DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 May 2000

Thursday, 11 May 2000

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Thursday, 11 May 2000

The Assembly met at 10.30 am.

(Quorum formed.)

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

FINANCIAL RELATIONS AGREEMENT CONSEQUENTIAL AMENDMENTS BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.33): Mr Speaker, I present the Financial Relations Agreement Consequential Amendments 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 for an act to fulfil the ACT'S commitment under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, the IGA, in implementing changes to ACT taxes. Members are aware that the IGA is part of the Commonwealth's new national tax reform package. The new tax system includes, among other things, the introduction of a GST from 1 July 2000 and the elimination of a number of existing taxes, including some state and territory own source taxes. The GST will compensate for the cessation of these taxes as part of the reform measures.

The bill effects cessation, from 1 July 2001, of stamp duty on quoted marketable securities and financial institutions duty.

The bill amends the Duties Act 1999 to ensure that stamp duty liability arising on the transfer of shares or other marketable securities which are quoted on the Australian Stock Exchange or another recognised stock exchange will cease to apply in respect of transfers which occur on or after 1 July 2001. It accomplishes that by redefining which types of shares are dutiable property and specifying that marketable securities that are quoted on a recognised stock exchange are not dutiable property. To support these changes, the bill also repeals part 4 of chapter 2 of the Duties Act, which concerns off-market transfers of quoted marketable securities, and removes all references throughout the Duties Act to transfers of quoted marketable securities.

The bill also effects necessary amendments to the Financial Institutions Duty Act 1987. Financial institutions duty is currently levied on receipts of registered financial institutions and agents of interstate financial institutions, on payments to unregistered

financial institutions and on liabilities of short-term dealers in respect of short-term dealings. The bill ensures that no liability will arise in respect of those receipts or dealings on or after 1 July 2001 and that no returns will be required to be lodged in respect of receipts or dealings arising in any month after June 2001. Other provisions of the Financial Institutions Duty Act 1987 will be retained to permit the undertaking of compliance activities relating to the pre-1 July 2001 liability of all financial institutions.

Mr Speaker, this bill also addresses two unintended consequences of the GST legislation. Under current legislation, the interaction of GST and stamp duty poses a problem for the hiring industry. Effectively, both taxes apply last, resulting in a cascading effect on the calculations. Despite representations from state and territory governments and the industry, the Commonwealth has decided not to change its GST legislation to exclude duties from the calculation of consideration for hiring charges for GST purposes. Therefore, in an effort to avoid circular taxation, Tasmania and Victoria have moved to exclude GST from their hiring duty base. Relevant amendments to the Duties Act effected by this bill will bring the ACT into line with those states and other jurisdictions which are also pursuing this approach.

This bill also ensures that the payroll tax base under the Payroll Tax Act 1987 does not include GST paid on services performed by contractors. The Payroll Tax Act deems that payments made under a service contract are wages for the purposes of payroll tax. From 1 July 2000 the payments made by a deemed employer to a contractor will be inclusive of the GST. However, it is not the government's policy intention to impose payroll tax upon the GST inclusive value of a service contract. Therefore, the bill provides that any GST component of an amount paid or payable by an employer in relation to the performance of work under a service contract, or the resupply of goods by an employee under a service contract, should be deducted for payroll tax purposes.

In conclusion, this bill is a further indication of the territory's intention to comply with and give effect to the intergovernmental agreement. This, together with the Financial Relations Agreement Bill 2000 already tabled, is another step in the process of implementing the national tax reform system. I commend the bill to the house.

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

SUBSIDIES (LIQUOR AND DIESEL) REPEAL BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.38): Mr Speaker, I present the Subsidies (Liquor and Diesel) Repeal Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this bill be agreed to in principle.

This bill is consequential to the provisions outlined in the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, the IGA. Members are aware that the IGA is part of the Commonwealth's new national tax reform package. The next tax system includes, among other things, the introduction of a GST from 1 July 2000 and the elimination of a number of existing taxes, including some state and territory own source taxes. The GST will compensate for the cessation of these taxes as part of the reform measures.

Under the IGA, the temporary arrangements for the collection of taxation of petrol, liquor and tobacco by the Commonwealth on behalf of the states and territories under the Commonwealth's safety net arrangements will cease on 1 July 2000. Section 90 safety net funding will be withdrawn with the abolition of wholesale sales tax and the introduction of the goods and services tax.

Members will recall that in 1997 a High Court decision raised doubts on the constitutional validity of the collection by the states and territories of business franchise fees on tobacco, liquor and petroleum. Under the safety net scheme, the Commonwealth then imposes a surcharge on excise duties on petrol and tobacco and a 15 per cent additional wholesale sales tax on all alcoholic beverages. Revenue from the surcharges is distributed to all states and territories. The ACT pays subsidies to liquor and fuel wholesalers where the surcharges are greater than the business franchise fees they replaced.

The bill abolishes the current subsidy scheme for low-alcohol liquor and for diesel for primary production and home heating usage by pensioners.

The ACT subsidy scheme for low-alcohol products reflected territory policy prevailing at the time of their introduction and was not a commitment made as part of the section 90 payments. Given the large range of new low-alcohol and mixed products on the market, including, for example, wine coolers and alcoholic lemonades, in addition to low-strength beers, the cost of providing subsidies has been steadily increasing, estimated at over $1 million in 2000-01. There is no justification for the government to continue these subsidies, given the abolishment of wholesale sales tax and other priorities in the ACT budget.

There are currently 46 primary producers certified as eligible to receive the ACT subsidy. These businesses would benefit from input tax credits under the GST and many will continue to be eligible to receive a Commonwealth rebate for prescribed off-road diesel usage under the Commonwealth's new diesel fuel rebate scheme.

In addition, 137 eligible pensioners have been identified as benefiting from an ACT subsidy on diesel used for home heating. To ensure that they are not worse off on the removal of the subsidy scheme, a once only act of grace payment of $300 will be made to each eligible pensioner. This is equivalent to 10 years of average subsidies and will cost approximately $41,100. This initiative has been supported by the ACT Council on the Ageing. The ACT Revenue Office will contact the eligible pensioners directly in July to make the act of grace payments.

In conclusion, this bill is a further indication of the territory's intention to give effect to the IGA and is a consequential step in the process of implementing the national tax reform system.

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

GAMBLING LEGISLATION (GST) AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.42): Mr Speaker, I present the Gambling Legislation (GST) Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this bill be agreed to in principle.

This bill continues to fulfil the ACT's commitment to the IGA. Under the IGA, states and territories have agreed to take account of the GST impact on gambling operators. Gambling revenues forgone are covered under the guaranteed minimum amount, the GMA, whereby states and territories are guaranteed by the Commonwealth to be no worse off by replacing state and territory taxes with revenue from the GST.

Under the GMA, there are two options available to states and territories to adjust their gambling tax arrangements. One is to allow the gambling operators to claim a credit for the GST paid on their margins against their gambling tax liability. Under this option, gambling operators would claim a non-refundable credit against their ACT gambling tax liability for GST already paid on their margins. The credit would be limited to the size of any ACT tax liability. Secondly, they can reduce the gambling tax rate to take account of the GST but not exceeding 9.1 per cent of player loss. Under this option, current tax rates for each gambling type would be reduced to account for the impact of the GST.

Mr Speaker, as several ACT gambling taxes have been structured to enhance competitiveness in the industry and provide relief for small operators, the application of a uniform approach for all gambling taxes would produce uneven impacts on operators, depending on the particular gambling sector they serviced. Therefore, rather than imposing a uniform approach which will create an uneven playing field for various gambling activities, the government has agreed to adopt options that are more responsive to the particular operating environment of each gambling activity in the ACT.

Specifically, they are: reduced tax rates for ACTTAB Keno and gaming machine tax for hotels and taverns; and credits against ACT tax liability for GST already paid for gaming machine tax for clubs, interactive gambling, casino tax, bookmakers' fees, sports betting, and ACTTAB licence fees.

All gambling taxes, save for gaming machine taxes, are set either by determination or by way of agreement between the ACT and gambling operators—for example, ACTTAB licence fees. Accordingly, specific legislative amendments were required only in two

instances: first of all, the Gaming Machine Act 1987 to account for the tax rate reduction for hotels and taverns and tax credits for clubs; and, secondly, the Bookmakers Act 1985 to move to a quarterly ACT tax system.

Mr Speaker, gaming machine tax is currently collected from hotels and taverns at the flat rate of 35 per cent. For equity and efficiency reasons, the government has agreed to provide for a reduction in the tax rate from 35 per cent to 25.9 per cent to compensate for a 9.1 per cent GST rate.

In regard to clubs, while lower tax rates are the preferred option to take account of the GST for both clubs and hotels in some other jurisdictions, in the ACT it would result in clubs paying around $500,000 more in combined ACT tax and GST than they currently pay in ACT tax alone. This may have affected the viability of some smaller clubs. However, after extensive consultation with Clubs ACT, the government has agreed to provide the industry with a non-refundable credit against their gambling tax liability for GST already paid.

To this end, there is an industry agreement to the larger clubs accepting a discount of the credit equal to the refundable credit amount payable to the smaller clubs to support the ongoing viability of the smaller clubs. This would also remove the potential need for separate government assistance for smaller clubs and aligns with the state and territory undertaking under the IGA.

Mr Speaker, the clubs' undertakings would be implemented by giving a reduced credit for GST paid to larger clubs. The difference between the reduced credit and the full credit amount would then be used to refund GST paid by small clubs with no or minimal ACT tax liability.

Appropriate measures to account for the GST have now been initiated to vary the relevant agreements between government and the casino and ACTTAB operators; while amendments to the necessary subordinate legislation are also nearing completion for interactive gambling tax, bookmakers' fees and sports betting tax.

Mr Speaker, this bill is another 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.

RATES AND LAND TAX AMENDMENT BILL 2000

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

Title read by Clerk.

MR HUMPHRIES: I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill will amend the provisions of the Rates and Land Tax Act 1926 that levy land tax on residential properties with multiple dwellings. In this bill, "multiple dwellings" refers to properties with more than one residence where there is only one legal land title. It includes flats, dual occupancies and houses with granny flats, but does not include units registered under a unit title plan where separate legal title exists for each residence.

At present, for land tax the commissioner has the discretion to apportion the unimproved value on a fair and reasonable basis, having regard to the floor area rented. In practice, the commissioner uses a set formula to apportion the value. The bill replaces the commissioner's discretionary power with a statutory formula to apportion the value. The formula apportions the unimproved value by using the ratio of the floor area of the rented dwelling to the total floor area of all dwellings on the property. This formula is consistent with that used for assessing general rates and land tax on units that are registered under a unit title plan.

Mr Speaker, the bill defines "dwellings" so that it excludes garages, carports, gardens sheds, verandas, pergolas and patios or any other non-habitable structures. The bill will also give the commissioner the power to ask for information about any dwelling on the property to assist in calculating a portion of the average unimproved value in accordance with the new formula.

Although the land tax revenue from residential properties with rented multiple dwellings is small, these amendments will protect the land tax revenue base and result in a consistent approach to the application of land tax for all affected residential properties. As land tax is levied quarterly, the commencement of the bill should be from 1 July 2000 to coincide with the first quarter of the 2000-01 financial year.

In summary, this bill ensures that the formula currently used in the calculation of land tax for multiple dwellings is incorporated in the legislation. The formula is consistent with the calculation of land tax for unit titles and other rented residential properties. I am sure that Assembly members would agree that that is a fair and just approach to this issue, and this bill provides certainty to land tax payers. I commend the bill to the Assembly.

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

CHAMBER—CONDUCT OF MEMBERS

Mr Humphries: Mr Speaker, on a point of order: I draw members' attention to a parliamentary convention about the reading of newspapers in parliament. Perhaps Mr Stanhope is not aware that there is a convention about it which, I understand, is incorporated in our conventions from *House of Representatives Practice*. I draw it to members' attention in case they are not aware of it.

MR SPEAKER: Thank you.

RATES AND LAND TAX AMENDMENT BILL 2000 (NO 2)

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.52): Mr Speaker, I present the Rates and Land Tax Amendment Bill 2000 (No 2), together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this bill be agreed to in principle.

I am pleased to present this amendment of the Rates and Land Tax Act which will define the rating factors for 2000-01. Members will recall that the current rating system was introduced in July 1997. This system is designed to reflect both the property owner's capacity to pay and the level of services received and to minimise the fluctuations in rates bills from year to year.

Features of the current rating system include a fixed charge for all properties except rural properties, a value-based charge using the average of the most recent unimproved values incorporating a threshold below which no charge applies, different rating factors for residential, non-residential and rural properties, and separate revenue targets to apply to the residential and non-residential sectors respectively.

Mr Speaker, this bill adjusts the rating factors, taking into account the estimated total rates revenue for 2000-01, the fixed charge, the average of the 1998, 1999 and 2000 unimproved land values, and limiting the total rates revenue target each year to the forecast increase in the consumer price index. For 2000-01, rates revenue is budgeted at $105.4 million, compared with $102.9 million in 1999-2000. This represents an increase of 2.5 per cent and reflects the forecast increase in CPI for 2000-01. Municipal rates charges have been included in the federal Treasurer's division 81 determination and are exempt from the goods and services tax.

Mr Speaker, this bill includes an adjustment to the fixed charge which applies to properties within the city area, from $260 in 1999-2000 to $280 in 2000-01. A gradual increase in the fixed charge reflects more closely a user pays principle, without causing major impact on individual rates bills. It distributes the liability more evenly according to the benefit received by property owners by recognising the minimum fixed costs of providing essential services to each ACT property, regardless of its location or land value. The fixed charge also reduces the proportion of rates based on the property value, therefore reducing the impact of movements in valuations from year to year.

Indeed, the marked improvement in the ACT residential property market after a period of slowdown has seen valuations for land in many suburbs across Canberra increase significantly. In particular, there is clear evidence of substantial increases in house prices in inner north and south suburbs. Without the increase in the fixed charge and the use of the three-year average valuation, many property owners would have experienced increases in their rates bill of up to 30 per cent, even though they are using essentially the

same services this year compared with last year. These property owners will incur higher rate increases relative to others. However, the increases are maintained at acceptable levels.

It is the intention of the government to gradually increase the fixed charge to about 40 per cent of the total annual rates revenue in the next two years, with the remaining 60 per cent of rates revenue to be based on the three-year average land valuation. That was requested by an Assembly committee—I think it was the Finance and Public Administration Committee—and the government has indicated its intention in respect of that request from the committee.

The other features of the rating system are unchanged from 1999-2000, including the rate-free threshold of $19,000 and the revenue targets of 85:15 for the residential and non-residential sectors respectively.

This bill continues to improve the rating system that applies to around 120,000 rateable properties in the ACT. The combined changes to the fixed charge and the rating factors for 2000-01 result in the best possible outcome for the largest number of ratepayers and, at the same time, meet the revenue target required to provide municipal-type services to ACT residents. I commend the bill to the Assembly.

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

CHAMBER—CONDUCT OF MEMBERS

MR SPEAKER: Just before the Clerk calls on the next item of business, Mr Humphries made mention earlier of a convention relating to newspapers. I would refer members to page 174 of *House of Representatives Practice*, which states:

> It has always been the practice of the House not to permit the reading of newspapers in the Chamber, although latterly this has been accepted if done discreetly.

I can comment no further.

Mr Stanhope: Since the matter has been raised by the Attorney-General, I should respond. I was, as always, extremely discreet, Mr Speaker. My reading of the newspaper was quite appropriate. I was, in fact, seeking to determine whether there had been any expansion on the explanation of the $150 million benefit to the ACT that the Attorney quite outrageously claimed that we would receive. I was actually seeing whether there was any explanation of his outrageous claim.

MR SPEAKER: Order! You are now debating the issue.

Mr Stanhope: I was interested to read in the *Canberra Times*, which I did read quite discreetly, that, in fact, it was just a rough, back-of-the-envelope estimation by somebody in his department.

Mr Humphries (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, on that point: if one can discreetly read a newspaper on the front bench in the position of the Leader of Opposition, then I suppose we all can. I note that Mr Stanhope has been extremely keen to defend other parliamentary conventions, such as the making of regulations, so I thought I might draw his attention to one he may have overlooked in the course of the last little while.

Mr Stanhope: It appears that I was quite consistent with the convention.

MR SPEAKER: Order! The matter has been—

Mr Stanhope: I had not overlooked the convention. I was acting quite in accord with the convention. I was reading the newspaper quite discreetly and quietly. The Attorney is simply wrong.

MR SPEAKER: Order! The matter is not—

Mr Stanhope: He should be embarrassed by his pettiness.

MR SPEAKER: The matter is not—

Mr Humphries: I just drew it to your attention. I did not make any comment.

Mr Stanhope: You were simply being your usual petty, nasty self.

MR SPEAKER: We will get on with the business of the house, thank you very much. I have drawn it to members' attention.

SPENT CONVICTIONS BILL 2000

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

Title read by Clerk.

MR HUMPHRIES: I move:

> That this bill be agreed to in principle.

The Spent Convictions Bill 2000 creates a spent convictions scheme for the ACT which will allow certain convictions to be disregarded in appropriate circumstances after a period of time has elapsed. Spent convictions schemes are well established in a number of other Australian jurisdictions—the Commonwealth, New South Wales, the Northern Territory, Queensland and Western Australia.

While there are some variations in the legislation in place around the country, the purpose of all such schemes is to enable a person who has been convicted of, generally, a less serious offence and who has subsequently not reoffended for a specified period of

time to avoid the stigma which attaches to having been convicted of a criminal offence. It also prevents such persons from being discriminated against—for example, in employment or obtaining accommodation—because of an old conviction for an offence.

As members will be aware, the government released an exposure draft of the bill at the beginning of the year, seeking views on how such a scheme should operate in the territory. The government's proposal was for a scheme largely similar to that in operation in New South Wales. None of the comments received opposed spent convictions legislation in principle. Indeed, it was generally seen as a positive initiative. However, in response to a number of comments on the exposure draft bill, some changes have been made to the proposed legislation.

For the information of members, I will briefly run through the key elements of the legislation. Under the legislation, a spent conviction is disregarded by excusing the person convicted from disclosure of the spent conviction and/or allowing the person convicted to claim he or she has never been charged or convicted of the offence leading to the conviction. The bill sets out the convictions which may be part of the scheme and become spent, the circumstances in which an eligible offence becomes spent, and the mechanisms for dealing with non-compliance with the requirements of the scheme.

The criterion for defining the convictions which may become spent is the penalty which was imposed on the convicted person. Convictions resulting in a penalty other than imprisonment—for example, a fine, community service order or periodic detention—can be spent, but once a penalty of imprisonment is imposed, the conviction will be able to be spent only if the term of imprisonment imposed for an offence does not exceed the limit set by the scheme. The bill provides that, if a sentence of imprisonment exceeding six months is imposed, the conviction cannot become spent under the scheme. This is the same approach as is taken in New South Wales and the Northern Territory spent convictions legislation.

Convictions for some types of offences will simply not ever be eligible to be spent. The government does not propose to permit convictions for sexual offences to be able to be spent. Such convictions will, for the protection of the community, always be required to be disclosed. Again, this approach is consistent with the New South Wales and Northern Territory schemes. Adopting the New South Wales treatment of sexual offences gives some cross-border consistency in a matter of profound community concern.

No existing spent convictions scheme in Australia extends to the offences of a body corporate. The policy rationale of a spent convictions scheme—to recognise rehabilitation in appropriate cases and discourage recidivism by disregarding certain offences—is obviously not appropriate to bodies corporate. The proposed ACT spent convictions scheme does not apply to bodies corporate.

The protection of the scheme is extended to certain nominal penalties that are not convictions in the strict sense. This is done by providing that the "convictions" become spent immediately, or upon the satisfaction of conditions. For example, a finding that an offence has been proved without proceeding to a conviction is treated as an offence but becomes spent immediately after the finding is made.

The capacity to exclude convictions prescribed by regulation allows for the unexpected consequences of a spent convictions scheme or future alterations to the criminal law or penalties for offences to be accommodated rapidly. Both the New South Wales and the Northern Territory schemes provide for the exclusion of convictions prescribed by regulation of the schemes. The ACT scheme includes a similar provision.

The scheme will apply to all relevant convictions whether they arise before or after the commencement of the scheme. The same approach is employed by every other Australian spent convictions scheme. With the exception of nominal penalties already noted, convictions will become spent only after a period of time, referred to in the bill as the crime free period. Consistent with the majority of Australian jurisdictions, the ACT spent convictions scheme will require a 10-year crime free period for adult convictions to become spent and a five-year crime free period for juvenile convictions to become spent.

If a person is convicted of an offence which was committed in the crime free period but the conviction is not incurred until after the crime free period, the spent conviction may be revived and will not become spent again until the offender has achieved the relevant crime free period in respect of the later offence.

All Australian spent convictions schemes cover convictions in other jurisdictions in addition to convictions in the home jurisdiction. For the ACT scheme, this means that a corresponding offence in another Australian jurisdiction, or a foreign jurisdiction, is dealt with in the same way as an offence in the ACT. Consequently, the corresponding conviction may become spent if all of the requirements of the scheme are met or the existence of a corresponding offence may prevent an ACT offence from becoming spent. An important qualification is that an offence in another jurisdiction that is not an offence in the ACT is not treated as a corresponding offence.

One of the issues which were raised in the comments on the exposure draft bill is that the ACT spent convictions scheme will have jurisdictional limits, insofar as some other Australian and foreign jurisdictions do not recognise convictions as spent. For example, Victoria, Tasmania and South Australia do not have spent convictions legislation. So an ACT conviction which may be spent under our legislation, and the legislation of other jurisdictions with such schemes, will not be exempt from disclosure in those states without such schemes.

While a greater degree of consistency in this area of the law across Australian jurisdictions is desirable, the government does not consider that the lack of such consistency is a reason for the ACT not to implement a spent convictions scheme of its own. Like the other Australian spent convictions schemes, the bill will allow a spent conviction to be disregarded by excusing the person convicted from disclosing the conviction and creating offences for improper dealings with information about spent convictions. The bill will not require information held about spent convictions to be destroyed.

A number of specified matters are excluded from the non-disclosure requirements of spent convictions schemes. The ACT legislation ensures that a non-disclosure requirement for spent convictions does not put children, in particular, at risk. There is

significant public concern for the protection of children and the need for scrutiny of those appointed to positions of public trust, particularly in professions dealing with children.

For this reason, the bill excludes the application of non-disclosure requirements where a person is applying for employment or appointment in specified occupations—for example, judicial officers, police officers, workers in corrective services, intelligence or security officers, teachers, teacher aides, child care workers—or by a body which provides care, instruction or supervision services for children. Nor do the non-disclosure requirements apply in respect of judicial proceedings, archival or library material, or the operations of law enforcement agencies, including corrections agencies.

Since the draft bill was circulated, the government has also agreed that the non-disclosure requirements should not apply to people who seek to operate or be employed in a casino, are applicants for an interactive gambling licence or are applicants for a firearms licence or permit. The necessary changes have been made to the bill to ensure that convictions which would be spent under the scheme but which can, under present legislation, be considered in these cases will still be able to be taken into account. Under the scheme, the machinery of the Discrimination Act 1991 of the ACT will be used to resolve complaints of discrimination on the basis of a spent conviction.

The government considers that this legislation reflects the importance of ensuring that we have a justice system which not only ensures that offenders are appropriately punished for their crimes, but also recognises the importance of rehabilitation. It is particularly important that a juvenile or a young adult who may have offended—perhaps only once—is not dogged by his or her conviction for the rest of his or her life. The requirement to disclose an old criminal record, even for a relatively low-level offence, has the potential to seriously and unfairly disadvantage a person with regard to obtaining employment, accommodation and other services. I therefore commend the bill to the Assembly.

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

HEALTH AND COMMUNITY CARE LEGISLATION AMENDMENT BILL 2000

MR MOORE (Minister for Health and Community Care) (11.09): I present the Health and Community Care Legislation Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill amends the Poisons and Drugs Act 1978, the poisons and drugs regulations, the Poisons Act 1933 and the poisons regulations.

The key element of the system which controls drugs and poisons in the territory is the standard for the uniform scheduling of drugs and poisons, which is currently prepared and published under the auspices of the Australian Health Ministers Advisory Council, AHMAC. The standard is the recommendation of the National Drugs and Poisons Schedule Committee regarding the classification of drugs and poisons into schedules for inclusion in the relevant poisons legislation of the states and territories. This facilitates uniform scheduling of drugs and poisons throughout Australia.

Following amendments to the Commonwealth Therapeutic Goods Act and the therapeutic goods regulations last year, the operations of the committee have been transferred to the new statutory committee. The first standard published under the new arrangements will come into effect on 1 July 2000. To achieve harmonisation throughout Australia, all states and territories gave an undertaking to amend their poisons legislation by 1 July this year to ensure a smooth transition to the updated standard prepared under the new arrangements.

With the first standard prepared under the new arrangements in effect from 1 July, inclusion of a definition of the standard in the Poisons Act to coincide with this date is appropriate and timely. In addition, the opportunity has been taken to make a number of minor amendments to the Poisons and Drugs Act and regulations and the Poisons Act and regulations. These would bring the law into line with existing practice, especially as affected by the widespread computerisation of the pharmacy industry.

For example, computer-generated labels for dispensed medicine are in use throughout Australia. Some dispensed medicines should carry the warning: "This medication may cause drowsiness and may increase the effects of alcohol. If affected, do not drive a motor vehicle or operate machinery." Pharmacists in the ACT already use these warning labels. Amendments to the poisons regulations will bring the legislation into line with current dispensing practice.

Another example is that labels will carry the initials of the pharmacist dispensing the medicine—especially important in large and busy pharmacies where more than one pharmacist is working. The scope of the regulation-making power has also been clarified in relation to computerised records for the manufacture, sale or distribution of poisons and poisonous substances.

Changes have also been made to bring the language of these laws into line with everyday language. Provisions which are obsolete or duplicate unnecessarily other laws would also be repealed. Simplification and tidying measures made possible by the Interpretation Act and Subordinate Laws Act have also been implemented.

These amendments do not change the substantive law of the acts and regulations and have been made to bring them up to date for reprint purposes. Amending the acts and regulations will ensure that the ACT poisons legislation remains up to date and will assist in fulfilling the territory's continuing commitment to the harmonisation of such legislation between the states and territories.

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

PUBLIC HEALTH AMENDMENT BILL 2000

MR MOORE (Minister for Health and Community Care) (11.12): I present the Public Health Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to present to the Assembly the Public Health Amendment Bill 2000. This bill introduces a less bureaucratic but robust system for the regulation of public health activities in the territory through a simple registration process. For the first time, an arms-length approach will enable businesses undertaking activities that impact on public health to operate without onerous prior approval processes.

The registration system introduced by the bill will be administratively simpler than full licensing for many businesses engaged in activities that present a risk to public health and it will be simpler for the government to manage. The registration system forms part of a comprehensive and graduated risk control strategy to protect public health. The bill permits the minister to declare which public health activities may be registered.

With the exception of persons convicted of contravening a public health law, and thus maybe refused registration in the interests of community safety, every business or individual will have a right to be registered if their business has been declared a registrable activity. The registration system has been developed to lessen the regulatory burden on businesses and provide a right of entry into the marketplace. However, the system will still allow the government to monitor public health risks while having minimal impact on business competition.

Mr Speaker, another component of this bill will enable the declaration of the operation "health care facilities" as a public health risk activity. This declaration will enable the government to outline minimal operational standards that must be followed. This will ensure that both private and public health care facilities are constructed, managed and maintained to a standard that provides the lowest risk to patients.

While endeavouring to be less bureaucratic, the Public Health Act is primarily designed to provide government with greater flexibility through the use of a wide range of disease control tools to deliver strong public protection and general control mechanisms. The Sexually Transmitted Diseases Act and the Tuberculosis Act, which had been earmarked for repeal, have been retained within this bill to provide for disease-specific control measures by the Chief Health Officer. These changes are incorporated in the bill to provide a broader and more symptom-specific range of disease control options. The bill also provides an opportunity to include a number of less significant, essentially administrative, changes to the Public Health Act to bring this legislation into line with the current drafting practice.

In summary, this bill provides amendments to enhance the proven principle of risk assessment in managing activities that impact upon public health. The bill develops further the principle of risk assessment while allowing businesses to function with minimal government intervention. This is a major step forward in health legislation and the ACT is again able to set the benchmark in public health legislation, providing other jurisdictions with a model to strive towards. I am delighted to present the Public Health Amendment Bill 2000, which is important public health legislation deserving of your support.

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

SMOKING PRODUCTS LEGISLATION AMENDMENT BILL 2000

MR MOORE (Minister for Health and Community Care) (11.15): I present the Smoking Products Legislation Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

> That this bill be agreed to in principle.

Mr Speaker, I am delighted to present the Smoking Products Legislation Amendment Bill 2000. When it comes to providing public health protection, we are fortunate to be in a unique position: we are a small jurisdiction in terms of geographical size; we have one level of government; and we have had a succession of territory governments committed to discouraging smoking and minimising the harms to the individual and to the community from the use of tobacco products.

As part of a comprehensive tobacco control strategy to reduce demand and control supply, we have enacted world-class legislation. This legislation addresses a number of key issues: minimising passive smoking in public places and workplaces and placing appropriate controls on tobacco sales, advertising and promotion. One of the biggest dangers of success, of course, is complacency. We have a responsibility to prevent that from happening. Our success to date and our national leadership role mean that we can both create and use opportunities. Today we have such an opportunity: the Smoking Products Legislation Amendment Bill 2000.

This bill recognises that certain non-tobacco smoking products are not subject to legislated controls on their sale, advertising or promotion or where they may be smoked. This is not because these products are harmless. On the contrary, the smoking of these products produces a number of detrimental health effects. In fact, the smoking of herbal cigarettes releases tar, carbon monoxide and cancer-causing agents.

The products themselves have been found to contain a number of psychoactive ingredients, and some of the products are being blatantly promoted as a legal substitute for cannabis. Concerns have been raised about the potential for herbal cigarettes to be

used by people who might otherwise stop smoking in the mistaken belief that these products are a "safe" alternative to tobacco. Although herbal cigarettes do not contain nicotine and are not addictive, they are certainly not "safe".

There are also concerns about herbal cigarettes, the sale of which is not currently age restricted, being used as a way for young people to be introduced to smoking and to be attracted to a product which seems "natural". So why have these products not been subject to some controls? The reason is that they fall outside the definition of "tobacco products" and hence outside the scope of tobacco legislation.

The present bill seeks to redress this by amending the relevant provisions of the Tobacco Act 1927 and the Smoke-free Areas (Enclosed Public Places) Act 1994 so that herbal cigarettes are treated no differently from tobacco cigarettes in terms of limiting their sale to tobacco-licensed outlets, restricting their sale to persons aged 18 or over, limiting the public display of the products, prohibiting the advertising and promotion of the products, and providing for an offence of smoking these products where smoking is prohibited.

The bill also provides an opportunity to include changes to the Tobacco Act and the smoke-free areas act to bring this legislation into line with current drafting practice. In addition, the bill incorporates the repeal of the Tobacco Products (Health Warnings) Act 1986, which has been superseded by the Commonwealth's Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations. It is important for members on reading this legislation to recognise that the repeal of the act does not mean that we have dropped it. It means that it is unnecessary because the Commonwealth legislation has effect.

Before the Commonwealth assumed responsibility for tobacco health warning legislation, the ACT had enacted legislation to give effect to the labelling requirements agreed by the Ministerial Council on Drug Strategy. The ACT legislation is therefore no longer required and can be repealed without threat to the existence of health warnings on tobacco products in the ACT. It is the government's intention that the ACT continue to be an active participant in discussions concerning consumer information about tobacco products and that this information be made stronger and more effective.

Mr Speaker, it is important to note that this bill addresses the concerns raised by some members of the Assembly in relation to the manner in which herbal cigarettes are advertised and promoted, particularly to young people. It does this by requiring that such advertising not be displayed and that the product not be sold to persons under the age of 18. The requirement that herbal cigarettes be sold only from outlets with a tobacco retail licence provides an effective way of ensuring that these products are sold only by retailers who comply with their legislative responsibilities.

We will not be the first to prohibit the sale of herbal cigarettes to persons under the age of 18: four states—Queensland, Tasmania, South Australia and New South Wales—have already done so. We will, however, be able to avoid a piecemeal approach by taking the lead in addressing the issue of advertising and promotion. This opportunity arises because, unlike some other jurisdictions, we had longer to develop the legislation and we had appropriate principal legislation into which the relevant requirements could be incorporated.

Most importantly, however, the bill reflects the government's view that individual strategies, in isolation, will not be as effective as a range of strategies which complement each other. It is therefore important that, together with prohibiting the sale of herbal cigarettes to children, we take appropriate and consistent action to minimise the impact of the advertising and promotion of these products.

Retailers will still be free to display these products, in the same way that they display tobacco products, and information can be displayed on a product information notice or price board. This initiative is supported by ACT retailers and health groups. Retailers and proprietors recognise that it will be simpler for them and their customers to have a single set of rules for the sale, advertising, promotion, display and use of all smoking products.

