenditure of $10m may be perfectly justified. But, and I think it is important that we make it clear, we are not debating that point here today and I will not express a concluded view on the quantum of any financial assistance that may or should be made.

There is another more basic element of the discussion and, given what I have just said and that the Assembly is being asked to note the Government's plans, I am being deliberate when I say "discussion". That element is the way that this Government does or does not do its business. It is worth reflecting on that. What is that way? It is a media release of 22 March, eight days ago, announcing the deal and saying that the Government will be bringing the proposal to the Assembly for approval. The Assembly was going to approve the proposal. That is reflected in clause 4 of the statement of intent, as Ms Tucker raised in her question today. But yesterday when we saw the colour of the Government's money we were being asked to note the proposal. Ms Tucker asked today, and I asked too, why the change. But who knows, who really knows?

I will not dwell on those issues much further. However, in relation to this matter, I do think that it is important that I place on the record my view that I do not accept that the Chief Minister has at any stage really sought to engender or develop a bipartisan position in relation to this proposal, the starkest example of that being the issue which was raised yesterday about the existence of the ACTBIS panel's review of the proposal, an assessment we only discovered existed as a result of a departmental briefing which I received late yesterday afternoon. When I asked about the content of the ACTBIS panel's review of the proposal, I was advised that I could not have a copy made available to me, although, as we have heard today, there does seem to be some movement on this issue. The Chief Minister indicated this morning that she would release the two-paragraph recommendation of the panel. Presumably, the minutes of the panel's review and the basis on which they came to their decisions about this proposal, which, I do need to state, have been described variously over the day as sensitive, commercial-in-confidence and, at one stage, Cabinet-in-confidence, will not be released.

As members would know, the ACTBIS panel is headed by Derek Volker, well respected in this town. If Mr Volker's assessment was made available to the Cabinet or to the Government as part of the information on which it based its decision, I think that we do need to ask why it cannot be provided in full to other members of this place if the Government is serious about including the members of the Assembly in a genuine consideration of this issue. Sadly, there is in the Government's and the Chief Minister's pondering on this question an echo that resounds very much in the redevelopment of Bruce Stadium and the attempts in relation to that to hide behind spurious notions of commercial-in-confidence. Mr McGowan, Mr Snow and business in Canberra should

know that this Chief Minister really does not have any scruples about drawing them into the political debate in order to score what she regards as a political point against her opponents.

That said, this proposal could be a great one for the Territory, but its ultimate success will depend on the commitments offered being reflected in the final contract, on the Chief Minister abandoning the need to score political points and on an opportunity being provided to all members of the Assembly to genuinely consider issues around the payment by the Government of significant amounts of taxpayer funds to this company for the purpose of cementing the deal.

That is a debate we still need to have. It is not a debate that we are having here today. We do not have all the information available to us. There are questions that still need to be asked and there is information that still needs to be provided - information that has been promised, namely, the Derek Volker report and - - -

Ms Carnell: It is not a report; we told you 50,000 times.

MR STANHOPE: The Derek Volker recommendations and the minutes, or whatever they are described as. I think that is a vital piece of information and the Assembly simply cannot conclude its consideration of these issues until all of that information is made available.

MR KAINE (4.58): Thinking back over the last 10 years or so since self-government, there is one issue that has been on the agenda during all of that time, that is, the place of Canberra Airport in this economy and in this community. We have all spoken at great length over many years about the need to develop that airport in conjunction with having a very fast train. We have spoken about the airport being a regional freight hub, we have spoken about it being a regional hub and we have spoken about it being upgraded to an international airport. It is only in recent times that the potential to achieve some of those things has really been there for us to exploit. I think that the potential arrived with the airport becoming a privately owned airport. Before that, we were totally at the whim of the Commonwealth as to what could be done there and whether it was to be developed at all.

I submit that things have moved fairly quickly since the airport was privatised. I know that the new owners of the airport have worked assiduously to encourage increased activity there. I know that the Government also has done so. I have been briefed on a number of occasions about studies that the Government has done in conjunction with the privatised airport to encourage increasing activity at the airport. Until there is an incremental jump in what happens out there, it will stagnate as it did before.

We have here a proposal substantially to increase the activity at the airport, to bring here an airline that has not operated in this place before and to bring with that the ability to build at least some element of an aviation industry in Canberra. Let us face it, very little was done while it was principally the preserve of Qantas and Ansett because they had their centres elsewhere. We have an opportunity now to bring new activity there. This proposal has been put forward by an existing regional airline, a successful regional

airline, one which has a reputation in the industry for being an organisation that is well managed and well run and that knows what it is doing. They are about to embark on a major expansion of their activities and they are suggesting to us that they would like to centre that new activity on our airport.

I think that we have to consider that seriously because we have not had too many opportunities, as I have said already. We have not had people hammering on our door actually demanding space at the airport. We have had to work assiduously to encourage people to come here. So, when you get an offer like that, you are duty bound to look at it seriously. The Government has done that. We have before us two significant reports, both by local consulting companies of good repute.

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

MR KAINE: We have first of all a report prepared by ACIL Consulting for Impulse Airlines. You might say that we have to look at that one a bit carefully because the client was Impulse, but I think most of us know that ACIL is a reputable organisation. We might want to look for a little bit of bias in there, but we should be able to take what is in it pretty much at face value. The other one, however, is of more significance perhaps for us because it was done by Access Economics and it was done for the Government. The job of Access Economics was to look at what Impulse and ACIL said and see whether what they said was right.

There is a lot of coincidence in what is in the two documents, but the bottom line is that Access Economics, whose document is the one that I find most persuasive, concludes that even in the most pessimistic case - in the worst case scenario - the proposal is a good one for Canberra. I am not going to go into the details of it. You can argue whether it is about 230 or 240 jobs and whether it is about 80,000 or 90,000 new passenger over a year or whatever, which are all variables, but the fact is that they are all positives. For that reason, I believe that this project is one in which the Government can reasonably invest; so I support the proposal by the Government to provide some financial support to Impulse.

Earlier today Ms Tucker, I think it was, said, “Is this money for the management of the airport?”. Of course it is not. The airport owners and managers will be making their own arrangements with Impulse. There will be some sort of contract between them. No doubt, they will be assisting Impulse to come here because it suits them to have this airline on their property. But that is not our business. Those sorts of arrangements between two private companies are nothing to do with me and I do not want to know about them. But I think that the Government is entitled to take up the proposal and say, “On the basis of the evidence before us, there is benefit to this community economically, socially and in every other way in having this airline come here. Therefore, we will make a small investment”. I use the word “small” advisedly because, in the context of the future potential for this move, I think that the $8m up front and a couple of million dollars over five years in payroll tax waivers are not substantial sums.

If all that is going to happen is that Impulse is going to come here and build a hangar, train a few people and fly a few aeroplanes in and out and that is the end of the line, you might ask questions about it. The fact is, though, that this incremental increase in activity at the airport will be like what we would see on dropping a big rock into a pond of water. We will see the ripples for years. If you go to any airport of substance anywhere else in the world, you will find around that airport all kind of ancillary activity, very little of which is currently at Canberra Airport because the activity there has not been of such volume as to warrant or to attract the kind of ancillary activity that you usually find around airports.

As I said before, Qantas and Ansett have not brought a lot of business into this place. Having a locally based airline introduces a different flavour. It is a matter of not only the direct and indirect consequences of what Impulse does but also, if you like, the further indirect consequences of increased activity at the airport that will engender and encourage all sort of activity out there that we would not otherwise see. I think we have to go beyond the $10m, in total, that the Government is proposing to put in here. We have to look at the next 10 years and beyond as to what this sort of activity will generate and have regard for all of that.

I have looked at all the information available to me. I think that it might have been better had this proposal been handled on a bipartisan basis. Perhaps the Chief Minister could have involved some people from this place in the debate before dropping it on us in an announcement on the radio only three or four days ago it. That might have led to a better approach to this proposal, but it does not detract from the merit of the proposal. For the Government and the Opposition to be kicking it backwards and forwards across this chamber as though it is a political issue when it is, in fact, an economic issue is to detract from the merit of the proposal, and I think that is most unfortunate.

I find it a most attractive proposal. I think that the Government is right in making a small investment in it. I think that everybody in this place ought to support that. Let us get on with the business, instead of arguing about it. The fine detail can be brought about in the agreement which, we are told, will be in place three months from now. That is what we ought to look at carefully.

MR QUINLAN (5.08): Mr Stanhope pointed out earlier that the development of the airport is part of ALP policy. It was part of ALP policy before the last election. It was certainly underscored at the 1999 annual conference of the ALP because I was underscoring it. I have also supported this process in other forums. But the old saying that it ain't what you do but the way that you do it sometimes applies. There has been some discussion about requests for information. I think that those requests have been fairly reasonable. I do not quite agree with Mr Kaine that it is purely an economic issue and not a political issue. Let us be sure of a couple of things. This is a red-hot speculative venture. We have an airline that, according to the papers I have seen, has the capacity at any given time to carry about 228 passengers. It is going to - - -

Mr Rugendyke: Do not support it if you do not like it.

MR QUINLAN: I support the process. What I am trying to say, Mr Rugendyke, is that some of us do not accept everything the Government says on face value. We exercise our responsibility to the public by questioning it and making sure that it is valid, instead of slavishly following the Government. This is quite a speculative venture. We have an airline that has about 12 small planes and it is going to buy some larger ones and increase its capacity to carry by about fivefold. If we are going to invest in that, we will need to ask at least some basic questions. I would defend that process.

We have available to us some consultants' reports. It is again important to note that at the base of those consultants' reports are some marketing figures. Everybody has used the same figures. They were commissioned twice by the Canberra International Airport, they were commissioned by the ACT Government, and there are Impulse's own figures. So, to some extent, the figures have been commissioned purely by the pro side. We do not have to go back very far to remember the market survey for Bruce Stadium that gave rise to the Bruce Stadium redevelopment. It had appalling figures in it, figures that you would not believe, figures that I believe were flung back across a meeting table by stakeholders on first reading them because they were just so unbelievable. In relation to the figures that have been put down, before this debate is completed I would like to hear from the Government that a couple of those figures have been checked out.

There has been a claim that there will be a call centre in Newcastle with 155 people in it and there will be another call centre in the ACT with 155 people in it - 310 people taking airline reservations. I have seen newspaper clippings about the Newcastle operation which say that there are about a quarter of a million passenger movements. By my calculation, if they are going to put a call centre in there with 155 people, each person working at the call centre is going to book four tickets a day. Can I get a job there when I finish here?

Ms Carnell: Yes, if that is what you want to do.

MR QUINLAN: It is the money. Tell me about the money. I have asked about that. I have said, "How many passenger movements do you think we are going to get?". Even if we increased it fourfold or so, having 310 people booking tickets for what will then be a very modest airline seems to be a large number. Before the debate finishes, could the Government please reconcile those numbers and put my mind at peace. For Mr Rugendyke's benefit, that is the sort of information that we want to tease out because we want to check out what we have heard.

Ms Carnell: Have you asked them?

MR QUINLAN: Yes. I have not got a proper answer yet, quite frankly. I have asked. One other thing that I would like to get from the Government before the debate finishes, if it is possible, relates to the $8m that we are going to put out for the construction of physical assets at the airport. We would like to know what is the legal structure - - -

Ms Carnell: They will own them.

MR QUINLAN: Impulse will own them, even though they are attached to another lease. The lease is going to be owned by the airport, but these facilities will be out of it.

Ms Carnell: Yes, that is right, they will own them.

MR QUINLAN: As long as I have those assurances, I am happy with that. As I said, the deal looks good on paper, but I will repeat my assertion that this is, if not hot, a very warm speculative venture. Of the consultants' reports that we have, Access have said that some elements of the project are uncertain. Access have said that they have taken Impulse's business plan on face value. Really, everybody's case sits on the same marketing surveys. I have to say that if there was not one in there that was commissioned by the ACT Government, by the Institute of Transport of the University of Sydney, then I might even be voting differently on this matter. But there is one organisation that should be independent and maybe we can depend on those figures. But the whole case is built on one market survey, really. As we have already stated through our leader, Mr John Stanhope, we support it, but we also recognise in doing so that, to some extent, it is a leap of faith.

