



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 March 1999

Thursday, 25 March 1999

Gambling - select committee	809
Public Sector Management (Amendment) Bill 1999	815
Payroll Tax (Amendment) Bill 1999	817
Native Title (Amendment) Bill 1999	818
Trustee (Amendment) Bill 1999	820
Firearms (Amendment) Bill 1999	822
Olympic Events Security Bill 1999	824
Poisons and Drugs (Amendment) Bill 1999	826
Tobacco (Amendment) Bill 1999	827
Executive business - precedence.....	830
Public Health (Consequential Amendments) Bill 1999	830
Evidence (Amendment) Bill 1999.....	831
Questions without notice:	
Hepatitis C	844
Bruce Stadium.....	845
Department of Health and Community Care - redundancies.....	848
Bruce Stadium.....	850
Police force	851
ACTTAB	852
Government vehicle fleet - natural gas trial	853
Motor vehicle testing	854
Police force - calls to Mugga Lane tip.....	855
Economic growth	858
Belconnen pool.....	860
Paper	861
Withdrawal of remark	861
Standing order 55 - imputations of improper motives and personal reflections.....	862
Auditor-General - Report No. 1 of 1999	863
Papers.....	864
Patient activity data.....	864
ACT drug strategy - 1999 draft.....	864
ACT government schools - draft drug education policy framework (Ministerial statement).....	864
Standing order 55 - imputations of improper motives and personal reflections.....	868
Questions without notice:	
Government vehicle fleet - natural gas trial	869
Department of Health and Community Care - redundancies.....	869
Marketing major events (Matter of public importance).....	870
Personal explanation	885
Evidence (Amendment) Bill 1999.....	886
Courts and Tribunals (Audio Visual and Audio Linking) Bill 1999	891
Drugs of Dependence (Amendment) Bill 1998	892
Adjournment.....	893

Answers to questions:

PALM - employees (Question No. 93).....	895
PALM - employees (Question No. 94).....	896
ACT Housing - rental accommodation (Question No. 97).....	897
ACT Housing - rental properties (Question No. 98).....	901
ACT Housing properties - evictions (Question No. 99).....	905
Condamine Court (Question No. 100)	906
Australian Alps national parks (Question No. 101).....	907
SouthCare helicopter (Question No. 102)	909
Australian Federal Police - staffing (Question No. 103).....	910
McKellar - grant of leases (Question No. 104)	914
Aboriginal and Torres Strait Islander health services (Question No. 106)	917
Belconnen Remand Centre - indigenous detention rates (Question No. 107)	920
Public Service - employment classifications (Question No. 109).....	922
Arbitrage programs (Question No. 110).....	930
Regulatory Services Division - cost of investigations (Question No. 114)	936

Thursday 25 March 1999

The Assembly met at 10.30 am.

(Quorum formed)

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

**GAMBLING - SELECT COMMITTEE
Final Report**

MR KAINE (10.31): Mr Speaker, pursuant to order, I present the final report of the Select Committee on Gambling entitled "The Social and Economic Impacts of Gambling in the ACT", together with the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, this report is the culmination of a great deal of serious work undertaken by the select committee over a number of months. It is a unanimous report, which says much about the determination of the committee members to deal seriously with the complex issues which arose from the inquiry and to come to conclusions in the public interest. It is a report which is a testament also to the professional skills of the committee's secretaries and administrative support staff.

The report contains 28 recommendations about matters arising from the committee's inquiry into the social and economic impacts of gambling, a review of the Allen report and competition policy, and the proposed Gaming and Racing Commission Bill.

With regard to the social and economic impacts of gambling, the report focuses principally on poker machines. This is the result of several factors, including, firstly, the fact that the terms of reference made specific reference to poker machines; secondly, that the preponderance of evidence presented to the committee by people in Canberra related specifically to poker machines, and I think that represented the direction of public concerns about gambling; and, thirdly, that the statistical evidence shows clearly that poker machines are predominant in relation to all other forms of gambling in terms of expenditure, turnover, government revenues, the number of gaming venues and the like.