Before closing, I would like to acknowledge the role of Mr Rugendyke in encouraging the government to take this opportunity to introduce appropriate controls on herbal smoking products. Mr Rugendyke's concern about the advertising and promotion of herbal smoking products prompted him to call for these products to be banned, or at least subject to some controls. Particular concerns were raised in relation to the advertising for one brand of herbal cigarettes, which was based on claims about how this particular product was similar to marijuana—a message which seems calculated to deliberately contradict and undermine strategies to minimise the attraction of drug use.

As I have said, there are also concerns about the harmful effects of these products and I am grateful to Mr Rugendyke for highlighting the current situation in which these products are virtually unregulated in terms of their advertising and sale, and for expressing support for the government's approach in subjecting these products to the same strict controls as those for tobacco products.

Mr Speaker, although the bill looks quite substantial, the detailed changes are necessary because of the number of provisions in the principal legislation where references to "tobacco" and "tobacco products" need to be changed to "smoking products". I am delighted to present the Smoking Products Legislation Amendment Bill 2000, which is important public health legislation deserving of your support.

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

TRANSPLANTATION AND ANATOMY AMENDMENT BILL 2000

MR MOORE (Minister for Health and Community Care) (11.23): I present the Transplantation and Anatomy Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

> That this bill be agreed to in principle.

Mr Speaker, the purpose of this bill is to lower the age of consent for blood donations from 18 years to 16 years and to remove the requirement for parental consent to blood donations.

The Australian Red Cross Blood Service of the Australian Capital Territory has approached the government seeking assistance to increase its existing donor base and to align current policies and criteria with interstate blood services. This amendment seeks to enable the blood service to put into place a strategy aimed at securing an adequate donor base into the future.

In the ACT, current policy allows a person younger than 18 years to donate only if the child agrees to the removal, a medical practitioner advises that the removal of blood is not likely to be prejudicial to the health of the child, and parental consent is obtained. These requirements have been interpreted as having to be followed each time a young person wishes to donate blood and they present a barrier to the blood services accessing a large pool of potential blood donors.

Mr Speaker, our health system urgently needs more blood and we clearly need a larger pool of donors to meet this need. Our young people have proven themselves ready, willing and able to meet this challenge, and the amendment seeks merely to remove unnecessary impediments to their performing a safe and valued community service.

The ACT currently has a blood donation school program in place—the "Vampire Shield". Approximately 450 to 500 donations from 16 and 17-year-olds are received through this program each year. However, this number could increase substantially if these amendments were to be introduced. Census data estimates that the number of people in the ACT aged between 15 and 19 in 2005 will be approximately 21,100. The implementation of a strategy aimed at 16 and 17-year-olds will raise community awareness within the youth of the ACT and the school sector and will enable the blood service to build relationships with potential donors for the rest of their lives.

Lowering the age of consent for donating blood does not present a risk to the health of our young people. Donation of blood is a safe procedure. As a further precaution, in accordance with the blood service's donor guidelines, no donation is taken from any person, regardless of age, if the donation is considered prejudicial to the health of the donor. As with donors over 18 years of age, a registered nurse interviews the potential donors and ensures that each person has understood the questions within the medical questionnaire and has no reason not to donate at the time.

Mr Speaker, while this amendment seeks to remove the requirement for 16 and 17-year-olds to obtain parental consent when volunteering to donate blood, I must stress that we are not seeking to diminish the responsibilities of parents in the ACT. Donation of blood is a safe procedure and legal precedents have demonstrated that persons aged 15 and over can consent to medical procedures providing there is understanding and maturity.

Mr Speaker, blood donation is an altruistic community service that we should all encourage and I commend this bill to the Assembly.

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

PUBLIC HOUSING—SELECT COMMITTEE
Report

MS TUCKER (11.26): I ask for leave to present the report of the Select Committee on Public Housing, together with extracts of the minutes of proceedings.

Leave granted.

MS TUCKER: Pursuant to order, I present the report of the Select Committee on Public Housing entitled *The Role of Public Housing in the Australian Capital Territory*, together with extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 31 March 2000, pursuant to the resolution of appointment as amended on 25 November 1999. I move:

> That the report be noted.

Mr Speaker, it is a pleasure to speak about this unanimous report of the select committee which inquired into the role of public housing. As members are aware, this inquiry was a response to the government's so-called proposed reforms to public housing which were announced to the Assembly and the ACT community in the budget of 1999-2000.

This announcement took everyone by surprise. After all, this is a government which has a consultation protocol which requires that a thorough consultation process must be undertaken before any major policy changes are introduced, but Mr Smyth informed us that consultation is not necessary if the policy change is going to be announced as a budget item. There are, of course, certain budget decisions which can, by their nature, require surprise announcements, such as increases to charges where early knowledge would cause a rush before those charges were in place; but to make a claim for a general exclusion from government consultation policy just because the policy was announced at budget time is really quite mischievous and severely diminishes the government's credibility.

The community were belatedly offered an opportunity to respond to the proposals through this select committee. There was a strong and consistent concern expressed about the lack of consultation, the actual proposals themselves and the fact that there was inadequate analysis of the implications of the proposals, particularly for those who are disadvantaged in our community.

The committee received 45 submissions and heard from 44 witnesses at public hearings. I would like, at this point, to acknowledge the quality of the work put in by the community on this important subject and thank them for their efforts. I also thank Judith Henderson for her diligence in supporting the committee in the work of this inquiry, and Mr Hird and Mr Wood for their contributions.

Clearly, a very important aspect of the role of public housing is to alleviate poverty and other forms of disadvantage and to contribute to social cohesion. The provision of adequate stable and affordable housing is a very basic need of humans. Without this basic need being met, people are going to find it much more difficult to address life's other challenges. It is from a secure home that people can deal with their health needs,

their educational and employment needs, and their emotional and social needs. People who do not feel secure or safe in their housing are most likely to be stressed and disempowered, and therefore less likely to take a positive direction in their lives.

The government claimed that its proposals were about efficiency and better targeting. Unfortunately, though, the committee was not reassured that the government had actually really worked out what the impact would be on certain groups. It is a very obvious fact that disadvantage in our community is not solely related to income. There are groups in our community who will never be particularly welcome in the private rental market. It is very important that any policies which are designed to target assistance better have a very well-researched understanding of the various broad factors which can create disadvantage. The government does say that there will be flexibility in administering the policy, but, unfortunately, the process they envisage is not very open or transparent.

We also must not forget that, unfortunately, Commonwealth funding is decreasing for this essential social service, and consequently the states and territories are facing an additional financial burden. If as a result of this decreasing commitment from the federal government our governments choose to reduce funding to public housing, the community needs to be made fully aware of this policy position, and the implications for our community also need to be fully understood. It is shockingly short-sighted to portray such an important community service as just another cost burden on government. It is an essential service which governments are elected to provide. The community in Australia generally does not expect people to have to be homeless or to experience severe housing stress.

The recommendations of this committee could be divided into two categories. Some recommendations respond directly to the policy proposals with a negative or positive response, and the other recommendations basically ask the government to do the work necessary to show what the implications for disadvantaged people will be if their policies proceed. We have specifically linked some of these recommendations with the work of the poverty task group. There is obviously a great opportunity here for government to broaden its knowledge and understanding of issues related to poverty in Canberra.

I will not go through all the recommendations in detail. Interested members will no doubt read the report. I will summarise the committee's response to the major issues.

Security of tenure must be maintained until the government undertakes a much more rigorous assessment of people likely to be affected, and this assessment must be brought before the Assembly for debate. This is, after all, a minority government. They are supposed to get the support of at least nine of us before they re-shape the ACT's social services. It must be a debate which is based on information, not just politics and spin.

The committee has also recommended that security of tenure stay with community housing tenants. The government decided to redefine community housing by removing tenure and outsourcing management of a large amount of existing public housing to the community housing agency. This is pretty insulting to the community housing community, who have a strong sense of the unique model of housing that community housing offers.

We also recommended that complaints mechanisms be made more consistent for community housing tenants and public housing tenants, and the majority of the committee recommended that the Essential Services (Continuity of Supply) Act 1992 be amended to allow issues of eviction of public housing tenants to be dealt with. This obviously reflects the view that housing is an essential service. The committee has also recommended that the government take into account the poverty task group work when considering minimum rent and exclusion barriers for residents.

Related to this is the concern about housing for young people who can be very vulnerable. We have recommended that government make a plan for the accommodation needs of single people. This recommendation was echoed recently in another report coming from the youth sector. There was concern expressed also about the unclear role of ACT Housing in the development of policy. As a provider, it was apparently consulted, but other providers were not. The committee has recommended that the divisions be made clear.

The committee has also recommended that the government continue to provide a rental bonds loan scheme, with improved processes of recording action on applications. The committee was of the view that the problems raised by the Auditor-General should be looked at but that it was not appropriate to scrap the whole scheme as its response to the Auditor-General's concerns. All other states and territories offer rental bond loan schemes, and overwhelming evidence to the committee from community organisations, as well as from the federal Minister for Community Services, expressed concern, the latter being because of the impact on refugee families.

I encourage all members of this Assembly to read our report. Provision of safe and secure housing is an important issue for any society, and this report represents a clear picture of the community's concerns about this government's current proposal. I would hope that all members read it because regardless of what portfolio responsibilities people may have, this is such an important social issue that every individual member needs to be really clear on what the community has said on this very important issue.

MR WOOD (11.35): Mr Speaker, the consultation by way of this committee was the consultation that the government did not undertake before it made a sweeping range of announcements in the last budget. I hope there are no surprises in the next budget and no announcements that have not been thought through and worked through with those concerned well beforehand.

I found the inquiry and each compilation of the process leading up to the report to be very interesting and rewarding. I learned a lot in an area where I thought I had fairly good connections and knew a deal already. The inquiry has been most informative and I would urge the government to pay very careful attention to the report.

It is a unanimous report, and that is always impressive and noteworthy. I think the government will need to accept the recommendations. If the government decides it does not want to accept the recommendations it may find trouble here on the floor of the Assembly. It is a well reasoned report and it is at odds with quite a few of the proposals made by the government, now nearly a year ago.

Perhaps the most significant aspect is security of tenure. Now, I understand the logic of people moving from public housing to private housing when their circumstances change. There is a logic to it. I understand that. But it is no easy task to see how that might occur. I thought I heard that we were perhaps one of the few regimes where that did not happen, but when I went to a conference on housing in Adelaide I heard some of the concern expressed there and the difficulties that have to be surmounted before people can be told, "Well, sorry, you need to move on; your circumstances have changed and you must go from public to private housing." It is no easy question. The committee has asked the minister to look at how best this might be done and to come back to the Assembly and justify that determination and show how things may be worked through if it is to proceed.

There is very considerable interest in the community about housing. I have said before that the number of submissions and the range of submissions is a clear indication of that. All over Australia, all over the world, the right of people to affordable, decent housing is unquestioned. We need to see that that right is not diminished in any way in the ACT, again acknowledging the difficulty of finding a place for all people. I commend the report to the Assembly, and especially to the minister.

Question resolved in the affirmative.

ESTIMATES 2000-01—SELECT COMMITTEE
Appointment

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.39): Mr Speaker, I move:

> That:
> (1) a Select Committee on Estimates 2000/01 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2000/01 and any revenue estimates proposed by the Government in the 2000/01 Budget.
> (2) the committee be composed of:
> (a) one Member to be nominated by the Government;
> (b) two Members to be nominated by the Opposition; and
> (c) two Members to be nominated by either the Independent Members or the ACT Greens;
> to be notified in writing to the Speaker by 5.00 p.m., Thursday, 11 May 2000;
> (3) the committee report by Friday 23 June 2000 in respect of the Appropriation Bill 2000/01;
> (4) 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;
> (5) the Committee is authorised to release copies of its report pursuant to embargo conditions and to persons to be determined by the Committee, prior to the Speaker or the Deputy Speaker authorising its printing, circulation and publication; and
> (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I do not move this motion with any great enthusiasm. In fact, to be perfectly frank, the government's view is that the process of releasing the budget in draft form in January and having extensive debate on the provisions of the draft budget in the standing committees of the Assembly has provided a great degree of scrutiny of the budget process.

I note that those opposite have maintained that what is likely to come down on 23 May is going to be basically a re-run of what was in the draft budget. If that is what they believe, it would seem to me there is less of a case for there to be a further process of scrutiny of what they would argue is much the same document. Well, in fact, it will not be the same document. There will be differences, and that may be the justification for having a further round of estimates. It was the government's undertaking when constructing the framework for the budget this year that we would put aside time between the tabling of the budget and the passing of the budget—touch wood—for there to be an estimates committee process.

Mr Berry: It is exactly the same as before, anyway.

MR HUMPHRIES: Yes, the process is the same as before, Mr Speaker, and that is why I have moved the motion in that form. I will make one comment about this. It is obvious, looking at estimates committees in recent years, that they have become less and less a process of reviewing the provision made by the government of the day for allocations to particular matters within its budget, and less a general exercise in scrutiny of the government. They have become just an exercise in asking the government questions on almost any topic that happens to come to the attention of members of committees, irrespective of whether they are related to the budget or not.

Mr Corbell: On anything you are spending money on.

MR HUMPHRIES: Everything can be tied back very loosely to the spending of money, of course, but I suspect that a casual observer would draw the conclusion that there were only very tenuous links on most occasions between the items outlaid in the budget and the matters that were brought forward by members in those committees. It is true that there are sometimes whole swathes of the budget which are not commented on or touched upon by that process. In the perhaps forlorn hope that the estimates process will be one about considering the estimates made by the government in its budget and assessing those—I know I live in hope, Mr Speaker; I live in hope that this might happen one day—I have moved the motion which is before the Assembly, which is simply a re-run of previous versions of the Estimates Committee.

I also support, incidentally, the amendment which will be moved by Ms Tucker to include Mr Kaine. It was not the intention to classify Mr Kaine as an Independent. I know he would be highly offended by that reference, Mr Speaker, and I will withdraw any unintended reference or slur on his name.

MR SPEAKER: Ms Tucker, you might like to move your motion now, please. We can then have a debate.

MS TUCKER (11.42): I move:

> Paragraph 2 (c), omit the paragraph, substitute the following paragraph:
> "(c) two members to be nominated by the Independent Members, the ACT Greens or the United Canberra Party;".

MR KAINE (11.43): I am speaking to the motion, not the amendment. I can understand the reluctance of the Treasurer to have his budget subjected to yet further examination, but there is little justification for him to take the view that it should not be.

First of all, the experiment this year of having it examined by the various standing committees of the Assembly has proved to be a failure. Even the Treasurer himself has acknowledged, at least privately, that this was an experiment that will not be repeated next year. So if we let it stand at that and accept erroneously that the budget has been adequately subjected to scrutiny by this place, we would be dead wrong, and I think the minister must accept that.

The second point about the proposition that it should not be subjected to review by an estimates committee is the fact that the budget as presented in a couple of weeks time will probably not be exactly the same as the draft budget that was put to the Assembly committees. The minister has indicated that even the parameters on which the budget was prepared could change from the time that the draft budget was prepared until the time the final budget is prepared. So we do not know yet what the final budget is going to look like. For the Treasurer to assert that somehow it is illegitimate or unnecessary for this legislature to scrutinise his final budget when he brings it down is almost bizarre in the concept of executive responsibility and the responsibility of the Treasurer to the legislature.

There seems to be a feeling amongst the members of this executive that the executive is somehow above accountability to the legislature. We only have to look at the performance of this government over the last three to five years. There seems to be a clear view on the part of the executive that it is not accountable to this place. It seems to me that the Treasurer, yet again, is expressing that same view in this particular instance.

I for one will not support the notion that the executive should become less accountable. Nor will I accept a series of attempts by this government, made over a period of years, to fudge the lines between the executive and the legislature. Our Chief Minister, in particular, does not seem to know the difference between being a member of an executive and being a member of the legislature. Nor does she seem to understand the difference between being a member of the executive and being a public sector manager. She seems to think that she is all three.

Some of that seems to be rubbing off on Mr Humphries, and we have seen several attempts to water down the traditional and conventional relationships between the legislature, the executive and the administration. One of those examples, of course, was the attempt to set up so-called executive committees, which were neither one thing nor the other. They would have been accountable only to the Chief Minister and not to this legislature in any way. They would have been creatures of the Chief Minister with no

accountability to this place except to the extent that the Chief Minister herself was accountable to this place, and we have seen the constant attempts over the last five years to break down that accountability.

So, Mr Speaker, I am surprised that Mr Humphries, who I know well understands the division of responsibility and power in this place, would suggest that his budget should not be subjected to the scrutiny of this place and that there should be no estimates committee process this year.

I do not believe that the aborted experiment earlier this year in any way suffices as a method of scrutiny of the government's budget. I firmly believe that the legislature has still to go through the process of scrutiny of the Treasurer's budget when he brings it down because, as I pointed out already, we do not even know yet what is going to be in it. So how could we give it the tick on the basis of an experimental scrutiny by standing committees of a draft budget carried out some weeks ago which I do not believe in any way replaces the Estimates Committee?

I support the motion, and I support it wholeheartedly. I am surprised that the minister would put it forward with some sort of qualification and a question mark around whether it ought to be established.

MR CORBELL (11.49): Obviously, Mr Speaker, the Labor opposition will be supporting this motion today, and perhaps with a little bit more vigour than the government. There is one matter that I wish to address in speaking to this motion and that is the comment of the Treasurer when he indicated that he moved this motion with the somewhat forlorn hope—to use his words—that the estimates process would actually examine the budget.

Mr Speaker, we need to clarify, even before this process starts, what the purpose of the Estimates Committee is, and the accepted convention and practice relating to the examination of appropriation bills. Mr Humphries would be well aware that the convention and practice in other parliaments, particularly the federal parliament—my mind goes immediately to the practices of Senate estimates committees—is that a whole range of issues relating to government expenditure and government practice are addressed and scrutinised during their estimates process.

In the Senate estimates process you do not necessarily see questions and scrutiny applied solely and strictly to line items identified in specific ways in the budget. Often more indirect questions and scrutiny is applied because, at the end of the day, there is an understanding in the federal parliament, and there should be in this place, that the budget is the key political document of the government. It is the document which allows the government to implement its program in any particular financial year, and it covers all the activities of the government where taxpayers' moneys are being spent to implement government programs and initiatives.

Mr Speaker, in the last Estimates Committee there was criticism from the Chief Minister about the use of the Estimates Committee to examine the Bruce Stadium issue. That was an entirely legitimate use of the estimates committee process, an entirely legitimate way to scrutinise the activities of this government in relation to that debacle. The reason for that, Mr Speaker, was that the budget allocated funds for the provision of public

administration, and particular officials within the public administration, to administer that project. That is a direct link, or, you can even argue, an indirect link, between the budget document and the operation of the public service.

The Estimates Committee must, by its very nature, take a very broad brief in examining government activities. Of course, Mr Speaker, the Estimates Committee has a responsibility to look at the details contained within the Appropriation Bill and any revenue estimates proposed by the government, and past estimates committees have always done so. If the government feels a little bit uncomfortable because the Estimates Committee also examines a range of other initiatives for which the budget proposes expenditure to allow those initiatives to take place, directly or indirectly, then perhaps, Mr Speaker, the Estimates Committee is actually doing its job, and that is why the government is critical of it. We will, of course, be supporting this motion today.

Amendment (**Ms Tucker's**) agreed to.

Motion, as amended, agreed to.

HEALTH AND COMMUNITY CARE—STANDING COMMITTEE
Inquiry into Elder Abuse

MR RUGENDYKE (11.53): Mr Speaker, I move:

> That the Standing Committee on Health and Community Care inquire into and report by the last sitting day in 2000 on the prevalence of elder abuse and the efficacy of reporting, resolution and support mechanisms for elder abuse issues in the ACT.

I rise today to seek support from members to instigate an inquiry into the disturbing rise of elder abuse in the ACT. Last month I met with representatives from the coalition formed to raise awareness of elder abuse in the ACT. This coalition comprises the Domestic Violence Crisis Service, the ACT Disability Aged and Carer Advocacy Service, the Council on the Ageing, the Older Women's Network Service, the Institute of Criminology and the Belconnen Community Service. The fact that this group has been compelled to form is a clear indication that there is major concern among people at the coalface of social issues.

So what is elder abuse? I am told it is a term that has been in for only the last 15 or 20 years and is used to describe any behaviour which results in harm to an older person. Types of elder abuse include physical abuse, sexual abuse, emotional abuse, neglect and financial exploitation.

In the government's *Demographic Profile of Older People in Canberra* publication released in June last year it was forecast that the number of people aged 50 and over would rise from one in five in 1998 to one in three by 2013. This shift in population demographics puts considerable demand on the service requirements that have to be in place over the next 15 years. There has to be adequate support and protection in place for

the elderly. It also means that there is more potential for elder abuse, and it is our responsibility to ensure that we are prepared to cope with the issues before they spiral out of control.

At this time I believe the Standing Committee on Health and Community Care is well placed to investigate the prevalence of elder abuse and the efficacy of reporting, resolution and support mechanisms for elder abuse issues.

The evidence presented to me is that elder abuse is on the increase and there are gaps in the service provision. It has been suggested that one of the gaps in the ACT is that there are no crisis accommodation facilities for aged people. Older people do not feel comfortable or at ease entering crisis refuges with younger generations where the personal problems are of a totally foreign nature. Another complaint is a lack of education for aged care workers and the absence of minimum standards for staff education and for levels of care.

Then there is the growing prevalence of emotional blackmail that is inflicted on seniors by their own family in respect of financial abuse. There are cases where children or other members of the family claim to have power of attorney when they do not. There are instances where children take money out of accounts but the parent fails to act because they feel dependent upon the relationship. The elderly are an extremely vulnerable section of the community, and I believe that this inquiry will help us to determine whether we have adequate protection and support in place.

Research conducted in Australia by the Institute of Criminology indicates that older people are more likely to be victims of financial abuse than predatory crime. A paper by the Institute of Criminology titled "Abuse of Older People: Crime or Family Dynamics" reported that about 4.6 per cent of older people are victims of abuse, mostly by family members and those who are in a duty of care relationship with the victim.

The paper recommended that the way forward is to collect data to identify the extent of the problem and risk factors to permit better intervention. The paper suggests that the alternative for victims is institutionalised care, an alternative that older people desire least. It is also suggested that it is likely that the lack of alternatives for care prevents abused older people from seeking help. It is important that we determine as soon as possible the impact of abuse of older people on their long-term quality of life.

The types of case examples that have been identified in elder abuse research include, firstly, an 86-year-old man who had lived alone before becoming ill. He moved in with his extended family until recovery. As he improved he was perceived to be a nuisance and was shut in his room in the early evening. He was assaulted and sustained severe bruising.

Another involves a 75-year-old widow who lived alone in her own home and developed moderate dementia. Her grandson moved in with her, promising that he would help her with her daily tasks. Other family members became suspicious that he was financially exploiting her and applied to have the Public Guardian appointed to manage her family affairs. Other family members then moved in with her, but on a number of occasions she was found lying on the floor after a fall while family members were in the house.

There was the 78-year-old woman with mobility problems who lives with her son who suffers from schizophrenia and has a gambling problem. The son regularly assaults his mother and often uses her pension without permission.

Then, Mr Speaker, there was the 66-year-old woman with severe arthritis which restricted her mobility and ability to care for herself. She lived with her husband who had a history of psychiatric illness and was verbally and physically aggressive towards her. She had no independent financial resources and felt that she had no option but to remain with her husband. Mr Speaker, the list goes on.

As members are aware, last year was the International Year of the Older Person, but this recognition has not stopped adverse treatment of our senior citizens. There have been a number of high-profile incidents which have highlighted the vulnerability of elder people in recent months. I refer to the brutal sexual assault of the elderly lady in Wee Waa, the scandal involving nursing home malpractice in Victoria, and in Canberra the deceitful individuals who tried to fleece an elderly couple when undertaking house repairs in Ainslie.

Mr Speaker, close to 100 people attended a forum on the issue of elder abuse in the ACT in June last year. The Domestic Violence Crisis Service and ADACAS, who organised the forum, were surprised by the number of community members who attended because the forum had been designed to cater for service providers. This confirmed their perception that there is considerable concern in our own community.

The Institute of Criminology research recommends that older people must be provided with options in which they can find safety, options which can take account of the relationships involved and empower older people rather than disempower them. An inquiry into this issue is the perfect opportunity for the Assembly to take a positive step in this direction. I commend the motion to the Assembly.

MS TUCKER (12.02): I move the amendment to this motion that has been circulated in my name. It reads as follows:

> After the words “prevalence of” insert the words “and options to prevent,”.

Of course, I am supportive of this inquiry. I am sure everyone is. In this Assembly we are all aware of the coalition working group and the information that has come from investigations that have been occurring in the ACT.

I am a little bit concerned about Mr Rugendyke’s process. Normally, if a member of a committee is interested in having an inquiry there is just a discussion within that committee. Even if you are not a member, for example, when I saw the need for an inquiry into Aboriginal health, it is only a courtesy to speak to the committee who would be undertaking that work, first to see if it is possible and if they are willing to do that work. As I understand it, Mr Rugendyke did not give that courtesy to even his own committee.

I am also concerned because one of the reasons why this is a good thing to do, apart from courtesy, is that it then allows more people to consider what the terms of reference should be, and hopefully some discussion with community stakeholders would be part of

that process. I did a bit of a ring around just to get feedback when I realised that there had not been a real committee discussion about the terms of reference and that they were not the result of some considered views other than from Mr Rugendyke's office. That is why this amendment is there. The view of the community sector was that we definitely needed to look at options for prevention in any such inquiry. I am assuming that that amendment will get support.

Mr Rugendyke has basically outlined the issues that have been presented to us all in the lobbying that has occurred from the coalition and various other people, so I do not think I will repeat it all. Obviously, elder abuse is an issue of great concern. The levels of abuse are likely to increase as the proportion of elderly people in Canberra's population increases. The pressure on services and the gaps in services do need to be urgently addressed.

The ACT government, I understand, is going to be sympathetic to this inquiry, which is great. They are obviously already working on their three-year forward plan for older people in the ACT. This will be an opportunity to broaden their work possibly or to increase their understanding of some of the issues, if they need that.

The other thing I might pick up that I do not think has been covered is the work of the Marian James Institute of Criminology. There is a need for a useful theoretical framework to concentrate on the problem as a function of broader social structural issues, such as poverty, isolation, gender, ethnicity, et cetera, rather than the focus on individuals which has predominantly guided what research there is on the issue. So I think the sorts of individual cases that Mr Rugendyke just described need to be seen in the broader context of society.

I would also like to compliment the group who have been working on this, the coalition, on the high quality of the work they have done on the topic. Obviously they have done a very good job of drawing together the research and experiences from working with all the relevant groups in the community.

I understand that Mr Wood is supportive of the idea of this inquiry going to his committee, so I am also happy to support it.

MR WOOD (12.06): Mr Speaker, the matter that Mr Rugendyke has raised is worthy of inquiry by the committee. It will undertake the task of examining all the issues most thoroughly and I am confident that in the end we will bring down a very sound report.

I have indicated to Mr Rugendyke that the practice that had been established in the Health and Community Care Committee was for colleagues to bring issues to the committee for discussion and to reach agreement there on priorities and timing. That has been the case in the past. If it did not occur on this occasion, I am sure it will in the future.

I remind all members of the Assembly that this committee, like all hard-working committees of the Assembly, now has three quite complex issues before it. We are in the fairly early stages of each of three inquiries. Two at least, and one in particular, are quite complex. So I would encourage members not to come to the committee for some little time now with any suggestions for more inquiries.

Ms Carnell: We have a few other ideas.

MR WOOD: I like inquiries. I like the committee system and I enjoy the work, but, just for a little while, please do not come up with anything until we can get these three out of the way.

I agree with Ms Tucker's amendment. It is fine. There are probably all sorts of other things that could be put in the terms of reference, but I generally take the view that when you are running an inquiry you do what you think you have to do with what the evidence brings to you and expand it as you see fit. I never feel that I am constrained or limited by terms of reference.

Mr Rugendyke has given a good account of the need for attention to the issue of protection of the aged, and I look forward to our scrutiny of this quite important issue.

MR MOORE (Minister for Health and Community Care) (12.08): I rise on behalf of the government to support Mr Rugendyke's reference to the committee. It is an entirely appropriate reference. I take Mr Wood's point about the work of the committee and how it is going. If he likes to put less effort and scrutiny into the Estimates Committee, I would also be quite comfortable with that, but I presume he will continue the same process that he has used before.

Seriously, Mr Speaker, I do recognise that the committee is dealing with a number of complex issues and it is an entirely appropriate use of committee time. This is a complex issue and my department will be happy to assist with a submission to the your committee and to assist in any other way that we can.

I recently met with the members of Elder Abuse Coalition, as I understand other members have, and there are recognised concerns that at present there is a significant level of under-reporting of elder abuse, and we have some difficulty in understanding it. At this meeting I agreed to refer the issue to the Aged Health Care Services Advisory Council for their advice. I have had a letter faxed through from the chair of that committee who says, amongst other things:

> … we wish to express our support for the inquiry into Elder Abuse proposed by Independent Dave Rugendyke. The information available to the Council from the coalition of community groups currently lobbying for an inquiry shows that physical, emotional and financial abuse of elderly persons is an increasing problem as the ACT population is ageing more rapidly than anywhere else in Australia.
>
> It is to be hoped that an inquiry will focus not only on the needs and the appropriate care of the abused, but also on the importance of re-educating the community and in particular the carers involved with aged persons.

I think there is some salient advice there from the chair of that committee, Ms Julia Biles, to start the committee off.

Mr Speaker, it is also important to note that the Office of the Status of Women in the Department of Prime Minister and Cabinet is currently conducting a research project into the needs of older women which includes the issue of elder abuse. This report will provide a depth of understanding of the issues of elder abuse that is currently not available in the ACT. I would encourage members to make sure they understand where that inquiry is up to and perhaps coordinate the information so that it is not necessary to rediscover the wheel.

The committee has yet another significant challenge before us, as has been the case in the past. When this committee brings down reports we take them very seriously and we do what we can to implement its recommendations.

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

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

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

Amendment (**Ms Tucker's**) agreed to.

Motion, as amended, agreed to.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT— INSTRUMENTS NOS 81 AND 82 OF 2000
Motion for Disallowance of Provisions

MR BERRY (12.12): I move:

> That provisions No (10) (b) of Instruments Nos 81 and 82 of 2000, made under the *Legislative Assembly (Members' Staff) Act 1989* relating to the terms and conditions of employment of staff pursuant to sections 11 (2) and 6 (2) of the Act, respectively, be disallowed, pursuant to section 6 of the *Subordinate Laws Act 1989*.

Mr Speaker, this motion of disallowance goes to a very serious matter of principle in relation to the provision of annual leave for working people. The government's approach to this has been an ideological one. I suspect that during the course of debate on the matter we will hear the government use the word "choice" over and over again, saying that this improves choice for workers. Mr Speaker, the end result of this sort of provision is that annual leave provisions will be diminished. There is no doubt about that.

Let me deal briefly with the history of annual leave in this country. Australian industrial arbitration, as many will recall, began in the early part of the 20th century, and for many of those years arbitral tribunals were reluctant to include annual leave in the award provisions. In those days this was completely in the hands of employers and employers decided when their employees could have time off, and, indeed, whether they would get paid for that time off. That persisted through the depressing years of the great depression.

It was not until 1936 that one week paid leave became the standard. In 1940 that extended throughout the metal industry, and it spread throughout further awards once that trend had begun. In 1944 the New South Wales state government altered the annual leave standard. In that year the New South Wales Parliament enacted the Annual Holidays Act, providing for two weeks annual leave for all workers in that state. Subsequently these sorts of provisions have grown, Mr Speaker, as has the prosperity of the country. As the country's prosperity improves, workers achieve a share of the wealth.

Mr Speaker, in 1963, which is in the memory of many of us, the federal commission took the view that the economic circumstances allowed federal awards to provide for three weeks. The four weeks standard, which we all now enjoy, in one way or another, commenced in the early 1970s.

There has always been resistance by employers to these things, as there has been to every other benefit which workers have received throughout time. What is annual leave about, some might ask? Is this just a luxurious benefit that workers enjoy? No, it has a very real reason. If you look at the origins of the working class in this country you will see that there were some of the most appalling working conditions, when employers controlled all leave time—sick leave, annual leave, and all those sorts of things. Families, leisure time and homes were not great features in what employers considered workers should receive.

Annual leave gave workers time to be with their families, their children, and to enjoy what earlier was a great Australian dream—that is, to get away on an annual holiday with their families or to enjoy a bit of time with them away from work. But this is not just about leisure, it is not just about families, though they are fundamentally important things in a developing economy where so many of us enjoy a fairly good quality of life. This is about making sure that standards stick right across the work force. It is also about rest and relief from arduous workplace stress, and we all know a bit about stress in this place. It is about providing access for workers to get away from it all. It is a fundamental quality of life issue.