MR RUGENDYKE (5.16): The Access Economics report on this proposal bases its analysis on conservative figures and it certainly stacks up well. The report indicates that there would be positive impacts on employment, gross territory product and budget revenues. Access Economics also said that Impulse's business plan was commercially sound. There are clear problems with the airport situation in Sydney. People want to avoid Sydney wherever possible. I agree that this creates a huge opportunity for Impulse to set up a regional hub in Canberra. If regional people can get to their destination by avoiding Sydney, they will. Canberra can certainly provide that flight path.

One point mentioned by Access Economics was the increase in competition and the prospect of a fare war. Access indicates that Impulse is well positioned to combat these types of pressures. I understand that they have planned ahead and are equipped to handle such a situation. I have also received the same information from Impulse. I note that the ACIL Consulting report on Impulse Airlines and the Canberra economy is also positive. Impulse did commission this report and its research concluded that the relocation would also strengthen the skills and technology base of the ACT.

The real job benefits for the ACT are exciting in the package that Impulse plans to bring to the ACT. Down the track, I am impressed with the potential of the aviation centre of excellence. The training that pilots are required to undertake in simulators can and will be performed around the clock. Impulse presently send their pilots to America for this training, but having such a facility in Canberra could attract business from other regions and other countries.

Earlier this year we had Richard Branson shop his Virgin Airlines proposal round Australia in a high-profile media event. As we know, he overlooked the ACT and is planning to set up his operation in Queensland. I did not get to meet Mr Branson, but I did get to spend some time with Impulse boss Gerry McGowan, as did other members of the Assembly. Impulse have built a community airline in Newcastle. They are well known for their association with the Newcastle Knights, but they also have other

involvements at the grassroots level that are not as high profile. I was left in no doubt that they are totally committed to establishing a community involvement in the ACT. I am told that it would be at least equal to what they have achieved in Newcastle.

Canberra and Newcastle have similar population bases. When Impulse started out in Newcastle there were about 45,000 people flying out of there every year. The figure now is something like a quarter of a million. For Canberra, 1.9 million people are flying out and they are confined to the four direct flights to Sydney, Melbourne, Adelaide and Brisbane. Impulse is seeking to plug the regional market into that network. After setting up a strong foothold in Newcastle, Impulse is ready to expand and its expertise has a lot to offer for Canberra. Last August, this Assembly voted 16:1 to spend $7m on the V8 supercar race, which is a one weekend event. Based on that, I find it hard to knock back the spending of an additional $8m on the Impulse proposal, which has $360m to offer to the Territory over the next 10 years.

Looking at the motion, it is an exciting thing for this Assembly to note that the Government is conducting negotiations with Impulse Airlines and that the Government is intending to offer Impulse an $8m capital injection. That will translate immediately into about $21m of infrastructure on the ground. The $2m of payroll tax exemption is a cheap way to entice a business as prominent as Impulse from Newcastle to the ACT. The establishment of a heavy maintenance and engineering base would present a great opportunity for apprentice engineers, builders and people who work with heavy engineering and maintenance industries. It is a fantastic thing for the ACT that Impulse wants to relocate its regional operational headquarters here. The second call centre will provide 150 jobs for Canberrans. Of course, there will be new regional air routes based on Canberra, with flights to Dubbo, Albury, Wagga, Sydney, Newcastle, Brisbane and Melbourne. What a fantastic thing! I want to be there when the first B717 lands in Canberra. I want to look at it and be part of it.

I am proud to support this motion. I think it presents a great opportunity for the ACT. I look forward to watching these flights out of Canberra to destinations far and wide. I look forward to seeing buildings going up and people getting jobs. I look forward to simulators being built here and having pilots coming from America to the ACT to train. What a fantastic proposal! What can I say, Mr Temporary Deputy Speaker? This is a magnificent opportunity for the ACT and it should not be allowed to go through simply on the voices.

Mr Humphries: Are you in favour of it or against it, Dave?

MR RUGENDYKE: I love it. I am very pleased that this Government has agreed with my position on this matter.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): I call Mr Berry.

Mr Smyth: Here comes Sad Sack.

MR BERRY (5.24): Mr Temporary Deputy Speaker, I just heard an imputation from across the chamber. Mr Smyth said, “Here comes Sad Sack”. I would like that withdrawn.

MR TEMPORARY DEPUTY SPEAKER: I did not hear that. Minister, did you say those words?

Mr Smyth: Mr Temporary Deputy Speaker, I did say, "Here comes Sad Sack". If he finds them offensive, I withdraw the words "Sad Sack".

MR TEMPORARY DEPUTY SPEAKER: Thank you.

MR BERRY: The only thing that I find offensive is that Mr Smyth should say anything about me.

MR TEMPORARY DEPUTY SPEAKER: Order! You have the call, sir.

MR BERRY: Thank you, Mr Temporary Deputy Speaker. First of all, I draw your attention to paragraph 4 of the statement of intent, which says that an assistance package for an Impulse Airlines development based on Canberra will be put to the ACT Legislative Assembly and the support of the Assembly sought. Rather than putting a motion of that order, the Government has chosen to move that this Assembly notes the proposal. I do not know what that means in the context of the arrangements. However, it seems to me that noting it is a long way from supporting it. That makes it quite easy for us to consider because Labor has always said that it is the job of the Executive to make these decisions and be accountable for the decisions.

For my part and for the Labor Party's part, we are absolutely in support of the move by this airline to come to the ACT, but we are concerned about the proposal to spend $10m of the Territory's money, the taxpayers' money, on this proposal and the timeframe that we have been given to consider the matter. I notice that Mr Kaine and Mr Rugendyke have been blinded by the stars and sparklers that have been attached to this issue.

Mr Rugendyke: No, we studied the information.

MR BERRY: I will come back to that in a minute. We are rather more cautious on that because we have had some experiences in relation to these matters. I would also note for the record, given that the Assembly is being asked to note this proposal, the first attempted sale of ACTEW and how much that cost us. We heard from the Government language just like yours, Mr Rugendyke, in relation to that first attempt to sell ACTEW and it cost us a squillion - - -

Mr Rugendyke: Who saved it? I saved ACTEW.

MR BERRY: Not without significant prompting. It cost us a squillion and it never happened. I heard the sort of language that you just uttered from the Government in relation to the Bruce Stadium marketing and contracting cost blowout. That has cost us millions and millions of dollars and future generations are going to be lumbered with that liability. I will note that one for the record, too.

I will note for the record as well the Feel the Power campaign. Who will ever forget the gushing support for the Feel the Power campaign? I must say that the language was similar to the language you were using . I do not how many times I heard Mr Rugendyke say, "I am excited" and "What a proposal!". I would like to note that as well. I would like to note another one, in particular. I refer to the paint job on the aeroplane with the Feel the Power slogan on it. That needs to be noted because it had milestones built into it and we were going to get the money back if certain things did not happen. Of course, it did not reach the milestones and it was too hard to get the money back. It was only a small amount of money in the scheme of things, but it told us a little about the way that this Government manages its business.

Next, I would like to note what the management of Floriade has cost the Territory's economy. Of course, who could forget the futsal slab? Nobody could forget the futsal slab. Again, we all heard language similar to Mr Rugendyke's in relation to the futsal slab and what it was going to deliver to the Territory. Gushing and fulsome support was continually flowing from the Government. And then we had the clandestine Hall/Kinlyside deal, with the confusion between blocks and leases and all of the backroom deals that went on in relation to that. We will always be scarred, regrettably, by the hospital implosion and the significant costs in relation to that are still going on.

I am happy to note the Government's move to this arrangement with this airline. I think that it will bring significant benefits to the ACT and it is to be welcomed on the basis of the evidence that we have now. But you cannot note that without noting the Government's form on all of these other issues and that would drive anybody to a position of caution. You have to be cautious about supporting this Government on anything because its record is pretty poor. Of course, as a legislature we have a responsibility to ensure that the Government is held accountable for its expenditure of the Territory's money. We will have a chance to do that in the future, I have no doubt.

Let me draw attention to another matter which also gives us an idea of the Government's form on job creation and these sorts of deals. Who will forget the Fujitsu proposal? The Fujitsu proposal was going to deliver us 900 jobs. The last time a question was answered in this place there had been 80.

Ms Carnell: And it is now 280.

MR BERRY: Okay, there are 280 instead of 900. There were going to be 900 jobs, and all the gushing and fulsome support that we had at the time was about 900 jobs. We have the same sort of language on every one of these bread and circuses ideas that we have had in the past which have led us into so much difficulty, so why should we not be cautious about these things? We are entitled to be cautious. We are obliged to be cautious as elected members, principally because we have lots of form upon which to base our caution. Yes, I am happy to note what the Government is doing, but I cannot note it without noting all of those failures of the past and our need to be cautious because of past failures. The good that they have done has been overwhelmed by the bad.

Mr Speaker, this morning we heard on the radio some debate about the report from ACTBIS, which is chaired by Mr Volker, who is a man of standing in the community in relation to these matters. The information that was coming to us in relation to the matter was that it was available to Cabinet when they made the decision in the first place. There was a request for it and the Leader of the Opposition was told in the first place that it was commercial-in-confidence. I think the *Canberra Times* was told later by the Chief Minister's office that it was Cabinet-in-confidence, and who would ask for a Cabinet document? This morning we heard the Chief Minister say, "No, we are going to make it public". The message is a bit confusing. There has been resistance of all sorts to this document coming out but, most curiously, we find that it could not be handed out before this point because it had not been signed off, yet it had been to Cabinet. What a curious set of circumstances! Against the background of all of the form that I have previously referred to, which I know from the context of this deal, there are still more confusing lines of information coming from the Government.

Let us not forget a few things. Impulse Airlines has no obligation to the Territory; it has its obligations to its shareholders. I accept that and that is right and proper. It will do the best it can for its shareholders. Similarly, the owners of Canberra International Airport will do the best they can for their principals, and I expect that utterly. Mr Snow has made a massive investment in that airport. I believe it to be not only a financial investment, but a personal one as well, and I know that he is working to ensure as much as he can that the airport grows. But his commitment is an economic one of his own interests. He is to be respected for that. That is the name of the game. That is business; that is the market.

We have a job here to protect the Territory's interests and, in particular, the taxpayers' interest. I am absolutely delighted, even excited, that this airline has decided to come here, but I am most sceptical about the business welfare which has been provided. I want to see results. On the basis of the form of this Government in relation to these sorts of issues, I am extremely sceptical. *(Extension of time granted)* I am entitled to be sceptical. For my part, I will be watching developments in the future.

It is noted, of course, that future governments are the ones that are going to have to show this deal in their budgets as they write off the loan; so this Government escapes the odium of that. As I understand it, the financing arrangement for the infrastructure is to be settled as a result of this incentive package is yet to be settled as well and negotiations are still proceeding. That makes me even more cautious about the issue. Yes, on the face of it, you cannot criticise it; but the deeper you dig, the more cautious you get.

On the basis of my experience with this Government, I will be watching the issue very closely. I am pleased that the Government has decided to accept its Executive responsibility and take the matter forward as it pleases, as it should have done in the first place. I am also happy that some information has been provided to this Assembly to give us a bit of an idea of what the Government has been up to in relation to the matter. But there is a lot more water to pass under the bridge. I am happy to note what the Government is doing and also note its background performance in relation to this issue. Mr Speaker, I am therefore happy to support the motion with all of those reservations.

Mr Rugendyke made a point in relation to the V8 car race. Mr Speaker, I do not think that there can be any comparison, except that the Labor Party also expressed its deep reservations and concern about that issue, again against the background of this Government's performance. I wish the project well. I trust that the incentive package will not impact further on the provision of services to Canberrans. We have a difficulty in the provision of services within our hospital system and we have a difficulty in the provision of services throughout the Territory in areas of community services. It is not as if we are pleasing everybody in that respect. I am sure that out there in the community there would be a whole bunch of people who would say that the $8m or $10m would be better spent on providing services to the community.