The major problem that confronted the committee right from the beginning was the total lack of literature and research dealing with gambling in the Territory and the complete lack of any database to support conclusions. The committee had, perforce, to work largely with local anecdotal evidence, supported by research and data collection carried

25 March 1999

out in the States, particularly New South Wales, South Australia and Victoria, which could reasonably be applied to the ACT. The committee recognises, of course, that such information cannot always be applied directly to the ACT without qualification, but we were satisfied that general propositions derived elsewhere can have legitimate application here in the broad sense.

Because of the lack of local research and data, the committee's first recommendation is that the new ACT Gambling and Racing Commission should undertake as an early priority a program of research and set up comprehensive data collection arrangements. Our intention is that this will facilitate future policy decision-making about gambling by providing information upon which informed decision-making can proceed.

A significant matter that emerged from the committee's inquiries was that there was a genuine and substantial concern in the community about the levels of access to gambling in the ACT. Deriving from that concern, questions were raised about such significant issues as gross expenditures on gambling and the impact of that on the wellbeing, firstly, of families, but also on expenditures in other sectors of the community; secondly, the incidence of problem gambling - that is, addiction to gambling - and the impact on both the gambling addict and family members and friends as well as on the community at large; thirdly, whether the redistribution of gambling revenues, whether in the hands of organisations such as clubs or even in the hands of government, is necessarily the best in terms of the public interest; and, fourthly, concern about the increasing dependence of government itself on gambling as a revenue source. These are major issues, and we attempted to deal with them and to come to some conclusions about them.

The committee notes that some of the ground traversed by the committee overlaps matters dealt with in the Allen report. Our conclusions did not, however, always coincide with those of the Allen report because of the different bases from which the two inquiries proceeded. One matter where a different conclusion is reached by our committee is that of further expansion of gambling activity, particularly with relation to poker machines. Allen suggests that gradual expansion should occur, based on the competition issue, with post-hoc review of the consequences. That is because they were concerned about questions of competition.

The select committee, however, took a different view because we were looking at the social and economic impact. Our view was that further expansion without prior knowledge of the ramifications of so doing is unacceptable in light of the concerns that were expressed to the committee and which I have already outlined. It is suggested that we have a higher ratio of poker machines to population than anywhere in the world. Because of that extraordinarily high ratio and concern about it, we believe that we should proceed with caution in making policy decisions about further proliferation and about increasing that ratio. We recommend therefore that the existing cap of 5,200 machines be maintained until completion of an adequate program of research and the development of a comprehensive database on which informed decision-making can be made.

As to the proposed Gaming and Racing Commission, the committee first of all believes that it is timely to establish such a commission, and we believe that there is a wide range of functions that that commission should become responsible for. We do not, however, agree with the model presented by the Government in its Bill because the first prerequisite is that such a commission should be independent of government. We believe that the model put forward by the Government in their draft Bill makes it a captive of government rather than independent of it.

We have made a number of recommendations about how the Bill, in our opinion, should be amended. They include basic matters like changing the name to call it what it truly is, a gambling and racing commission, to reflect the reality rather than some euphemism about gambling and gaming. We propose a reconstitution of the board to ensure that it is independent. We are proposing some additions to and deletions from the functions of the commission. For example, we do not believe that a commission responsible for licensing, monitoring and control ought to be responsible also for developing and fostering gambling. Yet the current terms of reference for the board would give them those functions as well. We are proposing the establishment of a community reference group to advise the commission and the Government on gambling matters. We are also proposing that there should be provision for a complaints mechanism built into the Act, with the onus placed on the commission to deal with complaints.

So we have dealt with the three matters that were referred to us: The social and economic impacts of gambling, the Allen report, which was referred to us during our inquiry, and, finally, what the Government calls the Gaming and Racing Commission Bill, which we suggest should be retitled.

I do not propose at this stage, Mr Speaker, to go into any great detail about those matters. The report, I think, speaks for itself. Other members of the committee no doubt will wish to comment on these matters and perhaps other aspects of the committee's work and its recommendations that I have not referred to.