Some would say—I am sure the Chief Minister will say—that this just gives people access to money that they would not ordinarily have. Well, that might be all right for somebody who is relatively new to the work force—they might be single, they might be mobile, they might be somebody who is able to fall into a job quite easily at the upper end of the scale—but for others who are on more basic conditions, even in our offices, it is more difficult when you change jobs. Some will say that they already have access to accumulated annual leave when they leave the job. That is annual leave. When you leave the workplace, yes, you might get the cash in your hand, but you have not got a job. So in many cases you enjoy your annual leave while you are looking for a job. Mr Speaker, if all of that has been absorbed in a program whereby workers have been given access to cash instead of leave, they will have nothing when they leave. The Chief Minister will get up and say, "Well, it is not compulsory." That is exactly what she will say.

The trouble with these sorts of things is that sooner or later employer pressures are relayed to workers and they become the norm in certain workplaces. This will not become the norm in my workplace if this fails, I can tell you that much. But these things become the norm. Pretty soon the condition of annual leave disappears off the landscape,

particularly if your employer has a philosophy which is opposed to annual leave and has a philosophy which is committed to the employer's generosity, which we know has been great in the past for some employers but appalling for many.

You might say, "So what? This only applies to staff of members of the Legislative Assembly." Do you think, once this step is taken, that there will not be attempts to put these sorts of provisions in other workplaces throughout the ACT government? Do you think that other employers around this country will not see this sort of provision and say, "Look, they have done it in the ACT Legislative Assembly and it is working there." Do you think that people will not notice this? Of course they will notice it.

What will happen is that workers will be encouraged to take cash instead of annual leave. As enterprise bargaining arrangements go on, pretty soon we will see annual leave disappear, and we will see the cash disappear as well. This important provision, which provides relief for workers and their families and all around them, will disappear. This is an appalling provision. It is an ideological provision which has been included in these provisions for Legislative Assembly members and members of the executive.

Members should encourage their staff to take leave because we would like to see them bright and bushy-tailed occasionally instead of dragging their tails. This is important work that we are doing here and annual leave becomes a fundamental part of rest and relief from the arduous conditions which employees have to suffer.

We cannot allow this sort of precedent to start in this Assembly. We have already seen pressures in various employment areas throughout Australia to reduce wages and working conditions. One of those fundamentals that have been built up since the great depression should not be attacked in this way. We need to adopt a standard here which is reasonable and which is fair for ordinary working people. We need to say to the working people of the ACT that annual leave is sacrosanct. It is part of the industrial landscape. It is part of the social landscape and it should not be interfered with.

Do not give us any of that business about choice and it not being compulsory. Choice soon becomes compulsion, and compulsion will lead to the end of this important condition. Mr Speaker, I will leave it there for the moment.

MS CARNELL (Chief Minister) (12.22): Mr Berry said that he thought there would be talk about ideology on this side of the house. We just heard some ideology, there is no doubt at all.

Mr Berry: My word. I have got ideology on these issues.

MS CARNELL: That is right, a straight ideological approach.

Mr Berry: I have got ideals. Look after workers.

Mr Moore: And you shouldn't be embarrassed about it.

MS CARNELL: No. That's fine.

MR SPEAKER: The Chief Minister has the call, please.

MS CARNELL: Mr Speaker, this disallowance motion relates to provisions in two determinations under the Legislative Assembly (Members' Staff) Act which set out terms and conditions for the employment of staff of members. These determinations authorise improvements to severance benefits and increased flexibility in relation to annual leave. Mr Berry's motion relates to the cashing out provision for annual leave in Determinations 81 and 82 of 2000. These determinations relate to staff of members and staff of office-holders respectively. Mr Speaker, these determinations give members and their staff greater flexibility in relation to annual leave. As a result of these determinations, members may—

Mr Osborne: I take a point of order, Mr Speaker. I am just going to put out a press release: Wayne Berry, anti choice. I am looking forward to the day that finally—

MS CARNELL: Yes, he is anti choice.

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

MS CARNELL: I am happy to be pro choice. Mr Speaker, these determinations give members and their staff greater flexibility in relation to annual leave. As a result of these determinations, members may now agree to their staff cashing out annual leave. Of course, such arrangements must be met within members' existing budget allocations and only with members' approval.

Mr Speaker, the government has tried to introduce arrangements whereby employment conditions are mutually agreed between staff and the employing member. These determinations allow additional flexibility. There is no detriment to LA(MS) staff. There is no change to the annual leave entitlement. The flexibility to cash out annual leave will not have any additional costs, since annual leave could previously be accumulated by LA(MS) staff and paid out on separation.

I wrote to all members to consult on these proposed changes. I received a comment from Mr Stanhope and from the Media, Entertainment and Arts Alliance, but not from anybody else. Nobody else was concerned about these changes. Mr Stanhope welcomed the changes to severance benefits in these determinations, but both he and the union raised concerns about the occupational health and safety impact of permitting staff to cash out annual leave.

We agree that staff should be encouraged to take leave. However, in my response to Mr Stanhope, I made it clear that LAMS staff are not currently compelled to take annual leave and conceivably could not take any leave until it was paid out on separation. The additional flexibility available under these determinations is unlikely to have the negative impact suggested.

Mr Speaker, this is different, of course, from the public service. In the public service, as we know, once ACT public servants accrue 12 weeks leave, or more than 12 weeks annual leave, they are required to start using that leave, or alternatively, in some cases, are deemed to be on leave even when they are not. I think most people then go on leave. It does show that the LA(MS) Act already is very different. In practice there is no reason

to prevent LA(MS) staff from cashing out leave periodically when members' requirements and staff leave balances make this mutually acceptable. I believe it is entirely appropriate to leave it to members and their staff to manage these issues.

The government is strongly committed to the principle of flexibility in the LA(MS) Act employment conditions. These determinations improve conditions and provide flexibility without detriment to staff. Mr Speaker, these determinations have been the subject of quite significant consultation with staff, at least on the part of the executive and the government. In fact, it was actually the staff who brought this forward, not us.

The reason why staff members brought this recommendation forward as something that could be done to improve the flexibility of their conditions is that they believe, taking into account the nature of the job in the Assembly, it is sometimes very difficult to take four weeks annual leave. That has been shown to be the case for some staff members. Looking at the people involved, and there are a few, they are predominantly staff members who do not have families. In the case of those with families, there is significant appropriate pressure to have time off with their families. This gives those staff members without families an opportunity to take the payout regularly during their employment rather than to take it as a lump sum at the end of their employment, and that is what is happening at the moment.

Remember that under our act there is no requirement to take annual leave, so any view that doing this will make people take their four weeks leave is simply not true. There is no such requirement, and there is no limitation under the act as to how much leave you can accrue, unlike in the public service where, after 12 weeks, in many cases you will be deemed to be on leave.

The reason why there has not been any limit to the amount of holidays that members staff could accumulate, and I understand that this has always been the case, is simply because these jobs tend to run between elections. Nobody knows whether their member will be elected at the next election, so their security of tenure is only three years. I do not suppose there is any security in that three years either. They do not even know whether their boss will have a job in a three-year time frame. That makes the job scenario very different from that in the public service, or, for that matter, just about anywhere else. Taking that into account, giving staff members the flexibility that some of them asked for is appropriate.

Mr Berry made some comments to the effect that this would make unscrupulous bosses tell their staff they could not have holidays. I would suggest that if one member of this Assembly tried to do that it would be two seconds before they were out of a job because it would be on the front page of the *Canberra Times* the next day. No member could afford to take that sort of an approach with staff, nor, I have to say, would they. I cannot believe that anybody would. Certainly, I can guarantee that nobody on this side of the house would. I would assume nobody would. If staff want to take holidays, then staff take holidays, up to a maximum, obviously, of four weeks a year, and they can accumulate that.

When you look at the figures, or at least the ones that I have access to from the executive, most people do take their holidays, but there is a percentage of people, predominantly people who do not have families, who choose to accumulate their holiday

time. It is those people who have asked whether they could have the flexibility. Instead of cashing out at the end of their term, maybe when a member loses an election or alternatively they leave their employment, they want to be able to cash out at other times during their employment as well.

To address Mr Berry's argument, that somehow this would mean that staff would be forced not to take holidays, they do not have to take holidays now, Mr Speaker.

Mr Berry: No, forced to cash it out.

MS CARNELL: This is true. A member who is going to be difficult or unreasonable could do that right now and those holidays would accumulate until that staff member left. Then they would have one lump sum at the end. Any view that this changes the dynamics of an employer/employee relationship is simply not true. All it does is allow an employee, a staff member, to take that payout when they choose to, using the flexibility in this determination. So, instead of taking it as a lump sum at the end, they are able to take it at various times when they may need the money.

One of the reasons staff members have suggested to me why this would be very useful to them is that if they could cash out, say, four weeks holiday and take four weeks off, they potentially could afford, maybe, to go overseas or whatever, to do something that they choose to do. Mr Speaker, again, that is just providing flexibility for a staff member.

I come back to the important point here. There is nothing in the current legislation to require staff to take holidays. There never has been in this Assembly. This is not about making sure people go home and spend time with their family, something that Mr Osborne spoke to me about before. There is no requirement now for that.

Mr Osborne: There will be soon.

MS CARNELL: Well, you could change the legislation; that is fine, but there is no requirement for that now. So this determination does not achieve that end. All it achieves, again, is flexibility for staff members, in agreement with their employer, to be able to take a payout for holidays owing when they choose to and when it falls inside the budget. It is that simple. Why did it happen? Why did this come forward? Because staff members asked for it.

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

Sitting suspended from 12.33 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Gungahlin Drive Extension

MR STANHOPE: My question is to the Minister for Urban Services. Mr Speaker, in answering a question yesterday from Mr Berry, the minister refused to rule out that he had improperly suggested to Mr Gower, the president of the Gungahlin Community Council, that the council should support the government's John Dedman drive option—that is, the eastern route—or risk losing the road altogether. Will the minister now tell the Assembly what it is that he is trying to hide in refusing to answer questions relating to his contacts with Mr Gower?

MR SMYTH: Mr Speaker, if Mr Stanhope had not been yelling at the time, he would have heard me say that the statements issued by Mr Gower were of his own volition. Mr Speaker, my senior adviser contacted Mr Gower to ask what he had said in the committee hearings, because we were being asked by the media for a comment. My senior adviser had not been there and she simply wished to get clarification. Mr Gower advised that he had been misunderstood and that the statements being made by Mr Corbell in his media release were not correct. She then asked, if that was the case, was he going to clarify the situation and Mr Gower said yes, he would. He then called the media that were doing a story—

Mr Corbell: Oh, so she asked him to clarify the situation.

MR SPEAKER: Be quiet, Mr Corbell.

Mr Corbell: She asked him to clarify the situation, did she?

MR SPEAKER: Mr Corbell, I am not going to put up with constant interjections. I will deal with you if you continue.

Mr Corbell: I do not think it is constant, Mr Speaker.

MR SPEAKER: Perhaps, that is what caused the problem yesterday, as Mr Smyth mentioned. Continue, please.

MR SMYTH: Mr Speaker, he then contacted the media—he called the media that were doing the story—and clarified it. He clarified his statements. They are his statements. He clarified them. If you are still asking did I force or bully the Gungahlin Community Council into supporting the government's route, as I have pointed out over the past two days in this place, no, I did not. If you are asking did my senior adviser force or bully the Gungahlin Community Council into writing its statement, as I have said over the last two days, no, she did not.

MR SPEAKER: Before I call Mr Kaine, I would like to recognise the presence in the gallery of members of the University of the Third Age. Welcome to your Assembly.

Community Organisation Plaque

MR KAINE: Mr Speaker, my question, through you, is to the Attorney-General who, at one stage in his career, was minister for the arts. I hope members will grant me a little leniency with a short preamble to this question. The question goes back to a short comment in the *Valley View* of 11 April when it was reported that a member of this Assembly apparently had asked a community organisation in Tuggeranong whether the plaque on their new premises could feature him as the sole opener. The *Valley View* commented:

> It could have something to do with this particular politician seeking a higher profile leading up to a possible push for a greater role in politics—a Senate seat perhaps, or even Mrs Carnell's job?

Since it was reported to have occurred in Tuggeranong, I did not think that the Attorney-General would have had anything to do with that; but I was running through the names of the five existing members in Tuggeranong, any one of whom might have been associated with such an event. I can certainly say that it was not me. I have already served as Chief Minister and I have no desire to retire to the Senate. If it was not me, was it one of my other Brindabella colleagues—Mr Wood, for example? Was it you, Mr Wood?

Mr Wood: No.

MR KAINE: Mr Hargreaves, perhaps.

Mr Hargreaves: Not me.

MR KAINE: It was not you**.** Mr Osborne, was it you?

MR SPEAKER: Order! Ask your question.

MR KAINE: The only other option is Mr Smyth. I know that Mr Smyth is ambitious and is given to shooting himself in the foot occasionally, but I thought, "No, Mr Smyth is not up to something like this." I thought again: Senate aspirations, Mrs Carnell's job, and came to a conclusion. Based on that conclusion, I ask the Attorney-General and former minister for the arts, just to be absolutely certain: will you deny that, in an attempt to stop others from sharing in the limelight, you contrived to have somebody else's name removed from a plaque at the opening ceremony of a community organisation in Tuggeranong?

MR SPEAKER: I am pleased that the question finally got round to something of some relevance. Any suggestion about who might be standing for other positions is quite out of order as it does not refer to portfolio responsibilities. You can answer about the plaque, if you wish.

MR HUMPHRIES: Yes, I do deny the accusation that Mr Kaine has made. I can advise members that I visited the Tuggeranong Arts Centre last probably about 12 months ago to attend a function there and I noticed that there was no plaque indicating the opening of

the building, which occurred, as members will recall, in the latter part of the election campaign in 1998. It might have been late in 1997 or early 1998. My recollection was that, as minister for the arts at the time, I performed that function.

Subsequently, I asked the Chief Minister's Department, which now handles the arts, whether there were any plans to erect a plaque in respect of that occasion. That is where the matter rests, Mr Speaker. I have no idea what follows from there. I have indicated no view about the role of others in respect of the—

Mr Corbell: Oh**,** no!

MR HUMPHRIES: We get this all the time from the opposition, Mr Speaker: an accusation is made somewhere—whether it is about Mr Smyth in respect of interfering in Gungahlin or me sending a member of staff to influence somebody at a particular occasion—and the automatic assumption is that whoever has said it must be telling the truth and whatever the minister is saying must be a lie. I put it to other members to put to me evidence that what I am saying is untrue. The fact is that I have made an inquiry about the matter and that is where my involvement in the matter rests, Mr Speaker.

I will say, Mr Speaker, that at the opening I was very pleased to acknowledge the involvement of Mr Bill Wood, as the former minister for the arts, in the development of the idea of a Tuggeranong Arts Centre—

Mr Moore: Senator Wood! It has a nice ring to it.

MR HUMPHRIES: Absolutely. It could have been Senator Wood; you never know!

Mr Wood: Another Senator Wood; a new one.

MR HUMPHRIES: A new Senator Wood! Mr Speaker, I am not slow to acknowledge those sorts of things; but the extent of my involvement, sinister as Mr Kaine may wish to portray it, was to inquire as to what notice or plaque on the building itself is planned, if any, to acknowledge the opening of the building over two years ago.

MR KAINE: I have a supplementary question, Mr Speaker. Minister, will you confirm that the person whose name you did not seek to have removed from the plaque was your colleague Mr Smyth, who, incidentally, was not even at the function?

MR HUMPHRIES: There is no plaque, Mr Speaker. If there is no plaque, we cannot have anyone's name rubbed off it. Perhaps there is an artistic blackboard-type plaque that we can change to acknowledge the possibility of the ACT falling under the control of Stalinist forces one day and history needing to be rewritten every few years. It might be very useful to have a blackboard-style plaque and do what was done in Russia some years ago—just wipe out the names of the people who are no longer in favour. But that is not my intention, Mr Speaker. I am quite happy to see a plaque in some very permanent form which will not be changeable.

Australian Institute of Sport

MR QUINLAN: My question is to the minister for sport. Minister, you will recall that several times I have asked about the future of the Australian Institute of Sport once the Olympic Games are concluded in September. No doubt, you know that within the federal budget under the Industry, Science and Resources portfolio—"Outcome No 3, Excellence in sports performance from Australians"—there has been a quite substantial funding reduction. There are also, amongst many other staff cuts, staff cuts to the Australian Sports Commission of 33½ jobs. Given that your colleagues seem to have had some forward knowledge of the budget, maybe you have had some discussions on it. Can you enlighten us any further as to the future of the Australian Institute of Sport in light of the Olympics nearing and in light of the federal budget and these reductions?

MR STEFANIAK: I thank the member for the question. For some time, it has been known and, indeed, feared that the federal government was going to make some changes after the Olympics and this budget was probably the one where that was going to happen. There has been a fair bit of lobbying by me and other sports ministers in relation to that, not all of them necessarily wanting the AIS to have all its operations in Canberra. But there was always this fear that there would be some cuts now. That was accepted almost as a given.

I have noted some pleasing aspects in the federal sports budget, especially the $5 million to keep some programs and some people there until after the Olympics; but in my mind, perhaps unfortunately, there was always going to be rationalisation to some extent after the Olympics, which appears to have happened. A number of sports have been bandied about by Mr Quinlan in terms of what would be cut from the program. He is right about the staff cuts. I think that they accord exactly with what I have seen in the papers.

A report in the *Canberra Times* this morning gives me some hope in terms of a number of the sports which were bandied about as being cut or having programs at the AIS in Canberra cease or moved. I note that that may not happen. I understand, although I have not seen the details, that there were to be some announcements made at, I think, 11 o'clock this morning. I have not got details of those yet, but I will chase them up and get Mr Quinlan a copy of exactly what the AIS has said as a result of this budget.

MR QUINLAN: I have a supplementary question as a follow-up. Are you aware of where the report that is being prepared for the federal minister is at at this stage?

MR STEFANIAK: There is a report which has gone out.

Mr Quinlan: It is only for information.

MR STEFANIAK: Yes**.** Not totally. It is a draft report which was actually put out several months ago and of which you probably have a copy. I am not aware of where the final one has gone. I think you have a copy of the draft. I have a copy of it. The next sports ministers conference is to be in Canberra in July. There was meant to be one in late February in New Zealand. Unfortunately, it was cancelled because Jackie Kelly had just given birth and was off duty. The next one will be hosted here in early July. That is when that report will be discussed.

I do note in terms of the federal budget that there is additional funding for some mass participation sports and for active Australia-type programs, which are mentioned in the report that you have. Some of the recommendations are that the federal government should be a little bit more involved there than it has been in the past. I would expect a detailed discussion of that report when we have our next ministerial meeting in July. Sadly, for the reasons I have indicated, we could not have it in February.

ACT Public Service

MR OSBORNE: My question is to the Chief Minister. I have given a lot of thought to how to ask my question and whether to ask it, Mr Speaker, but I do feel that it is something that needs to be asked and clarified. Chief Minister, is it true that the new head of the ACT public service has, in fact, not resigned from the Commonwealth public service but has only taken leave without pay?

MS CARNELL: My understanding is that that is probably true, although I will get more information on that. I think that Mr Tonkin is here on a secondment at the moment. In fact, I am fairly confident that he is here on secondment. That secondment could be a very long secondment. We certainly hope that it will be because he has a lot of experience. He has certainly slotted into the job extremely efficiently. The huge amount of experience he has had in the public service already has been of benefit to the ACT public service.

MR OSBORNE: I have a supplementary question, Mr Speaker. No doubt that is true, Chief Minister, but what type of message do you think that it sends to the ACT public service and servants when they discover that their boss is, in fact, still a Commonwealth public servant?

MS CARNELL: I think that it sends an extraordinarily good message because, I have to say, it is only recently that any federal or Commonwealth public servant has deigned to put a foot in the door of the ACT public service. The general view of the ACT public service when it was set up at self-government was that it was a backwater. Is that not the truth for those who have been here? It was very much the case that the ACT was the poor relation.

Mr Moore: Eleven years ago today.

MS CARNELL: The fact that very senior Commonwealth public servants now want to come to the ACT is a real step forward in the credibility and the strength of the ACT public service. I think that we will find that public servants in the ACT are very pleased to have Commonwealth public servants wanting to come to the ACT, not just other state public servants.

Mr Moore has reminded me that it was 11 years today that the ACT Assembly started to sit. So, Mr Speaker, it is a very appropriate day for that question.

Local Area Planning Advisory Committees

MR CORBELL: My question is to the Minister for Urban Services. Minister, your department has issued a local area planning advisory committee protocol that contains the following provision:

> Any proposed media comment in the role of LAPAC corporately or individually shall be limited to the scope of the LAPAC. Preliminary advice of proposed comment shall be provided to the Minister's representative (normally the Media Adviser or PALM's Media Adviser).

Will the minister explain to the Assembly why he wants to censor members of the LAPACs, via this provision, before they make comments to the media? What is the basis of this government's phobia and your phobia with freedom of speech by members of the LAPACs?

MR SPEAKER: There are certain imputations in that, but I think that you can deal with the matter.

MR SMYTH: Mr Speaker, you could almost say that that question is out of order in that it has imputations and it is making assumptions that are not allowed in questions. But the reality is—and this is the thing that Mr Corbell forgets—that LAPACs were established to advise the minister, and when somebody speaks as an adviser to the minister it is more than appropriate that they speak to the minister and tell him or her what they are about to comment on.

Mr Stanhope: Why?

MR SMYTH: It is because they are speaking as the minister's adviser. They are my advisers. Local area planning advisory committees were set up to assist the minister. If somebody wants to go out and speak on behalf of a LAPAC in an official position, as an adviser to the minister, it is more than appropriate that they confine their remarks to those things that LAPACs are responsible for and they do so with the approval of the minister. Mr Corbell, who is very good at selective quoting, might read the next line to the Assembly to clarify what this is all about.

Mr Corbell: Censorship!

MR SPEAKER: I call Mr Corbell for a supplementary question.

MR CORBELL: The minister refers to the next line. The next line, of course, just says what he said. Mr Speaker, he has failed to answer the question, which is: why does he believe that LAPACs should do so? Will the minister immediately advise his department—that is, PALM—to withdraw this provision from the protocol, considering that almost every LAPAC has rejected it?

MR SMYTH: I would be delighted to know how Mr Corbell knows that, given that the consultation process has not finished. Unlike the Labor Party, we actually get out there and talk to people. We get out there and consult. That is why, Mr Corbell, it is in draft form. You should tell people why you do not quote entire documents or put quotes in the

context of documents when you lash out in this way. You speak of censorship. You were caught out by David Gower. You have now been caught out by the fact that you have not quoted the entire document.

Federal Budget

MR HIRD: Mr Speaker, my question is to the Treasurer, Mr Humphries. Minister, I noticed in this chamber this morning that Mr Stanhope was questioning your assessment that the tax reform package and the cancellation of the East Timor levy would benefit ACT taxpayers by $150 million. Can you tell the parliament whether this figure is accurate?

MR HUMPHRIES: Mr Speaker, in the heat of the federal budget, obviously fully accurate economic modelling is very difficult to do. It is often very difficult to get that done entirely accurately. I have to advise that the assessment undertaken by my department is somewhat inaccurate. I have not taken the issue up with my department and asked how it could be that they have arrived at an inaccurate figure, but I will take it up with my department in due course. I have asked them to explain how their work was actually done to reach a figure for the total of the effect of the federal government's package on the ACT and I will set out the calculations that they have used and try to give a net figure to the Assembly so that it can see the total picture.

The income tax cuts themselves are worth in the order of $235 million to the ACT next year. That figure has been derived from the taxation statistics published by the Australian Taxation Office. These statistics give a detailed taxpayer profile which can also be used to estimate the ACT's share of the Timor levy, which my department has estimated would have taken another $22 million from ACT taxpayers. As members know, Tuesday's budget effectively gave that back.

There are also indirect tax issues, Mr Speaker. The benefits of the abolition of the wholesale sales tax will be offset to a small extent by the introduction of the wine equalisation tax and the luxury car tax. The incidence of these taxes is much harder to calculate, but they gradually fall more heavily on higher income earners who buy the luxury goods which are subject to wholesale sales tax. The net effect of the abolition of wholesale sales tax offset by the wine equalisation tax and the luxury car tax will put an estimated $356 million back into the pockets of ACT taxpayers. On this basis, the gross benefit of the tax deductions for the ACT will be around $613 million.

Offsetting that is the goods and services tax. Based on the ACT's share of total household spending, the GST will collect an estimated $440 million in the ACT. Mr Speaker, the figure I gave the house yesterday was wrong. The net benefit to the ACT is not $150 million; in fact, the net benefit to the ACT is $172 million. I do apologise for misleading the house on that matter, Mr Speaker. I will have another motion of censure against me for having misled the house, I am sure; but I am sorry. My department tells me that they tend to estimate things conservatively and that is the basis on which the figure was rounded down to $150 million, but $172 million is the figure, and that is how it has been calculated.

Mr Stanhope might dispute the accuracy of the figure, but I am not sure that Mr Quinlan, his deputy, would. He issued a media statement on 23 September 1998 which reads:

> Ted Quinlan, Shadow Treasurer for the ACT, has reviewed the impact of both Federal Tax packages.

That, I assume, is the ALP tax package and the tax package that was announced then by the federal government. The statement continues:

> "Our measure is more accurate and considers a whole of Territory effect, particularly the imbalance between the benefits accruing to the private sector and the public purse."
>
> "We have used similar modelling techniques to the ACT Office of Financial Management. While their techniques leave a lot to be desired, they are useful for comparative purposes."
>
> ...
>
> "Using the Chief Minister's method, we have shown that the private sector will receive $108m from the ALP, while $128m will be received through the Coalition's package ...
>
> "The ALP is committed to maintain State and Territory funding, while the Coalition has offered the GST revenue without any guarantee on how that will be distributed," stated Mr Quinlan.

Mr Quinlan asserts that the GST and income tax reductions would benefit the ACT by $128 million in net terms. Of course, we have also got the Timor levy coming off. That was $22 million. Just do a quick calculation: what is $128 million plus $22 million?

Ms Carnell: $150 million.

MR HUMPHRIES: That is right, $150 million. What an amazing coincidence, $150 million! Mr Speaker, I have a funny suspicion that my officers went to Mr Quinlan's press release and got their figure from Mr Quinlan's figures, that that is where they got the $150 million from.

Mr Smyth: Or he could be working for the government.

MR HUMPHRIES: He could be working for the government**;** I do not know. It is all murky, is it not, Mr Speaker? I have to acknowledge that since the release of those packages the Democrats have had a go at the federal package, so some of the figures that Mr Quinlan has used may have changed because of the effect of the Democrats' changes. I am sure that members will now concede that on those calculations—unless better ones come forward, and I am issuing an invitation here to Mr Quinlan on that—the benefit to the ACT is at least $150 million net, not gross, and is probably closer to $172 million, which is certainly good news from the federal budget.

MR HIRD: Mr Speaker, I have a supplementary question on the state of the territory's finances and the economy. I would like my supplementary question to go to the Chief Minister, if I may. Is the ACT ahead or behind other states and territories when it comes to the economics of jobs growth?

MR SPEAKER: Just a moment. Your supplementary question must go to the Treasurer.

Ms Carnell: It is a nice idea, but we accept your ruling, Mr Speaker.

MR SPEAKER: Thank you.

Mr Stanhope: She is still the real Treasurer, Mr Speaker.

MR SPEAKER: I am not concerned about that. I am concerned about where the question is addressed, and it happens to go to the Treasurer. The Treasurer, of course, is at liberty to flick it across to the Chief Minister if that is what he wishes. Mr Treasurer, are you prepared to answer the question or pass it to the Chief Minister? It is still a valid question.

Mr Humphries: I will pass it to the Chief Minister, Mr Speaker.

MS CARNELL: Mr Speaker, those opposite have often said that I was responsible for everything, so I suppose it is very hard for them to argue with this one this time. Mr Speaker, I was very pleased to note the unemployment figure of 5.2 per cent brought down today for the ACT. That is lower than for any state in Australia and, I would have to say, is extremely good news for Canberra. In the last 12 months employment has grown in the ACT—

Mr Quinlan: I take a point of order. Let me say that the supplementary question and, particularly, the answer have absolutely no relevance to the original question asked by Mr Hird, which had to do with the statement by the Treasurer about $150 million. There is absolutely no relevance between the supplementary question and the question.

MS CARNELL: Mr Speaker, speaking to the point of order: the question was with regard to the economic impact on the ACT and the issue that I am talking about—unemployment—is certainly to do with the economic situation in the ACT.

MR SPEAKER: I have to uphold the Chief Minister's point; I could not put it better myself.

Mr Quinlan: Can I record my dissent from that ruling, Mr Speaker?

MS CARNELL: We have noted it.

MR SPEAKER: It can be noted.

MS CARNELL: Mr Speaker, for the life of me, I cannot understand why unemployment rates are not relevant to the economic situation in the ACT. Those opposite have said time and time again, and rightly so, that the whole issue here in the ACT is about jobs. We agree that it is about jobs. Is it not wonderful to note, and I cannot understand why those opposite do not want to hear it, that over the last 12 months employment has grown in the ACT by 5.4 per cent?

I do understand why Mr Quinlan does not want me to answer this supplementary question. He does not want me to answer it because he and Mr Stanhope have continually said that the reason that the ACT is going so well is that we are riding on the

shirt tails of the Commonwealth situation or that in New South Wales, depending on the day. Mr Speaker, it is really interesting to note that across Australia employment has grown only by 3 per cent, but by 5.4 per cent in the ACT, so nearly double for the ACT.

Mr Quinlan: I take a point of order, Mr Speaker, in relation to the answer that the Chief Minister is delivering. She seems to be implying that the result for the ACT is a function of what she has done and she is responsible for it. The original question was clearly relating to the impact of the federal budget. I would be prepared to accept that if Mrs Carnell were to stand up here and say that economic conditions in the ACT are more a function of the federal budget than they are of what she has done. But, if she is here to say that it is due to what she has done, then it is irrelevant to the question.

Mr Hird: I wish to speak to the point of order, Mr Speaker. Under the standing orders, ministers can answer any questions in the way they see fit.

MR SPEAKER: There is no point of order there.

MS CARNELL: Mr Quinlan has made the whole point here. The opposition cannot have it both ways. They cannot in one breath suggest that the federal budget and the federal government are doing a bad job and then in another say that the whole reason for the ACT's absolutely buoyant position is the federal government. Mr Speaker, that is exactly the reason and that is exactly the point I am making right now.

Housing—Gazumping

MR WOOD: My question is to the minister for housing. Minister, I have some queries arising from my question to you yesterday about gazumping. I note that our accounts of events differ a little. I have reconfirmed with my constituent his version of what happened. On Saturday, 29 April my constituent saw the following advertisement in the paper:

> Ainslie $239,950 Open Sat & Sun 12.30—1.30 pm
> 65 Tyson Street

There is a price there. The house was to be open at 12.30 pm, but by 10.30 am my constituent was at the Dickson branch of a well-known real estate agent and had filled in a holding deposit form and paid $1,000 on the price quoted in the paper. The word "tender", or anything similar, was never mentioned. At 12.30 pm he went to the open house and was greeted by the agent on duty with, "Congratulations, you've got the house." The deal was done.

Two days later, on Monday—this is where I think the minister had information; I do not know whether he had the first bit of information—he was rung at about 4 pm and told that there had been another offer and that he should come in. The rules had changed for him. In what he now knows was a mistake, he filled in the final offer form that you referred to with an increased bid, believing it was a formality. The form had already been half filled in by the real estate agent, using information my constituent had supplied on the Saturday with his holding deposit. He now wishes he had refused to sign and had not been caught up with those new arrangements.

Minister, on the Saturday my constituent paid a deposit and was told that the house was his at the listed price.

Mr Kaine: There had been an offer and an acceptance.

MR WOOD: Indeed.

Mr Corbell: A verbal contract.

MR WOOD: Indeed, Mr Corbell. Minister, you may not have been aware from your brief about that. On Monday, unethically, he was told that it was not his as there had been a higher offer. That is gazumping. I have checked with real estate agents since. That is gazumping. Would you now address these facts in your answer and not just re-read your brief of yesterday?

MR SMYTH: Mr Speaker, I have a slightly different story from the one the constituent has told Mr Wood. The general thrust of the story is very similar. The constituent made an offer to the real estate agent. I cannot tell you what was said between your constituent and the real estate agent at the house because I do not know what was said. But real estate agents never contact Housing staff over the weekend with offers. I am told by people with experience in the real estate business that until the vendor accepts the offer it is simply an offer. There is not normally that level of urgency that it is done over the weekend; they do it first thing on the Monday.

Your constituent went to Dickson and the other individual went to the Kaleen office. I understand that your constituent made his offer on Saturday and the other offer arrived on Sunday at a different office.

Mr Wood: The second one should have been told “no deal”.

MR SMYTH: But the offer had not been accepted by the vendor, so there were suddenly two offers on the table. When offers are put to vendors, other factors are taken into account.

Mr Wood: No, this did not say, “Sale by vendor.”

MR SMYTH :Please! That is what happened. The real estate agent, from my understanding of it, has to put the offer to the vendor and seek acceptance. The earliest that that could possibly be done with Housing in this case would have been the Monday morning. There were two offers to real estate agents at various offices at different times. I understand that the second person to make an offer was told that there was already an offer with a $1,000 holding deposit on there.