I have some sympathy for that view because there are services which are not being provided. The most significant one that I hear about out there in the community when it comes to tourism is the appearance of the city. We could spend a few dollars there as well as on the provision of the other services I mentioned. Against the background of all of those things I have said, Mr Speaker, I am happy to support the motion which notes the Government's position in relation to the matter and I am pleased that they have decided on that course, rather than calling for support for the proposal in this Assembly, because I think that it would be much more difficult to support it than to note it.

MS TUCKER (5.38): The issue here for the Greens is not whether the establishment of Impulse Airlines will have an economic benefit for the ACT; it is whether the Government should be giving Impulse $8m of taxpayers' money and forgoing $2m of payroll tax and stamp duty in order to assist the airline to establish here. If Impulse wished to establish its operational base in the ACT without government assistance, that would be a commercial decision of Impulse based on its assessment of the market opportunities that would arise from such a move relative to the costs of establishment. That is how private enterprise is supposed to operate. However, once government starts intervening in such decision through the offering of financial incentives, these types of business decisions get distorted. I disagree with Mr Kaine; they definitely become a political issue because we are giving so much of the taxpayers' money to them. The Assembly has to pull apart this proposal and look at the broader public interest in the Government's proposed expenditure.

There has been an increase in the public concerns expressed about the value of the common practice of governments in Australia, not just the ACT Government, of enticing business to particular locations through offers of assistance. The *Canberra Times* editorial yesterday is a good example of that. In fact, in 1996 the then Industry Commission undertook an inquiry into state-territory-local government assistance to industry. The comprehensive report from that economically conservative organisation concluded:

> ... much of the considerable selective assistance provided to industry by state and local governments has little or no positive effect on the economic welfare of Australians as a whole. Most selective assistance is part of harmful state and local government rivalry for economic development and jobs, which at best shuffles jobs between regions and at worst reduces overall activity.

Also:

> ... competitive use of selective industry assistance - particularly firm and project-specific assistance - has been seriously questioned during this inquiry by many participants. It seems to add little, if anything, to aggregate investment and employment, involves the costly transfer of funds from taxpayers and ratepayers to selected businesses and can result in a misallocation of resources which is harmful to economic growth.

And also:

> Selectivity often is used by States in an attempt to target the marginal project in order to increase the effectiveness of the assistance provided. However, attempts to buy development with selective assistance can be at the expense of getting the fundamental business climate right, and the provision of other community services.

The *Canberra Times* editorial said that in more simple and direct terms, stating:

> Governments would do better to concentrate on making their jurisdictions attractive places for everyone to do business.

The Industry Commission recognised the difficulty of changing this system. Governments which withdraw from this practice while other States continue to offer assistance could suffer the loss from their jurisdiction of businesses which are attracted elsewhere by financial inducements. It concluded that collective action by all States to minimise this harmful rivalry was needed.

In this context, it is quite clear that the Government is just perpetuating this economically negative practice. In fact, the Government seems to be making a virtue out of it by saying that we are getting a good deal, because it cost Queensland $60m to secure Virgin Airlines and we only have to spend $10m to get Impulse. The Chief Minister has said that this offer of assistance has not been part of a Dutch auction where we have had to outbid other offers, such as from the New South Wales and Victorian governments. Really, all the Government has done is pre-empt the auction by getting in first with an offer. The Chief Minister has not questioned the need for an auction in the first place.

In looking at the documentation about this offer and talking to Impulse management, I have come to the conclusion that there are really quite serious questions about how much this money is helping Impulse against how much it is actually helping the Capital Airport Group. The statement of intent is between the ACT Government and Impulse, yet so much of it involves the Capital Airport Group and so many of the benefits of the Impulse move will flow directly to the airport that I do have to wonder why they are also not a signatory to this agreement.

The Minister stated in question time that the Capital Airport Group are not there because they are not getting any of the assistance, but it is a fact that many of the actions that Impulse will be committing itself to undertake are dependent on agreement with the Capital Airport Group. It is therefore very unclear what would happen to this assistance package if a dispute should arise between Impulse and the Capital Airport Group. Mr Kaine said that it was none of our business to know the details of the relationship between the two organisations. That is of concern to me, too, because questions are being asked and need to be answered about the relationship between this $10m, or the $8m in particular, and where the direct benefit actually goes.

I found it very interesting to look at the report prepared by ACIL Consulting for Impulse Airlines. I quote from the section headed "Canberra International Airport construction activities":

> Canberra International Airport will be involved in significant capital expenditure to facilitate the operation of Impulse Airlines in Canberra. Following discussions with airport management, ACIL has made the following estimates: Heavy maintenance building - $6.5m; operations office building - $3.5m; call centre building - $2.5m.

What we are hearing there is that the airport is going to be involved in such building. How is it that in the statement of intent we have heavy maintenance building now being carried out by Impulse under paragraph 2.1, an operations office building being carried out by Impulse under paragraph 2.2 and a call centre building being carried out by Impulse, not the airport, under paragraph 2.3. It adds up to $12m. That is $12m Canberra Airport is not spending. Guess what? The amount of $8m for Impulse is certainly going to help significantly. Impulse will now build all those things. The question that has to be asked is: Does the airport no longer have to spend that money because the ACT Government is giving it to Impulse to do the work that Canberra Airport said to Impulse it would do to attract them to the airport?

The situation just highlights the folly of privatising airports which are local monopolies. We have come to the situation where we are being asked, to paraphrase an old saying, to accept that what is good for the Capital Airport Group must be good for Canberra. Considerable blurring is happening here about the policies of the Government on promoting economic development in the ACT and the commercial objectives of the Canberra Airport. For example, it was quite enlightening to hear from the Chief Minister yesterday that no assessment has been done of alternative business development opportunities that could have been undertaken by the Government for an expenditure of this much.

I understand that Impulse only started seriously considering establishing their operations here about four weeks ago, after an approach from the Capital Airport Group. Whilst it is true that Impulse wanted to expand its regional operations over time and probably would have expanded its use of Canberra Airport as a regional hub in future years, it was not their immediate objective. I understand that their primary objective, which they have been working on for some time, is to establish new trunk route services between the eastern capital cities with their new B717 jets to compete against Qantas and Ansett airlines.

The management of these operations could be undertaken from a number of airports. However, we know that the Capital Airport Group have been anxious to set up new aircraft operations at the airport to boost its commercial viability ever since they bought the airport. They have been pushing the idea of a regional hub for some time so that more aircraft movement is channelled through Canberra. It is to be expected that the airport would want to expand its business, but I question the role of the ACT Government in this regard. I thought the whole point of privatising the airports in Australia was to allow them to run on supposedly more efficient commercial lines, free of government interference, with their future being determined by market forces, yet here the ACT Government is stepping in to help the Capital Airports Group by securing the establishment of Impulse Airlines at the airport.

In spending its limited budget, the Government should not be trying to pick business winners; it should be spending the taxpayers' money on what is in the broader public interest. It is not enough for the Government to say that there will be all these economic benefits from the Impulse move. I am sure that similar statements were made when previous governments entered into the establishment of the hotel school and CanDeliver and the development of Bruce Stadium and Harcourt Hill Estate which were subsequently proved to be wrong.

I think that this Assembly should expect a much more thorough analysis of these types of proposals than the few weeks that the Government spent before it made its decision to proceed with the statement of intent. That is particularly so when it is admitted in the analysis of the proposal that Ansett and Qantas airlines dominate the domestic air transport market and that, historically, there has been extreme difficulty for new players entering this market. Impulse Airlines think they can overcome this risk and have secured commercial financial backing, which is their prerogative as a private business. There may be broader economic benefits to Australia from breaking up this duopoly, and I wish Impulse good luck in this endeavour. *(Extension of time granted)* But I believe that breaking up this duopoly is an issue for all governments in Australia to address and not one for the ACT Government to go out on a limb and risk taxpayers' money in one company's attempt to break this duopoly.

The speed at which this proposal has been developed is reflected in the statement of intent, which is an extremely loose and uneven document. For example, the statement refers to Impulse commencing various operations, but there are no definitions of what actually will be commenced and how long a particular operation has to be in place before it receives a credit on the $8m capital injection. In some areas there are no clear indicators to determine whether Impulse is complying with the agreement. For example, it says that Impulse will merely support - note the language, support - the development of an aviation centre of excellence, that it will investigate new routes and that it will use its best endeavours to obtain a performance guaranteed to support its commitments. The specifications for the facilities are being supplied directly from Impulse without independent checking, so we cannot be sure that what we think will be built actually will be built.

There is also an uncosted and vague commitment that the Government of the ACT will work with Impulse Airlines to develop a cooperative program to stimulate the development of tourist and convention travel in the ACT. We are interested to know what this cooperative commitment will be. What will be the cost to the ACT taxpayers? Exactly what are we going to contribute to this joint venture of marketing and tourism? It is interesting to compare that language with the language that applies to the part of the Government's obligations under this statement of intent. The language is much stronger for the Government. It says:

> The ACT will provide Impulse Airlines with a capital injection of $8m by July.

So we have the statement that it will, the amount and the time, not "support", "investigate" or "endeavour". The wording is pretty strong there, although I have noticed that the Chief Minister has moved away from one aspect of this statement in that she is not asking us for approval today; she is just asking us to note the motion. That is why I call it a very uneven document in terms of how much Impulse is being tied down compared with the ACT Government. I do understand that it is not a legally binding document, but it is interesting to compare the language and see how it is really loose for Impulse.

Another interesting thing about that statement of intent is the support for the ACT's financial commitment. The statement of intent reads:

> Impulse Airlines agrees that it will use its best endeavours to obtain a performance guarantee in appropriate form to support its commitments to achieve agreed milestones in return for the ACT's investment.

Everyone is interested in knowing about how this loan is being set up. If the business does well, it will be a gift, flowing mainly to the airport, it seems. If the business does not do well, who will be carrying the risk here and what guarantee do we have that the equity will be in place? That question has been partially answered today, but not nearly fully enough. We believe there has to be considerable work done to clarify the detail of this statement of intent before the Government enters into a legally binding contract.

I am also concerned that there has been no assessment of the appropriate level of financial assistance that should be offered to Impulse. The Chief Minister admitted in question time on Tuesday that they are giving Impulse $8m because that is what they asked for. I should have thought that the Government would be more careful about giving away taxpayers' money, particularly compared with other areas of government expenditure. Would it not be great if the Government gave welfare groups money that easily?

It worries me also that the Government's assessment of the impacts of this proposal is totally focused on the economic impacts, that is, how much extra money will flow through the ACT. There has been no attempt to look at the environmental or social impacts of this proposal, apart from the employment situation, which is important but which has to be looked at in a broader way. I find it disappointing that the Government,

which is a signatory to the national strategy for ecologically sustainable development, continues to ignore the need to integrate both short- and long-term economic, environmental, social and equity considerations into its decision-making.

There should be an assessment of the environmental implications of this package, not just in terms of local impacts, such as any increase in aircraft noise or pollution from the new maintenance facility, but also how this proposal would affect overall levels of air traffic in Australia. Aircraft are the most polluting and energy consuming forms of transport and I think Australian governments as a whole should look at this issue more closely. Unfortunately, this has happened to only a very limited extent with the investigation of high-speed rail links that can compete with air travel. *(Further extension of time granted)*

As an example of my calls for a more extensive assessment of this proposal, it would be interesting to know whether there would be a greater public benefit from spending $10m on developing better rail transport links in the region, rather than promoting more air travel. As usual, I am concerned about the process by which this agreement has come about and the lack of detail, and find it difficult to support the proposal because of the haste and that lack of detail - the lack of assessment of the opportunity cost of this expenditure and the fact that the proposal goes against the need for all governments not to get into these bidding wars.

My reluctance to support this proposal should not be seen as a negative reflection on Impulse Airlines. I accept their desire to expand their business and I wish them well. I am merely questioning the need for the ACT Government to intervene in what should really be a commercial negotiation between the Capital Airport Group and Impulse. If the Capital Airport Group thinks that the establishment of Impulse at its airport will provide good returns to the group in the long term and have multiplier effects on its operations, I believe that the Capital Airport Group, rather than the Government, should have been taking the initiative to secure Impulse's agreement. That is exactly what they did, as I have already pointed out. But now they do not have to, thanks to the Government.