In conclusion, Mr Speaker, I wish to acknowledge the cooperation and assistance of a large number of people, both in the ACT and outside of it, in New South Wales, South Australia and Victoria, who contributed enormously to our understanding of a myriad of issues relating to gambling and all of its aspects. I must also acknowledge the professionalism and the commitment of our committee secretaries, originally Bill Symington, more recently Fiona Clapin, and Kim Blackburn who also assisted materially in achieving the committee's outcomes through her administrative support role.

Finally, I want to record my appreciation for the sterling work of the committee members, Kerrie Tucker, Dave Rugendyke and Bill Wood. They truly worked together as a team and for me it was a great pleasure to work with them all. Mr Speaker, I believe this to be a valuable report dedicated to the public interest, and I commend it to the Assembly and to the Government.

25 March 1999

MR RUGENDYKE (10.41): Mr Speaker, I rise to commend this report to the Assembly. For some time I have been concerned about the culture associated with poker machine gambling in the ACT. I, like most fellow members, have observed poker machine players from time to time and I have to admit that there have been many instances when I have been quite shocked at the amount of money that I have seen ordinary people plough into a poker machine in the space of a few drinks at their local club. I have seen these people throw away amounts of money that I simply could not justify. I have seen average people on average incomes lose amounts of money in one sitting which I certainly know would hurt my own family finances. I always thought that the poker machine culture had to be hurting ordinary families, and this inquiry has certainly confirmed those concerns.

The proliferation of poker machines has to be checked. There are social impacts associated with the culture which we have to try to control. We cannot allow the community to be saturated with poker machines any further until we can compile more research into the impact of gambling in the ACT.

We are all aware of the push to have poker machines expanded into hotels in the ACT. In New South Wales this is already in place, and there have been disturbing results. New South Wales Gaming and Racing Department figures released earlier this month showed that Sydney's poorest suburbs are the biggest profit centres for hotel poker machines. The households with the lowest incomes in the Canterbury-Bankstown and Fairfield-Liverpool areas were propping up the richest pubs. This is an indication that we could be exposing a new market to poker machines by expanding them into pubs. Before making this decision we need to conduct much more research and obtain more information.

Overall, Mr Speaker, the recommendations tabled by the Select Committee on Gambling are sensible measures to assess which direction we should take with poker machines and gambling in general in the ACT. We do not want to perpetuate adverse social impacts and, as an Assembly, we have to put in place the regulatory measures that will protect the susceptible. We need strong codes and rehabilitation mechanisms. We also have to assess present arrangements with poker machines in clubs, such as the amount of money the club industry does put back into the community, and reduce the withdrawal limits at EFTPOS machines from, say, \$1,000 to \$200 per day.

In closing, Mr Speaker, I would also like to record my personal gratitude to the secretariat staff, Bill Symington, Fiona Clapin and Kim Blackburn, but particularly Fiona, who sacrificed last weekend to ensure that this report would be finalised. Her efforts in particular are certainly appreciated. Mr Speaker, the final report of the gambling committee is an important building block which I encourage the Assembly to embrace and follow through to ensure that the social problems associated with gambling do not escalate in the ACT.

MS TUCKER (10.46): Mr Speaker, I am also pleased to be able to support this report. As members are well aware, I have been raising concerns about the effect of increased gambling in the ACT since the last Assembly. This Government, like other governments in Australia, has been very ready to accept the revenue benefits of gambling but has

shown less interest in looking at what the negative impacts might be or in managing or regulating the industry. Most members of this place know that there is concern in the community about this issue and that it is important that government takes a responsible approach.

The recommendations of this report, if implemented, will improve the monitoring and management of this activity as well as ensure that a greater proportion of revenue gained from gambling is directed towards supporting the social negatives, research and the broader community benefit. The committee has made recommendations which will ensure that there is proper data collection and research; that the cap should remain until there is a strong information base on which to inform decisions; that there should be public education and a mandatory code of practice; that poker machine licences be for five years only; and that re-allocation will be influenced by the previous performance of the operator. There are a number of responsible gaming practices recommended which would be included in the code of practice.