I am told it is normal practice when offers are put to vendors that often other factors are included. It was suggested that both of the individuals who had made offers clarify their offers, including things like price, how soon the prospective purchaser can complete the sale, whether their finance is approved, how much of the purchase price is to be borrowed, and whether the purchase is contingent on the sale of another property.

Housing agreed with this approach. The real estate agent went back to both offerers and asked them to complete the forms that we discussed yesterday and make their best and final offer. That was done. This is where it becomes what you might call a limited tender approach; there were two individuals after the same property, with different characteristics. That process was carried through. Again, the offers were similar. One said that they were borrowing 70 per cent, one said they were borrowing 60 per cent, but they had differing prices.

My understanding is that when your client realised that he had not achieved the purchase of the house he came back and made another offer over and above. But in terms of the process, they had filled out the forms and they were asked for their final and best price. To have accepted a price over and above that would have been gazumping.

MR WOOD: I have a supplementary question. The minister has roughly described what gazumping is. That is gazumping. I suggest to the minister that he go and get a definition from a real estate agent about gazumping.

MR SPEAKER: Is that the supplementary question?

MR WOOD: Mr Speaker, let me quote from the article I mentioned yesterday by Graham Downie, which has a photograph of Mr Humphries and is entitled "Lawyers look at gazumping". I quote Mr Moore of the Real Estate Institute. He says, "It's the vendor's decision whether to stick to the non-binding agreement," that is, the first agreement when the constituent paid $1,000. If the vendor—that is, ACT Housing—does not agree he is indulging in gazumping. My question to Mr Smyth is: will you go and check your definition of what gazumping is, it is as simple as that, because that is what has been happening?

MR SMYTH: Mr Speaker, I am happy to check again. Again, I went to people with real estate experience and checked the process. I am happy to check the definition of gazumping. I am told that it is not what you described.

Consumer Credit Legal Services

MS TUCKER: My question is to Mr Humphries and is about the loss of funding to Care's consumer credit legal service, which is a unique service specialising in the complex area of the law affecting debtors, providing a solicitor to assist low-income people to negotiate the consolidation and settlement of their debts, a service which we know that legal aid and the Welfare Rights and Legal Centre are not able to pick up. Minister, are you aware that the specialist knowledge of the consumer credit legal service is relied upon to assist clients of services including, but not limited to, the Community Information and Referral Service, Samaritan House, the Welfare Rights and Legal Centre, the Smith Family, the Australian Consumers Association, Canberra Consumers and Consumers Telecommunications Network. There are also referrals from organisations such as the Canberra Times, Capital Collection Service, Care Housing, the Chief Minister's Department, the Department of Treasury and Infrastructure, the Domestic Violence Crisis Service, Mental Health Tuggeranong and the Salvation Army. Minister, to whom do you suggest they now refer their clients?

MR HUMPHRIES: Mr Speaker, I am happy that Ms Tucker has asked me that question because there are a number of organisations to whom they can refer clients with problems in that regard. Some of the organisations that Ms Tucker has just named are themselves organisations with a brief to assist people of the kind that Care is targeted to assist. I will give one example of that. I am aware that a number of related organisations, community legal organisations, have come to the aid of Care and, presumably at Care's request, signed letters saying that they think Care should stay as someone on the landscape.

First of all, let me make one thing clear. Care will stay on the landscape. Care receives something like a quarter of a million dollars already in other funding from Mr Stefaniak's Department of Education and Community Services to provide a range of services to people in the ACT. None of those things is to change by the decision about the legal service and they will continue. Care has asked for additional money for its consumer credit legal service to continue and the government has indicated that it has concerns about that and has said, "We do not any longer have a source of funding for that and we believe, for that and other reasons, it should not continue."

You mentioned the Welfare Rights and Legal Centre, saying that it is one of the organisations that need Care to provide financial counselling service of a legal dimension to people in the ACT. There are three main heads of expertise that the Welfare Rights and Legal Centre lists in its application for funding from the ACT as its areas of speciality. One of them is social security law. I forget what the second one is; it might be family law, but I cannot be certain. But one of those three is in consumer credit legal advice, consumer credit matters.

Here we have the Welfare Rights and Legal Centre saying, I understand, to the Standing Committee on Justice and Community Safety that Care fills a gap that they cannot fill, when they are telling my Department of Justice and Community Safety that it is one of their three areas of expertise that are the basis for their being funded by the ACT government.

Mr Hargreaves: But you cut them down by seven grand.

MR HUMPHRIES: Who?

Mr Hargreaves: The Welfare Rights and Legal Centre.

MR HUMPHRIES*:* Not that I am aware, Mr Speaker.

Mr Hargreaves: Look up your own report.

MR HUMPHRIES: All right**,** I will look it up, Mr Speaker. But the fact is that the Welfare Rights—

Mr Hargreaves: You cut them down by over $7,000.

MR HUMPHRIES: It is fairly small change in their total budget if that is the case. In any case, Mr Speaker, it does not affect overall their capacity to deal with the three main areas of activity of a body such as welfare rights.

I would also maintain that other organisations on that list that Ms Tucker read out have a continuing role to play with respect to consumer credit advice. One of those organisations is the ACT Legal Aid Commission. It has both expertise in the area and the capacity and the charter to advise in that area, and it does, in fact, do so, Mr Speaker. Other organisations include the Salvation Army, which provides advice from time to time in this area.

I know that there is a certain sense of discomfort when one of a small number of players in a particular field has that activity wound back. That is unfortunate for the other players in that area. But the capacity is there, the training is there and those other organisations provide those sorts of services. I have no doubt that if Care ceases to provide a consumer credit legal service in the ACT, other organisations which have a demonstrated charter to do those things will pick up that slack.

MS TUCKER: I have a supplementary question. I have correspondence here from the Welfare Right and Legal Centre. Basically, they are saying that recent inquiries and judicial pronouncements make the point much more effectively than they can about the parlous state of legal aid in community legal service funding and the price communities pay when community services are allowed to run down. No organisation can stretch its limited resources to cover the work of the Care service.

Mr Humphries, the two organisations you have quoted have written to say that they are extremely concerned about the loss of this legal service. I just have to repeat my first question or ask you: how can you justify the claim that you have a caring government when this service is dealing with the most disadvantaged in our community in crisis and the people you say will pick up this work have said that they cannot?

MR HUMPHRIES: Mr Speaker, I can only repeat my answer if Ms Tucker wishes to repeat her question. You get into a situation where every organisation which receives funding from government must continue to receive that money and nothing can be reduced, which leads ultimately to a situation where no new services can be provided because the public teat is fully occupied by existing players.

I am sorry, Mr Speaker, but it is not true to say that there are no alternative providers. My department has written to welfare rights and asked them to explain how, on the one hand, they say that they cannot cover the area that Care covers, but on the other their application for funding from my department or perhaps Mr Stefaniak's department actually specifies that they have expertise in this area and they conduct work in this area. The two statements are inconsistent.

Mr Hargreaves: You did not give them the money.

MR HUMPHRIES: No, that is not the case. It is before that point, Mr Hargreaves. Before that point it was clear that they had that inconsistency in their statements and I have asked them to explain the basis of that.

Mr Speaker, the basic fact remains that the consumer credit advisory service provided by Care was funded from payments made into court as penalties under the old credit legislation. It was fed from that consumer credit trust fund. The fund is now drying up.

It is now drying up very fast. It will end at some point in the future when the new national credit legislation cuts in and different penalty regimes apply under the new legislation. I am told that they are much lower than was the case before. That means the funding available previously for Care no longer will be there. On that basis, I do not propose to continue to fund it.

Crime

MR HARGREAVES: My question also is to the Attorney-General. Minister, as you are aware, crime in the ACT is rising rapidly. Over the last few years there has been an increase in robbery, burglary and theft. For instance, 4,491 burglaries took place in 1997, but this figure jumped to 6,849 in 1999, that is, a 53 per cent increase. Can the minister say whether the AFP's burglary teams still exist? If so, where do they operate? Which crime prevention programs does the government have in place to curtail what is a growing problem?

MR HUMPHRIES: First of all, let me take one part of that question. If there is an AFP burglary team, I do not propose to tell Mr Hargreaves where it is operating because, doubtful as it is that there are any criminals in the gallery at the moment—I do not see anyone I recognise immediately as a criminal—and doubtful as it is that they read *Hansard*, I am not going to put on the public record where particular police operations in the ACT are taking place. I am not going to tell anybody where they are taking place, Mr Speaker. I will keep that detail as low key as possible, to the extent required to ensure that there is a capacity by the AFP to do their job without hindrance at the political level.

Mr Speaker, there are activities under way at the moment, recently upgraded, by the AFP with respect to burglary. I propose to say no more about that in this place. If you want more information, Mr Hargreaves, find out in some other way.

Mr Stanhope: It is quite appalling that we cannot know whether there is a burglary team.

MR HUMPHRIES: I am not proposing to tell members of this place or other people outside this place who need not know what activity is going on.

Mr Stanhope: Is there a burglary team?

MR HUMPHRIES: I have just answered that question, Mr Stanhope, and I suggest that you pay attention to what I have to say. Mr Speaker, there will be a budget coming down, if members have not noticed.

Mr Stanhope: Are there any police left? Do we have any police?

MR SPEAKER: Order, please!

Mr Stanhope: Do we have any police at all? Can you tell us that? Is that a secret, too? We have some policemen, do we?

MR SPEAKER: Mr Stanhope, be quiet!

MR HUMPHRIES: "Are there are any police left? Are there any bullets left in their guns?" we are asked by Mr Stanhope. Mr Stanhope, bleating about the resourcing of the AFP—

Mr Stanhope: I take a point of order, Mr Speaker. My colleague has just indicated that 6,849 families had their houses invaded and robbed last year. I do not think that that is a laughing matter and I would ask the minister to answer the question seriously.

MR SPEAKER: I think the minister is answering the question. There is no point of order.

MR HUMPHRIES: Thank you for that interlude; it gave me a chance to find what I wanted to find. Mr Speaker, this opposition has had the sheer gall to raise resourcing of the Australian Federal Police in this territory.

Mr Stanhope: A 53 per cent increase in burglaries under Gary Humphries.

MR SPEAKER: Order, please! Settle down!

MR HUMPHRIES: Can I remind members opposite what happened under the ACT Labor government—

Mr Stanhope: A 53 per cent increase in burglaries under this minister in one year.

MR SPEAKER: Be quiet, Mr Stanhope, otherwise I will be forced to warn you first and then name you, and that would be an extremely embarrassing situation for the Leader of the Opposition.

Mr Berry: It happened to me fairly quickly once. You made up your mind and I was gone.

MR SPEAKER: Yes, it happens to you frequently.

MR HUMPHRIES: Mr Speaker, in 1990-91, during the Alliance government, there were 660 police dedicated to policing services in the ACT. In 1991-92 the number dropped to 618 police under the Labor government. In 1992-93 the number dropped to 611 police. In 1993-94 it dropped to 600 police. In 1994-95 it dropped to 552 police, although there was an increase in non-sworn staff numbers, non-uniform police, at the same time.

Mr Berry: How many burglaries?

MR HUMPHRIES: In fact, the rises in crime at that stage were very serious, they were very severe. I will come back to this place if members like—take the question on notice, if you like—and give you some details about the rises in crime at that stage. They were horrendous, Mr Speaker. You go back and have a look at them. There were huge increases every year in a large number of categories of crime under the former government.

The reason is disclosed by what you were doing to the Australian Federal Police at the time. Look at total expenditure on the police force at that stage. In 1990-91, it was $54.6 million. In 1991-92 it dropped to $53.6 million. In 1992-93 it dropped to $51.5 million. There was an increase in 1993-94, but in 1994-95 it went back again to the lowest level of $51.383 million—huge cuts in police numbers and huge cuts in police allocation, police resourcing, in the ACT. If the people opposite have the gall to come in here and tell us how much they care about police resourcing—

Opposition members interjecting—

MR SPEAKER: Order! I cannot hear the minister. I will have to ask him to repeat it all.

MR HUMPHRIES: Mr Speaker, I really think it is unfair to be asked to speak over that all the time.

MR SPEAKER: Indeed. As I said, I may have to ask you to repeat it all.

MR HUMPHRIES: Thank you, Mr Speaker. The fact is that the people opposite ran the AFP into the ground—

Opposition members interjecting—

MR SPEAKER: Order! Somebody will be warned very shortly.

MR HUMPHRIES: Mr Speaker, the people—

Mr Corbell: How many hours is the Gungahlin police station open?

MR SPEAKER: Mr Corbell, I warn you.

MR HUMPHRIES: Mr Speaker, the AFP were run into the ground by those opposite. They were absolutely run into the ground during the period of their government.

Mr Wood: So all these burglaries are fine, are they?

MR SPEAKER: Mr Berry, I warn you.

Mr Berry: I did not say a word. You want to watch whom you are naming.

MR SPEAKER: Mr Wood, then, I warn you.

Mr Berry: I know that I am in your sights, Mr Speaker.

MR SPEAKER: You weren't on that occasion, Mr Berry.

MR HUMPHRIES: Mr Speaker, it really is incredibly rich to have those opposite who ran the Federal Police into the ground when they were in government telling us here about how we have not resourced the AFP enough. Let me say one more thing about that: there is to be a budget brought down in 10 days, Mr Speaker, and members might just like to see what is said in that budget about that very issue.

MR HARGREAVES: I have a supplementary question, Mr Speaker. We will deal with Mr Humphries' interpretation of ancient history at a later stage.

Mr Humphries: Is there a question, Mr Speaker?

MR SPEAKER: What is the question?

MR HARGREAVES: The supplementary question is: are there burglary teams in each of the two regions, which clarifies the silly interpretation that the Attorney-General put on my last question? Is it true that now, when a home is burgled or there has been property damage, the police only take details over the phone, occasionally go and visit, and do not door-knock the area concerned?

Mr Moore: Did they ever door-knock the area?

MR HUMPHRIES: Mr Moore asked the right question: do they ever door-knock the area concerned? The answer is: on occasions when that is required, yes. The same situation applies today. If it is required in the circumstances, yes, they do that.

Mr Speaker, what areas does the burglary task force, or any burglary task force that might exist, cover? That is a matter I do not propose to disclose because it is not in the interests of the AFP doing their job. I have been given information—

Mr Stanhope: It is commercial-in-confidence.

MR HUMPHRIES: Mr Speaker, I am really not going to give this answer if I do not have a chance to be able to give it without interruption. Mr Speaker, I have been given information by the Federal Police, in my capacity as minister for police in the ACT, on the basis that that information is for my knowledge. I am told a great deal about police operations on the basis that I do not come down to this place and blurt out on the public record the details of sensitive police operations.

Surprising as it may sound, Mr Speaker, if Mr Hargreaves ever gets to be police minister in this place he will have the same obligation on him to respect the integrity and confidentiality of the information that he is given. I strongly suggest to you, Mr Hargreaves, that you respect that advice and you take it with great sensitivity. If you do not, you will blow some very sensitive police operations in this town.

Supervised Injecting Room

MR RUGENDYKE: My question is to the health minister. Yesterday, my office met with representatives of the West City Traders Group, who represent businesses and community groups in the west of the city. They had some concerns about the placement of the shooting gallery in the QEII building. Minister, could you advise me whom the committee consulted prior to coming up with its recommendation and why the committee failed to take into consideration the concerns of nearby community groups, including the occasional care centre and the senior citizens club?

MR MOORE: Mr Rugendyke will recognise, of course, that the committee that made the recommendation to me was established under legislation of this house and responded according to the legislation. In doing so, it was very clear that, wherever they chose, there were going to be some people who objected. There was no doubt about that. What they did, as I understand it, was go to a series of possible locations and try to assess the cost and benefit of each location. According to my advice, they came to the unanimous decision that this was the one with the least problems. That being the case, they recommended it, and I accepted it. In fact, after question time, I will table a paper from that committee, as I am required to do under legislation.

Let me add, Mr Rugendyke, that I do not think that that is the end of the matter because, at the same time as the group you were talking about was meeting yesterday, I was in my office—during the matter of public importance debate—meeting with a representative of the owners of the particular building, trying to work out what we could do to work to minimise the impact of the supervised injecting room on those businesses. It is a very serious matter and we are taking it very seriously. The department has already spoken to the managing agent for the occasional care centre and will be meeting with the occasional care centre. We expect there to be fewer problems then.

When I met with the representative of the building owners I had with me the proposed manager of the facility, Ms Maureen Cane, and when she left my office she did so with the representative of the building owners to take him back and show him how the Drug Referral and Information Centre and ADD Inc operate at the moment on East Row and try to set up a process whereby they could work with him. The process, as I understood it as he left, was going to be that, first of all, they would meet and talk with the operational managers and the department to make sure that anything they could do there would be helpful. Secondly, they would organise a meeting with the tenants. Thirdly, they would seek to make decisions and see whether there was anything else they would be able to do. A proper process is in place to take into account the genuine concerns that those people have and to see what we can do to minimise those concerns.

MR RUGENDYKE: I have a supplementary question. I look forward to seeing the document and ask: will that document include costings on security lighting, particularly as some businesses in the area are open late of an evening, in case the clinic is open late at night?

MR MOORE: I am not sure which document you are referring to, Mr Rugendyke.

Mr Rugendyke: The one you will table.

MR MOORE: I see. No, it will not include those things. Let me say that this matter will be very open. I will be open to questions on this matter either in estimates or before the Health and Community Care Committee. At any stage it has the prerogative to call me to appear before it and I will give answers as to exactly where we are up to at that time. If any member wishes to have that information, I am quite happy to go through the costings at any stage and provide a briefing, because I realise that it is a matter of great concern to members.

I am aware of Mr Kaine's motion on the notice paper; a very sensible motion, I have to say, that we are going to be able to respond to. In fact, much of it is required by the legislation; it has just been refined a bit by Mr Kaine. Let me just make that offer to any member who wants any information. No matter how you voted on it, it does not matter as the decision has been made. It is now being implemented and I am happy to provide any part of the information on what we are doing.

CSIRO—Staff Cuts

MR BERRY: Chief Minister, yesterday in your fawning endorsement of the Costello budget, a budget which incidentally has been questioned by many sensible economic commentators, you welcomed a large increase in expenditure on research and development and, at the same time, noted a revenue flow to the ACT from the sale of the CSIRO buildings in the ACT. Chief Minister, do you offer the same fawning endorsement for the loss of 133 staff at the CSIRO next year?

MS CARNELL: I would prefer it if not one staff member anywhere ever lost their job.

MR BERRY: I have a supplementary question. Chief Minister, have you taken the time to work out how many of these jobs will be lost from the ACT?

MS CARNELL: Mr Speaker, the actual figures show an increase in public servants in the ACT. I have to say that the reason for that is the huge increase in areas such as—

Mr Berry: I take a point of order, Mr Speaker. If the Chief Minister wants to talk about the tax jobs that are going to be here for the GST and then disappear later, that is fair enough.

MS CARNELL: Mr Speaker, that is not a point of order.

Mr Berry: This is about CSIRO jobs, Mr Speaker.

MR SPEAKER: The Chief Minister is answering the question. There is no point of order.

MS CARNELL: The supplementary question was not about the CSIRO jobs. I made it clear that I would prefer it if not one was ever lost anywhere and there were only new jobs all the time, but the reality is that the federal government has decided to cut some jobs in the CSIRO. I do not support that at all, but the overall impact on jobs in the ACT of the federal budget is actually an increase because, interestingly, the GST that those opposite abhor is actually a job creator in Canberra; it is that simple. We could say that we will have a GST-led recovery if those people would like to look at it that way.

The reality is that there will be quite significant job increases in tax and in other areas related to the implementation of the GST. Interestingly, a lot of those jobs will continue with the implementation of the Ralph report and other parts of the tax reform package. Mr Speaker, it is inevitable in any large organisation that jobs move from one area to another, but I think that it is very short-sighted to move jobs out of organisations such as the CSIRO that I believe continue to add significantly to Australia's wealth via research, development and innovation.

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

Budget 2000-01

MR QUINLAN: Mr Speaker, just a point of clarification: the Treasurer said that in 10 days' time he would be bringing a budget into this place. Ten days' time would be a Sunday. I want to let him know that I will be happy to be here and go through it with him. I do not want him to feel alone.

Housing—Gazumping

MR SMYTH: Mr Speaker, also on a point of clarification: Mr Wood asked me to check the definition of "gazump". According to the *Concise Oxford Dictionary* "gazump" is to raise the price of a property after having accepted an offer. So I do not think that is quite true, and the vendor had not accepted the offer.

PRESENTATION OF PAPER

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information and the interest of all members, I present the following paper in respect of the draft local area planning advisory committee protocol in which Mr Corbell has such an interest:

> Planning Advisory Committee Protocol—Draft Local Area Planning Advisory Committee Protocol—A framework for the Community, Industry and Government—working together on planning and development issues, dated May 2000.

In censoring this document, Mr Corbell forgot to read the following line which appears immediately after the portion he quoted:

> Any proposed media comment to the role of LAPAC corporately or individually shall be limited to the scope of the LAPAC. Preliminary advice of the proposed comments shall be provided to the Minister's representative (normally the media Adviser or PALM's Media Adviser).

It then goes on to say:

> Note: That this recognises that the LAPAC's principal role is to advise the Minister for Urban Services.

Mr Speaker, the role of LAPAC is to advise the minister. This document does not say that they need approval, so I need to clarify that. Neither have I ever said that they need to ask for approval. As a ministerial adviser, they simply need to inform the office of their intention.

PRESENTATION OF PAPERS

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): The idea of a Sunday budget sounds very attractive to me, and I would be happy if Mr Quinlan joined me to thrash it out. Mr Speaker, further to an earlier question, I present the following papers, including the package of information which is provided to victims of burglary by the Federal Police—

Mr Berry: There were 6,800 victims of burglary last year.

MR HUMPHRIES: After you people cut back on police numbers, what do you expect to happen? I present the following papers:

> Property loss and/or damage—Copy of form letter to victims of property loss and/or damage from Commander Operations, ACT Policing, Australian Federal Police forwarding:
>
> Crime-Stoppers Information Sheet;
>
> Crime-Stoppers brochure;
>
> Supplementary Property Form;
>
> Neighbourhood Watch brochure entitled "The Why, What and Where of Neighbourhood Watch";
>
> Community Liaison Advisory Safety Project (CLASP) brochure entitled "Council on the Ageing (ACT)" incorporating a Safety and Security Review application.
>
> First Home Owners Grant Bill 2000—Scrutiny Report No. 6 of 2000—Copy of letter from Mr Gary Humphries MLA, Treasurer, to Mr Paul Osborne MLA, Chair, Standing Committee on Justice and Community Safety, dated 10 May 2000.

SUBSIDIES LEGISLATION

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): When I introduced the Subsidies (Liquor and Diesel) Repeal Bill 2000 this morning, I am told that I said that there would be an act of grace payment to pensioners of $3,000. The printed speech says $300. If I did say $3,000 I should correct the record and say it was $300. It still represents, though, the equivalent of 10 years' worth of subsidy per person on average.

QUESTIONS WITHOUT NOTICE

Drug Use Study

MR HUMPHRIES: Yesterday Mr Kaine asked me a question about the drugs study that was referred to in respect of the Epidemiology Act of 1992. I said that I would try to provide some information to Mr Kaine. Mr Kaine's question was:

> … given that it has been confirmed that the participants in this bizarre study were using illegal drugs, were you, as chief law officer during the last five years aware of this illegal activity?

Mr Kaine clarified later on that he was referring to the drug taking as the illegal activity rather than the actual study of the drug taking, and asked me did I have any feeling or obligation to bring the matter to the attention of the police.

I should make it clear that the study being conducted was not a study of people actually shooting up or taking drugs; that this was not a necessary part of the conduct of the study. It was not a study, for example, of how people put a needle in their arms, necessitating an observer having to be there to watch them and see what they were doing. Rather, I understand it was done on the basis of interviews of illicit drug users in the ACT. So, the illegal activity being referred to was in a sense a legal activity conducted before a particular episode of the study occurred, and therefore the degree of illegality in that part of the activity being undertaken is a bit questionable.

My advice is that there is no obligation on me to notify police of illicit drug use in such circumstances. The minister has no information that could assist the police and therefore notifying the police would be pointless. It is well known that illicit drug activity is occurring in society. A study of this type, like many other scientific studies, is in the broad community interest insofar as it determines strategies for drug use prevention management for the future and so on. It provides policy makers with information which assists them in determining directions in that area.

Recently, for example, a study was conducted in respect of drink driving habits of Australians. Of course, drink driving is also an illegal activity. That study yielded information of interest to policy makers as well as the general community. The New South Wales Bureau of Crime Statistics and Research has conducted a number of important studies of illegal drug use which have included interviews with drug users. A recent widely reported study examined the extent to which drug users in jail committed property offences to finance their drug habits. It also looked at the number of offences committed by each, the nature and value of property taken and how it was disposed of and so on. Clearly, all those things are studies about the incidence of, and the effect of the incidence of, illicit drug activity in our community.

Research into illicit activities is common practice worldwide and is frequently undertaken by criminologists, by medical and other health professionals, by lawyers, and indeed by those in law enforcement themselves. It is reported in specialist journals as well as in the mass media. In this sense there is nothing exceptional about this particular study, which set out to examine the attitude and experience of a group of people who assumed that they were immune to the problem of addiction.

It is well known that a proportion of this injecting drug using community believes that it is able to use addictive drugs recreationally without becoming addicted. The attitudes and mindset of this group is a valid area of scientific research. Disclosure of information for research by offenders is usually undertaken in conditions of confidentiality. If confidentiality is not respected then such surveys could not be undertaken and the community would be deprived of information essential to policy making.

Members Staff—Travel

MR SPEAKER: On Tuesday, 9 May, Mr Hird directed a question without notice to me concerning travel undertaken by the chief of staff of the Leader of the Opposition. Mr Hird asked whether it was acceptable practice to utilise training allocations for staff to attend party political events. Mr Hird also asked whether I would consider a request from the Minister for Education to refund money paid by him in 1995 in relation to travel undertaken by a member of his staff.

Approval was recently given for the expenditure of funds to enable the chief of staff of the Leader of the Opposition to accompany him whilst he attended a forum on rural and regional development for Labor Party leaders in Tasmania. The Leader of the Opposition utilised his study trip allocation to attend the forum and duly reported on the matter.

There have been instances of members staff travelling interstate and each request for assistance from the Assembly budget is given due consideration and assessed on its merits. Matters that would be taken into account would include the relevance of the proposal to a member's Assembly and electoral responsibilities.

Approval was given in this case. In the approval being given, the fact was noted that the issue of members staff travel was about to be reviewed in the budgetary context. Non-executive members will recall that I recently sought their views on whether there should be an increase in the allocation for members staff travel and, if so, in what way it could be funded and what other guidelines should exist. That review was undertaken in the budgetary context by the Standing Committee on Administration and Procedure, and certain details are still to be finalised. Members of the Administration and Procedure Committee will recognise that those details relate to the guidelines essentially, but they are being worked on.

Finally, in relation to the travel undertaken in 1995 by the staff of the Minister for Education, that is a matter relating to the executive budget over which I have no control and very little cognisance.

ANNUAL REPORTS—DECLARATIONS AND DIRECTIONS FOR 1999-2000
Papers

MS CARNELL (Chief Minister) (3.46): For the information of members, I present the following papers:

Annual Reports (Government Agencies) Act—Annual Reports—
Chief Minister's Directions for 1999-2000.
Declarations—Pursuant to—
Section 4, "public authority", dated 8 May 2000.
Section 5, "administrative unit", dated 8 May 2000.
Directions—Pursuant to—
Paragraph 6 (2) (b), dated 8 May 2000.
Paragraph 8 (5) (a), dated 8 May 2000.
Paragraph 8 (5) (b), dated 8 May 2000.
Subsection 7 (2), dated 8 May 2000.
Subsection 8 (2), dated 8 May 2000.

Subsection 8 (6), dated 8 May 2000.
Subsection 8 (7), dated 8 May 2000.
Subsection 11 (1), dated 8 May 2000.
Section 10, dated 8 May 2000.

I move:

That the Assembly takes note of the papers.

I seek leave to incorporate my brief tabling statement in *Hansard*.

Leave granted.

The statement read as follows:

These instruments are issued in accordance with section 15 of the Annual Reports (Government Agencies) Act 1995 and provide the framework for the 1999-2000 annual reports. The instruments include the Annual Reports Directions for this reporting year. Under the Annual Reports Act, these instruments must be tabled, although they are not disallowable.

While there are some mandatory requirements, the Directions should be seen as setting the baseline for reporting. Because the Directions cover a wide range of reporting bodies, they must be sufficiently flexible to permit accurate and appropriate reporting across a range of operational requirements.

There are some changes to the Directions this year, reflecting consultation with the ACT Council of Social Services and also the reports of the Assembly's Portfolio Committees on 1998-99 annual reports. As many suggestions as possible were incorporated into the Directions, while retaining the focus for annual reports on strategic level analysis in key areas of performance.

A further inclusion relates to the new statutory requirement to report on ecologically sustainable development.

Government agencies already provide a wide range of information through purchase agreement reporting, annual reports and the increasing range of information provided on internet sites. The State of the Territory Report is another initiative of this Government in providing community feedback on Government performance.

Under the Annual Reports Act, all reports must be presented to Ministers within 10 weeks of the end of the reporting year. This means all financial year reports must be presented to Ministers by 8 September 2000. Ministers then have 6 sitting days in which to table reports. Reports will again be tabled as soon as possible. This year, all reports will be tabled during the October sitting weeks.

Question resolved in the affirmative.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Report on Annual and Financial Reports—Chief Minister's Department and Legislative Assembly Secretariat—
Government Response

MS CARNELL (Chief Minister) (3.47): For the information of members, I present the following paper:

> Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No. 4—Report on Chief Minister's Department Annual and Financial Reports 1998-99 and Legislative Assembly Secretariat Annual and Financial Reports 1998-99 *(presented 15 February 2000)*—Government response.

I move:

> That the Assembly takes note of the paper.

I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

> Mr Speaker, I present the Government Response to Report No. 4 of the Standing Committee on Finance and Public Administration on the 1998-99 Annual and Financial Reports for the Chief Minister's Department and the Legislative Assembly Secretariat.
>
> The Committee made thirteen recommendations focussing on a number of issues including external competition, reporting on Strategic Partner services and consultants, impacts on human capital of external service provision and the impact of the GST on goods and services purchased by and provided to the Government.
>
> Mr Speaker, the Government Response indicates the Government's full support for most of the recommendations made in the Committee's Report. Of the thirteen recommendations, ten are agreed to or agreed in part and three are not agreed to.
>
> In terms of those agreed to, I highlight in the report the benefits we have found at this stage from having the Strategic Partner relationship with InTACT for IT modernisation.
>
> We have amended and updated the Annual Report Directions this year so that Departments identify the area of the agency managing consultancies or contracts and Strategic Partnerships.
>
> Attendance figures will be provided for Cultural Facilities venues and triennially funded arts grants will also be listed.
>
> The full impact of the GST will be finalised in the formulation of the Budget to be handed down on 23 May 2000.

The Committee asked about details of direct revenue resulting to Canberra from the Olympics and I am happy to inform the Assembly that a report is being developed and will be released shortly.

There were three recommendations that the Government has not agreed with.

The Government does not agree to Recommendation 4, which proposes the development of a whole of government system to quantify the impact on human capital when determining whether a service should be delivered in-house or from an external provider.

While the Government understands the importance of maintaining corporate knowledge, it does not consider it appropriate to attempt to quantify the impact of contracting out corporate knowledge. The impact of contracting out services upon corporate knowledge cannot be reliably measured. The Government considers the current process, whereby individual agencies take this and other factors into consideration, to be adequate. Can I emphasise that the Government focuses on achieving high standards of service.

The Government does not agree to Recommendation 5, as it believes that the Annual Report adequately reports on key areas of activity.

This recommendation was to include key areas of activity occurring during a financial year, which did not accrue a recordable expense at the balance date. The Government adheres to Generally Accepted Accounting Principles in the preparation of its annual financial statements. This includes recognising all accrued expenses for activities undertaken during a financial year. The annual reports also provide qualitative information on all key areas of activity undertaken during the previous financial year, including information on significant ongoing projects.

Finally, the Government does not agree to Recommendation 10, which requested that ACTEW reconcile the highlights and objectives listed in the budget papers against actual performance for the year.

Annual Reports are clearly designed to report on an agency's performance over the financial year. In practice, the ACTEW Corporation's Annual Report has given more information than is required for reporting against the key highlights listed in the Budget Papers. I note that the complex nature of the report does make it difficult to clearly link a key highlight from the budget papers to a specific performance measure reported in the annual report. However, this does not deny the fact that key strategic highlights are covered in the ACTEW Annual Report.

In summary, I believe the Government has listened to the Committee, and, in its Annual Report Directions has required that Departments go further in disclosure than they have ever done so before.

Mr Speaker, I thank the Standing Committee for it's Report and I commend the Government Response to the Assembly.

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

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Annual and Financial Reports—Department of Justice and Community Safety and Related Agencies—
Government Response

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

> Justice and Community Safety—Standing Committee—Report No. 8—The 1998/99 Annual and Financial Reports of the Department of Justice and Community Safety and Related Agencies (*presented 15 February 2000*)—Government response, dated April 2000.