MS CARNELL (Chief Minister) (5.54), in reply: Mr Speaker, in closing the debate, I would like to answer a number of questions that were raised during the debate. First, I think that Mr Quinlan may have made a bit of a mistake, yet another, when he indicated, I think, that the figures with regard to the number of people had been put together on one survey.

Mr Quinlan: No, I mentioned four surveys.

MS CARNELL: Even if it was said that there were four surveys, Mr Speaker, there was the survey by the Institute of Transport Studies, University of Sydney, in its determination of passenger potential associated with a regional hub at Canberra International Airport of May 1999; the one about the demand for a Canberra-Bankstown air corridor by Market Attitudes Research Surveys in September 1999; the one by Purdon and Associates of 20 August 1998, entitled "Canberra Airport Studies - Survey

of Passengers - Impulse Schedules"; the one about the demand for the Moorabbin-Canberra air corridor by Market Attitude Research Surveys; and the 1999 New South Wales regional airline - - -

Mr Quinlan: The Moorabbin numbers have been seen as less assured. Bankstown's are significantly understated.

MS CARNELL: Mr Speaker, I did not interrupt him.

MR SPEAKER: Order!

MS CARNELL: And the 1999 New South Wales regional airline market demand study of opportunities for Canberra. Mr Speaker, as you can see, quite a large number of surveys have been done and all have pointed out the benefits that we spoke about earlier.

I would like to clarify a couple of issues that were raised by Ms Tucker and then some by Mr Berry. Ms Tucker made the point that she supports Impulse Airlines but does not support the ACT Government putting any money into it. I would have to say quite categorically: No money, no airline; it is that simple. Impulse Airlines, as we have all said, have a very sound and extremely comprehensive business plan which relates to developing jet services on, initially, the Sydney to Melbourne and Sydney to Brisbane routes. Only later did it have any intention of expanding routes to other capitals and Canberra was quite a long way down the track.

The business plan matches the capital requirements and cash flow to the financial resources available to Impulse and its backers and is based upon having Impulse's new operating headquarters and heavy engineering base at one of the capital cities where Impulse will be flying. That means that if it had gone ahead in the way initially planned Impulse would have had to have had its engineering and maintenance facilities in Brisbane, Sydney or Melbourne. Impulse intends to start jet services before the end of the financial year, as we know, which meant that the decision on where the servicing and heavy engineering facilities were going needed to be sorted out very quickly for Impulse to satisfy the airline operators certificate requirements.

If Impulse begins its national operations without committing to Canberra, it will not establish its operating headquarters or its heavy engineering or maintenance facilities here. That is quite simple, Mr Speaker. If it does not do it now, why would it in the future? That, in turn, would make it harder for Impulse to begin developing regional routes out of Canberra as it would not have its operations base here to help spread the costs of that development. So, if Impulse chose not to locate in Canberra now, we would lose the direct business opportunities and it would delay the development of Canberra as a hub for quite some time.

The ACT's capital injection into Impulse is recognition of the additional costs that Mr McGowan and Impulse will face in changing its plans at short notice and for the financial impact that that decision will have on its business plan. So, there is actually a very good reason, Mr Speaker. If it was not for the financial assistance from the ACT Government, obviously it would be a significantly better approach from Impulse's

perspective to go to one of the cities into which it is going to fly its jets in the first instance. If we took Ms Tucker's approach, what would happen is that Impulse would set up its operational headquarters and its engineering and heavy maintenance facilities in one of the other capital cities and any expansion for the ACT would be a long way down the track and possibly not based upon a regional hub but just additional services. Hopefully, that answers Ms Tucker's question on why the ACT is in the business of providing a financial incentive for Impulse Airlines to come to the ACT. Of course, it is also the case that other governments in areas that Impulse might be looking at setting up those headquarters are more than happy to come to the party with a few dollars, and we need to compete with that.

I would like to finish with a couple of comments about matters that were raised by members of the Opposition. The first one is the issue of timeframes and how - shock, horror - we cannot handle them. Recently, I had the pleasure of going to the innovations summit in Melbourne. One of the things coming out of that summit that was quite clear to everybody there is that the days when any government has months or years to make decisions on anything are simply gone. For those opposite, particularly Mr Quinlan, who have supported Canberra being a knowledge-based economy and have supported R&D funding, the timeframe that we will have for making a decision on research and development, communications, IT and, for that matter, these sorts of proposals will be a maximum of six weeks. If we do not make an R&D decision in a six-week timeframe, it will be too late. Mr Quinlan knows that and I know that, so the days of those opposite whingeing about timeframes simply have to be over.

Mr Quinlan: If we are going to be a knowledge-based economy, how about giving us some real knowledge along the way?

MS CARNELL: I agree that the information needs to be on the table and it was, all of it. But you cannot keep saying that we do not have time. We will simply miss the boat, not just in this situation but in many that are on the horizon right now for this Government. The good part about Canberra's form of government is that it should be able to move quicker than larger governments in bigger States. That gives us a real capacity to compete with larger entities that are less flexible and have less capacity to make quick decisions. So, we have to stop bellyaching in this place about actually having to make a decision in a decent timeframe.

Mr Berry ran through a whole heap of negatives, saying that they are the reason the Opposition really cannot trust the Government. He made a comment out Fujitsu. Fujitsu currently has 250 employees and is looking at putting on another 80 in the next few months. Mr Speaker, we would not have those 300-odd employees but for Fujitsu setting up their Asia-Pacific headquarters here. Those opposite have just done exactly what they always do. They comment that 300 is not 900. No, it is not because the timeframe on the agreement has not been reached yet.

Mr Speaker, they also make comments about EDS, IBM GS and others. EDS and, I think, IBM are actually tracking above their current projections. In fact, the business incentive scheme has so far produced over 1,200 full- and part-time jobs. I do not see that as a negative; I am sorry. I look at that as a real positive. And what has it produced?

It has produced the lowest unemployment rate and the highest growth rates in this country. For the first time, the ACT is at the top of the pops with the lowest unemployment and the highest growth rates. That would tend to indicate that the Government is doing something that is working extremely well. I would have to say that what this Government is doing is encouraging businesses to set up in the ACT. It is a government that has the capacity to make decisions quickly, based upon all the facts we need.

Mr Quinlan: We have seen the results. We are not going to deny that.

MS CARNELL: Mr Quinlan said, "Let us see the results". We have 5.3 per cent unemployment and 7 per cent growth. Heavens, Mr Speaker, what more do those opposite want? You cannot be better than the best, and the best is what we are, Mr Speaker. I am pretty proud of that.

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

Mr Rugendyke: Mr Speaker, I seek leave to call for a vote and to vote with the ayes.

Leave granted.

Question put:

> That the motion (**Ms Carnell's**) be agreed to.

The Assembly voted -

AYES, 15	*NOES, 0*
Mr Berry	
Ms Carnell	
Mr Corbell	
Mr Cornwell	
Mr Hargreaves	
Mr Hird	
Mr Humphries	
Mr Kaine	
Mr Moore	
Mr Osborne	
Mr Quinlan	
Mr Rugendyke	
Mr Smyth	
Ms Tucker	
Mr Wood	

Question so resolved in the affirmative.

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

Debate resumed from 17 February 2000, on motion by **Mr Smyth**:

> That this Bill be agreed to in principle.

MR CORBELL (6.10): Mr Speaker, the Labor Party will be supporting this piece of legislation today. We will do so not because we support the Government's intention to reduce the level of the change of use charge to 50 per cent, which would amount to a complete rip-off of the Canberra community and a giving away of public assets at no charge, but because we do accept the need for this Assembly properly to consider the issue.

Mr Speaker, there has been a series of extensions to the sunset clause which was put in place back in 1997. The original sunset clause, as we are all aware, set the level of the change of use charge at 75 per cent of the value added to a lease by a variation of the lease, but set in place also the fact that the 75 per cent would revert to 100 per cent at the conclusion of the set period, which has been a number of things but was most recently set at 31 March, which is, of course, tomorrow.

The Government's action in relation to the development of the response to the original resolution which required a report to be prepared by Professor Des Nicholls has been tardy, to say the least. It took the Government over a year - in fact, closer to two - to initiate that report; so I do not expect the Government to stand up here now and say that this is an issue that should be hurried along, considering the considerable period it took to move on it. Nevertheless, it is important, now that the Nicholls report is a widely available public document, that the Government's intentions are clearly stated and the Standing Committee on Planning and Urban Services has reported to this place on the Nicholls report, that this Assembly have the full amount of time available properly to debate a very important issue of public policy.

For that reason, Mr Speaker, we will be supporting this extension. However, I should indicate that we do not see any need to extend the sunset clause past the date proposed in the legislation. There does not seem to me to be any reason immediately apparent why we should continue to allow the extension of the sunset clause. The issue should be resolved within the sunset clause which is set out in this amendment Bill. I believe that we should pass the amendment Bill today and have the issue resolved by the end of September. I see no reason why we should continue to allow the extension of the sunset clause.

The sunset clause effectively acknowledges that any level of betterment below 100 per cent is purely an interim measure and it has been the intention of the Assembly to date to allow it to revert at the end of that period. Mr Speaker, the Labor Party will be supporting this legislation today; but, as I have indicated, this extension is really the last one.

MR MOORE (Minister for Health and Community Care) (6.13): Mr Speaker, this is an issue upon which I separate myself from the Government. I would like to say that one of the reasons I am supporting the extension is that the worst case scenario is where we have 75 per cent one day and 100 per cent another and then revert to 50 per cent. We really do need to try to finalise the issue and get a consistent approach to it. I think that all the reports have said that that is the most important thing, and getting a decision. I will be supporting this extension while we consider the issue with great care.

MR SMYTH (Minister for Urban Services) (6.14), in reply: I am amazed. I have never heard Mr Moore speak so swiftly on such an issue. Mr Speaker, I thank members for their support for this Bill. It is appropriate that we extend the sunset clause. When we set the date previously, I warned that it would not be long enough for proper and due consideration of the matter, but I am grateful for the support of the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

POSTPONEMENT OF ORDERS OF THE DAY

Ordered that orders of day Nos 2 and 3, Executive business, relating to the Justice and Community Safety Legislation Amendment Bill (No. 3) 1999 and the Periodic Detention Amendment Bill 1999, respectively, be postponed until the next day of sitting.

TOBACCO AMENDMENT BILL (NO 2) 1999

Debate resumed from 9 December 1999, on motion by **Mr Moore**:

> That this Bill be agreed to in principle.

MR WOOD (6.15): Mr Moore introduced this Bill in December last year. It deals with straightforward administrative matters surrounding the licensing of retailers of tobacco and tobacco products. It establishes a licensing system for retailers which includes vending machines and wholesalers of tobacco products. It creates offences for selling without a licence and various other matters. It transfers responsibility for licensing from the ACT Revenue Office to the Registrar of Tobacco, establishes a disciplinary regime of conditional licences or suspension or cancellation of licences and various administrative matters associated with licences, which we all knew. The Opposition will support the Bill.

MR MOORE (Minister for Health and Community Care) (6.16), in reply: Mr Speaker, I appreciate the response. It is an administrative piece of legislation. I think it is worth commenting that I have great pleasure in going places and talking about the success of the Tobacco Act in the ACT. When I do, I always draw attention to the fact that it was Mr Berry who started the process and that there has been a bipartisan approach since the beginning of this Assembly. I hope that it will continue in that way because it is something for which we should take credit. It is a very significant health measure on which we lead Australia and are amongst the leaders in the world.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Auscript Pty Ltd

MR SPEAKER: Members, a new contract for recording, monitoring and transcription services for the Assembly will be in operation when the Assembly sits again on Tuesday, 9 May. This is the final sitting day on which the present service provider, Auscript Pty Ltd, will be monitoring and recording the sittings and providing the transcript.