I move:

> That the Assembly takes note of the paper.

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

Leave granted.

The speech read as follows:

> Mr Speaker, I present the Government's response to Report No. 8 of the Standing Committee on Justice and Community Safety entitled "The 1998/99 Annual and Financial Reports of the Department of justice and Community Safety and Related Agencies".
>
> The Committee's report is the result of its consideration of ten separate annual reports covering the operations of 18 separate agencies—including two Commonwealth agencies, the Australian Federal Police (ACT Region) and The Ombudsman's Office.
>
> Mr Speaker, the committee has made seventeen recommendations as a result of its deliberations. The primary areas of focus the Committee's report include court operations, corrective services activities including youth justice, police operations and criminal injuries.
>
> Ten of the recommendations relate directly to either the contents or format of this and future years reports. Six of the remaining seven relate to agency operations while the remaining recommendation, no. 15, recommends that the ACT Auditor-General inquire into the Government's attempts to recover Criminal Injuries Compensation payments from the perpetrators of crimes.
>
> Mr Speaker, the Government response that I am tabling today indicates the Government's support in full, in part or in principle to fourteen of the seventeen recommendations. The Government's response to these recommendations clearly indicates our reasons for the Government's support or where relevant, our reasons for deviating from the Committee's view. I therefore do not intend to deal with those recommendations here.

Recommendation 15, suggests that that the Auditor General undertake an inquiry into the recovery of Criminal Injuries compensation payments from the perpetrators of the crimes. This recommendation is noted and has been referred to the Auditor-General for his consideration.

Only two recommendations, numbers three and seven are not supported.

Recommendation number three recommends that the Committee be provided with a full version of the KPMG Report on ACT community policing activities. The views of the Commonwealth were sought on the release of the KPMG Report and it agreed to release the Executive Summary only of the Report. The full Report is approximately 200 pages long and contains information and findings which are either directly attributable to Commonwealth owned information or are based on that information. It would not be practicable to 'black out' confidential information relating to Commonwealth operations. As a copy of the Executive summary has already been provided to the Committee this recommendation is not supported.

Recommendation seven seeks to provide the representative of Prisoners Aid with the same access to detainees at BRC as is given to the Official Visitor and religious representatives. This issue has arisen because the Prisoners Aid representative was also previously the Official Visitor and has had reduced access since a new Official Visitor was appointed.

For reasons of security and safety, it is desirable to have as few visitors with "open access" in custodial facilities as possible. In this regard it should be noted that:

- religious representatives do not enjoy the same unfettered access to detainees as does the Official Visitor and only visit detainees at pre-arranged times; and
- current access arrangements for Prisoners Aide representatives accords with that applying in other Jurisdictions.

For these reasons, this recommendation is not supported at this time. However, the issues of access rights for the new prison is currently being considered and there will be consultation on this matter in that context.

Recommendation eleven requests me to respond to the Ombudsman's suggestion that an administrative review committee be established to oversight the operations of the seven ACT administrative review bodies that are already in existence. Such a body on any scale would incur considerable cost and have resource implications. The Government's view is the opposite of the Ombudsman in that we believe there should be a rationalisation and reduction in the number of bodies that we have rather than creating a new one. I have, therefore, asked my Department to commence an examination of the extant ACT review mechanisms and to report to me on overlaps of responsibility and duplication of resources.

Mr Speaker, I commend the Government's response to the Assembly.

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

PLANNING AND URBAN SERVICES—STANDING COMMITTEE
Report on Annual and Financial Reports—Department of Urban Services—Government Response

MR SMYTH (Minister for Urban Services) (3.49): Mr Speaker, for the information of members, I present the following paper:

> Planning and Urban Services—Standing Committee—Report No. 38—1998-99 Annual Report of the Department of Urban Services (*presented 15 February 2000)*—Government response.

I move:

> That the Assembly takes note of the paper.

I seek leave to have my short speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

> Mr Speaker, I present for the information of Members the Government's Response to Report No 38 of the Planning and Urban Services Committee—1998-99 Annual Report of the Department of Urban Services.
>
> Mr Speaker in November and December 1999 the Standing Committee on Planning and Urban Services conducted public hearings on the Annual Report.
>
> I welcome the examination of the Annual Report as it provided an opportunity to examine current issues facing the department.
>
> In December the Committee issued Report No 38 which contained 12 recommendations.
>
> Mr Speaker, I appreciate the effort of Committee members in providing the report which will assist Government in improving the quality of information being provided.
>
> Mr Speaker I now table the Government Response.

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

CANBERRA CENTRE EXPANSION—REVOCATION OF APPLICATION
Paper

MR SMYTH (Minister for Urban Services) (3.50): For the information of members, I present, the following paper:

> Land (Planning and Environment) Act – Revocation of Development Application No. 999045—Canberra Centre expansion—Statement pursuant to paragraph 229A (7) (b), dated 31 March 2000, together with Appendix 1—Background to call-in on DA 99045—Canberra Centre expansion.

I move:

> That the Assembly takes note of the paper.

The Assembly has amended the land act to insert three criteria against which call-ins be judged. Those three criteria are: that a call-in matches a major issue of policy; that it has substantial effect on the achievement or development of the objectives of the Territory Plan; and that it gives rise to substantial public benefit.

The call-in of the Canberra Centre meets all three of these objectives. The proposed development is clearly consistent with creating our city and implementation strategy that the government has put in place, which sets out to establish the government's policy for the implementation of Civic improvements. So clearly this call-in is consistent with major issues of policy.

In terms of substantial effect on the achievement or development of the objectives of the Territory Plan, the proposal will enable achievement of policy objectives contained in amendments to both the National Capital Plan and variations to the Territory Plan. There are issues of design that had to be addressed in the maintenance of the Ainslie Avenue access and these are obtained in the approval. Any additions to the Canberra Centre should retain the openness and lightness of the existing roof; open-air activity should be planned for and encouraged in the Ainslie Avenue pedestrian precinct; and appropriate design controls would be applied at the development application stage to make the area an attractive and viable public space. All of these will be achieved.

In terms of giving rise to substantial public benefit, the Canberra Centre redevelopment is a major project. It truly needs no explanation as to its public benefit. It will create additional employment, initially in terms of the construction industry and then further on in the retail industry and that, of course, has a multiplier effect.

The $40 million development will improve Civic and is, again, a sign of confidence of the industry in the ACT. This benefit is compounded, I believe, by the improvement to the amenity of places like Bunda Street and Ainslie Avenue, which will have improved public spaces, which will see more active street frontage and provide additional carparking for the Civic retail sector.

The design, as approved, I believe, will enhance Civic. It truly will be a drawcard for Civic, making Civic more viable. I believe that, quite clearly, the three criteria, as specified, will be met.

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

EDUCATION, COMMUNITY SERVICES AND RECREATION—STANDING COMMITTEE
Report on Annual and Financial Reports—Department of Education and Community Services and Related Agencies—Government Response

MR STEFANIAK (Minister for Education) (3.52): For the information of members, I present the following paper:

> Education, Community Services and Recreation—Standing Committee—Report No. 4—1998-1999 Annual and Financial Reports of the Department of Education and Community Services and Related Agencies (*presented 15 February 2000*)—Government response.

I move:

> That the Assembly takes note of the paper.

I seek leave to incorporate my speech in *Hansard*.

Leave granted.

The speech read as follows:

> Mr Speaker, today I am responding to Report No. 4 of the Legislative Assembly Standing Committee on Education, Community Services and Recreation on the 1998-1999 Annual and Financial Reports for the Department of Education and Community Services and Related Agencies.
>
> I welcome the committee's general satisfaction with both sets of annual and financial reports and acknowledge the proposals put by the committee for the improvement of future annual and financial reports.
>
> The committee makes a total of nine recommendations. The Government supports seven recommendations and the intent of another. The recommendation not supported by Government covers a full analysis of the impact of the SACS award on non-government organisations.
>
> Mr Speaker, the reason the Government does not agree with the recommendation about undertaking a full analysis of the impact of the SACS award on non-government organisations is that it does not take into account current purchasing arrangements. Award salaries are only one aspect in the overall context of determining the purchase price for these outputs.
>
> However, a costing exercise is being undertaken this year with service providers which will, among other things, look at operational costs.
>
> Mr Speaker, I will turn now to the eight recommendations the Government supports.

The Government agrees that details of the membership of relevant ministerial councils and other consultative bodies will be included in future annual reports until such time as this information is appropriately provided by the ACT Government Homepage via the Internet.

Members should also note that when appointments are made to statutory bodies the membership of those bodies is provided to the appropriate Standing Committees.

The Government agrees that a quality/effectiveness measure should be included for services provided to schools by the Child Health and Development Service (CHADS). A suitable measure will be included in the 2000-2001 purchase agreement.

In relation to future annual reports, notes will be included o n how the difference between Government Payments for Outputs (GPO) and total cost is funded within each output class.

Mr Speaker more detail will also be provided on service purchasing arrangements and information on the funding provided for community service obligations. This additional information will include their purpose, the amount, to whom it was provided and the number of people assisted.

Where this is possible future annual reports will also include enhanced reporting on regulatory activities. When this is not possible the information will be provided to Assembly Committees.

Mr Speaker, the Committee has recommended that the Government consider the need for additional resources for early intervention services by CHADS in the 2000-2001 budget.

CHADS early intervention units have 192 places available. The target throughput each year is 250 students. The higher than normal results represent the high quality work done by the staff in working with the children and preparing them for full inclusion in mainstream settings at the earliest opportunity. The Government is pleased with current achievements in this area and does not see it as an area in critical need of extra funding.

However, the Government will consider the need for additional early intervention resources in the 2000-2001 budget.

Mr Speaker, the Government will also consider the need for of additional resources for child protection in the 2000-1 budget.

Child protection is a difficult and demanding area. Government acknowledges that, in a literal sense, there can never be enough resources applied to it. However, the total number of children notified as being at risk between 1997 and 1999 has remained about the same.

What the Government is doing Mr Speaker is targeting as a priority, the prevention of child abuse through:

- Family Group Conferencing, which will be introduced this month (May);

• ParentLink—a back-up service for parents including a website, informative parent guides and the telephone help line service that started in April;

• continuing to support successful prevention programs like FAST (Families and .Schools Together); and

• a number of related social capital initiatives, which will be announced in this coming Budget.

Additionally a consultant has been engaged to review caseloads, intake procedures and staff turnover. In the interim additional staffing has been provided to regional offices.

Mr Speaker, the Committee also expressed some concerns about the level of curriculum support available to schools. The Government considers that the current structure is appropriate and notes that the department seeks partnerships with professional associations and provides payment for advice.

Mr Speaker, I appreciate the Committee acknowledging general satisfaction with my department's Annual and Financial Reports.

I am sure all Members of this Assembly can appreciate the need to determine priorities in the areas of greatest need, and to carefully manage meeting those needs within finite resources.

In that regard I also appreciate the Committee's efforts in framing its report into the department's and CIT's latest Annual and Financial Reports.

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

EDUCATION, COMMUNITY SERVICES AND RECREATION—STANDING COMMITTEE
Report on Educational Services for Students with a Disability—Government Response

MR STEFANIAK (Minister for Education) (3.53): For the information of members, I present the following paper:

Education, Community Services and Recreation—Standing Committee—Report No. 3—Educational services for students with a disability (*presented 15 February 2000)*—Government response.

I move:

That the Assembly takes note of the paper.

I seek leave to incorporate my speech in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, today I am responding to Report No. 3 of the Legislative Assembly Standing Committee on Education, Community Services and Recreation on Educational Services for Students with a Disability that was tabled in the Assembly on 15 February this year.

The provision of educational services for students with disabilities is an essential area of concern for the community and the Government. It is a complex area that requires ongoing evaluation and development.

The Government is proud of the achievements that it has made in the area of special education in recent years. Some additional funding for existing services is proposed in the 2000-2001 Budget.

Recent initiatives include the establishment of a more extensive and flexible range of services in mainstream schools and preschools, including autism specific programs and new learning support units.

In the ACT we are fortunate to have a comprehensive range of programs for students with disabilities. The Department of Education and Community Services provides special schools, learning support units located in mainstream schools, a number of specialist classes and a model of supported inclusion in mainstream schools.

Parents and carers are then able to choose from a number of options depending on the individual needs of the child.

The Department of Education and Community Services is unique and innovative in that it is responsible for both Education and Children's Youth and Family Services This has enabled us to provide a coordinated, consultative approach to our students.

My department is constantly reviewing and improving the provision of services. The Inquiry into Educational Services for Students with a Disability has assisted by the identification of some system needs.

We are supportive of many of the recommendations as they confirm our desire to work effectively across all departments to provide a comprehensive and relevant service.

The Committee has made some twenty recommendations as a result of deliberations. The Government agrees with fourteen recommendations. supports the intent or spirit of five and disagrees with one.

The Government has supported the intent of five of the Committee's recommendations but differs with the Committee on the implementation, particularly where the Committee's recommendations would lead to additional cost.

The recommendation that is not supported refers to a practice that is already in place.

Notwithstanding, the Government agrees with fourteen of the twenty recommendations made by the Committee. I will make detailed comments on the major issues effected by these recommendations.

The Government agrees that the current needs based resourcing model for students with disabilities should be modified by the Department of Education and Community Services. As a result of this recommendation, Mr Speaker, my Department will continue to develop a needs based model of resourcing for special schools and learning support units in readiness for resource allocation, and include it in 2000-2001 purchase agreement.

The Government also agrees to further upgrade playground and wheelchair access facilities at Koomarri and Cranleigh schools. Cranleigh School has, in fact, recently been provided with improved access such as ramps and automatic doors.

The commitment of the Department to the provision of quality facilities for students with disabilities is evident in the 1999-2000 budget allocation of approximately $1 million for the hydrotherapy pool at Koomarri School. This was identified as a high priority item by the School Board.

In fact, Mr Speaker, this pool will be available to both the school and general community as of next month.

Koomarri School currently has a project underway using school-based management and other funding to provide an easily accessible outdoor area for students with wheelchairs. The provision of direct access from the Caring Alternative Learning Model (CALM) unit to additional toilets will be examined and, where possible, these facilities will be considered as part of the 2000-2001 minor new works program.

Mr Speaker, the Government agrees that the provision of therapy services be reviewed so that services are flexible, efficient and coordinated. Our commitment to the improvement of therapy services is demonstrated by the allocation of an additional $300,000 to the service providers.

My department will collaborate with the Department of Health and Community Care and major service providers to review therapy services across agencies, facilitating cohesion and minimising duplication of processes. The Child Health and Development Service (CHADS) and Disability Programs are both responsible for providing therapy services to school aged children in the ACT, and both programs will commence discussions to determine ways of maximising therapy services within allocated resources.

The Government agrees that staff dealing with students with disabilities and challenging behaviours are trained in, and implement preventative approaches to behaviour management. A range of professional development programs are currently offered to assist staff develop skills in this area. These courses will continue to be modified and expanded to provide up to date information on preventative strategies and techniques.

The strategies and protocol for managing students with disabilities whose behaviours cause serious problems at school will be reviewed as part of the long term plan for student management.

The Government agrees that all teachers should receive training in the development and evaluation of Individual Education Plans and notes that this training has commenced.

We acknowledge the importance of a consultative planning process for students with disabilities. Individual Education Plans are a critical factor in the achievement of successful student outcomes.

The Government also supports positive cultural change by continuing to offer public recognition to schools and teachers who are providing best practice programs for students with disabilities. The successes of teachers and schools are acknowledged in many ways, through publications, awards and ceremonies. In 1999, for example, Chisholm Primary School was presented with the Excellence in Education Award for their successful inclusion of students with disabilities in mainstream classes.

The Government supports the need for staff training to ensure competence in diverse settings. The department will continue to provide opportunities for teachers and staff to have access to training in special education and student management.

Professional development will remain a high priority in the ACT and my Department will continue to liaise with Universities and other tertiary educational institutions to ensure that new teachers are prepared for all areas of education.

Finally, Mr Speaker, the Government supports the recommendation that the Department work with ACT Community Care to refine the instruments used to assess satisfaction with educational programs for students with disabilities, so they can provide more details on levels of satisfaction within the educational program.

Mr Speaker, the Government has supported the intent of five recommendations made by the Committee.

The Government supports the spirit of recommendation eleven with respect to continuing to implement and monitor strategies to prevent incidents of violent behaviour.

Strategies are in place to prevent incidents of violent behaviour and work to improve the effectiveness of these strategies is ongoing. The Government will of course continue to monitor such strategies and to insure appropriate reporting and enhancement actions are taken.

However, Mr Speaker, it would be inappropriate for an Assembly Committee to monitor activities at an individual school level. Such detail is more effectively dealt with at the school and department level.

Mr Speaker, the Government supports the intent of recommendation twelve and is in the process of assessing future needs in this area.

Both Koomarri and The Woden School have established programs for violent students. The Department of Education and Community Services will document these programs and investigate alternative national and international initiatives.

The Department currently has a wide range of programs for students with challenging behaviours such as the High School Support Centre and Student Management Support Centres.

To further address this problem, the department is in the process of developing a long-term strategy for student management, which will include students with disabilities. An additional alternative education program will be investigated along with other options as part of the long-term strategy.

The Department of Education and Community Services is working with the Department of Health and Community Care to investigate options for students with mental health concerns.

The Government supports the intent of recommendation fourteen, that. as a matter of urgency, the Government establish day programs for young people up to age 20 with disabilities and challenging behaviours who are not coping in the special school setting. The department is in the process of developing a long-term strategy for student management that will include students with disabilities. The consideration of provision of services for school aged students who are not coping in the special school setting will be part of that process.

Mr Speaker, the Government supports the intent of recommendation seventeen suggesting a whole of Government planning process for children and young people with disabilities based on the model outlined by the Community and Health Services Complaints Commissioner. A process of collaboration to develop a whole of Government planning process will be considered within the available resources.

The intent of recommendation nineteen is also supported. The Department of Education and Community Services will investigate the possibility of financial incentives for teachers to upgrade their qualifications in special education through the enterprise bargaining process.

While accepting the above nineteen recommendations Mr Speaker, the Government does not agree with recommendation five.

The Government does not support recommendation five that the department investigate the establishment of a separate fund which schools could access to purchase basic and essential equipment for students with disabilities. Schools now receive funding for this purpose under school based management arrangements and from the Commonwealth.

As well, Mr Speaker, in November 1999 I launched the new ACT Vocational Education and Training Strategy for People with a Disability, 2000-2003. The project is currently being implemented through information sessions for employers, carers and schools. The strategy will provide improved access to employment opportunities for people with disabilities.

In summary I would like to emphasise that the Government will continue to place the provision of services for students with disabilities as a high priority. We will endeavour to provide a quality service that is equitable and relevant to the needs of the community.

I thank the Committee for the obvious time and effort they have put into its report and recommendations.

I commend the Government response to members of the Assembly.

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

SCHOOL DEVELOPMENT REPORT 1999
Paper and Ministerial Statement

MR STEFANIAK (Minister for Education) (3.54): For the information of members, I present the following paper:

School Development Report 1999.

Mr Temporary Deputy Speaker, I seek leave to make a statement in relation to the report.

Leave granted.

MR STEFANIAK: Thank you, Mr Temporary Deputy Speaker. I have great pleasure today in presenting the ACT Department of Education and Community Services school development report of 1999. The report represents a fulfilment of a significant commitment to the ACT community—a commitment to keep the school community involved, informed and basically in the loop of government education policy making. That is a promise that this government particularly takes very seriously and one I am proud to say that we are actually delivering on.

I want to come to the process, which I think is important. The school development report process is a major component of my department's quality assurance process. In layman's terms, it is a part of the government's ongoing commitment to improve the quality and delivery of government school-based education in the territory for our clients and for constituents.

Its primary purpose is actually to provide greater feedback to school communities and the government. It is a process that promotes school improvement and future planning. It is designed to satisfy public accountability requirements and involves a commitment of the whole school community—our students, parents, teachers and administrative staff.

That is what I call a consultative government. It is a government that is actually talking to the community, that listens and that works in partnership with the community to improve the system.

The school development report process takes place in all of our government primary schools, high schools, special schools and colleges as well as other government settings on a cyclical five-year timetable. The current five-year school development cycle commenced in 1997. In 1999, 11 primaries, three high schools and four special schools undertook school development. It is important to note that this report is the first to canvass the views of parents, students and staff in our special school system, while ACT colleges will commence their review cycles in 2000.

The school development report 1999 highlights a valuable range of parent, student and teacher attitudes to schooling in Canberra. As I will outline shortly in more detail, it is clear the vast majority of those surveys have a high opinion of the standard of education in the territory.

So how was this report compiled? The 1999 report was based largely on school development questionnaires completed by 3,883 parents, 3,197 students, 474 teachers and 160 administration staff. As I mentioned, 11 primary, three high and four special schools took part in the feedback exercise. The survey results were compiled by the schools themselves, so each is fully aware of its individual community responses. Those results were then submitted to the department to form the basis of this report. So what do parents, students and staff think about schools? This report paints a generally favourable picture of our government schooling, but importantly it also indicates areas needing further attention.

Let me turn to the report in detail. It is clear from the questionnaires referred to the department that parents, students and teachers across the school system expressed high satisfaction with the education provided by our government schools. Moreover, there were overall improvements in the level of satisfaction in both primary and high mainstream sectors, when we compare results with the data collected the year before in 1998. Needless to say, that is an encouraging trend and one the government can take an amount of pride in. The government can take this reported level of satisfaction as an endorsement that we are getting the provision of education right in the territory.

As you know, Mr Temporary Deputy Speaker, the Carnell government has placed an extremely high priority on creating the best resourced education system in Australia, and to that end we have maintained funding above the level of inflation for six years. That level of commitment was recently confirmed by leading independent accounting firm KPMG.

The ACT's parents, students and staff have spoken through this report and their message, loud and clear, is that we are getting it right. Moving to the specific figures, in the primary school sector, 93 per cent of parents expressed satisfaction with the education provided compared with 92 the year before; 95 per cent of students were satisfied compared with 92 the previous year; and 96 per cent of teachers expressed a high level of satisfaction compared with 95 per cent the previous year. I think those figures represent an overwhelming endorsement of the quality of our education system and, indeed, teachers, parents and students can take credit for the effort they put in as a result of that.

In the high school sector, 89 per cent of parents expressed satisfaction compared with 87 per cent the previous year; 87 per cent of students compared with 77 per cent the previous year, an increase of 10 per cent in the number of high school students expressing satisfaction with their school; and 93 per cent of teachers compared with 86 per cent the previous year—another significant increase in the high school sector's perceived performance. Hopefully, we might be starting to see some of the benefits of affirming the high school years, although perhaps it is a little early to tell as we are only one year into that program.

Across our school sectors the vast majority of staff expressed a high level of general satisfaction with their job. This is not a government interpretation; it is actually the feedback we are getting from staff. Maybe Mr Berry and his colleagues would want us to believe that all government teachers are downtrodden and oppressed, but the reality is obviously somewhat a little different.

Here are some other important aspects of this development report that I would share with members: parents indicated their children enjoy learning at school; parents, teachers and administration staff believe their school is well managed; schools are seen as safe and friendly places by parents, teachers and administration staff; and there is a growing confidence in the use of computers by teaching and administrative staff, even if the report acknowledges there is room for greater integration of computers in the classroom by both students and teachers. Another heartening aspect of this report is the encouragement of students to participate in physical activity in school, and that students generally greatly enjoy that participation.

There are challenges presented in this report. This report provides some valuable feedback to government on areas that need further attention. For one, there is an obvious desire among respondents for more effective communication between schools, parents and staff. This included communication between the school board and the wider school community, teacher liaison with parents, communication between individual staff and with school management.

This report also highlighted that students want greater opportunities to participate in school decision making. And while that may not be terribly surprising, it is nonetheless an important concern to my department to consider in future formulation of curricula.

What happens to the report from here? Far from gathering dust, I know this report will provide important direction for policy makers—while the schools themselves will interpret their own data, and also implement reforms as they see fit within their schools. Schools, through their school development plan, will be identifying specific strategies to address the issues or areas for development. In addition, the central office of my department has in place a number of strategies to address these issues.

The government's affirming the high school years initiative is providing the impetus for change in high schools to improve the learning outcomes for students in years 7 to 10. A wide range of projects and initiatives are being developed and progressed at the individual school level, and as joint initiatives between schools and central office. All in all, this is a very good report. And so one could be rather amazed that there were actually critics of it.

Before I conclude, it is important to directly address some of the political opposition that surfaced very quickly after the release of this report. Some of those opposite made what I would regard as somewhat ridiculous and knee-jerk claims that this report is actually a piece of government propaganda. It is typical of a negative and whingeing opposition that they dismiss any report favourable to government as "propaganda". And it would seem that Mr Berry has two standard media grabs: if the report is negative, it is embarrassing to government, and if it is positive, it is government propaganda. I do not

think Mr Berry can have it all his own way. Far from being propaganda, this school development report is, I believe, an accurate reflection of what our parents, our students, and our teachers and staff really think of our schools.

I am sorry if Mr Berry does not like some of the findings, particularly in the case of the overwhelming level of teacher satisfaction with the school system. I know that might not fit your ideology, Mr Berry, because in *Wayne's World* teachers are traditionally pitted against the system, and they certainly do not admit to being happy with their lot. And I am sorry, Mr Berry, if figures like those included in this report erode your arguments. But perhaps—just perhaps—Mr Berry, our teachers really are happy with the quality of education in our schools. They are happy, in fact, with the job that they are doing and the quality of education they are providing to our students, as indeed are our parents, as are our students, and as are our administrative staff.

Mr Corbell: Circulate a copy to the AEU and leave it at that.

MR STEFANIAK: Mr Corbell says, "Circulate a copy to the AEU." Ninety per cent of our teachers, Mr Corbell, are members of the AEU. And there is an overwhelming—

Members interjecting—

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The minister will address the chair.

MR STEFANIAK: Mr Corbell interjects. I mentioned earlier that some 474 teachers responded to this report. I have gone through the figures. They responded overwhelmingly very positively. And that is something that members opposite might not appreciate; they might not like appreciating it. But at the end of the day, this is a report which went out to a wide range of people, a wide range of teachers, and those are the responses they actually gave.

Those opposite are completely out of touch with reality if they want to persist in questioning what I say. The questions were completed anonymously. They sum up the attitudes of the people who really matter—the parents, the students and the staff, rather than the political forces who try to influence public opinions about our schools one way or the other. I will say that again: these questionnaires were completed anonymously. We would not have a clue who put in what. We do not know how many teachers, how many students or how many parents responded. They are done anonymously.

In conclusion, the government was up front about the perceived negatives in this report. It is not just a feel-good document. It is lovely that we have had such a very good response and that it is so positive. But the important thing, too, is that there are areas for improvements, and I have highlighted them. The government and the department make no bones about them. They are things that we need to address, and that is why you do reports.

We acknowledge that this process was never intended to be a feel-good exercise for government. In many respects, this report is a warts and all summary of parental, staff and student attitudes. And we have committed the department to follow up on areas of concern. But for all that, the report represents an important step in delivering public

accountability and maintaining public faith in the government's school system. Overall, signs are clear that our parents, students and staff have great faith in the quality of the public education provided in our schools and that satisfaction levels are generally improving. It is very good endorsement of the excellent public education system that we do have in the territory.

I thank the parents, students and staff, including administration staff as well teachers, for the part they played in the review process, and for putting forward their reviews. I am delighted that those are so positive. I am particularly interested in where there are areas for improvement, but I think the report generally shows an excellent level of satisfaction with what is an excellent public school system in the ACT and one that still is very much the envy of a lot of other systems in this country. I would commend the school development report 1999 to the Assembly.

MR BERRY: Mr Temporary Deputy Speaker, I seek leave to respond.

Leave granted.

MR BERRY: Thank you, Mr Temporary Deputy Speaker. I welcome the opportunity to have a look at this report. I do not know what to make of it in statistical terms. It is from a small and different group of high schools from the last time, and it is very difficult to make much of it in that sense.

But notwithstanding, it is a grouped number of responses from a range of people in relation to a whole range of matters. I said at the outset that this is a reminder to us of the excellent quality staff that we have in our public school system who are waiting for a pay rise, and I made that clear as well—a pay rise which is not included in the budget and which will therefore constitute an education cut if sought within budget. It is no wonder that teachers say that they have confidence in the public system because they do, but they worry about the treatment of that system by conservative governments. That is no secret. Indeed, parents who send their children to public schools also endorse the public system. They either send their children to public schools for this reason or because, although they may wish to send their children to private schools, they cannot do so because of the cost.

There are a number of areas where the government ought to be concerned about its performance, and I notice that computers in classrooms was, from my recollection of the report, one area of concern for students and parents. It is interesting that this theme continues, although the government was emphatic in its denial of problems when the Commonwealth criticised it about its performance in this regard some short time earlier.

This report is useful in the sense that it does document some concerns about the government's performance in this area. I see it as useful in my keeping this minister accountable in relation to this matter. I notice that the minister did say nice things about his staff, but it would be good if it was just a little more than words. This is Bill the bursar basher, remember. The bursars took minor industrial action and were stood down with this minister's acquiescence. If that is how you treat good staff, there are a few lessons to be learnt.

Teachers have been arguing for a reasonable pay rise for quite a long time. They do not seem to be making any headway because the government insists that they take their pay rise out of education, and that means, in effect, a cut in services from other areas to fund the pay rise. What a joke. With that sort of background, how could the minister stand up and use all those honeyed words in respect of his staff?

I do not have the report in front of me, but I recall that it points out that consultation between various groups within the school system is a point of tension. There is no doubt that this needs to be improved if tension is to be removed. The report makes the fundamental point that the commitment of teachers is the only reason for the position the school system is in. If the teachers did not have a commitment to the public education system, then it would not be of its present standard. That does not mean to say that there is not plenty of room to criticise this government's performance on education, and there is plenty of room to inform the government on how we can make it better.

Other states are moving more quickly than we are in many areas, and that ought to be a lesson for this city state which ought to be able to manage its education system in a way which is more satisfying to those in the community who use it.

Mr Temporary Deputy Speaker, one of the things that conservative governments have demonstrated to us in the period of time that they have been in office in the ACT and federally is that they do not see the public education system as it has been set up. I do.

The public education system has got to set the standard for the others to beat, and while ever we have an attitude from the federal and territory governments which seems to be more favourable towards the private system, rather than improving the outcomes from the public system as a trendsetter, it is hard to imagine how the minister then uttered—words of support the minister then uttered about the public education system have got much credibility and substance.

Mr Temporary Deputy Speaker, this report will be useful because it points to further failings of the government, but on the other side, it does point to a strong commitment from the community and teachers to our public education system, and from a political party which is committed to education as one of the fundamental pillars of a progressive society, Labor will be working to ensure that the conservatives opposite do no further damage to our system.

PRESENTATION OF PAPERS

The following papers were presented by M**r Moore**:

> Calvary Public Hospital—Information Bulletin—Patient Activity Data—March 2000.
> The Canberra Hospital—Information Bulletin—Patient Activity Data—March 2000.
> Health Regulation (Maternal Health Information Act)—Approved Facilities—Quarterly reporting—Second quarter 1999—1 October 1999—1 December 1999.

Hepatitis C—Lookback program and financial assistance scheme report as at 31 March 2000 and the 1998/1999 Report on Mental Health Service Provision in the ACT.

MENTAL HEALTH SERVICE PROVISION
Papers

MR MOORE (Minister for Health and Community Care) (4.13): I present the following papers:

Mental Health Service Provision in the ACT—1998/99 Report.
Report on Mental Health Service Provision in the Australian Capital Territory for the period 1 July 1998 to 30 June 1999 [Tabling statement].

I seek leave, Mr Temporary Deputy Speaker, to have a statement concerning the Mental Health Service Provision Report incorporated in *Hansard*.

Leave granted.

The statement read as follows:

I am pleased to table the Report on Mental Health Service Provision in the Australian Capital Territory for the Period 1 July 1998 to 30 June 1999.

The Government's 1997 Moving Ahead statement on mental health committed us to the production of a report on mental health service provision in the ACT on an annual basis. This is the third report in the series.

Unfortunately, the report is later than usual this year having been overlooked because it is not a legislative requirement. However, I wish to assure the Assembly that we will continue to honour the commitment made by the previous Health Minister by ensuring that in future the report will be produced within the same timeframe as other annual reports.

As in earlier years this report provides information about major achievements in service provision to people with a mental illness in the ACT.

The last decade has seen a significant transformation in the approach to the provision of mental health services in Australia. A major thrust of the transformation has been the change in emphasis from a system focussed on services, towards a system with a firm focus on the needs of people with mental illness.

The 'Looking Forward' section of the 1998-1999 report gives a clear indication of the future directions for mental health program development.

One such direction is the establishment of an integrated mental health program that was announced in the 1999-2000 ACT Budget. The aim of this initiative is to improve collaboration and partnerships between services and to increasingly focus on community based care with a reduced emphasis on institutional care.