Auscript has been the service provider since the inaugural meeting of the Assembly in May 1989. During that time, Auscript has provided a first-class service to the Assembly. Of particular significance has been the prompt production of the daily *Hansard* after late night sittings. Special thanks go to the monitors who sat in the booths during those late night sittings; I am sure we all sympathise with them. On behalf of all members, I thank Auscript for carrying out its duties in such a professional manner.

Narrabundah Long-stay Caravan Park
Land (Planning and Environment) Legislation

MR SMYTH (Minister for Urban Services) (6.18): Mr Speaker, the Government announced its intention to sell the long-stay caravan park at Narrabundah in March of last year. The caravan park provides long-stay caravan and mobile home sites to the general public. Residents are not required to meet eligibility criteria for public housing, even though the site is owned by ACT Housing. Following concerns from both residents and the Assembly, a number of conditions to any sale were imposed. In particular, the

lease which was registered last November provides for continued operation of the park for five years from the date of transfer to any new owner. In addition, the sale documents will require the buyer to enter into a contractual arrangement to ensure that the park continues to operate as a going concern for the same period. This contract will be backed by a bank guarantee of $200,000. As well, those residents whose accounts are not in arrears will be able to take out a 12-month permit shortly before settlement. These conditions are not negotiable.

Mr Speaker, the Government has now had approaches to purchase the caravan park, including one from the Koomarri Association. The approaches are for the continued operation of the park. At this stage, the Government is negotiating with Koomarri directly, in light of the significant public benefit that the sale of the park to them would bring. While negotiations are continuing, sale to Koomarri would be a win-win outcome. The caravan park residents would be associated with a caring community-based organisation, while Koomarri staff and work teams would get valuable experience in running a commercial operation.

A number of the park's residents are aware of Koomarri's interest in the site and have informally indicated their support to my office and ACT Housing, as well as to Koomarri. Independent valuers have valued the site at about $1m. I understand that Koomarri will be considering its options over the next few weeks and that a decision may well be made before the Assembly next sits.

On a second matter, Ms Tucker and I, after yesterday's debate on her amendments to the Land (Planning and Environment) Act, think we both may have misled each other and possibly misled the house on whether such appeals that go to the commissioner may end up with the AAT. It is governed by another section of the Act and that may not be the case. I have asked officials to give me some further advice. Ms Tucker and I were going to apologise yesterday afternoon in case we had misled the house, but when I get some further information I will certainly bring it back to this place.

Question resolved in the affirmative.

Assembly adjourned at 6.18 pm until Tuesday, 9 May 2000, at 10.30 am

ANSWERS TO QUESTIONS

Environment – Authorisations by Environment ACT

(Question No. 221)

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to the environmental authorisations issued to the Fairbairn Park Control Council (FPCC) and the National Capital Motorsports Club (NCMC) or motor racing at Fairbairn Park:

1 . Did the original environmental authorisations issued in June 1998 require FPCC and NCMC to each submit a noise management plan acceptable to the Environment Management Authority (EMA) by 30 September 1998.

2. To date has either FPCC or the NCMC presented an acceptable noise management plan to the EMA.

3. Was the requirement for the production of the noise management plan carried over into the replacement environmental authorisation issued in December 1998, and if not, why not.

4. What has prevented the noise management plans being finalised.

5. What action has the EMA taken to require FPCC and. NCMC to fulfil the requirements of their environmental authorisations by preparing the noise management plans.

6. In the absence of noise management plans, what arrangements has the EMA adopted to ensure that noise from racing meets has not exceeded the limit applicable during each particular day's racing.

7. Did any of the environmental authorisations require, in the absence of an acceptable noise management plans, noise monitoring at the compliance location by an independent noise expert for all racing meets on or after 1 November 1998.

8. How many racing meets, and what proportion of all racing meets, were monitored by an independent noise expert since 1 November 1998.

9. How many of these racing meets exceeded the 45dB(A) zone noise standard.

10. If not all racing meets were monitored, how can you be satisfied that the noise limit applicable during each particular day's racing was not exceeded.

11. How will the Minister, as part of the present annual review of the environmental authorisations for FPCC and the NCMC, overcome these organisations' unwillingness or inability to produce acceptable noise management plans.

Mr Smyth: The answer to the member's question is:

1. Yes

2. No

3. No. FPCC had submitted a draft plan that did not meet the EMA's requirements and NCMC did not submit a plan. The EMA formed the view that it would be more appropriate not to include the option of preparing a plan in the new authorisation, and instead to offer to vary the authorisation if and when an acceptable noise monitoring plan was prepared. This offer was communicated to FPCC and NCMC when the new authorisation was granted.

4. This is a matter within the knowledge of the individual authorisation holders.

5. No specific action was required. The original 1998 authorisations provided that, in default of preparing monitoring plans, the authorisation holder must arrange for each event to be monitored at the compliance location.

6. The EMA does not routinely monitor noise at motor racing events. A call out system is in place, which permits members of the public concerned about noise to contact an environment protection officer who will attend the event to measure noise levels. This occurred on 30 May and 13 June 1999 but the officers were unable to obtain noise measurements because of the strong wind and rain conditions at the time. Weather conditions, particularly strong winds can seriously affect the accuracy of noise measurements, in fact when wind speeds exceed 5 metres per second it is an accepted practice not to conduct outside noise measurements. In addition, the EMA referred a brief of evidence to the Director of Public Prosecutions. The Office of the DPP provided initial advice that prosecution was not available in the absence of evidence of excessive noise or the issue of an environment protection order, but this is to be the subject of further discussion with DPP.

7. Yes

8.See answer to question 6. In addition, the EMA is aware that two race meets have been monitored at the compliance location by FPCC and NCMC using an independent expert and the results of that monitoring are being used by to develop noise monitoring plans. Both monitored meetings operated at levels of between approximately 45dB(A) to 50d13(A), which, when event credits are taken into account, does not involve a breach of the authorisation.

9. See answer to question 5 and 8.

10. See answer to question 6.

11. Because there is no requirement in the current authorisation to prepare monitoring plans, there is no link between the annual review of the authorisations and the preparation of noise monitoring plans. However, in February 2000 and early March 2000 FPCC and NCMC respectively have, with the assistance of an acoustic consultant experienced in environmental noise assessment, submitted draft noise monitoring plans that are currently being assessed by the EMA.

Canberra Hospital – Refurbishment of Psychiatric Unit

(Question No. 227)

Mr Wood asked the Minister for Health and Community Care, upon notice, on 29 February 2000:

In relation to the refurbishment of the psychiatric unit at the Canberra Hospital:

(1) When will the refurbishment be completed.

(2) What is the reason for the delay.

(3) Is the current facility of a suitable standard and are all occupational health and safety requirements being met.

(4) What is the cost of the work.

Mr Moore: The answer to the member's question is:

(1) Construction work on the Acute Psychiatric Unit has commenced with a scheduled completion date of November 2000.

(2) The project was placed on hold for a short period due to a shortfall in funding. In order to accommodate the additional funding for this most important project I decided to defer the refurbishment of the Belconnen Health Centre to allow the project to be accommodated within the overall Health allocation of capital works funding, and for the project to be completed as designed.

(3) The Psychiatric Unit is currently temporarily located on level 7 of Building 1. Considerable work was invested in level 7 to ensure that the needs of the unit were appropriately satisfied. A number of shortcomings were identified with level 7 shortly after it was occupied. A team including Unit staff, OH&S representatives, Risk Management staff and Facilities personnel investigated those shortcomings and implemented remedial action. The Unit is now operating in a functional and safe manner on level 7.

The refurbishment of the Acute Psychiatric Unit will deliver a facility which meets the applicable building codes and, importantly, will meet the requirements of the National Mental Health Strategy.

(4) The total project budget is now $2.7M. This includes $0.2M in relocation costs to temporarily locate psychiatric patients on level 7 of Building 1 at the hospital while the refurbishment of the psychiatric unit proceeds.

Residential Tenancies Tribunal

(Question No. 229)

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

In relation to the Residential Tenancies Tribunal, in 1999:

(1) On how many occasions did ACT Housing appear before the Tribunal.

(2) On how many occasions was ACT Housing self represented.

(3) What was the total cost of the services of the ACT Government Solicitor's Office when representing ACT Housing at the Tribunal.

(4) Did ACT Housing use any other legal representation at the Tribunal and if so, what was the cost.

Mr Smyth: The answers to the member's questions are as follows:

(1) 237

(2) 67

(3) $36,295.40

(4) No.

Bruce Precinct Association

(Question No. 230)

Ms Tucker asked the Chief Minister, upon notice, on 7 March 2000:

In relation to the Bruce Precinct Association:

1. Which of the following are members of the Bruce Precinct Association, and what is the nature of each organisation's involvement:

(a) ACT Government Departments, agencies, authorities or corporations; or

(b) Organisations in receipt of funds from the ACT Government.

2. Were any of the organisations listed under (1) involved in the development and/or approval of the submission prepared by Purdon Associates Pty Ltd on behalf of the Bruce Precinct Association for the Standing Committee on Planning and Urban Services' Inquiry into the Gungahlin Drive extension, and what was the nature of that involvement.

3. Did any of the organisations listed under (1) contribute any funds to cover the costs incurred by Purdon Associates and/or Bruce Precinct Association in the preparation of this submission.

Ms Carnell: The answer to the member's question is as follows:

1(a). I am advised that the following ACT Government bodies are understood to be members of the Association and/or attend Association meetings:

(i) Lake Ginninderra College;

(ii) Canberra Institute of Technology (CIT);

(iii) CIT Solutions;

(iv) Bruce Stadium;

(v) University of Canberra;

(vi) Calvary Hospital; and

(vii) ACT Academy of Sport.

Other members include Radford College; Fern Hill Park property owners; Telstra; and Hewlett Packard; and a number of Commonwealth bodies such as AUSLIG, DSTO and the AIS also participate.

1(b). The majority of ACT Government agencies receive funding from the Government and I am not aware of any funding to private organisations.

Questions 2 and 3 relate to private arrangements between the Bruce Precinct Association and its consultant Rob Purdon and Associates. The Association has kindly provided me with the following responses:

2. All members of the Association were given the opportunity to comment on the report prepared by Rob Purdon and Associates Pty Ltd.

3 All members pay an annual membership fee to the Association. The Association engaged Rob Purdon and Associates Pty Ltd to assist in preparing its submission. The consultancy costs were met by the Association.

Should Ms Tucker require any further information, the Association would be happy to discuss the matter personally with her.

Waste Management

(Question No. 231)

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to Waste Management:

1 . What charges are placed on the Queanbeyan City Council for the disposal of waste collected in Queanbeyan that is dumped at ACT landfills.

2. What agreement, including any financial arrangements, is in place between the Government and Corkhill Brothers Pty Ltd for the operation of the greenwaste collection areas and saleyards for landscaping materials at the ACT landfills.

Mr Smyth: The answer to Ms Tucker's question is as follows:

1 . The Queanbeyan City Council is charged at the same rate as commercial operators for all waste delivered to ACT landfills.

2. Corkhills Bros. Sales Limited has a contract with the ACT Government (ACT Waste) for the Receipt and Processing of Organic Waste at Mugga Lane Landfill. The contract was made on 6 June 1996, following an open tender process and is fixed for a period of 5 years, terminating on 30 June 2001.

The contract has two parts, which incorporates a service component for organic garden waste processing and a land licence. ACT Waste pays the company $132,000 per annum to provide the drop off facility and to process organic garden waste into usable garden products.

Corkhill Bros are required to operate and manage the facility for the receipt and processing of organic garden waste at Mugga Lane Landfill. In addition the Company may:

(a) provide a drop off facility for acceptance of builders' rubble;
(b) process builder's rubble into a usable on-sale product; and
(c) operate a sales outlet for landscaping materials.

V8 Supercar Race

(Question No. 233)

Ms Tucker asked the Chief Minister, upon notice:

In relation to government expenditure on the V8 Supercar race scheduled for June 2000.

1 . What is the breakdown of expenditure of the $7 million appropriation in 1999-2000 for the race.

2. What are the details of the contracts for services, equipment or construction works that have been let or are planned to be let by the ACT Government in relation to the race, specifically:

(a) The nature of the service, equipment or works to be provided under the contract;

(b) The successful tenderer;

(c) The value of the contract.