> The ACT Mental Health Coordinating Group was established in August 1999, following the Government's announcement of its commitment to the development of a more integrated and coordinated mental health system for the ACT.
>
> The Coordinating Group includes representatives from major mental health service providers both government and non-government, the Department of Health and Community Care and consumers and carers. The ACT Government has embraced the national priorities established for mental health and has developed a detailed blueprint for local implementation. A key achievement of 1998/99 was the adoption and implementation of the ACT Mental Health Strategic Plan.
>
> I commend the *Mental Health Services Provision in the ACT 1998-99 Report* to Members as it provides an important method of keeping abreast of the significant developments in mental health in the ACT.

Mr Berry: Are you going to move that it be noted?

MR MOORE: I did not think you would want it. I move:

> That the Assembly takes note of the paper.

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

HEALTH AND COMMUNITY CARE—STANDING COMMITTEE
Report on Annual and Financial Reports—Department of Health and Community Care and Related Agencies—
Government Response

MR MOORE (Minister for Health and Community Care) (4.14): Mr Temporary Deputy Speaker, for the information of members I present the following paper:

> Health and Community Care—Standing Committee—Report No. 4 on Annual and Financial Reports 1998-1999 for the Department of Health and Community Care and related agencies (*presented 15 February 2000*)—Government response.

I move:

> That the Assembly takes note of the paper.

Mr Temporary Deputy Speaker, I ask that my speech be incorporated in Hansard.

Leave granted.

The speech read as follows:

Mr Speaker, I present the Government Response to Report No. 4 of the Standing Committee on Health and Community Care on the 1998-99 Annual and Financial Reports for the Department of Health and Community Care and Related Agencies.

The Committee made twelve recommendations with the main issues focussing on animal fats in fast food cooking, indigenous health, disability funding, adverse incidents, public hospital funding, men's health, and counselling and information services at public housing complexes.

Mr Speaker, the Government Response indicates the Government's full support to most of the recommendations made in the Committee's Report, and of the twelve recommendations, eight are agreed, three are noted, and one is not agreed.

The Government Response also provides information on the work being undertaken by the ACT Government in addressing all the issues raised in the Committee's Report. In particular, I'd like to highlight the work being undertaken in the area of indigenous health, which is the subject of a separate inquiry currently being conducted by the Standing Committee.

Recommendation 3 advised the Government to conduct research to obtain accurate data on the level of indigenous drug use in the ACT and develop the necessary strategies to address the issue, while Recommendation 4 advised the Government to expedite the development of the Aboriginal and Torres Strait Islander Health Strategy.

In relation to the level of indigenous drug use in the ACT, a study by the National Centre for Epidemiology and Population Health indicates that the numbers of indigenous people with problematic drug and alcohol use in the ACT is high and that indigenous people make up a disproportionately large number of clients accessing services in the ACT.

Commencing 1 July 2000, all Government and non-Government drug and alcohol service providers will be required to record the indigenous status of clients as part of their contracts. This will enable more accurate numbers of indigenous people accessing these services to be ascertained.

In addition to accurately measuring the extent to which indigenous people access drug and alcohol services, the Department of Health and Community Care will investigate ways to educate the indigenous community about the availability of drug and alcohol services, both indigenous based and mainstream, as well as providing cultural awareness training to mainstream services.

The Government is also currently working in a tripartite agreement with the Commonwealth and the regional ATSIC office in developing an Aboriginal and Torres Strait Islander Regional Health Action Plan.

The recommendation not agreed in the Government Response is in relation to the Men's Awareness Network program, or MAN program. My Department has considered the MAN model and found that this approach to men's health promotion was not the most suitable for the ACT, on the basis that it did not have the capacity to reach the most at-risk population groups, and provided a service for those men who were already aware of risk factors and have

taken some action to alleviate the problem. Therefore, the MAN model was not considered to be cost effective or well targeted. While the Department made an offer to use parts of the program considered compatible with the ACT environment, this offer was not accepted by the initiator of the program.

It has been agreed that the Division of General Practice will now put forward its men's health promotion proposal in the near future. It is expected that the first ACT Men's Health Program will focus on prostate cancer prevention and early intervention.

One of the recommendations noted in the, Government Response is in relation to funding for the provision of a counselling and information service for large public housing complexes. Services purchased through the Department of Health and Community Care are based primarily on client need. Where clients of large public housing complexes have ongoing and varying needs, these will be addressed as far as possible on the basis of individual need assessment which will include current living arrangements as one factor among several.

In addition, the Department of Urban Services currently funds a Community Development Worker at the Bega, Allawah, Currong Flat complex. The Community Development Worker provides an access point for referral, support and community activities.

The Department of Health and Community Care is exploring ways to work more closely with Department of Urban Services to ensure better access to health and community services for public housing residents.

Another issue raised by the Committee which I'd like to mention, is in relation to the need for increased funding within the disability sector. The Government notes the recommendation that the budget be examined with a view to increased funding within the disability sector, and confirms its support to assist people with disabilities. Members should note that $1.0m additional funding was provided in the 1999-2000 budget for the disability sector.

Mr Speaker, I thank the Standing Committee for its report and I commend the Government Response to the Assembly.

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

SUPERVISED INJECTING TRIAL—EVALUATION CRITERIA
Paper

MR MOORE (Minister for Health and Community Care) (4.15): Mr Temporary Deputy Speaker, for the information of members and pursuant to section 10 of the Supervised Injecting Place Trial Act 1999, I present the following paper:

Supervised Injecting Place Trial Act 1999—Supervised Injecting Place Trial—Evaluation criteria.

I move:

That the Assembly takes note of the paper

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

Mr Speaker

Members will be aware that the Advisory Committee established by this Assembly under the Supervised Injecting Place Trial Act 1999, met on Monday and made a number of recommendations. One of these recommendations concerns the criteria for evaluating the effectiveness of the Supervised Injecting Place Trial.

Section 10 of this legislation provides that I, as Minister for Health and Community Care, approve the criteria and that the I present a copy of the approved criteria to this Assembly within three sitting days after the approval

I am happy to be able to announce that I have approved the criteria recommended by the committee, and accordingly, present them today in line with the requirements of the legislation.

Members will observe that the criteria are fairly broad and cover public health impacts and other impacts that can reasonably be measured in the two-year period of the trial.

In addition to data collected under these broad criteria, the Advisory Committee has noted some pieces of baseline research that are already in train for the trial, including a community attitudes survey and a project to map the current visible drug scene and public amenity issues.

The committee is aware that detailed strategies need to be developed for the collection of data measuring the approved criteria.

They propose that the approved criteria be incorporated into a procurement plan consistent with ACT Purchasing Policy, to determine a suitable organisation to undertake the evaluation.

An evaluation panel with relevant external expertise would be convened by my Department, to develop an assessment plan for the procurement process. The external expert, and any organisation they represent, would be excluded from the tender process.

Organisations with relevant expertise and capability would be invited to submit proposals outlining how they would go about the specific process of measuring the approved criteria, within the budget allowed for this purpose.

It will be the responsibility of the successful tenderer to develop detailed strategies for the collection of data to measure the approved criteria, where a source does not already exist.

> Mr Speaker, I would like to take this opportunity to thank the Advisory Committee for their work on this project, and in implementing the will of the Assembly in this matter.

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

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT— INSTRUMENTS NOS 81 AND 82 OF 2000
Motion for Disallowance of Provisions

Debate resumed.

MS TUCKER (4.16): We will be supporting Mr Berry's disallowance motion. We have given serious consideration to this issue. We did actually respond to the request for comments that Mrs Carnell made. She commented that a letter had been sent out. That may well have been the case, but also we were contacted by telephone and we did give our views. So we did appreciate the opportunity of making comment and did so.

Basically, we have some pretty key concerns about this particular initiative. While I understand the argument put by government is about flexibility, there are a lot more issues related to this so-called provision of flexibility that need to be given careful consideration. I am concerned. I agree with Mr Berry and others who have expressed these concerns that the Assembly needs to take a leadership role in how we deal with these issues of employment of people. I think it is very important that we do always consider conditions under which we employ people and the implications of removing any of those conditions.

The question of leave goes to the heart of the discussion that we are having in Australia and in developed countries at the moment about the problem of overemployment and underemployment: that is, that we have people who are employed in our community who are incredibly overworked; that there is a culture that develops within workplaces that, if in fact you do not overwork, you are not a good worker. And that is actually quite destructive, obviously not in terms of general employment issues, because the more people who are employed and work longer and longer hours the fewer opportunities there will be for other people to get jobs. There are also examples and research which support the contention that in fact productivity will not necessarily benefit from actually doing this; that it can cause considerable ill health in employees.

There are also some really interesting discriminatory aspects to what these sorts of initiatives actually produce—the results that these sorts of initiatives produce. I know, in discussions around conditions and workplace arrangements, women's groups have often expressed concern about this tendency towards the subtle pressure to keep working late and the person whose lights are on the longest is the person who will probably get the promotion. The contrary position there, of course, is that the person who actually wants part-time work will certainly suffer. That is the other end of the spectrum.

There are, of course, strong arguments in the community that we want to see more shared work because, clearly with the advance of technology there are issues around loss of employment that we are not going to be able to avoid, no matter how great we are at

generating job opportunities through a thriving economy. So if we are interested in the ability for people to share work and if we want to see work cultures develop so that this is seen as acceptable and will not be a problem for someone's promotion possibilities, we have to be very concerned about these sorts of initiatives. Mrs Carnell said, "Yes, the people who particularly want to do this are single people." That actually highlights the point that I am raising now. What can actually end up happening is that you will see employers who develop a preference for single people because they will not need to take holidays.

Who will be impacted upon by that sort of culture developing? Of course it will most often be women who have children and who have caring responsibilities and therefore will definitely want their holidays because they have school holiday responsibilities. This does not take into account the fact that there are serious issues of quality of life, obviously, in terms of the human relationships of each family and the social relationships of individuals.

Mr Osborne said, "This is not family friendly." I heard him say that. This is a really important point in this discussion. If we are, as a society, concerned about the issues of overemployment and underemployment and we have an understanding that human relationships, social relationships, family relationships will suffer if this particular culture continues to become stronger, then we have to be concerned about these sorts of initiatives.

In the Legislative Assembly, particularly, the pressure to work extended hours, over extended times, is definitely an issue. Mr Osborne was saying that sometimes we almost have to boot staff out and make sure that they are not working too long; that they do take their leave; and that they actually look after themselves because the pressure is huge. We know that, as members ourselves, we have to manage our time, and we have the choice to do that. Some do it and some do not. Some do it better than others. I am not all that good at it myself, I have to confess.

But I feel the responsibility as an employer to ensure that the people who are working with me, as committed as they are, are not exploited by the situation and do not have their health being negatively impacted upon; that their families do not have to suffer because we happen to choose to work in the Legislative Assembly where there is such incredibly huge pressure.

Mrs Carnell also said that there is no possibility that any employer would ever force someone to take cash. Well, that would clearly be true, but that is really a rather insulting response to what happens, because the reality, as everybody knows, is that what happens in workplaces is that it is not the employer saying, "You shall cash in your leave," it is much more subtle than that, and any kind of research shows that.

Mr Moore: We are not being dictators.

MS TUCKER: Mr Moore is interjecting, with the same glib line as his colleagues over there use, but he would know that any epidemiological research that has been done into health and workplace shows the subtle pressures from the culture of a particular workplace and that it is not simple to say, "No employer will force someone to take

money." That is obviously and clearly not supported by the research that has been done on this subject. As I said, we already have strong discussion in the community about this very issue.

So, what I need to say in conclusion is that we do have grave concerns about what this is actually saying and about ensuring the conditions of people who work, whether it is here or elsewhere. I believe it could flow on, and this will be seen as an example of how we regard the importance of the conditions of workers. It is absolutely critical, if we are to live in a civil society, that we do not allow this ability to cash in leave entitlements. I know it has even happened with sick leave.

Once again, insulting arguments have been put forward. This is about choice. Let us look at some of the examples. What does this actually mean? Someone is under financial pressure and has now got an option. They make a decision: "I am going to cash in my leave because I have to get over this difficult situation." That person has then lost an option—an option that has been fought for, long and hard. It is understood that workers need to have control of the fact that they have the opportunity to take leave if they need it but that their health will suffer if they do not take leave; that individual second stages in people's lives can often mean suddenly they need to take leave.

So at one point they might be put under pressure. This is not even to do with the cultural environment of the workplace. Someone then makes a decision to cash in their leave, and they then find themselves later on in a situation where they are forced to take leave without pay because there has been a family incident or whatever, they have become overtired and stressed. That is why we have leave, by the way. There is actually an understanding that it is not healthy to work all the time and not take leave.

We are just totally ignoring that. That has been ignored in this argument, too. This is really an unfortunate proposal. The arguments that have been put by the government are insultingly shallow. and I reject their arguments and support this disallowance.

The extended time allotted to Assembly business having expired—

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

> That so much of the standing and temporary orders be suspended as would prevent debate on Assembly business order of the day relating to disallowance of Instruments Nos 81 and 82 having precedence of Executive business today.

MR OSBORNE (4.26): I rise to support this motion. I have a confession to make. The confession I have, Mr Temporary Deputy Speaker, is that, on the issue of the LA(MS) Act, I did not particularly pay much attention. I recall at the time that I thought it was something that my staff could handle because it related to them, and I did have a cursory glance at it when it was finished. But I have to say, sitting here listening to the debate today, a number of disturbing things have been raised which need to be addressed in relation to the issue of annual leave. I look forward to working with other members who feel the same about that.

I heard what the Chief Minister had to say, and I am pleased to be siding with Mr Berry on the issue of choice, or rather lack of, on this matter. This time he has got it right. What this does and what this is is very much anti family. We have seen, over the last few years especially, a greater trend for people to work longer hours, and pressure, whether it be direct or indirect, from employers for their staff to work longer hours. I listened to Ms Tucker when I was upstairs. There have been times when I have had to basically direct some of my staff to have some time off. This is the type of employment that you can get caught up in, staff especially. What the government is proposing is regrettable.

Ms Carnell: Some of us get caught up, too.

MR OSBORNE: I hear Mrs Carnell interject there, and I have to say, quite seriously, that there have been times that I have been worried about her, Mr Temporary Deputy Speaker. She does work tremendously long hours. I am pleased that she has not been quite as busy lately, not being Treasurer. Everybody needs a break. Workers need a break. They need to be able to walk away and have some holidays and, more importantly. spend some time with their families as well.

So I applaud Mr Berry for raising this issue today. I will be supporting him and I look forward, as I said earlier, to working with other members to try to ensure that staff especially have some time off from this very hectic job.

MR BERRY (4.29), in reply: There are a couple of things that were said in the course of the debate that I would like to focus on. One was the reference by the Chief Minister to workers who might be here for only three years. She seemed to be suggesting that three years without a holiday was okay. I do not think it is. Three years without a holiday is not all right, and sensible employers should be encouraging their workers to have a break with pay.

She also said at one stage that they will be able, if they want to, to accumulate some money, then take four weeks off and go on a holiday. Well, that is what annual leave is about. You get your accumulated annual leave, take the accumulated leave with the money and have a holiday. That is what it is about. To get back to the origins of annual leave: it was something that was formed to provide rest and recuperation for the health and benefit of workers and their families. It is something that has been building as the prosperity of the country has grown.

Mr Speaker, there is just one final matter I need to refer to, rather than repeat things that have been said in this place. These matters have come before tribunals in the past. One was in relation to Arrowcrest Group Pty Ltd's application for approval of an enterprise flexibility agreement. The proposed clause that was to be included was as follows:

> At the employee's request and with the employer's agreement up to one half of the annual leave accrued in any 12-month period may be exchanged for a payment equal to the amount that would have been received if annual leave was taken. This payment will also include relevant annual leave loading.

Deputy President Watson then found that the Arrowcrest agreement would have the effect of negating the purpose of granting annual leave, and concluded that the disadvantage created by the effect of the clause on the employees was contrary to the public interest. That was in relation to 50 per cent of the accrued annual leave.

I rest my case on that, Mr Speaker. This important standard for workers should not be breached, it should be treasured. It is something that has been built up over many years, and it is something that guarantees a reasonable family relationship for workers. But it also ensures longevity for workers and some freedom from the effects of the workplace. Mrs Carnell did say that there was no cost to government. There is a cost if it affects the health and welfare of workers and their families. Annual leave is an important preventative feature which has been built up over many years to improve the quality of life for Australian workers. I commend the motion to the Assembly.

Question put:

> That the motion (**Mr Berry's**) be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

ARTIFICIAL CONCEPTION AMENDMENT BILL 2000

MS CARNELL (Chief Minister) (4.36): I present the Artificial Conception Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

> That this bill be agreed to in principle.

Those members who were in this Assembly in 1996 and 1997 will recall that I introduced a bill very much like this one to enable the genetic parents of a child born as a result of a surrogacy agreement to become the lawful parents of their child.

Regrettably, that bill was opposed, but nothing was offered in its place. But obviously the world still moved on.

I remember warning at the time that those who were opposing the bill should try to understand the consequences of what they were doing. I foreshadowed that children such as Hamish, whom we have seen in the media this week, were going to be born totally legally to a birth mother for genetic parents, but the genetic parents would not be able to be the legal parents of their own child without an adoption process. We are lucky that Gilbert and Sullivan had not heard about such a farce! I remember urging members not to throw the genetic parents and their children out in the cold but to give them some confidence. I said at the time:

> … do not let some children end up in a situation where they are simply in a legal void, living with their genetic parents who are not actually their legal parents, potentially forever.

At that time baby Jessica and her parents were in exactly this situation. They still are. Jessica's mother has told me of the anguish of not being recognised in law as Jessica's mother. She is not shown on Jessica's birth certificate, and she cannot even sign the formalities for preschool. She cannot give medical permissions. She counts for nothing in the eyes of the law. Jessica thinks she is Mum, and rightly so. She is the only mother that Jessica has ever known, but unfortunately the law still says no. This is confusing, unsettling, unfair and wrong, Most importantly, it is not in the best interests of Jessica or other children in this situation.

We now have young Hamish in exactly the same situation. The time has come when forms must be filled in and legal processes undergone which require evidence of legal recognition of the boy's parents, and he is at a disadvantage. His parentage is in legal limbo. So the parents turned to the court to seek recognition of their status. However, Judge Ken Crispin could not accede to their request, because under the Artificial Conception Act 1985 the law is unambiguous:

> The woman who gives birth to the child and her husband are the legal parents, and the commissioning parents have no claim on the child, despite their being the genetic parents.

The judge expressed his concern at what he saw as an "unsatisfactory situation". He pointed out that the current law does not allow the court even to consider the welfare of the child and recommended that the law be changed to allow the court to do so. Currently, no legal claim at all can be made on the child by the genetic parent. The law is similar in all jurisdictions. This must not be allowed to go on; the time has come when something has to be done. That is why I am proposing this bill.

The bill is relatively straightforward and very narrow in its application. It enables the genetic parents to apply to the Supreme Court for a parentage order. A parentage order has the effect of making them the legal parents of the child. Without this amendment, the law says that the woman who gives birth to a child, and her husband, are the legal parents of that child, even though the child does not carry their genes and even though the birth mother and father have had that child to allow another couple, who are the genetic parents, to form a family. It says that the genetic parents have no legal claim on that child.

To me, it is both illogical and cruel that non-commercial surrogacy is legal but when the baby arrives he or she cannot be recognised as the child of the genetic parents, even when the birth parents are in total agreement. However, amending the Artificial Conception Act to make the genetic parents the legal parents of the child does not seem feasible or, for that matter, appropriate. This would have the undesirable effect of making substitute parent agreements enforceable. This would be unacceptable, because the principle that substitute parent agreements are not legally enforceable in themselves is a basic principle of the Substitute Parent Agreements Act. It is a principle to which I, for one, and I am sure most in this place, would adhere.

Under current law, adoption is the only other way that a person who is not otherwise recognised as the legal parent of a child can become one. That person could also apply for a grant of custody and/or guardianship of a child under the Family Law Act. However, custody and guardianship give more limited legal care and control of the child. They do not change the parentage of that child.

The Adoption Act 1993, however, says that the birth parents cannot name whom they want to adopt the child unless those people are relatives of the child. This means that a surrogate parent or birth parents who are not related to the genetic parents would not be able to direct an adoption to the genetic parents. The birth parents can nominate a specific person for adoption of the child only if they are a grandparent, sibling, aunt or uncle of that child. Where this is not the case, the child would come under the effective guardianship of the Director of Family Services, who can place the child as he or she sees fit. Hence the genetic parents would have no special claim to that child in adoption. They may have a difficult time in obtaining custody, guardianship or access to their genetic child.

Even if this were not the case, the adoption process is based on finding parents for a child that is already born. It is assumed that the birth parents and the adopting parents involved are strangers. By contrast, surrogacy aims at finding a child for the genetic parents, and they are known to the birth parents. Indeed, I believe that the fundamental difference in the circumstances surrounding surrogacy makes adoption inappropriate for legally recognising the genetic couple as the true parents. The genetic parents and the birth parents are obviously going to be either related or very good friends.

Because of these problems, I am proposing, through this bill, to take another approach. As I have said, it would enable the genetic parents to obtain legal parentage of a child who was born to another woman as a result of a non-commercial surrogacy agreement. I believe that the most appropriate way to go is to provide that the Supreme Court make a parentage order. This order would provide for a child born in the ACT to be treated in law as the child of the genetic parents under certain very strict circumstances.

This order can be made if the genetic parents meet five conditions. Firstly, at least six weeks and no more than six months must have elapsed since the birth. Secondly, the child's home must be with the genetic parents. Thirdly, the birth parents must be in agreement freely and have full understanding of exactly what is involved. In other words, the birth parents must agree. Fourthly, the genetic parents must be domiciled in the ACT when both the application and the order are made. Finally, both the genetic and birth couple must have assessment and counselling from a service other than the service

carrying out the IVF procedure. However, the court may waive this last requirement if for some reason this independent advice has not been given. It may do so if it is satisfied that there is no reason that would preclude the arrangement and that it is in the welfare and interests of the child to make the parentage order.

The reason the application will not be possible for six weeks after the child's birth is that, as a matter of principle, substitute parent agreements are not enforceable. Birth parents should have a period of time to revoke any previous arrangements. A similar cooling-off period is considered appropriate for the relinquishment of a child for adoption. We are putting in place requirements similar to those for a normal adoption. This position is also included in legislation in the United Kingdom which is very similar to the legislation I am proposing today. Of course, the court must be first and foremost assured that the whole exercise is altruistic and is in no way a commercial venture.

The effect of a parentage order would be similar in many ways to the effect of an adoption order. The child would become in law a child of the genetic parents and would cease in law to be a child of the birth parents. The relationship to one another of all the people involved would be determined on this basis from the date of the order. Once an order has been made, it is proposed that the registrar would enter the details of a parentage order in the parentage register and then reregister the birth of the child. This legislation is the best means available for establishing the names of the genetic parents on the child's birth certificate. It is thus the best means available for them to become the child's parents for the purposes of ACT law.

I am also proposing that similar provisions relating to property which apply to adopted children apply to children who are subject to parentage orders. This means that the general law of property would apply to the new legal relationships, with appropriate exceptions as set out in the bill. Provision is made for access to identifying information. This is, however, strictly limited, for the protection of privacy. This is similar to the provisions for access to information and privacy in the Adoption Act 1993.

Court records and birth certificates are not to be made available to any person unless they are specifically given the right to these by law. In specified circumstances a child who has been subject to an order, and associated relatives, would be entitled to receive a copy of an entry in the register of births. However, any further identifying information would require the permission of both the genetic and the birth parents, as well as any third party involved. Medical information will be subject to the general law of confidentiality.

This legislation allows a couple who are otherwise unable to have a child the opportunity to do so. In doing so, it fulfils several important policy criteria. It is broadly consistent with legislation which provides a consistent legal approach to parentage throughout the country. It bypasses the requirements of placement in foster care, assessments and other adoption proceedings. These requirements are inappropriate when the couples know each other and the parentage is determined by them. However, the bill provides court oversight to ensure protection of the interests of all concerned, particularly the interests of the child.

The circumstances in which surrogacy arrangements are recognised are limited—that is, to where the commissioning parents are both the genetic parents of the child and the parties are domiciled in the ACT. But, of course, it is important that all parties agree to

this whole approach. It is important for a scheme to provide protection for the child and the other parties. In interviews early this morning with the surrogate mother of Hamish, we have seen that the approach that exists now can be seriously detrimental to all parties and particularly is not in the best interests of the child. That surely should be our major concern here.

This scheme ensures the prohibition of commercial surrogacy. It makes it quite clear that the biological parents are the legal parents of the child, with parental control over the child, if they meet the requirements of this legislation and if the Supreme Court believes that it is in the best interests of the child. The scheme ensures that the birth parents can decide to keep the child at any time before the parentage order is made, and it requires independent counselling and assessment of both the genetic and the birth parents. These restrictions and the other strict demands of the proposed legislation—which are very thorough, very rigorous and quite onerous—provide protection for both the child and the other people involved.

Finally, I would emphasise that there is nothing in this bill, or in any other legislation, which compels the birth mother to give up the child she has borne as a result of a surrogacy arrangement. That is not a matter for the law. As I have said all along, a surrogacy agreement cannot be enforced, and should not be able to be enforced. Rather, the success of surrogacy arrangements depends on the quality of the relationships between the people involved and their commitment to each other but, above all, to the child involved. Both couples are involved because they openly and freely choose to be involved. This is why I refer to it as altruistic surrogacy.

The bill is straightforward. It simply clears the way for a child of such an arrangement to belong to his or her genetic parents. That is vitally important for the wellbeing of the child. I therefore ask members to think about this bill seriously. Over the next few weeks I would urge you to speak to the couples involved in these sorts of births, particularly the people involved in the births of the two high-profile children Jessica and Hamish. Let them tell their story. Do not make this a political issue, because it is not.

The reason I present this bill today as a private members bill rather than as a Liberal Party bill is not because there is not support for it on my side of the house—there is—but because I feel very strongly that this bill should not be seen as a Liberal versus Labor issue or a political issue; it is simply not so. It is a piece of legislation that will significantly improve the lives of a few people. When this legislation was debated last time, there was a lot of concern that there would be a flood of these arrangement, thousands of them. That has not happened, nor will it happen.

The sort of commitment we heard this morning from the birth mother of Hamish, the sort of commitment that a birth mother—somebody who is choosing to enter into a surrogacy arrangement and become a birth mother—is certainly the sort of commitment and sort of decision that most people would make. We should not, though, disadvantage those special people who choose to become involved in a relationship like this. From what I have seen personally, they turn out to be extraordinarily good parents and have extraordinarily good families. This bill is about the welfare of Hamish and Jessica and the other children involved in these sorts of relationships. It is a bill that is primarily about the welfare of the child but also about the welfare of the families involved.

It does not in any way change the current legislation with regard to surrogacy. All it does is give Jessica and Hamish the right to an appropriate legal status. It creates a situation where Hamish and Jessica's genetic parents, with whom they are living, can sign their preschool documents, take them to Accident and Emergency and sign the parental agreements and do all the things that normal parents do at this stage. But because they are not recognised by law, they cannot do these things.

This is an unacceptable position for the very small number of children involved. I urge all members again to please speak to the couples involved in the births of Jessica and Hamish and get their story. Let us not make this a political issue. Let every member make a decision based upon their conscience and their own investigations.

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

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Crimes (Amendment) Bill (No. 4) 1998

MR OSBORNE (4.57): Mr Speaker, I present report No 10 of the Standing Committee on Justice and Community Safety, entitled *The Crimes (Amendment) Bill (No. 4) 1998*, together with a copy of the extracts of the minutes of proceedings. I move:

> That the report be noted.

The report I table today is in response to what has commonly been referred to as the drunk's defence. Members will recall that in 1997 a certain individual before the courts on an assault charge was not found guilty because, in his defence, he claimed he was too drunk to remember what had happened. Members will recall the outrage that that generated across the country. This legislation which was tabled by the government is a response to that.

The committee has made two recommendations basically in support of the legislation and recommending that the government report back to the Assembly in three years time on the impact of this new piece of legislation.

We looked at some of the legislation across the country. From memory, some jurisdictions have decided not to go with the removal of the drunk's defence. Mr Humphries may correct me on that. Victoria is one, from memory. Nevertheless, we in the territory will not be going with them.

I thank my fellow committee members for their work on this report. I commend the report to the Assembly.

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

BRUCE STADIUM—THE ULTIMATE ROCK SYMPHONY

MR OSBORNE (5.00): I seek leave, Mr Speaker, to move a motion to amend the resolution of the Assembly of 10 May 2000 concerning the request that documents relating to the Ultimate Rock Symphony be provided to the Assembly pursuant to the Stadiums Authority Act 2000.

Leave granted.

MR OSBORNE: I move:

> That the resolution of the Assembly of 10 May 2000 which requests that certain documents relating to The Ultimate Rock Symphony be provided to the Assembly pursuant to the *Stadiums Authority Act 2000* be amended by:
> (1) after the words "to provide to the Assembly", insert the following words:
> ", by lodgement with the Speaker,";
> (2) after the words "all documents" insert the following words:
> ", with the exception of those listed in paragraph (iii),";
> (3) add the following words:
> "which are to be provided to the Chair of the Select Committee on Government Contracting and Procurement Processes".

I do not have a copy of yesterday's motion, so I will run blind here. Yesterday the Assembly had a extensive debate on documents in relation to the rock concert at Bruce Stadium. Today Mr Stanhope and I have had discussions with the Chief Minister in particular about the insurance documents.

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 OSBORNE: Following what the Chief Minister said yesterday, I had a discussion with Mr Stanhope about the best way forward, both of us agreeing that we did not wish to have anything which was commercially sensitive laid on the table. An offer was made to some of us to be provided with the insurance documents, with some guarantees, but I do not think that was acceptable. The sensible thing would have been to do what we did with the Bruce Stadium hirers' agreements and send this matter to the select committee which Mr Stanhope chairs and which you and I are on, Mr Speaker, so we can look at the insurance material in particular and decide whether or not there is anything in it which would be deemed to be commercially sensitive to any individual.

There are no guarantees with this, Mr Speaker. A motion was moved and supported yesterday. This change today means that we can look at this document, then make a decision. I thank Miss Weeks for her time this afternoon. This motion is a little confusing, but she assures me that we will get the desired result. The motion moved yesterday required the Chief Minister to table the documents before the close of business on 16 May. Miss Weeks, being as efficient as she is, reminded us all that that day is not a sitting day. My motion requires that the documents be lodged with the Speaker.

As I said, there are no guarantees to anyone other than that, as we did with Bruce Stadium, we will act professionally. We need to look at the documents and decide whether or not there is anything in them that could be damaging to the company in question.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.04): Mr Speaker, given what was said yesterday by the government, I am obviously very pleased that there is a suggestion here that the insurance policy referred to in paragraph (iii) of the motion passed yesterday should not be placed in the public arena at this stage. I hope that production of the information in the way suggested will deal with the problem. I am pleased that members propose to take this course of action.

MR STANHOPE (Leader of the Opposition) (5.05): Mr Speaker, as outlined by Mr Osborne, I was approached today by the Chief Minister with a quite passionate plea for the so-called insurance policy not to be made public today. The Chief Minister insists that it is generally commercial-in-confidence. I continue not to understand how a policy of insurance taken out in the joint names of BOPL and ITC with an insurance company, in the terms required under the contract between ITC and BOPL, can possibly contain commercial-in-confidence material.

The contract was quite explicit. There was to be a contract in joint names between ITC and BOPL and an insurance company. It was to provide $10 million public liability insurance coverage. It was to require coverage against expenses and loss of profit in the event that the concert was cancelled for whatever reason, and it was to provide for insurance against breach of intellectual property. How an insurance policy designed to cover those three simple propositions can possibly be commercial-in-confidence still eludes me.

Mr Humphries: It covers other people. That is why.

MR STANHOPE: That is all the policy was meant to be—a simple policy of insurance between those two parties and an insurance company. The government tells us that that is not what it does; that it does a range of other things. The government has also told us that BOPL is not a party to this agreement, and hence my confusion and my scepticism.

It appears that the document the government is prepared to table pursuant to the Assembly's resolution fits some other description. I will be intrigued to see it. But I and the Labor Party are reasonable, as always. The Chief Minster has made a personal and quite passionate plea to me, and I believe to Mr Osborne, that we look at this material. I will look at it with great interest. I indicated to Mr Osborne that the Labor Party will support this motion, but I reiterate and put on the record, as Mr Osborne has, that the committee will make a decision about the future treatment of the document.

I guess there is not much more I can say about that until I see the document but, as I said, I continue to be incredibly bemused and sceptical about how such a simple contract of insurance can possibly have been framed in such a way that its release discloses genuinely commercially sensitive information pertaining to this apparently broad range

of other parties. I find it mind-boggling that we have entered into something that is completely at odds with what the contractual obligations of our partner were. It will be intriguing to see the document.

As Mr Osborne indicated, the motion that he is moving relates to a motion which we dealt with yesterday and which I assume members do not have before them. Mr Osborne's motion provides that the documents described in the first two paragraph of yesterday's motion will be tabled by lodgment with the Speaker and the documents in the third paragraph of the motion which was passed yesterday will be provided to me. I think it is important to reiterate the point Mr Osborne made that the committee will look at that particular document and will make its judgments about the status of the document.

MR OSBORNE (5.09), in reply: I thank members for their support. If only it had been so short yesterday, I could have got a bit more work done. One thing that has become increasingly clear to me, Mr Speaker, is the urgent need for us to come to some agreement on FOI and commercial-in-confidence in general. This year we have spent many days debating the release of documents on different issues. With some legislation and some guidelines in place, much of the confusion will be taken out of it. My view is pretty simple. I think anything relating to public money should be out in the open, and I look forward to everyone coming with me on that issue. I thank members for their support. I am sure the committee will act in a professional manner, as we always attempt to do on this issue.

Question resolved in the affirmative.

ESTIMATES 2000-01—SELECT COMMITTEE
Membership

MR SPEAKER: Pursuant to standing order 222, I have been notified in writing of the nominations of Mr Corbell, Mr Kaine, Mr Quinlan, Mr Hird and Mr Rugendyke to be members of the Select Committee on Estimates 2000-01.

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

> That the Members so nominated be appointed as members of the Select Committee on Estimates 2000-01.

PLANNING AND URBAN SERVICES—STANDING COMMITTEE
Report on Draft Variation to the Territory Plan—Red Hill Precinct

MR HIRD (5.11): Mr Speaker, I present Report No. 45 of the Standing Committee on Planning and Urban Services entitled *Draft Variation to the Territory Plan No 114 Relating to a Proposal to Add the Red Hill Precinct to the Heritage Places Register*, including a dissenting report, together with a copy of the extracts of the minutes of proceedings. I move:

> That the report be noted.

Mr Speaker, Report No 45 of the Standing Committee on Planning and Urban Services deals with an important issue, namely, the appropriate planning cleaning policy for a prestigious part of Canberra. The report is a majority report of Mr Rugendyke and myself, with our colleague Mr Corbell dissenting. As indicated, the dissenting report is attached. The majority report has concluded that the draft variation, somewhat modified during the committee's inquiry, should go ahead for several reasons. It will reduce the present planning and legal uncertainties affecting this precinct. It greatly clarifies the interim heritage citation for the precinct. It restricts future development to just two dwellings per existing block, and it sets a limit on the gross floor area of the new dwellings.

The modified draft variation steers a middle path between two distinct views. One view would restrict development to one dwelling per existing block. The other view would open up the area to multiunit development. The committee received evidence advocating both viewpoints. We are aware of the strong feelings relating to the issue, and hope that our report will go some way towards facilitating a resolution of the existing problems affecting the area and its residents.

I also would like to take the opportunity to thank all those who gave evidence before the committee, and in particular, the Minister for Urban Services, for making his staff available to assist us in our deliberations. I would also like to thank my two colleagues, Mr Corbell and Mr Rugendyke, and our secretary, Rod Power. I commend the report to the house.

MR CORBELL (5.13): As Mr Hird points out, I have appended a dissenting report to this report of the Standing Committee on Planning and Urban Services. First of all I should stress that this committee has produced the majority of this report in a unanimous fashion, but from time to time I have found the need to dissent from the reports that the committee has considered and the majority have accepted. This is one of those occasions and the reason, Mr Speaker, is that the contentious issue of dual occupancy development in the Old Red Hill precinct is one which, I believe, could significantly undermine the heritage character of the precinct and could significantly undermine the whole reason for including the precinct in the Territory Plan as a heritage area.

The area known as Old Red Hill is a highly significant element of Canberra's planning heritage. It contains areas of semirural residential estate and a significant area, often cited as the "dress circle" along Mugga Way, as well as a more conventional prestige suburb area. Its areas of semirural residential estate and the Mugga Way dress circle are in the garden city tradition, of which we are all so proud in our city, but they are also unique in Australia. They have direct associations with the work of Walter Burley Griffin, and with Sir John Sulman, who was the chairman of the Federal Capital Advisory Committee at the time of the suburb's development.

The evidence that was presented to the committee, which I believe was of significant to this issue, has been ignored in the majority report. Members may read in my dissent that I refer to the evidence presented to the committee's hearings by Professor James

Weirick, who is the Professor of Landscape Architecture at the University of New South Wales. He highlighted a couple of very important factors that the majority report simply has not considered.

The first is that the Red Hill precinct, as it's been identified in the draft variation, is a remarkable example of a garden suburb of the 1920s in the garden city tradition, so it is already quite distinct. What makes it distinct and unique in terms of being part of the garden city tradition? Professor Weirick makes the point that, in particular for the semirural residential areas, blocks of up to or more than 10,000 square metres are, indeed, quite significant. In fact he has gone so far as to consider that, in heritage conservation terms, the rural residential areas are rare, particularly in a location so close to a city centre. He goes on to make the point that, to find anything comparable to these areas, you would really have to go and view examples in the United States dating from the 19th century.

So there is no doubt that the element of Red Hill that makes it particularly distinctive is its very large blocks, planned by prominent early planners of Canberra in the garden city tradition. Professor Weirick went on to indicate that all three areas within the precinct—the semirural residential area, the dress circle area and the conventional prestige suburb area—are fine examples of Australian middle-class suburbia in the 20th century, to use his phrase. He confirmed that, in his view, the introduction of dual occupancy or multiunit development in the area was inappropriate, and that to allow dual occupancies—these are his words—"would really compromise the qualities of this distinctive area".

Mr Speaker, I don't believe that this evidence has been properly taken into account in the majority report. We heard during our public hearings that the design of the Red Hill precinct is directly connected with the original plan of Walter Burley Griffin from 1911, which identified the key streets that became known as Mugga Way, Monaro Crescent and Arthur Circle. We also heard that, when the precinct was built, it was designed very much in ways that were consistent with the views of Sir John Sulman, and laid out by staff, working under his direction, as a garden city suburb. So there is no doubt in my mind that the precinct and its design have a direct historical link with the planners of early Canberra and their philosophies.

If we accept all that to be true, and indeed the majority report does accept it to be true, then any move to all multiunit or dual occupancy development in the area would directly undermine the heritage significance of the precinct. It would result in the loss of large trees and wooded landscape, and in this particular precinct it is the landscape that is the dominant form, not the houses within it. The area does represent an important stage in Canberra's urban development, it does warrant protection and PALM are to be commended for moving to provide protection for the area. To allow dual occupancy development or other forms of development in the area really does put at risk the heritage significance of the site, and means that we run the very real risk of losing an area of residential development that represents an important stage in Canberra's urban growth.

During the committee's hearing, officers of PALM said that the argument for providing additional dwellings in the precinct was partially based on providing greater housing choice for existing residents. This was supported by a number of other witnesses. Figures

provided by PALM, based on a survey conducted by them on the issue in late 1996, showed that 57% of residents opposed dual occupancy development in the area. I don't accept that this is an argument, in itself, for not allowing dual occupancy to proceed but, in conjunction with the heritage matters I have already outlined, it certainly highlights the importance of the issue.

It really does appear to me that arguments supporting dual occupancy in the area, based on so-called increased housing choice, really have more to do with the potential value of the land in the area than with providing opportunities for existing residents to live in the area in a smaller residence. There are areas very close to Old Red Hill precinct that do offer a variety of housing choice, not just the large homes that we see in Red Hill, and really those demands can be accommodated in that way without compromising the heritage qualities of the area in the process.

The final issue that I don't believe the majority report has identified is the adequacy of the draft variation itself. Professor Weirick, Dr Robert Boden, who gave evidence, Mr Eric Martin and Professor Ken Taylor all highlighted that the requirement for a conservation plan for the precinct had not been addressed as part of the draft variation process.

Professor Taylor, in particular, highlighted the fact that the current heritage study on which the draft variation was based confined itself solely to streetscape and landscape issues, not to broader conservation issues. He also highlighted that the draft variation still contained some issues of lack of clarity, in relation to the heritage values of the precinct, and that a more detailed analysis was required, an analysis that did not consider solely streetscape or landscape issues. I agree with these comments: unfortunately they have not been reflected in the majority report.

That aside, there were some calls for the draft variation to not proceed. I do not agree with that because the draft variation, despite these shortcomings, still provides a greater level of protection for the area than currently exists through the interim heritage listing. I believe that the draft variation should be amended to take account of my recommendation one, that we remove provision for additional dwellings in the precinct, and instead provide for only one dwelling on each block. Then once that has been done, I recommend that further work be done to put in place the more detailed heritage analysis, the need for which has been identified by a range of witnesses.

It is true that subdivisions have previously occurred in the precinct, notably between the 1930s and the 1960s. However, it is clear that this subdivision has already resulted in a change to the heritage values of the area. What was once a much larger area of semirural residential estate has become a smaller area of that type of estate, plus a more conventional prestige suburb area. As I have already identified, and as experts to the committee identified, it is the semirural residential estate areas that are unique in being part of the garden city concept, and they, above all, are what give the area its heritage significance. Therefore, to allow further subdivision of those estates would result in an undermining of the heritage significance of the area.

The real concern is that once additional dwellings are allowed and the character of the area has changed, including a loss of treescape, there will be further pressure to allow still higher density dwellings in the area. By approving dual occupancy development in

the precinct, however limited it is, as a city we will be moving towards a slow, but gradual, undermining of the heritage significance of the precinct and its place in the planning heritage of the garden city, and I cannot support these moves.

I recommend in my dissenting report that the draft variation be amended to remove provisions for additional dwellings on blocks in the precinct, and that it instead provide for one dwelling per block only, to protect the heritage significance of the precinct. I also recommend that additional work be done to further refine the variation, once it is amended, in relation to the development of a conservation plan for the area. This is the appropriate course of action, not that proposed by the government in its draft variation, and endorsed by a majority of the planning committee.

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

PLANNING AND URBAN SERVICES—STANDING COMMITTEE
Statement by Chairman

MR HIRD: Mr Speaker, I ask for leave of the parliament to make a statement on behalf of the Standing Committee on Planning and Urban Services concerning the work of the committee.

Leave granted.

MR HIRD: It has become the practice in this place for committees to inform members of their new activities. Accordingly, I now advise the parliament that on 14 April this year the Standing Committee on Planning and Urban Services resolved to report to members in this place on its activities in its second year of operation in the current parliament. We propose to table our report in the next sitting period. In the meantime, members may recall that, in May last year, the committee reported on its activities in the preceding year. My colleagues, Mr Corbell and Mr Rugendyke, and I took this action because we found it instructive to reflect on what we had done over the past 12 months.

We think there are interesting lessons to be learned from the activities and experience of busy committees such as the Planning and Urban Services Committee. On that score, our report on activities in this first year was Report No. 24. Our report on this year's activity, which follows closely on the heels of our meeting No. 100, will be Report No. 49. This itself indicates the amount of work done by this committee. I trust that members and the Canberra community generally will find our reports useful.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Bruce Stadium Redevelopment, Auditor-General Performance Audit—
Statement by Chairman

MR QUINLAN (5.27): Pursuant to standing order 246A, I wish to inform the Assembly that on 5 May 2000 the Standing Committee on Finance and Public Administration, in its role as a public accounts committee, resolved that the following statement be made to the Assembly in relation to the Auditor-General's performance audit of the redevelopment of Bruce Stadium. I ask for leave to table a formal statement and then speak to it.

Leave granted.

MR QUINLAN: The background to this subject goes back to February 1999 when the predecessor of this current committee discussed with the Auditor-General the desirability of a performance audit on the redevelopment of Bruce Stadium. This was emerging as a genuine issue that far back. Quite clearly the audit would cover a wide range of matters, given that it was a large project and a project that depended upon some marketing research and consequent decisions.

As a result of that, the committee became concerned that there had been an inordinate delay in that report reaching the Assembly, and we became concerned, not just that it took so long, but that there were in fact rumours abroad, within the community, that the process of the production of the audit report had been delayed by the intervention of legal representation and further that—

MR SPEAKER: Excuse me. I am sorry to interrupt, Mr Quinlan. Would you mind asking for leave to address the Assembly? You asked for leave to table a statement but not to address the house.

MR QUINLAN: I did ask for leave also to talk to it, did I not?

MR SPEAKER: Just ask for leave. It will be granted.

MR QUINLAN: Bully. I ask for leave to speak to the paper rather than to read it.

Leave granted.

MR QUINLAN: Thank you. Do you want me to start again? We were concerned that rumour was rife that it was effectively guns and lawyers at 50 paces and, further, also concerned that quite a number of people who had no direct relationship to the project seemed to know a lot about the contents of the audit report or the draft findings. In fact, names of people who may be affected by the report were being bandied around. With that in mind, we rather thought that we should try to assist, wherever we can, the Auditor-General to bring the report to as hasty a conclusion as was possible.

We have spoken to the Auditor-General. He has informed us that the audit report that he is preparing will contain 12 parts: 11 different issues and matters, and a summary of the total. He has informed us that many of those reports are interrelated and interdependent, and so it is not possible for any of them to be issued without the others. He has indicated that, at this stage, he believes that he will conclude the audit and be in a position to table the audit report possibly some time in July. However, given the winter recess of this place under current legislation and standing orders, it could not be tabled until the end of August.

The Auditor has advised us that there actually have been two major reasons for the extra time taken. One is, quite obviously, the complexity of what he is looking at, and the second is his desire to adhere to the nth degree to provisions of natural justice. In relation to the complexity of the matter, he certainly has informed us that, on the first round of investigations, in many areas he was given information, drew some conclusions, allowed

those conclusions to be circulated to people directly involved, and all of a sudden was furnished with more information. There has been, apparently, some sort of cyclic or iterative process, as he teases out what happened within the process overall.

That process of teasing out overlaps into the process he has instituted to ensure that natural justice exists within the overall project, and certainly appears to exist. There will effectively be five rounds of audit report. He has produced what he calls outline draft reports. The next layer were draft reports, then there were revised draft reports, then there were proposed reports. Each time the report is being refined and apparently, within each layer at least, clarification of some matters has occurred or more information has emerged.

The committee acknowledges that the Auditor-General, particularly in an audit like this, must observe due process in affording people who may be affected with the ability to comment on his findings before they are promulgated on a wider basis. Certainly the committee does not wish to interfere with the rights of individuals, and the protection of them from any ill-founded or unsoundly based comments. However, the committee's view is that the statutory requirements to afford natural justice have been more than amply fulfilled, and that the number of rounds that we have seen certainly seems to be unusual.

I have to say that, to his eternal credit, the Auditor-General was very circumspect and very deliberate in the information he provided to the committee and the comments that he made, and more particularly in the comments that he did not make, or could not be drawn to make.

We wish him well in completing this particular project. I have on my desk consideration of actions that I might be able to take, or at least initiate, to allow this report to come forward as early as possible, even from now, such as legislation that would allow it to be tabled and promulgated with privilege through the Speaker, without the Assembly sitting. However, I need to take further advice on that particular legislation, or alternatives in relation to some form of resolution that might go through this house. That last bit is a personal statement. I commend the report to the house.

IMPUTATION OF IMPROPER MOTIVES—RULING BY SPEAKER

Mr Humphries: Mr Speaker, I rise on a point of order. I have perused the Assembly *Hansard* of Tuesday of this week, and I have observed that Mr Berry has quoted sections of the dissenting report of the Standing Committee on Justice and Community Safety on the draft budget. Members will recall that this was subject to some preliminary debate before it was adjourned. Offending sections from the draft report, those parts of the dissenting report that were criticised in the Assembly—I think you ruled, Mr Speaker, that they were potentially defamatory—were in fact read into the *Hansard*. When Mr Hargreaves originally paraphrased or repeated the comments he made in his dissenting report he was required to withdraw them on the basis that they offended against standing order 54 or 55.

Mr Speaker, on the basis that Mr Hargreaves was asked to withdraw the comments when he originally made them, it is reasonable to ask Mr Berry to withdraw the comments that were repeated by him, which Mr Hargreaves himself had to withdraw when they were originally made. I am quoting from page 79 of the uncorrected proof of *Hansard*, Mr Speaker.

Mr Berry: This is a report that was circulated to members by you and was not published. It is a matter for members of this place to peruse the report and do with it as they wish. It has been, and is, the subject of debate in this place, and the paragraphs to which I referred were the elements of the report that I assumed the government was sensitive about.

Mr Speaker, I referred to those reports on the basis that I didn't think there was anything particularly defamatory about them and, in your report to the Assembly, you said that the question of their defamatory element had been raised, but that there was no guarantee that they were defamatory.

MR SPEAKER: Correct.

Mr Berry: So, Mr Speaker, it is a bit tall for the Attorney-General to say that, even if it was defamatory. There is nothing in the standing orders that prevents people from making defamatory statements in this place.

Mr Humphries: Well, actually there is, Mr Speaker. Standing orders 54 and 55.

Mr Berry: There is nothing that stops members from saying defamatory things in this place. I do not think the word "defamation" is used anywhere in the standing orders. It is just a little bit over the top. The government is demonstrating its sensitivity to a part of a report that draws proper conclusions about individuals' behaviour, and in particular the Attorney-General's.

I merely referred to sections of a report that you sent to me, which it is my duty to raise, if I so choose to, in the course of my contribution to parliamentary democracy. For you to try to overturn my rights in that respect is a little bit of an extreme. I understand how you might be sensitive about it. Nevertheless, for you to try to prevent me from carrying out my parliamentary duties is quite extreme.

Mr Corbell: Contempt.

Mr Humphries: Rubbish

Mr Berry: Close, indeed, to a contempt.

MR SPEAKER: Order!

Mr Humphries: Mr Speaker, on the point of order: the debate which the Assembly has had—and which was the subject of your ruling—was about whether the report could be published. The report that was sent to Mr Berry and to other members was sent on a limited circulation basis—

Mr Berry: Mr Speaker, oh, no.

Mr Humphries: If you wouldn't mind, I'd like to finish my point of order. It was sent on the basis that it was to be provided to those members, and not beyond them, or to certain other people, and not beyond them. If Mr Berry repeats the comments on the floor of the Assembly, they can be reported beyond the Assembly, in the media and so on.

Mr Berry: That's right. So can anything else that I say.

Mr Humphries: But the comments that were made originally by Mr Hargreaves had to be withdrawn, on the basis that they offended against standing orders 54 and 55. I therefore ask that, if Mr Hargreaves' original comments were withdrawn, then Mr Berry's repeating of the comments must also logically be withdrawn.

Mr Hargreaves: Mr Speaker, I rise to speak to this point of order to correct something that the Attorney-General has said. What I actually did was withdraw—and I can quote from the *Hansard* as well—"any suggestion or implication there is any corruption or that there is any graft. However, I do not withdraw my comments in this dissenting report". I was not required to withdraw the comments from the report. In fact, Mr Speaker, to be quite honest, I was withdrawing, having been totally Gary-ed.

Mr Humphries: Mr Speaker, this is out of order.

Mr Hargreaves: I am saying this in all seriousness here. That is where that saying came from. This minister over here has drawn implications from what was said. He then stood up in this chamber and accused me of alleging that he perverted his duty, and he talked about this as an allegation of corruption. I made no such allegation of corruption. He has taken those implications. He stood up and defended it. I did not withdraw that. I withdrew an implication that this minister had drawn from it. He is the only one in this chamber who drew that implication, but I withdrew it on his behalf. So a relationship, Mr Speaker, between what I withdrew and what Mr Berry has said does not exist.

MR SPEAKER: Order! I would remind members of a resolution agreed to by the Assembly on 4 May 1995 headed "Exercise of Freedom of Speech". I would suggest you all refresh your memory about this. Just because we are in here, we do not have the right to say what we like, on any topic we like, or about anybody we like. Nevertheless, the matter has been raised. I am going to take the whole thing on notice.

Mr Humphries: Mr Speaker, can I strongly urge you not to do that, and I'll explain why. The Assembly is about to adjourn now for a period of about 10 days. If those comments remain on the record, and I have no doubt Mr Berry read them into the record for this very purpose, in the next 10 days those comments can be reported in the media without having to report also the qualification that they had been withdrawn as being unparliamentary.

My understanding of the law is that a report of the proceedings that have been withdrawn must be accompanied by a report that they have been withdrawn by the member concerned. This is a very important point. Mr Berry, I have no doubt, read the report into

the record for that very purpose, and I would ask that the record not be allowed to remain unchallenged on the report.

Mr Berry: Mr Speaker, I take a point of order. He is now imputing that I read those particular passages into the report for some illicit reason. There is a personal imputation—

Mr Humphries: Okay, I withdraw. I withdraw. But you do the same thing, Wayne. I withdraw. You do the same thing.

Mr Berry: Withdraw what?

Mr Humphries: What you just asked me to withdraw. Now you withdraw the comments that you've made.

Mr Berry: I won't, because they are a part of a report that was given to me by the Speaker, for heaven's sake.

Mr Humphries: But it is a report that has not been published yet. It is an unpublished report.

Mr Berry: No, I cannot.

Mr Stanhope: I'd just like to address that point—

MR SPEAKER: Just a moment please. Just a moment, Mr Stanhope. I would like to clarify something. Mr Humphries, what do you wish Mr Berry to withdraw?

Mr Humphries: Mr Berry has quoted words from Mr Hargreaves, and he quite clearly, on page—

Mr Berry: From a report.

Mr Humphries: Sorry, they are the words of Mr Hargreaves—

MR SPEAKER: Just a moment. He has quoted words in a dissenting report that—

Mr Humphries: In a dissenting report of the Standing Committee on Justice and Community Safety. He has quoted those words with approval. He has adopted those words. You read what he says about that. He has clearly adopted the words of Mr Hargreaves. Now, in doing that—

Mr Berry: I read the report. I quoted the report.

Mr Humphries: No, you did more than that. You adopted the words. Look what is written on that page. Clearly, you adopted the words. Now, if Mr Hargreaves breached standing orders when he originally uttered made those words, as you have ruled that he did, then—

Mr Hargreaves: On a point of order, Mr Speaker: there is no such ruling. I want that remark withdrawn from the record.

MR SPEAKER: Just settle down. We are going to be here a long time tonight.

Mr Hargreaves: We will be unless that is withdrawn, Mr Speaker.

Mr Humphries: Mr Speaker, when Mr Hargreaves used the original words in presenting the report some weeks ago I asked that they be withdrawn and they were withdrawn.

Mr Hargreaves: They were not withdrawn.

Mr Humphries: Now whether you encouraged him to withdraw them, I can't recall, Mr Speaker. Whether he did it off his own bat or whether you made him do it, I don't recall. I make no reflection on that without checking *Hansard*. Mr Speaker, the fact is that the comments were unparliamentary. Standing orders 54 and 55 are extremely clear, and if any comments ever made have fallen within standing orders 54 and 55 these are such words. The words impute that I have perverted my duty to consider matters fairly and impartially because of views I hold on some extraneous matter, in a way which is quite improper. That is the clear inference of those words.

I will quote—no, I won't quote the words because I would be doing the same thing. You read the words, Mr Speaker, and it is absolutely abundantly clear. Mr Berry has quoted those words and clearly that adopts those sentiments and puts them on the record in a way that can be quoted. Indeed, Mr Speaker, this is not a mere matter of conjecture. This morning these words were effectively summarised in a report on ABC radio from a report which has not been published yet by this Assembly. So I am not merely suggesting that these words might be used: they have been used. I ask, therefore, that they be withdrawn in accordance with standing orders 54 and 55.

Mr Stanhope: Just on the point of order: I am not quite sure how it actually rates as a point of order, but I think the point that Mr Hargreaves made does need to be repeated, Mr Speaker, for your benefit. In making it, he referred to an unedited proof *Hansard* of exactly what he did say, and Mr Humphries then, in his subsequent comments, simply ignored everything that Mr Hargreaves had just said, which is on the record. Mr Humphries made assertions that were not true, saying that Mr Hargreaves had alleged that he, Mr Humphries, was corrupt or had in some way perverted the duty that he owed to members of the community. Mr Hargreaves did not allege these things, but, in a spirit of conciliation, as many of us have in relation to these matters, stood up and withdrew any suggestion that he had inferred that any member of this place was corrupt or had perverted his duty. Mr Hargreaves then went on to say, and I am quoting from *Hansard:*

> However, I do not withdraw my comments in this dissenting report, Mr Speaker. I believe them to be true.

That is what Mr Hargreaves said when this matter was raised previously. He withdrew any suggestion that any member was corrupt or had perverted his duty, but he did not resile from his dissenting report. It is clear. It is on the record. Mr Berry has read from a report tabled in this place. To suggest that he is not entitled to do that, to suggest that

our freedom of speech, as members in this place, could be curtailed in such a way as to prevent Mr Berry from reading aloud from a report tabled in this place, is an extreme proposition that the Attorney-General is putting.

What are we suggesting? That Mr Berry can read under his breath from a report tabled in this place, but he cannot read aloud from a report tabled in this place? That is a simple nonsense. To suggest that our freedoms as members of this place, as representatives of the people of Canberra, can be curtailed to the extent that we cannot read from reports tabled in this place really is an extreme inhibition on our freedoms.

MR SPEAKER: I read from *House of Representatives Practice*, page 475:

> A Member is not allowed to use unparliamentary words by the device of putting them in somebody else's mouth, or in the course of a quotation.

Mr Berry: There is nothing unparliamentary in the words.

Mr Hargreaves: There was no ruling on that.

Mr Humphries: It's a quotation.

Mr Berry: The words weren't unparliamentary.

Mr Humphries: They are unparliamentary. His ruling says they were defamatory.

Mr Hargreaves: There is no ruling.

Mr Humphries: There might not be a ruling but they are, nonetheless, unparliamentary.

Ms Tucker: Which bit is unparliamentary?

Mr Hargreaves: What's unparliamentary?

Mr Humphries: The bit that says that I was corrupt. That is the part that is unparliamentary.

Mr Hargreaves: You said you were corrupt. You said it.

Ms Tucker: It doesn't say you were corrupt.

Mr Humphries: No, no; it was a summary of what you were saying.

Mr Hargreaves: You said it.

Mr Stanhope: You said it and Mr Hargreaves withdrew any suggestion that he had said it.

Mr Hargreaves: You said it or I'd pull back your implication.

Mr Humphries: For heaven's sake. You don't mean to say that? That's not what you are getting at?

Mr Hargreaves: Do you want to read it? Do you want me to stand up and read you your own words? You said it, I didn't.

Mr Humphries: I was summarising what you were saying, John.

Mr Hargreaves: That is not my problem. It's your problem. If you are accusing yourself of being corrupt, it is not my problem.

Mr Humphries: "It is part of the 'Do as you are told or we will de-fund you' method of government". What is that meant to suggest?

Mr Kaine: This is getting ridiculous.

Mr Hargreaves: Oh, come on. If you are recording yourself as being corrupt, then fine.

Mr Quinlan: You are putting the strongest bloody construction you can to try to wipe it out altogether. You are overstating it.

Mr Hargreaves: Methinketh you protesteth too much.

Mr Humphries: Oh, come on. Well, what were you saying by those things, Mr Hargreaves? You summarise.

Mr Hargreaves: You'll find out when you open the debate again. You have duckshoved it by adjourning it.

Mr Corbell: Are you going to make a ruling, Mr Speaker?

Mr Rugendyke: Mr Speaker, in accordance with standing order 70, I move:

> That the question be put forthwith.

MR SPEAKER: There is no question before the house, Mr Rugendyke, unfortunately.

Mr Corbell: Are you going to rule on it, Mr Speaker?

MR SPEAKER: I am still—

Mr Kaine: Mr Speaker, I suggest that, in accordance with standing orders 56 and 57, you have to determine whether or not words used were offensive or disorderly. Have you made such a ruling, or are you letting the minister bully you into this?

MR SPEAKER: I am taking advice from the clerks actually.

Mr Kaine: What is disorderly or offensive about what is said in a report?

Mr Quinlan: I suggest, if I may, Mr Speaker, that if you decide in favour of Mr Humphries in any way in this particular exercise, all we have to do, any of us who do not like anything that is said in this place, is overstate it, put the worst possible construction on it, take personal offence and have it struck out.

Mr Humphries: Rubbish. That is not the basis of it.

Mr Quinlan: That is absurd.

Mr Humphries: Mr Speaker, that is not what is being said here. I am not saying that this should be struck out because I take offence from it. I am asking for it to be withdrawn on the basis that those words are offensive. Mr Speaker, I will read those words.

Mr Quinlan: I know you have had years of overstatement but, come on, there is a limit. Let us get on with it.

Mr Humphries: I want to read the words into *Hansard*, Mr Speaker.

MR SPEAKER: Order, please!

Mr Humphries: I quote:

> I suspect that these reductions reflect the personal commitment of the Attorney General and certain members of the Standing Committee to de-fund those activities because the activities have publicly disagreed with those Members' views on sensitive subjects.

The clear inference from those words is that I as Attorney-General de-funded the Women's Legal Centre not because they had a poor case for funding from the government but because I disagree with their views on a particular subject, namely abortion. That is the inference being made, Mr Speaker, and it is an utterly improper inference, utterly improper.

Mr Speaker, I ask members to read those words and ask themselves in all honesty whether they can be construed as something other than offensive words in terms of standing order 54. Standing order 54 says:

> A Member may not use offensive words against the Assembly or any Member thereof …

Are they offensive or are they not? Of course they are. Standing order 55 says:

> All imputations of improper motives …

What is this if not an improper motive, Mr Speaker? It says:

> …all personal reflections … shall be considered highly disorderly.

It is a personal reflection of almost the worst kind. It is one of the worst kinds that we see in this place. Those words were quoted by Mr Berry for the purpose of reading them into *Hansard*. When they were originally made by Mr Hargreaves he withdrew them.

Mr Hargreaves: I did not.

Mr Berry: No, he did not. Mr Speaker, may I just refer to that and I will give you the full quote?

Mr Humphries: Let me finish, please. I am in the middle of a point of order, if you don't mind.

MR SPEAKER: Order! Just a moment.

Mr Berry: Mr Humphries uses as a reference point—

MR SPEAKER: Order! Just a moment. Mr Humphries is explaining. You can talk in a moment.

Mr Humphries: Mr Hargreaves withdrew inferences from his comments when they were originally made. I am asking Mr Berry to withdraw inferences being taken from the same words, the very same words. Mr Speaker, put another angle on this. If we are to say that what is quoted in a report is not subject to standing order 54 or 55 merely because it is quoted, then what is to prevent any member saying about any other member, "This person is a child molester," putting it in a dissenting report to a committee report, have it put on the table in the Assembly and then quote from it, knowing that—

Mr Corbell: Oh, come on, Gary.

Mr Humphries: No, it's a good point, Mr Speaker.

Mr Corbell: It is pathetic.

Mr Humphries: If you quote from something, somehow it is given immunity it does not enjoy by being said originally by the original member. What is to stop someone from getting unparliamentary words onto the record by use of this device and not be able to have them withdrawn? Absolutely nothing, it seems to me, Mr Speaker. Absolutely nothing.

Mr Corbell: They have never been ruled as unparliamentary.

Mr Humphries: So the original member can make the statement and might have to withdraw it, but another member can quote it and get away with making the statement, and it can then be reported in the media.

Mr Stanhope: Not if it is unparliamentary.

Mr Humphries: It can be reported in the media. Mr Speaker, it is clearly unparliamentary to use those words, even in a quotation, and I ask that they be withdrawn.

MR SPEAKER: Mr Berry, did you want to speak?

Mr Berry: I think Mr Stanhope was about to do so.

Mr Stanhope: This has gone on long enough, Mr Speaker.

MR SPEAKER: It certainly has.

Mr Stanhope: I do not think any of us are interested in spending our time here worrying about Mr Humphries' wounded sensibilities. I seek leave, Mr Speaker, to move that the Assembly adjourn.

Mr Humphries: You do not have the power to move that the Assembly adjourn.

Mr Berry: He has just sought leave.

Mr Corbell: With leave, he does.

MR SPEAKER: Is leave granted?

Mr Humphries: To do what?

Mr Stanhope: To move that the house adjourn.

Mr Humphries: No, leave is not granted, I'm sorry. Leave is not granted.

MR BERRY (5.59 pm): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Stanhope moving—That the Assembly do now adjourn.

Mr Speaker, the arguments are clear here. You have said that you want to go away and have a look at that. Mr Humphries has got injured senses. Do not forget that Mr Humphries also moved that the debate on the issue about which we are concerned at the moment be adjourned. He did not want to proceed with the debate.

Mr Speaker, I have more important things to do with my time than to worry about how bruised Mr Humphries might feel about something that is written in a formal Assembly report in this place which is a matter of debate before this house. I therefore have moved that standing orders be suspended in order that we can just go home and get on with whatever we do in the rest of our lives rather than get involved in a domestic dispute with Mr Humphries.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (6.00): On the question of the suspension of standing orders, Mr Speaker, I have raised a matter of serious concern. It is not a question of my sensibilities. It is a question of words which, on any reasonable construction, are words which seriously offend against the standing orders. If we adjourn, that has the effect of allowing these words to stay on the record for the next 10 days, and to be used in the next 10 days as they were this morning. That is entirely inappropriate and should not be allowed to happen.

MR HARGREAVES (6.01): Mr Speaker, on the question of suspension: Mr Humphries has said that the words can stay on the record for the next 10 days. I might suggest, Mr Speaker, that that is exactly what this minister has done with the whole body of that report, the contents of which no doubt are embarrassing to this minister. He has put it without authorisation. He has adjourned the motion of authorisation so the thing just hangs in the air, so far for some considerable weeks, and now for yet another two, instead of allowing that process to be debated and finalised. If it is good enough for this minister to let a report like that hang in the air, let this hang in the air until we come back.