3. What are the details of any agreements to forgo government taxes, duties, fees or charges that would have been incurred by the organisers of the race, including the monetary value of the forgone revenue.

4. Is this forgone revenue included in the $7 million appropriation or additional to it.

Ms Carnell: The answer to the member's question is as follows:

1. This information is provided at Attachment A.

2a. Information on the services to be contracted for the design and construction of the race circuit is provided at Attachment B. This is a rolling schedule of works. A detailed program for services for the race day events is still being finalised.

2b. and 2c. Contracts entered into by CTEC to 21 March 2000 include:

Design, construction and remediation work for race circuit

Weathered Howe Pty Ltd

Southport, Queensland

Value: $525,000

Implementation and services for the race day

IMG

Melbourne Victoria

Value: $250,000

Sales and Sponsorship

IMG

Melbourne, Victoria

Value: Contract is on a commission basis and includes a 10% fee for sponsor introductions made by CTEC and 5% for ACT Government agencies. The rate of fees for other sponsorships is currently being negotiated.

Concrete Barriers

Sunset Pty Ltd

Queanbeyan NSW 2620

Value: $1,899,000

Surveyor - Civil Works (The surveyor is engaged on an hourly rate on a 'Fee for Service' basis)
Mail McDonald Barnsley Pty Ltd
Jamison Centre ACT 2614
Value: $20,000

Promotion and Marketing
Grey Advertising
Kingston, ACT

Value: This is a schedule of rates tender with materials purchased on the basis of need and quoted rate. The contract for this service is to be brought under an existing general contract with Grey Advertising and a maximum value for services for the race is still to be finalised.

Other contracts for services, equipment and construction works are still to be issued.

3. and 4. There are no agreements in place to forgo government taxes, duties, fees or charges with any organisation or person. CTEC will pay the appropriate charges to service providers in full for all services used in the course of organising the race whether they are government or private sector providers.

ATTACHMENT A

V8 Supercar Race

Government Appropriation of $7,000,000 is to go towards:

Recurrent Expenditure	$2,500,000
Capital Expenditure	$4,500,000

The CTEC Budget for the event is as follows:

Revenue

Government Appropriation (Recurrent)		$2,500,000
Own Source	– Sponsorship	$2,500,000
	- Ticket Sales	$2,100,000
	- Rights & Licensing	$400,000
		$7,500,000

Recurrent Expenditure

Track & Civil Works	$1,040,650
Race Facilities	$119,000
Hire of Fencing	$175,700
Race Communications	$193,000
Services	$877,000
Transportable Buildings	$100,000
Spectator & Corporate Facilities	$1,300,000
Fitout and Entertainment	$505,000
Event Promotion	$350,000
Fees & Charges	$1,409,000
Administration, Sponsorship & Ticketing	$2,346,000
	$8,415,350

Capital Expenditure - First Year $4,500,000

(Includes purchase of concrete barriers, Track and Civil Works, 3 pedestrian overpasses, buying of fencing, signs and equipment)

NATIONAL CAPITAL 100

TENDER

TRADE PACKAGES

CONTRACT	ESTIMATED RECURRENT CONTRACT VALUE	ESTIMATED CAPEX CONTRACT VALUE	TOTAL VALUE	TENDER ISSUE DATE
1. ELECTRICAL SERVICES				
Temporary Electrical Reticulation	250,000			
Generator Hire	50,000			
TOTAL - PACKAGE A		**300,000**	**300,000**	**23/02/00**
Starters Lights		10,000		
Electrical Cables		35,000		
TOTAL PACKAGE B		**45,000**	**45,000**	**10/03/00**
2. EVENT SERVICES				
Tyre Bundles - install & remove	100,000			
Pit Ramps -install & remove	30,000			
Support Pit Ramps - install & remove	6,000			
Tyre Bundles		100,000		
Pit Ramps		40,000		
TOTAL - PACKAGE A		**136,000**	**140,000**	**276,000** **1/03/00**
Misc Labour Tasks	29,000			
Shad Cloth - install & remove	11,680			
Bunting		5,000		
Fuel Dumps - install & remove	10,000			
TOTAL-PACKAGE B	**50,680**	**5000**	**55,680**	**11/3/00**
Race Kerb Panels - install & remove	40,000			
Race Kerb Infill - install & remove	15,000			
Civil Capex Purchase		50,000		
TOTAL - PACKAGE C	55,000	50000	105,050-	10/03/00
3. BARRIER & DEBRIS FENCE	500,000		500,000	1/03/00
ASSEMBLY				
4. FABRICATION, INSTALLATION				
AND REMOVAL OF EQUIPMENT				
Temporary Pedestrian Bridges - install & remove	90,000	355,000		
Overtrack Signs - install & remove	30,000	150,000		
TOTAL - PACKAGE A	120,000	505,000	625,000	5/03/00
Starters Platform - install & remove	1,000	2,500		
Signage - install & remove	40,000	45,000		
TOTAL - PACKAGE B	41,000	47,500	88,500	10/03/00
5. FENCING				
Security Fencing - install & remove	120,000			
Demarcation Fencing - install & remove	85,000			
TOTAL	205,000		205,000	28/02/00

6. PORTABLE BUILDING

Transportable Building Hire - install & 80,000

remove

TOTAL PACKAGE A 80,000 80,000 28/02/00

Toilet Hire - install & remove 80,000

TOTAL PACKAGE B 80,000 80,000 28/02/00

Race Control - install & remove 4,000 40,000

Medical Centre 3,000 25,000

TOTAL PACKAGE C 7,000 65,000 72,000 1/03/00

7. GRANDSTAND SEATING

Grandstand Hire - install & remove 139,760

GS495

Grandstand Hire - install & remove 38,800

GS146

Grandstand Hire - install & remove 22,320

GS2

Shad Cloth - install & remove 5,300

TOTAL 206,180 206,180 23/02/00

8. CIVIL WORKS 270,0001 968,000

Survey 20,000

TOTAL 270,000 988,000 1,258,000 1/03/00

9.CORPORATE PLATFORMS 260,000

Support Base for Control Tower 6,000

TOTAL 266,000 266,000 28/02/00

10. CLEANING & RUBBISH

REMOVAL

Cleaning 40,000

Rubbish Removal 80.000

TOTAL 120,000 120,000 3/03/00

11. CORPORATE PLATFORMS **157,000** **157,000** **29/02/00**

FITOUT

12. PUBLIC ADDRESS SYSTEM **45,000** **45,000** **15/03/00**

HIRE

13. WATER & SEWER PLUMBING **45,000** **45,000** **10/03/00**

14. CONCRETE BARRIER **2,321,000** **2,321,000**

FABRICATION - 2200

15. TRACK EQUIPMENT HIRE & **400,000** **400,000**

TRANSPORT

16. LINEMARKING **16,250** **16,250** **15/03/00**

17. TRACK SWEEPERS **15,000** **15,000** **20/03/00**

GRAND TOTAL 7,281,61

Bruce Stadium – Open Day

Mr Rob de Castella

(Question No. 234)

Mr Kaine asked the Chief Minister, upon notice, on 7 March 2000:

In relation to the recent open day at the Bruce Stadium and the associated promotional activities:

1. What was the actual count of people passing through the turnstiles at the open day at the stadium on 20 February 2000;

2. How was the estimate between 4,500 and 5,000 in attendance as stated in your written answer of 29 February calculated;

3. What were the actual itemised costs to the Territory of this public relations exercise including costs of (a) security, (b) emergency services, (c) urban services, (d) all other associated overheads; and

4. In relation to the contract with Mr Rob de Castella:

(a) what are the detailed provisions of the contract;

(b) does Mr de Castella personally write the promotional articles in *The Canberra Times* for which the government is paying him; and

(c) will the Chief Minister take steps to ensure that Mr de Castella makes no further comments of a political nature in the newspaper column, which the Government is paying him to write.

Ms Carnell: The answer to the member's question is as follows:

1. and 2. The turnstile count for the Bruce Stadium open day was 4,260. However, families with prams entered through the side gates at the Stadium rather than through the turnstiles. Approximately 500 people were estimated to have entered through the side gates.

3. An itemised budget for the Open Day is at Attachment A.

4(a). Mr de Castella's contract with the Chief Minister's Department (the Olympics Unit) is for a period of three years commencing 1 January 1998 and concluding 31 December 2000. Over the contract period, Mr de Castella will:

- Attend a maximum of nine agreed official functions and promotions (3 in each year) to promote the 2000 Olympic Games in general and Olympic Games Football in Canberra specifically.
- Contribute to a Letter of Endorsement to be inserted into Project 2000's marketing kit. Project 2000 is a marketing program to identify and develop Games opportunities for the ACT.
- Contribute to the production of a fortnightly article in relation to the 2000 Olympic Games for the *Canberra Times* newspaper. The contract agreement acknowledges that contributions made by Mr de Castella express his views and warrants that edits or amendments to these contributions will not be published without Mr de Castella's consent.

4(b). The purpose of Mr de Castella's Update 2000 column in the *Canberra Times* is to promote the 2000 Olympic Games and Olympic Games Football in Canberra. Mr de Castella prepares these articles with editorial assistance provided to him by *Canberra Times* staff.

4(c). No. The views expressed in the Update 2000 column are those of Mr de Castella.

Attachment A

EVENT

Event Management	***$9,500.00***
Project Managers Fee (BDW)	$7,500
Project Administrative Reimbursements	$2,000
Staffing & Labour	***$1,800.00***
Project Staffing	$1,800
Entertainment / Daytime	***$6,740.00***
Night & Day (AIS) 5 piece	$600
3 x Olympic Mascots Meet – Greet	$3,440
Hocker Roof & Floor	$300
Big Screen Hire Expenses / Rights/ Dubbing	$Nil
Celebrities / Personalities	$2,000
Donations – St John Ambulance	$200
Donations – Parking Marshalls	$200
Shane Gould appearance and expenses	Donated by
Hire Equipment & Signage	***$1,240.00***
Double & single Fete Stalls	$600
Trestles, chairs, barricades and chain etc	$400
Signage – Information Marquee	$240
Concert	***$34,890***
MCs [Phil Lynch & Catherine Garrett]	Donated by Prime Television
SOCOG Mascots	$4,590
Fireworks	$4,000
Guest Artists [include accom/travel/refreshments]	$16,300
Concert/Technical Production Expenses	$10,000
Security	***$1,122.00***
Emergency Services	***$NIL***
Urban Services	***$NIL***
Cleaning	***$1,662.50***
Ushering	***$400.00***
TOTAL COST	***$57,354.50***

*An additional $29,854.00 was spent to advertise and promote the event and Olympics Games Football generally. The open day is part of Canberra Tourism and Events Corporation's overall marketing campaign to promote Olympic Games Football in the ACT.

V8 Supercar Race

(Question No. 235)

Mr Stanhope asked the Chief Minister, upon notice, on 7 March 2000:

In relation to the National Capital 100 V8 Supercar race:

1. Did the Canberra Tourism and Events Corporation let any tender for the provision of services for the event relating to
(a) sponsorship acquisition,
(b) corporate hospitality,
(c) merchandising; and
(d) concessions for the event.
2. If not, why not and on what basis was the International Management Group appointed.
3. If so,
(a) What were the tender specifications.
(b) Was it let by way of select tender, and if so, which companies were approached.

Ms Carnell: The answer to the member's question is as follows:

1 . Canberra Tourism and Events Corporation (CTEC) has contracted with International Management Group (IMG) to facilitate the provision of sponsorship, corporate hospitality, merchandising, concessions and other race day services for the GMC 400 (formerly known as the National Capital 100). To date, no contracts have been finalised by CTEC.

2. and 3. IMG has been appointed by CTEC to manage the provision of services and other activities associated with the race day events. IMG was appointed following a select tender process – the other tenderer was the Australian Racing Drivers Club (ARDC). CTEC had assessed only IMG and ARDC as organisations in Australia with the expertise and experience to undertake the sporting and events management services needed to produce a major motorsport event such as the GMC 400.