Mr Humphries: It wasn't my decision, Mr Speaker, that it be left in that position.

MR STANHOPE (Leader of the Opposition) (6.02): Just on that motion: the issue is quite clear, Mr Speaker. You indicated, Mr Speaker, that you did wish to take the matter away, review it and report on it. What my colleagues have said is fair. It was Mr Humphries who adjourned the debate. We could have concluded this yesterday. The Attorney left it hanging by moving adjournment of the debate on Mr Berry's motion. It could have been dealt with. He brought it up in the ashes of the evening, so to speak. You did indicate that you wanted to take the matter away. Mr Humphries continued to press you not to adopt that attitude. We have been discussing this now for half-an-hour. The executive obviously has no other business that it gives any precedence to. We may as well adjourn.

Mr Moore: Have a look at the paper. It is not your prerogative to adjourn.

Mr Humphries: Mr Speaker, under standing order 46, I ask for leave to make a further statement.

Mr Berry: Mr Speaker, it is customary for standing order 46 matters to be dealt with after the question is put.

Mr Humphries: I ask for leave to make a statement, Mr Speaker, because it touches on the matters that have just been raised.

Mr Moore: Now we will move to suspend standing orders.

MR SPEAKER: Is leave granted?

Mr Wood: Later.

Mr Moore: We will move to suspend standing orders. I move to suspend so much—

MR SPEAKER: We have already got a motion for suspension of standing orders. Just a moment. I want to clarify a point following Mr Stanhope's comments. Yes, that is true; I did wish to take the matter away. Mr Humphries then appealed me. I had not made a decision. I still have not. The question is that standing orders be suspended. That is the matter before the house at the moment.

Question put:

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

The Assembly voted—

Ayes, 6	Noes, 11
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Kaine
Mr Wood	Mr Moore
	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

MR SPEAKER: I wish to consult further with the Clerk. Order! I have consulted. We can deal with it now. Thank you, Ms Tucker, for your suggestion that we might move to executive business while I considered the matter, but we can deal with it now. I have taken advice. The situation is that if members wish to take up what Mr Berry said on Tuesday, reading into *Hansard*, then the matter has to be taken up as a substantive motion against, in this case, the Attorney-General or Treasurer. That has to be a substantive motion that can be debated in full. Otherwise, I rule that these comments are out of order and should be withdrawn. In other words, if you people wish to take this up and take it further, you are going to have to put it up as a substantive motion against Mr Humphries.

Mr Humphries: So it has to be withdrawn if there is not going to be a substantive motion.

MR SPEAKER: Otherwise, Mr Berry should withdraw the comments that he made as reported in *Hansard* on Tuesday. That is my ruling.

Mr Berry: What was your ruling again?

MR SPEAKER: That you withdraw. I do not know whether you heard the entire comment, Mr Berry, but I said that if you wish to pursue this matter it will have to be done by way of a substantive motion against Mr Humphries; otherwise you are going to have to withdraw it. In fact, I am asking you to withdraw it now. If you subsequently wish to pursue the matter, you must do it by way of a substantive motion.

Mr Berry: Are you ordering that I withdraw this?

MR SPEAKER: Please.

Mr Berry: Are you ordering? I want to make sure.

MR SPEAKER: Yes, I am. If you wish to follow it through later on, you may do so.

Mr Berry: I seek leave to move dissent from your ruling.

Leave not granted.

MR BERRY (6.12): Okay. Well, three days will do. We will keep it on the record. Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving a motion of dissent in the Speaker's ruling.

Mr Moore: I raise a point of order, Mr Speaker. I believe that this is in blatant disregard of standing order 202 (e). Mr Berry is persistently and wilfully disregarding the authority of the chair. I believe he should be named.

Mr Corbell: He can move dissent from the ruling. You know that.

Mr Moore: I am taking a point of order.

Mr Corbell: There is a question before the chair.

Mr Moore: It is simply a tactic. Mr Speaker has already ruled.

Mr Corbell: We are dissenting from his ruling.

MR SPEAKER: Are you seeking to suspend standing orders?

MR BERRY: I have moved a motion, Mr Speaker.

MR SPEAKER: You are moving that so much of standing orders be suspended—

MR BERRY: As would prevent me from doing so, and I will speak to the motion to suspend standing orders, if I may, Mr Speaker?

MR SPEAKER: You may.

MR BERRY: Thank you, Mr Speaker. The first point that was made in relation to this was from Mr Humphries. He drew, as the turning point or the fundamental point, on words that were supposed to have been uttered by Mr Hargreaves in relation to words which were included in Mr Hargreaves' dissenting report in the justice committee's report in relation to the budget. He said that Mr Hargreaves had used these words and had been ordered to withdraw them. Mr Speaker, that was untrue because Mr Hargreaves had never used these words and had never been asked to withdraw them, and Mr Humphries—

MR SPEAKER: You are not debating the issue, Mr Berry. You are debating the motion for the suspension of standing orders.

MR BERRY: Indeed I am, sir. This is one of the reasons why this matter needs to be fully debated, Mr Speaker—so that all of the issues can come out in the open about the web of deception that this Attorney-General has tried to create in relation to this matter. Mr Speaker, there needs to be a full and open debate about the reasons why this report cannot be quoted in this place. If it comes to the point where we cannot read from a report which is critical of a minister or another member in this place, then I am afraid democracy has gone down the gurgler.

Mr Humphries: That is not the point.

MR BERRY: If that is the course that you want to drive the Speaker to, then I am quite content to have the debate and have you all vote that the Speaker's ruling ought to be upheld in relation to this matter, because you people will wear it. If you are prepared to stop me from having that debate by refusing to allow me to have a suspension of standing orders in order that we can have it, you will fly in the face of a ruling or a comment that was made by the Speaker some time ago in relation to matters which I discussed outside this house. Mr Speaker said in relation to matters that I discussed outside this house in relation to the Speaker that there ought to have been a substantive motion in relation to the Speaker's ruling in this place. Indeed, I tried to move it and the Speaker refused me permission to move a motion when he eventually threw me out of this place.

Mr Speaker, you baited me into wanting one of these motions, that is, a motion of dissent from your ruling. That is why I want standing orders suspended—so that I can have a bit of justice in this process. If you people want to treat this place like a star chamber and just impose your political will on me through the Speaker, well, you are looking as though you are doing a pretty good job of it. I hope that the rest of the members in this place will support a motion for the suspension of standing orders in order that we can fully and openly debate the issue.

Joe Stalin could take a lesson or two from you people. That is the sort of strategy that he would adopt. Stifle debate. All I want is my chance to stand up here and state a case in relation to a ruling which I believe is unfair. I can tell you, and you know, that the Speaker criticised some things I said outside this place before because I had not taken up a substantive motion in this place. Quite to the contrary, in fact, I had, but he had refused to let me. Now all I want is my few minutes to be able to openly debate this issue, and I want those in this place who want the Speaker's ruling to be upheld in relation to comments on a committee report in this place to vote to uphold his particular rulings. You people will then be counted in relation to it. Those are my concluding remarks in relation to the suspension of standing orders.

MR MOORE (Minister for Health and Community Care) (6.18): Mr Berry says that what he wants is justice. In fact, had he actually listened to you instead of disregarding the chair at the time you were making a ruling, he would have heard you say, "Yes, Mr Berry, you are entitled to that. You are entitled to that under standing orders, but you must, for justice, do it as a substantive motion." Mr Berry is certainly entitled to do it, and nobody is debating that.

The criticism that is being made of Mr Humphries is a criticism that requires a substantive motion. That is really what this debate is about. We are used to hearing Mr Berry use this sort of tactic, of misusing standing orders, to try to get around that. He has the standing orders available to him, so he has the prerogative of questioning Mr Humphries in the way he says he wishes to. This is not the way to do it. This is simply to dissent from the Speaker's ruling, to say that the Speaker's ruling is wrong. In this case it is quite clear that the Speaker's ruling is entirely appropriate.

Mr Berry: It is not.

MR MOORE: Mr Berry, if you would listen to the Speaker—

Mr Berry: That is the argument. You will not let us have the argument about that.

MR MOORE: It was quite clear from your opening comments in this debate about the suspension of standing orders, but you did not listen to what the Speaker said because you wandered out of the chamber to talk to other people, probably for very good reasons. You missed what the Speaker said. What the Speaker said was: "Mr Berry, if you wish to raise this matter you must do it as a substantive motion."

Mr Berry: I heard him say that.

MR MOORE: Therefore, what you must do now is withdraw the allegation that you have made in an inappropriate manner. You are able to do it, but you must do it on a substantive motion. That has been the practice in this chamber since you have been here, Mr Berry, from day one for 11 years. You know it and you simply flout the standing orders, and you get more and more flagrant about it.

Mr Berry: Is that unparliamentary?

MR SPEAKER: That is not unparliamentary.

MR MOORE: You do it through question time, and you do it very regularly. I should not say you flout them. You test them to the extreme. I withdraw the word "flout". You test them to the extreme, Mr Berry, and you know it. It is a type of game that you play to test the Speaker.

The Speaker has been extraordinarily fair in this particular case. He has said to you, "Yes, you may proceed with this, Mr Berry, according to standing orders." I will tell you why he has been extraordinarily fair. The Speaker had the prerogative of using standing order 202 (e). I called on him to use standing order 202 (e) and he said, "No, I will not do that. Instead I will make it very clear to Mr Berry that he has a chance." Mr Berry, he has given you chance after chance after chance, as he does almost every question time and as he has done again here.

Mr Berry, it is time for us to vote against this silly motion for the suspension of standing orders and to give you the prerogative, as you have, to put this as a substantive motion. But first, Mr Berry, you must withdraw in the circumstances that you have used the standing orders.

MR STANHOPE (Leader of the Opposition) (6.21): Mr Speaker, I think it would be a grave disservice for Mr Berry to be banished from the house on the basis of imputations that he has allegedly made against the Attorney when there has been no suggestion of the precise words that are unparliamentary or disorderly or offensive. Mr Speaker, one thing that I would ask you to consider is identifying those words, or those parts of the statement that Mr Berry made in the first instance, that are unparliamentary.

Mr Moore: I take a point of order, Mr Speaker. This is not the matter under debate. The suspension of standing orders is the matter under debate.

MR STANHOPE: Yes. What do you think I am addressing? What did you talk about?

Mr Moore: The suspension of standing orders.

MR STANHOPE: You went on and on about what Mr Berry had said or had not said. The point I am raising is that none of us actually know what particular words, what precise words, Mr Berry is being accused of having used that are unparliamentary or are disorderly.

Mr Moore: That is why he puts in a substantive motion. That is why he does it in a substantive motion.

MR STANHOPE: Not at all. He cannot be asked to move a substantive motion. He does not wish to pursue this matter. The other issue is that Mr Berry does not wish to pursue a motion against the Attorney or to take the matter any further. What Mr Berry did was refer to and read from a document tabled in this house, and refer to a matter which could have been disposed of earlier this week if the Attorney had not chosen to adjourn it. We are in a situation here where we are arguing about an alternative way of proceeding with the matter. Earlier, Mr Speaker, you said there were two options here. One was to propose a substantive motion if he wished to pursue the matter—Mr Berry has no matter that he wishes to pursue any further—or to remove so-called unparliamentary or disorderly words.

In justice, the unparliamentary or disorderly words need to be identified. We need to know exactly what they are. I have perused again the dissenting report and I am not quite clear on what it is that is offensive or unparliamentary in the words that were used.

Mr Humphries: None so blind as those who will not see.

MR STANHOPE: What are the precise words? Is it suggested that he withdraw everything he said? Or just a couple of the words? Or one paragraph?

Mr Humphries: The indented paragraphs will be fine, thank you.

MR STANHOPE: Mr Humphries, perhaps you need to stand and explain what are the precise words that you have taken such exception to. I think it is important that we at least clarify that. The basic issue here really does go back to the right of a member of this place to refer to a document that has been tabled in this place. The matter could have

been dealt with otherwise. We do need to consider those freedoms very seriously and clearly, and Mr Berry should be allowed the opportunity to have the standing orders suspended to permit him to do as he wishes.

MR SPEAKER: Mr Humphries, I think you did identify those words.

Mr Berry: No, he did not.

Mr Humphries: Yes, Mr Speaker. I might just—

Mr Stanhope: Never.

MR SPEAKER: Order!

Mr Berry: Which words?

Mr Humphries: I did, Mr Speaker. Yes.

MR SPEAKER: You did. I think you did.

MR SMYTH (Minister for Urban Services) (6.24): Mr Speaker, this is just being pigheaded. You have outlined a path forward. You have said that you want a withdrawal and then, if the issue is to be rejoined, the correct way, as outlined by standing orders, is through a substantive motion. The point here is this: if somebody writes a dissenting report and in it says that another member beats his wife, that member cannot defend himself. If somebody then comes into this place and reads onto the record that another member beats his wife, it becomes public and can be used.

Mr Humphries is saying that there is something untrue in what has been said in the dissenting report. The Assembly adjourned the previous discussion and the Assembly can rejoin that discussion. You, Mr Speaker, have given the path forward for how it should be done in a proper manner.

This is just theatre. This is typical Mr Berry. This is black is white because Wayne said so; this is white is black because Wayne said so. We can argue the toss as long as you like, but you, Mr Speaker, have made a determination on how it can go forward in an appropriate manner. The man should withdraw.

MR OSBORNE (6.26): Mr Speaker, I think you identified a very clear path for Mr Berry. He stood up and bleated about being gagged, but I think, as Mr Moore indicated, he did not hear the first part of your ruling. Also, Mr Speaker, the debate which was adjourned on Tuesday by Mr Humphries will give Mr Berry an opportunity once again to speak to this issue.

I have to say though that I thought the way Mr Berry read into *Hansard* the extract from that report was pretty low. I am a party to the allegation and I found it offensive. I had discussions with Mr Hargreaves about his intention to write that link with me. When you read that extract from the dissenting report it is very clear that the Attorney-General is not the only person identified.

Mr Speaker, this issue has been resolved. You issued a statement in the Assembly the other day. The issue of whether the report as a whole is to be published has not been finalised. Mr Berry attempted to cheat and to incorporate that section in *Hansard*.

Mr Berry: I take a point of order, Mr Speaker. I think you should get him to withdraw that one.

Mr Humphries: Oh, you want him to withdraw an unparliamentary comment, do you?

MR OSBORNE: I am happy to withdraw.

MR SPEAKER: Thank you.

MR OSBORNE: When I make a mistake, Mr Speaker, I am more than happy to withdraw, and I withdraw the word "cheat". It is very clear that Mr Berry was attempting to use the standing orders to try to sneakily include it on the record for the media to access. I heard a report that night. It may have been on the ABC. The journalist read onto the airways the allegation of Mr Hargreaves. He was able to do that via Mr Berry reading it into *Hansard*. The issue has not been resolved. The allegation is not true.

Mr Berry had the opportunity to raise his allegations with Mr Humphries during the draft budget process. He did not do that, and Mr Hargreaves did not do that. Mr Humphries gave an explanation to the committee which was accepted until the draft report arrived. I think it was sneaky and this Assembly should not have allowed it to succeed.

The time allowed by standing order 69 for the debate on the motion having expired—

Question put:

> That the motion (**Mr Berry's**) be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

MR SPEAKER: Mr Berry, in accordance with my earlier comment, I repeat that if you wish to debate this matter it will need a substantive motion. In the meantime, however, I would ask you to withdraw as requested, please.

Mr Berry: Mr Speaker, I am offended by your ruling, and I am offended by these offensive people opposite who will not let me debate this issue. I think they do injustice to the democratic process in this place, and their behaviour is quite appalling.

Mr Moore: On a point of order, Mr Speaker: he reflects on the vote of the Assembly.

MR SPEAKER: Mr Berry, if you don't get to the point—

Mr Moore: Once again he is deliberately disregarding standing orders in exactly the same way as he got into this strife for.

MR SPEAKER: Order! I wish to know, please.

Mr Berry: Because it is the intention of the Speaker and these people opposite to throw me out if I do not withdraw—

MR SPEAKER: It is not my intention. It is simply the standing orders.

Mr Berry: And these people will vote for it, Mr Speaker, because they feel—

MR SPEAKER: That is up to them. Will you withdraw or not?

Mr Berry: Because they feel prickly about the issue, I withdraw it, and for no other reason.

MR SPEAKER: Thank you. It has also been suggested that you might like to withdraw the imputation against the Speaker too.

Mr Berry: Oh, okay. I did not mean to impugn you, Mr Speaker. I am not allowed to move motions against your rulings. I have discovered that.

MR SPEAKER: You are, but you must not impute against the Speaker. Will you withdraw?

Mr Berry: Yes, I withdraw, Mr Speaker, to prevent myself from being thrown out. For no other reason.

MR SPEAKER: Members, I would remind you that the matter now, if it is the wish of the Assembly, is subject to a substantive motion at some future time.

MR BERRY (6.34): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent order of the day No. 29 relating to the motion to authorise publication of the Standing Committee on Justice and Community Safety's Report No. 9 concerning the Draft 2000-01 Budget being called on forthwith.

I am moving to bring on private members business under my name which relates to the report which has been the subject of interest in this recent debate.

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

That the question be now put.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Housing—Gazumping

MR WOOD (6.39): I wish to continue the debate about gazumping, but briefly. After question time, the minister for housing quoted the definition of gazumping as, to quote from the page he gave me, "to raise the price of a property after having accepted an offer". That is a reasonable definition. Of course, being a dictionary definition, it is quite brief. The minister said that there was no acceptance, but he was wrong. There was an acceptance by the agent on behalf of the vendor. That is what agents are for. The $1,000 payment was part of that acceptance. It is, however, a non-binding agreement. If the vendor—that is, ACT Housing—chooses to accept the later offer, that is gazumping.

ACT Eden Monaro Cancer Support Group

MR OSBORNE (6.40): Mr Speaker, I wish to speak briefly about the recent campaign run by the ACT Eden Monaro Cancer Support Group to raise funds for Millie Hagan. I am sure that most members would be aware of the campaign and the amount of publicity that was generated by it. Millie is five years old and suffers from a rare immune deficiency called leucocyte adhesion deficiency. I hope I got that right; perhaps Mr Moore or Mrs Carnell will correct me. It is a life-threatening disease which had taken the life of Millie's older brother—I think his name was Jack—a couple of years ago. A new form of treatment has been developed in the USA and it has had some successes. A campaign was organised to raise $104,000 to pay for Millie to undergo a transplant and the subsequent treatment.

Mr Speaker, it would be a gross understatement to say the campaign was successful. It was, in fact, an unbelievable success. The Canberra community got into the spirit and over $400,000 was raised. No doubt, the ACT Eden Monaro Cancer Support Group will use the extra money to help many more families as they battle through difficult times.

As one of the patrons of this group, I would like to say a special thankyou to two very special people. The first is my friend and co-patron Marty Haynes from FM 104.7, who drove this campaign like a man possessed. His support for the group is a blessing to all of us. He has been a vocal advocate for just about everything and every cause raised by the cancer support group. He has been a true friend of the workers and the families who make up the ACT Eden Monaro Cancer Support Group. Thanks, buddy. Without your help, none of this would have been possible.

Secondly, and more importantly, I would like to say a few words about a very special lady, Yvonne Cuschieri. Most of us in here would have met her and I am sure that all of us, without exception, admire the job that she does. Yvonne set up the ACT Eden Monaro Cancer Support Group in 1985 or 1986 to help families of children with cancer. Over the years, over 300 families have been helped by Yvonne and her team. The groups are comprised solely of volunteers. It was only two years ago, through the generosity of this government and, in particular, the Chief Minister, that they first received some government support. I have known Yvonne for five years and I continue to be constantly amazed by this special lady. She has been a friend and a constant support for me and my family, and I love her dearly.

ACT Eden Monaro Cancer Support Group

MR HARGREAVES (6.43): I just want to follow on from Mr Osborne's speech and echo his support. I would like to name somebody else who was responsible for a significant contribution to that very same fund, that is, Lindy Frampton. Lindy Frampton worked in my office during the last couple of years. She has now taken 12 months off without pay. Her efforts brought about the massive auction held in Tuggeranong for which Marty Haynes was the MC. Through her efforts, $20,000 was raised at that auction. I am pleased to say that many members of this chamber supported it either at the time or in kind. I would like to add my thoughts to those of Mr Osborne.

Gungahlin Drive Extension

MR CORBELL (6.44): Mr Speaker, much has been said in the debate this past week in relation to Gungahlin Drive or, as it is more commonly known, the John Dedman Parkway. I thought it would be useful at the conclusion of the week to clarify some of the things that have been said this week. The first is the suggestion from the government that the Gungahlin Community Council supports the government's option for Gungahlin Drive. That is untrue. In fact, it is certainly a case of the minister not putting the full picture on things.

The minister would be aware that Mr David Gower, who is the president of the Gungahlin Community Council, gave evidence to an inquiry conducted by the Planning and Urban Services Committee on this matter last week. In that evidence, Mr Gower confirmed that the Gungahlin Community Council did not support all of the government's option. Indeed, the Gungahlin Community Council noted that they did not support the bifurcation of the John Dedman Parkway extension for the connection through to Barry Drive.

They outlined very clearly that they believed that Gungahlin Drive, as they called it, was mainly a north-south route and the connection to Barry Drive was unnecessary. It is important that we put on the record that the Gungahlin Community Council, in their evidence to the planning committee, did not support the government option in total. Indeed, they see no need to support the bifurcation of Gungahlin Drive through to Barry Drive.

There are some other points I want to make. I was concerned to see a statement from Mr David Gower, who is the president of the Gungahlin Community Council. I have worked with David on a number of issues over the years, including the need for a permanent hall for the Palmerston community, a Palmerston community hall, which this government has failed to deliver to date, and the extension of Horse Park Drive through to the Federal Highway.

Mr Gower said in his statement that he refuted a claim of mine. I quote:

> The Minister for Urban Services, Mr Brendan Smyth, did not give the Gungahlin Community Council an ultimatum on the route for Gungahlin Drive Extension or no road as expressed by Mr Corbell.

Mr Speaker, this is wrong. I am afraid that this is wrong. I did not put words into Mr Gower's mouth; he said them himself. Mr Gower said in his evidence to the planning committee that he had received pressure from the government. He said:

> Yes, pressure was put on us to a degree that if we did not support the government's option which is the eastern alignment, we would not get a road.

I did not put the words into Mr Gower's mouth; he said that. We now have the strange situation where we have a media statement from the Gungahlin Community Council which directly contradicts evidence he has given to a parliamentary inquiry. That raises some serious questions, Mr Speaker.

The other point that I wish to make relates to the Gungahlin Community Council's view in relation to other alternative routes for the road. I was very pleased to hear Mr Gower tell the standing committee:

> If the Assembly chose another route it would meet the demands of the Gungahlin community.

I want to stress this particularly to the minister. I asked Mr Gower:

> What do you think would the view of people in Gungahlin generally if a majority of this Assembly said to the government, "We want that road to be somewhere else, not on the alignment you prefer." Do you think that would satisfy people in Gungahlin?

Mr Gower answered:

> Yes, absolutely.

So what we have is confirmation from the Gungahlin Community Council that, if a majority of this Assembly chose to say to the government that the road should be built on a different alignment from the alignment favoured by the government, that would satisfy the community of Gungahlin. The answer is, "Yes, absolutely." That speaks for itself. It certainly puts in context some of the comments of the Minister for Urban Services over the past week.

Gungahlin Drive Extension

MR SMYTH (Minister for Urban Services) (6.48): Mr Speaker, the documents that I quoted from this week were from Mr Gower and from the Reverend Roma Hosking. They were not my words; they were their words. The words of the community council were:

> The Minister for Urban Services, Mr Brendan Smyth, did not give the Gungahlin Community Council an ultimatum on the route for Gungahlin Drive Extension or no road as expressed by Mr Corbell.

There is the clarification of what was said. In regard to which route the Gungahlin Community Council prefers, again I quote the Reverend Roma Hosking:

> Please note that several members of the executive of the Community Council attended the Maunsell workshops in 1996 and at those workshops we made it clear that we preferred option 3 ... which had links to Barry Drive and to Caswell Drive, now known as the eastern route—the government's preferred route.

This pre-dates the present discussions by four years. Try as Mr Corbell might, they are the words of the Gungahlin Community Council's secretary. They are clarification of whatever has been said. The words stand on their merit.

Federal Budget

MR QUINLAN (6.50): I shall be very brief, Mr Speaker, in rising to speak in relation to the question that Mr Humphries took today on his claim of a $150 million saving to the taxpayer arising out of the federal budget. I want to make something clear. Simply because Mr Humphries did not answer my original question and chose to discuss his own topic does not actually alter from the question. The original question that I asked Mr Humphries was really challenging him on the overall impact of the federal budget. I presumed that he had a rough idea of the $150 million. I also presumed that he had not taken into account the direct impact of interest rate rises which were predicted as soon as the budget was brought down. I was really trying to allude to the net effect on the ACT taxpayer in the first instance. In my supplementary question, I asked about families which earned below $50,000 and whether he knew the net effect on them.

We have since had his answer, which I thought was a little bit of a political bonus. When I first asked the question, the minister did not have a damn clue as to how the $150 million was made up or where it came from. Secondly, as a function of that, he wandered off, talking in generalities, and then came back today and spoke as if I was challenging the level of the $150 million. The fact that he did not have a clue originally as to what the $150 million was made up of was, as I said, a political bonus. But the import of the question was the net impact on the ACT taxpayer and the net impact on individual families of the overall impact of the federal budget.

Gungahlin Drive Extension
Legislative Assembly for the ACT

MR MOORE (Minister for Health and Community Care) (6.53), in reply: Mr Speaker, in closing the debate, I will make a brief comment. Having listened to the questions to Mr Smyth, I wonder how Mr Gower feels when this process continues. It seems to me that he made some statements to a committee and then clarified those statements.

When somebody appears before a committee there ought to be a little bit of understanding of how somebody feels under those circumstances. I have done so before a couple of federal committees, the last one being within the last couple of months, and I have to say that I felt extraordinarily nervous when I appeared before those committees, in spite of 11 years of parliamentary experience to date.

That having been said, Mr Speaker, I wish to make it very clear that my view is in direct opposition to that of Mr Smyth on the particular route of the road. It so happens that I believe that the community option, as it is generally addressed, would be the best result. I hope that the end of this sitting day will be the end for this particular person who has appeared before a committee. It is a strenuous situation. I understand why the opposition pursued Mr Smyth on the issue and I do not have a disagreement with that, but there is a point at which you say, "How far has this gone?" I hope that this adjournment debate will be the end of the matter.

Mr Speaker, I note that Mr Wood is sitting opposite me now. He and I, as well as other members who are not in the chamber at the moment, have been here for the full 11 years of the Assembly. We have done 11 years now. I wonder how much longer we will be in the Assembly. I must say that for those of us who have been through the 11 years, there

have been a huge number of changes. Sometimes I see things occurring in the Assembly—perhaps the events of late this afternoon are one of those circumstances—and I feel particularly concerned about where we have got to. On the other hand, in the vast majority of cases, I must say that I think that the Assembly operates much better than it did when we started.

Looking back to the days of the First Assembly, there were very interesting characters and flamboyant times, but I would not wish them again on any Assembly again, as interesting as they were, because the decisions that came out of there were often questionable. But it was the case in the First Assembly, for all those things, that we developed a very strong committee system. We have to be very careful to guard that committee system very well. I heard Mr Wood say earlier today that he enjoys the committee work. I have to say that one of the things I miss as a minister is the committee work.

When people go into those committees in good faith and try to reach comprises, understand the issues and make recommendations, we get really excellent outcomes. We must not lose sight of that. The vast majority of the work that does go on both in here and in the committees is extraordinarily positive, with each member seeking in their own way to operate in the interests of the community and develop a better society as they see it. Mr Speaker, the 11 years of the Assembly have shown an extraordinary growth. It is something that I must say I am very proud to be associated with.

Question resolved in the affirmative.

Assembly adjourned at 6.55 pm until Tuesday, 23 May 2000, at 10.30 am

ANSWERS TO QUESTIONS

Motor Vehicle Inspections
(Question No 225)

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

In relation to motor vehicle inspections: For each of the following years: (a) 1993, (b) 1994, (c) 1995, (d) 1996, (e) 1997, (f) 1998 and (g) 1999.

(1) How many vehicles were inspected;
(2) How many defect notices were issued;
(3) How many vehicle inspectors were there;
(4) What was the average waiting time for vehicle inspections.

Mr Smyth: The answer to Mr Hargreaves' question is as follows:

1. The number of vehicles inspected each year were:

1993	84,818 (for the 8 months from 1 May onwards)
1994	92,748
1995	71,402 (65,966 in test station and 5,436 on-road)
1996	56,315 (39,703 in test station and 16,612 on-road and in carparks) (Coincides with the closure of Phillip test station at the end of 1995 and the commencement of inspection on transfer rather than annual for light vehicles at the start of 1996)
1997	63,133 (39,142 in test station and 23,287 on-road and in carparks and 704 by the private sector) (Competition in vehicle inspection services -private sector able to perform full inspections for light vehicles commenced on 1 December 1997)
1998	67,469 (20,362 in test station, 25,594 on-road and in carparks and 21,513 by the private sector)
1999	101,681 (13,983 in test station, 60,140 on-road and in carparks and 27,558 by the private sector)

2. The number of defect notices issued each year was:

1993	records unavailable
1994	records unavailable
1995	830 (records of defect notices issued by the AFP are unavailable)
1996	1,932 (records of defect notices issued by the AFP are unavailable)
1997	2,399 (records of defect notices issued by the AFP are unavailable)
1998	4,713 (records of defect notices issued by the AFP are unavailable)
1999	3,061 (records of defect notices issued by the AFP are unavailable) (computerised recording and reporting implemented in 1999)

3. The number of vehicle inspectors employed by Road User Services (and it's predecessors) at 31 December of each year was:

1993	36
1994	26
1995	26
1996	21
1997	14

1998	12
1999	12

4. Average waiting time in minutes for an inspection in the test station was:

1993	15
1994	9
1995	10
1996	records unavailable due to change in reporting practices
1997	60 (Industrial issues are reflected in this figure)
1998	16
1999	8

Drivers Licences—Tests
(Question No 243)

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

In relation to driver tests for the years (a) 1996; (b) 1997; (c) 1998; (d) 1999:

(1) How many tests were conducted by examiners from Motor Registries.
(2) How many learner drives passed on their first attempt.
(3) How many of these were males.
(4) How many licences were issued by the driving competency system.

Mr Smyth: The response to the member's question is as follows:

(1)

96/97	9,187
97/98	9,154
98/99	4,639
99/00 (July—March)	3,444

(2)

(a)	2,539
(b)	2,602
(c)	1,455
(d)	632

(3)

(a)	1,310
(b)	1,294
(c)	818
(d)	357

(4)

1997-98	1347 commenced issuing licences under this scheme November
1998-99	3982
1999-00	YTD 2878 (end April)

Sports Betting Licence Fees
(Question No 247)

Ms Tucker asked the Treasurer, upon notice, on 30 March 2000:

In relation to sports betting licence fees:

(1) In setting the level of the fee, what considerations were taken into account for:
(a) The cost of the regulation of the industry, including, the implementation of transparent and accountable reporting mechanisms;
(b) The cost of problem gambling;
(c) The cost of research on the social impact of online sports betting.

(2) 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 licenses.

(3) Was the Gambling and Racing Commission consulted on setting the fee structure for these businesses:
(a) If so, what was the advice tendered by the Commission.

(4) Other factors and procedures that led to the fee being set at the current rate.

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

(1)(a) The considerations taken into account in setting the level of application and annual fees for sports betting operators were confined to the cost of regulation of the industry, including the implementation of transparent and accountable reporting mechanisms. The fees on turnover and commissions for different wagering contingencies were determined at rates that enabled ACT sports betting licensees to compete with national and international competitors whilst still providing, a valuable return to the community.

(1)(b&c) The cost of problem gambling and the cost of research on the social impacts were not considerations in setting the fees. These costs were not known then, nor in 1999, even after the Select Committee on Gambling tabled its Final Report on the Social and Economic Impacts of Gambling in the ACT. However, the Government has provided in each of the 1999-2000 and 2000-2001 budgets, $500,000 for research in these areas.

(2) It is estimated that the cost of administering the sports betting regulatory regime is approximately $180,000 per annum, equating to $2.7m over the 15 years of the licences. The Government has allocated $500,000 in 1999-2000 and 2000-2001 to conduct research into gambling and problem gambling. It is not possible to determine what component of these research costs will be devoted to sports betting.

(3) The fee structure was put in place prior to the Gambling and Racing Commission's establishment in 1999. The Gambling and Racing Commission has under review all fee structures to ascertain whether they are appropriate in light of the many rapid developments that have occurred in the industry in recent times.

(4) Competitive licence fees were required to attract the highest calibre of potential sports betting operators to the ACT in the industry's infancy, particularly as the larger, more creditable operators were being wooed by many different jurisdictions. The ACT needs to maintain that competitiveness and has its fees under regular review.