IMG was selected over ARDC by CTEC on the basis of the comprehensive list of services it could provide to assist CTEC implement the GMC 400.

Canberra Convention Bureau

(Question No. 236)

Mr Stanhope asked the Chief Minister, upon notice, on 7 March 2000:

In relation to the Canberra Convention Bureau:

1) Has the Bureau recast its annual sales targets for 1999-2000 in view of first quarter results, in which it reports results that compare unfavourably with 1998-1999.
2) If so, what are the revised targets.
3) What was the reason for the five month delay in replacing one of two key sales staff.

Ms Carnell: The answer to the member's question is as follows:

1) The Canberra Convention Bureau (CCB) has not recast its annual sales targets for 1999-2000. As at 8 March 2000, confirmed sales have reached $15.2m. It is anticipated that the budget will be met this year.

The 1998-99 sales target was $18m while the actual result was $39.2m. Globally, the meetings industry is relatively young and, as such, it is difficult for the CCB or other industry groups to make accurate forecasts for their respective destinations. Forecasting is also affected by two other factors:

the increasingly short lead-in times for planning conferences; and
the cyclical nature of association conference business is often not guaranteed to take place as planned.

The first quarter results do not in any way reflect poor management by the CCB or its industry partners.

2) Not applicable.

3) There were several reasons for the delay in replacing key sales staff. The previous incumbent was a highly experienced business development executive and there is a serious shortage of experienced sales staff in the wider hospitality industry both in Canberra and Sydney. This is due to:

- the increased supply of hotels in Sydney who pay higher wages to attract experienced sales personnel; and

- the preference by high school and university graduates for marketing roles to sales or business development roles.

Waste Management at Pialligo

(Question No. 238)

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to Waste Management at Pialligo:

1. What is the nature of any agreement between the ACT Government and Canberra Concrete Recyclers Pty Ltd regarding the use of land at Pialligo for the recycling of building waste.
2. Are any conditions placed by the Government on the types of waste that can be disposed at Pialligo.
3. What monitoring arrangements are in place to check the nature of the waste being disposed.
4. What arrangements are in place for the disposal of waste that is taken to Pialligo that cannot be recycled at the facilities on that site.

Mr Smyth: The answer to Ms Tucker's question is as follows:

1 . There are no agreements currently in place between the ACT Government and Canberra Concrete Recyclers Pty Ltd regarding land use at Pialligo. The Pialligo site belongs to the Commonwealth and Canberra Concrete Recyclers Pty Ltd is licensed by the Department of Defence, who manage the land.

2. The ACT Government does not place any conditions on Canberra Concrete Recyclers Pty Ltd for the type of waste that can be accepted at the Pialligo site. The licence issued by the Department of Defence imposes these conditions. Under the licence only building materials can be accepted at the site.

3. From 1 July 2000 under an initiative announced in the 1999/2000 budget to introduce load based licensing, Canberra Concrete Recyclers Pty Ltd will be controlled by an Environmental Authorisation issued under the *Environment Protection Act 1997*. This authorisation will cover crushing, grinding and separating activities.

4. Material that cannot be recycled is stockpiled on site in accordance with the licence issued by the Department of Defence. Under the *Environment Protection Act 1997* Canberra Concrete Recyclers Pty Ltd is not permitted to stockpile materials which could cause environmental harm.

Green Bins – Trial

(Question No. 239)

Mr Hargreaves *asked the Minister for Urban Services, upon notice:*

In relation to - the trial of 800 - 1000 "green" bins as part of the No Waste by 2010:

1. When will the trial commence.
2. When will the trial be complete.
3. Who will evaluate the trial.
4. Will you provide a copy of the evaluation report to the assembly before further action to extend the program is undertaken.
5. Which company will collect the trial bins
6. How much is the contract for the collection of the bins.
7. Has a business impact statement been compiled.
8. Which companies were consulted in the waste collection industry for their views on the trial and the likely impact on their business.

Mr Smyth: The answer to Mr Hargreaves' question is as follows:

1. The trial was announced as part of the 2000-2001 Budget and will commence early in the new financial year.
2. June 2001.
3. My department will oversee the evaluation of the trial.
4. Public consultation with stakeholders will be incorporated in the evaluation process and the Assembly will be advised of the Government's proposals.
5. The area for the trial will be announced at an appropriate time and this will include details of the collection arrangements.
6. The cost of collecting the organic bins during the trial will depend upon the area selected and prices obtained from contractors.
7. No. A Business Impact Statement will be prepared as the specifications for the trial are finalised.
8. The trial was announced in the context of the 2000-2001 Draft ACT Budget. Consultation is underway with stakeholders in the waste collection industry.

CityScape – Weekend Shifts

(Question No. 240)

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

In relation to CityScape weekend shifts in Civic, in March 1999:

(1) Who is responsible for the cleaning and general maintenance of the Civic area.

(2) How many CityScape teams worked in Civic on a weekend in March 1999.

(3) How many CityScape teams currently work on a weekend in Civic.

(4) What time did each weekend shift being in March 1999.

(5) What time does each shift begin on a weekend currently.

(6) How many hours was each shift in March 1999.

(7) How many hours is each shift currently.

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

(1) Cleaning and maintenance of public areas in the Civic area is the responsibility of CityScape Services. Cleaning of private land is however the responsibility of the leaseholders.

(2)-(7) -

The number of staff working each weekend in March 1999 was as follows:

Weekend	Hours	Dayshift staff	Hours each worked	Nightshift staff	Total Hours
6	5.30am - 9.30am	14	4	0	56
7	5.30am - 9.30am	14	4	0	56
13	5.30am - 9.30am	14	4	0	56
14	5.30am - 9.30am	14	4	0	56
20	5.30am - 9.30am	15	4	0	60
21	5.30am - 9.30am	13	4	0	52
27	5.30am - 9.30am	13	4	0	52
28	5.30am - 9.30am	13	4	0	52

The number of staff working each weekend in March 2000 is as follows:

Weekend	Hours for day	Dayshift staff	Hours each worked	Nightshift staff	Hours (midnight - 6.00am)	Total Hours worked
4	5.30-9.30	10	4	2	6	52
5	5.30-9.30	9	4	2	6	48
11	5.30-9.30	8	4	2	6	44
12	5.30 9.30	10	4	2	6	52
18	5.30-9.30	9	4	2	6	48
19	5.30-9.30	10	4	2	6	52
25	5.30-9.30	10	4	2	6	52
26	5.30-9.30	5	4	2	6	32

4

Union Picnic Day

(Question No. 241)

Mr Berry asked the Chief Minister, upon notice, on 9 March 2000:

In relation to the most recent union picnic day:

1) What response did WorkCover initially give to agencies and the public about entitlements?

2) What was the basis for the initial advice given by WorkCover and was WorkCover acting on advice or instructions from any source; if so, who?

3) If this is in written form, will you provide a copy of this document to all Members?

4) Did WorkCover revise its response to agencies and the public about entitlements

(a) if so why;

(b) if this is in written form, could you provide a copy of this document to all Members.

5) Were you aware of proceedings in relation to union picnic day in the Australian Industrial Relations Commission in the week commencing 28 February 2000?

6) What action did the Government take in respect to these proceedings?

7) Did the Chief Minister's Department take an interest in the matter?

8) If so, what actions were taken and on what basis were these actions taken?

Ms Carnell: The answer to the member's question is as follows:

1) WorkCover has not received any queries from agencies. Members of the public and private sector employers were informed:

• Union picnic day occurs on 6 March 2000.

• The holiday is a prescribed holiday under the Holidays Act 1958 (the Act). It provides a holiday for employees covered by the Schedule of Federal Industrial Awards which is prescribed by and attached to the Act. Employees who are not covered by the Federal Awards attached to the Act, or employees working under an enterprise agreement that provides for a holiday on another day are not entitled to the holiday.

• If a person was unsure about which award they are employed under they were advised to contact the Commonwealth Department of Employment, Workplace Relations and Small Business which provides the awards advisory service.

• The Full Bench of the Australian Industrial Relations Commission considered certain matters in relation to this holiday and would hand down its decision on 3 March 2000. The advice provided by ACT Government Departments was consistent with the decision of the Australian Industrial Relations Commission.

2) Initial advice given by ACT WorkCover was consistent with advice sent to Mr Pyner, Secretary of the Trades and Labour Council by Mr Paul Rayner (then Director Employment and Remuneration Branch of the Chief Minister's Department) on 22 March 1999.

3) I have attached a copy of this initial advice for Members' information.

4) I am advised by my Department that ACT WorkCover requested additional policy advice in regard to union picnic day following enquiries by the Trades and Labour Council. The Trades and Labour Council raised concerns about written advice the ACT Chamber of Commerce & Industry had given to its members on union picnic day provisions in certain awards following an Australian Industrial Relations Commission Full Bench hearing on 17 February 2000. Chief Minister's Department confirmed the existing parameters for advising people on union picnic day and specifically referred to the awards listed at Schedule 5 of the legislation. I have attached a copy of the Department's advice confirming this with ACT WorkCover.

5) Yes. On 3 March 2000 my office was informed of the dispute between the ACT Chamber of Commerce & Industry and the Trades and Labour Council regarding the interpretation of the Australian Industrial Relations Commission's proceedings which had occurred on 17 February 2000 at which the ACT Chamber of Commerce & Industry had applied to vary holiday clauses in relevant ACT awards. I was informed that it was likely that the Trades and Labour Council would raise the matter at an award simplification hearing on the ACT Clerks' Award on 3 March 2000. I was also informed that the Full Bench of the Australian Industrial Relations Commission was handing down its decision on 3 March 2000 in respect of the 17 February matters.

6) The Government did not intervene in these proceedings as it was considered to be a matter between the parties.

7) Yes, I am advised that my Department monitored the situation.

8) No action was taken in relation to the Australian Industrial Relations Commission's proceedings other than to monitor the outcome so as to ensure that correct advice had been given.

Bruce Stadium – Video Replay Board

(Question No. 242)

Mr Stanhope asked the Chief Minister, upon notice, on 28 March 2000:

(1) Did the Government proceed with plans to develop a procurement plan for *a video replay board at Bruce Stadium, as agreed at a Stadium Redevelopment Design Review Meeting on 22 July 1998.*

(a) If so, will you provide a copy;

(b) If plans to procure the facility were abandoned, why.

(2) Does the Bruce Operations Propriety Limited (BOPL) own the current replay facility at Bruce.

(a) *If so, what procurement processes were undertaken to purchase the facility;*

(b) If not, what are the arrangements currently in place.

(2) What procurement processes were undertaken to provide the facility; and

(3) What progress has BOPL made in attracting sponsorship for *the video replay facility.*

Ms Carnell: The answer to the member's question is as follows:

(1) Did the Government proceed with plans to develop a procurement plan for a *video replay board at Bruce Stadium, as agreed at a Stadium Redevelopment Design Review Meeting on 22 July 1998.*

A procurement plan for a video replay board was not prepared.

(a) If so, will you provide a copy;

N/A

(b) If plans to procure the facility were abandoned, why.

The plans for the procurement of a video replay board were not abandoned.

An expression of interest for the supply of a video replay board and associated technology was called in November 1998. *Based on the expression of interest received, and subsequent investigations into quality of product, the ability of the entity to provide a full turn key solution for technology requirements of the Stadium and benefits of dealing with an Olympic Team Millennium Sponsor, it was decided to pursue a proposal put by Panasonic.*

(2) Does the Bruce Operations Propriety Limited (BOPL) own the current replay facility at Bruce.

The current replay facility is not owned by BOPL, it is hired on a game by game basis.

a) If so, what procurement processes were undertaken to purchase the facility;

N/A

(b) If not, what are the arrangements currently in place.

As noted above the current Board is hired on a game by game basis, from Screenco. Pty Ltd who provides the board, operators and operator facilities.

(2) What procurement processes were undertaken to provide the facility; and

Last football season Stadium Management undertook a review of companies who were able to hire the necessary equipment and went through a selection process based on but not limited to the following: price, experience, quality of product, backup service, etc.

(3) What progress has BOPL made in attracting sponsorship for the video replay facility.

Sponsorship of the video board can take a number of different forms which could include major advertising played at each event, naming of the board or advertising space around the board. The board that has been purchased by BOPL will be branded "Panasonic" and this branding has attracted a discount to the purchase price. This discount is seen as part of the sponsorship but advertising for games and around the board will occur once installed.

Supreme and Magistrates Courts – Court Administrator

(Question No. 244)

Mr Stanhope asked the Attorney-General, upon notice:

In relation to the appointment by the Government, during 1998-99, of a Court Administrator to integrate the administrative structures of the ACT Supreme Court and ACT Magistrates Court.

1. What progress has been made on this task.
2. What savings have been achieved by this appointment.
3. Have the Chief Justice and Chief Magistrate welcomed the appointment.
4. Are the Chief Justice and the Chief Magistrate working cooperatively with the new administrator on the integration of the courts' system.

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

(1) Mr Martin Toohey was appointed on 16 September 1999 to the position of ACT Courts Administrator.

(2) It is not yet possible to quantify savings attributable to the appointment but efficiencies and other benefits are being achieved through a range of projects managed by the Courts Administrator which include:

establishing an amalgamated Courts Administration Unit

amalgamation of civil/small claims sections of the Magistrates Court

amalgamation of bailiffs and sheriffs sections of the Magistrates and Supreme Courts respectively

implementation of postal service of juror notices

change to a new provider of recording and transcription services to both Courts and the introduction of digital recording technology in the Supreme Court

development of uniform Rules of Court

development of court security legislation planning for a combined courts budget for FY 2001/2

combined training regime for staff of both courts

new management arrangements for court library resources

review of the IT resources and needs of both courts

capital works project for new Supreme Court accommodation

(3) Yes. The Chief Magistrate participated directly in the selection process together with the Master of the Supreme Court and the Chief Executive of the Department of Justice and Community Safety.

(4) Yes. The Courts Administrator has regular contact with the two heads of jurisdiction in addition to which the Chief Justice, Chief Magistrate, Chief Executive and Courts Administrator meet quarterly as a committee to review progress and plan new projects.

Periodic Detention Days and Community Work Hours

(Question No. 245)

Mr Stanhope asked the Attorney-General, upon notice, on 30 March 2000:

In relation to the successive Quarterly Output Reports from the Department of Justice & Community Safety which report that the number of periodic detention days and the number of community work hours have been low due to change in client profile, coupled with a rise in non-attendance and breach rates:

1. How has the 'client profile' changed.
2. What is the current profile of the typical periodic detainee or person ordered to do community service.
3. What was the profile of those people at the time of Periodic Detention Centre (PDC) opened.
4. What procedures are in place to ensure that persons ordered to serve periodic detention sentences report to PDC as required.
5. What procedures are in place to locate periodic detainees who do not report as required.
6. How many periodic detainees have had their sentences extended for failure to report;
   - by one detention period; or
   - by two detention periods.
7. How many periodic detainees have been granted leave of absence after they have failed to report as required.
8. How many persons have been prosecuted for failure to attend the PDC as required.
9. Have any custodial officers been charged with any offences connected with the failure of a periodic detainee to report as required.

Mr Humphries: The answers to Mr Stanhope's questions are as follows:

1. Changes in Periodic Detention & Community Service client profiles by age and gender from the Periodic Detention Centre's inaugural year to the most current 12-month period are illustrated in Tables 1 (a) and (b) below. For offence profiles by offence category for the same periods, see Tables 2 (a) and (b), on following page.

2. Refer to **Tables 1 (a)** and **(b)**.

3. Refer to **Tables 1 (a)** and **(b)**.

TABLE 1 (a): COMPARISON OF PDC CLIENT PROFILES

Age	**(8/9/95* - 7/9/96)**			**(31/3/99 – 1/4/00)**		
	Female	Male	**Total**	Female	Male	**Total**
18-30	1	32 (3 A TSI)	33 **(41%)**	3	32 (4 A TSI)	35 **(60%)**
31+	1 *(4 A TSI)*	47	48 **(59%)**	1	22 *(2 A TSI)*	23 **(40%)**
	TOTAL	**2**	**79**	**81**	**4**	**54**	**58**
	(NO-ATSI)	(of which 7 ATSI)	**(7 ATS1)**	(No A TSI)	(of which 6 A TSI)	**(6 ATSI)**

Table 1 (a) shows a 19% decline in percentage of offenders aged over 30 (from 59% of the client population in the PDC's inaugural year, to 40% for the most recent 12-month period). Note also a 28% reduction in overall numbers (from 81 in 1995-1996 to 58 in 1999-2000.

TABLE 1 (b): COMPARISON OF CSO CLIENT PROFILES

Age	**(8/9/95*-7/9/96)**			**(31/3/99 – 1/4/00)**		
	Female	Male	**Total**	Female	Mate	**Total**
18-30	27(2)	188(5)	215 **(50%)**	28(5)	222(12)	250 **(63%)**
31+	42(3)	176(12)	218 **(50%)**	25(2)	124(7)	149 **(37%)**
TOTAL	**69** (of which, 5 **ATSI**)	**364** (of` which, 17 **ATSI**)	= **433** (21 ATSI	**53** (of which, **7 ATSI)**	**346** (of which, 19 **ATSI)**	**= 399** (25 **ATS1**)

Table 1 (b) shows a 13% decline in percentage of offenders aged over 30, from 50% of the client population in 1995 - 96, to 37% in the most recent 12 month period. Note also a 5% overall decrease in numbers of those on Community Service Orders (from 364 to 346).

Table 2 (a): Periodic Detention Centre: Comparison of **Offence Profiles**

Offence Type (by most serious offence)	**8/9/1995 – 7/9/1996**	**31/3/1999- 1/4/2000**
1. Driving causing Death; Assault; AOABH	9(11%)	10(17%)
2. Armed Robbery/ other Robbery	3(4%)	2(3%)
3. Burglary/ Break/enter	23(28%)	15(26%)
4. Property Damage	1(1 %)	3(5%)
5. Offences against Justice Procedures; Unlawful Possession	8(10%)	5(9%)
6. Possession/ use/ supply/ traffic of Drugs	2(2%)	5(9%)
7. Driving Offences; Drink Driving Offences	34(42%)	17(29%)
8. Social Security/ Welfare	1(1 %)	1(2%)
TOTAL	**58**	**81**

Table 2 (a): Changes in PDC offence profile are most clearly represented by the marked decline of drink driving offences, and in the growth of drug related offences, as well as an increase in the offence type that includes driving causing death and serious assault. Note also a 28% decrease in numbers of MC orders issued between the two periods specified. The reason for the decrease *in* the number of MC orders given by the courts is unknown.

Table 2 (b): Community Service Orders: Comparison of Offence Profiles

Offence Type	8/9/1995 – 7/9/1996	31/3/1999– 1/4/2000 (by most serious offence)
1. Driving causing Death; Assault; AOABH	64(14%)	66(17%)
2. Armed Robbery/ other Robbery	7(1.5%)	7(2%)
3. Burglary/ Break/enter	156(34%)	123(31%)
4. Property Damage	15(3%)	12(3%)
5. Offences against Justice Procedures; Unlawful Possession	42(9%)	46(11.5%)
6. Possession/ use/ supply/ traffic of Drugs	27(6%)	26(6.5%)
7. Driving Offences; Drink Driving Offences	139(30.5%)	114(29%)
8. Social Security/ Welfare	5(1%)	3(0.5%)
TOTAL	**455**	**397**

Table 2 (b) shows a 13% decrease in the overall numbers of Community Service Orders issued, but little change in client profile by offence type. The reason for the decrease in the number of CSO orders given by the courts is unknown.

4. For the court to sentence an offender to a Periodic Detention Centre (PDC) order, the offender must consent. The obligations and consequences of non-compliance are fully explained to the offender. The offender signs a form to consent. ACT Corrective Services re-iterates the obligations and requirements to the offender before the offender reports to the PDC. In addition, these obligations under the Act are again explained to the offender on induction to the PDC, where the offender again signs a form acknowledging consent to perform the order. The procedures outlined in the governing Act outline penalties for non-compliance. Offenders are permitted two absences before they are breached. On each occasion, the Manager of the PDC issues a notice outlining the consequences of non-compliance to the offender. In the event that the offender does not comply with a third and final notice, breach action is initiated by the Manager of the PDC by way of application to the Magistrate's Court.

5. Upon induction, offenders are required to sign a form that includes disclosure of current address and obliges them to furnish the PDC with change of address details within 48 hours of a change of address. In the event that the detainee fails to report after the above procedures are followed, a warrant for apprehension is issued. ACT Corrective Services has no procedures in place to locate a detainee allegedly in breach of his/ her order. This is the responsibility of the Australian Federal Police.

6. In the last 12 months (31/3/1999 – 1/4/2000), 23 offenders have had their orders extended by one period, and 46 have had their orders extended by two periods.

7. In the last 12 months (31/3/1999 - 1/4/2000) subsequent leave of absence has been granted on 117 occasions, upon confirmation of a valid reason. In accordance with the Act, the Manager has the power/ discretion to grant leave of absence. The following reasons were accepted.

Table 3: Reasons leave granted for period 31/3/99 – 1/4/00

Substantiated medical grounds	95
Work commitments*	5
Reported late**	5
Welfare of parent	1
Welfare of self	1
Welfare of child	6
Vehicle breakdown	1
Child's christening	1
Bereavement	1
By court order	1
TOTAL	**117**

** Following advice received from the Australian Government Solicitor's Office, this is no longer considered a valid reason for granting leave of absence.*

** Detainees who arrive late are deemed to be absent. However, the PDC Manager may grant leave of absence to such detainees for reasons considered valid, taking into consideration the attendance record of the detainee and any other information the Manager considers relevant.

Processes in place at the PDC for dealing with detainees who fail to report as required are as follows

An entry is made against the detainee attendance sheet for further inquiry and action. The detainee is sent a letter requesting documentation to support the absence. The documentation must be verifiable and is required by the next Detention Period. An extension of time may be allowed in extenuating circumstances.

The Manager undertakes all the above and also determines the adequacy of any documents received. The Manager either issues a letter granting leave for the Detention Period or issues a notice outlining that:

the detainee has failed to report as required;

the term of their detention is to be extended, and that

the detainee may apply to the Director for leave.

The result is recorded on the detainee attendance sheet and register.

In granting a leave of absence, the Manager of the PDC does not decrease the number of weekends to be served. The detainee is required to serve the detention period for which the leave of absence was granted.

In the last 12 months 36 offenders have been breached for non-attendance; 27 have been successfully prosecuted, with 21 of those receiving prison sentences, and 6 receiving suspended sentences. A further 9 prosecutions were unsuccessful. In addition, there were 3 variation of sentences by the courts on compassionate grounds and 2 cancellations of orders on subsequent convictions.

9. No.

Liquor Licensing Board

(Question No. 246)

Mr Quinlan asked the Attorney-General, upon notice:

A recent series of instruments, relating to the *Liquor Act* 1975, included appointments to the liquor licensing board.

(1) Is there a fee attached to these positions:

(a) If so, how much is the fee paid to each member;

(b) If not, how much time is contributed, free of charge, on average, per board member?

(2) What is the proportion of cost and Government Payment of Outputs associated with the operations of this board?

(3) To what output is the board attached.

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

(1) Fees for Board members are determined by the ACT Remuneration Tribunal. In the Tribunal's most recent determination (Determination Number 45) for Part-Time Holders of Public Office the fees to be paid to board members were set at the following levels:

Chair:	$285 per diem
Member	$235 per diem

All board members other than the Registrar of Liquor Licences are paid for their time.

(2) For the financial year ended 30 June 1999 the board members were paid a total of $5,874. The GPO for liquor licensing for that financial year was $619,000. The board's costs were .94% of the GPO.

For this financial year the board members have been paid a total of $5,564 YTD. The GPO for liquor licensing for this financial year is $621,000. The board's costs YTD are .89% of the GPO.

(3) The board's activities are covered in Output Class 3.1 - Regulatory Services.