The committee also made a number of recommendations related to the structure and role of the gaming commission. The evidence given to the committee was overwhelmingly in support of the need for independence from government of the commission and for there to be a community reference group linked formally to the commission. It is also essential that the commission is adequately resourced to do its job properly.

This report was unanimously supported by members of the committee, and I hope that it will be taken very seriously by government. If the Government chooses to attempt to divert attention from the substance of this report by their usual political antics they will lose even more credibility on this issue. Obviously, without a government member on the committee, there cannot be a sudden outrageous dissenting report prepared. I do not believe that they could credibly even accuse Mr Wood of a conflict of interest as a Labor member because the recommendations of this report will certainly impact on clubs in a way that I do not think they will like.

In this inquiry the committee has taken a serious look at a significant social and economic activity in our community. We received many submissions from community and industry groups. All members of the committee took this inquiry very seriously. Recommendations are well supported by evidence, and the committee worked together in a genuine spirit of a desire to reach consensus on some very difficult questions.

Obviously, the question of whether increased access to poker machines should be supported, in particular at this stage, by allowing hotels and taverns to have them was the subject of much discussion within the committee. I do want to stress "at this stage" to hotels and taverns because obviously there will be, and has been already in Australia, attempts to allow poker machines into other venues. The hotels, of course, argue that they are disadvantaged in the market because clubs undercut the food and alcohol prices. This argument was also put in the United States by restaurants who argued equal disadvantage. The committee does have sympathy for the difficulties being experienced by some proprietors of hotels and taverns. It was also clear to the committee that we could not support more of the public policy on the run approach, often, unfortunately, a characteristic of this Government.

25 March 1999

We could see quite clearly from the evidence that we are not in a position where an informed decision can be made on this matter. There is no local research on impacts of current gambling opportunities, let alone information to inform on the impacts of increased access.

I know that this report will be disappointing to the hotel industry lobby and the club industry, but the task of the committee was to look at broad, social and community interest questions, and that is what we did. The report has clearly concluded that the public interest must be guarded by appropriate systems and structures. The broad policy decisions related to gambling will always be properly the domain of government and this Assembly. If the recommendations of this report are implemented, those policy decisions will be able to be informed by real information and not just by political pressure.

I commend this report to the Assembly and I also thank everyone who contributed, including the other members of the committee and Fiona Clapin, our secretary, who did an absolutely fantastic job. It was not an easy inquiry and there was a lot of pressure put on members at various stages. I believe that if the recommendations of this report are properly implemented the ACT will lead the way in responsible management of the gambling industry, and that, Mr Speaker, we could be proud of.

MR WOOD (10.51): Mr Speaker, my view on gambling, and particularly on poker machines, changed considerably during this inquiry. Among other reasons, my view changed because I did not know much about them. I am a very part-time, low-level gambler in that I put very little money into machines, and I do not know much about them. Once I paid more attention to it and heard the stories from Canberra and beyond, I became quite concerned about the impact of these machines.

I remember the days when I was a teacher. On Friday afternoons I would adjourn to the tennis club, stand at a machine, look out the window and watch people play tennis, have a few beers and put in 20c at a time. That was low-level gambling. It was pleasurable because of the company I kept and it was a pretty slow process. But now I go to a club, if I am so inclined, and put in a very large note and press buttons, if I am inclined, and I am not, on up to 20 lines or something, and a large amount of money can disappear in next to no time.

So we know there is a problem about gambling. It is now very much more a problem for people than it was before. The technologies in particular have allowed that to happen. There is no question that people are being affected by it. Less now do you see a group of people like me and my mates gathered around a machine gasbagging and putting in our 20c and pulling that handle. Now the windows are not there and you have individuals focusing on a machine, and I am concerned about it.

When the inquiry began I was expecting to say, "Oh well, there is no worry about poker machines. I am not going to worry about expansion or anything of that nature". That was my view. That was my background thought, not firm opinion, when the inquiry began, and I changed. My view now is simply this: There is a concern. We do not

know the full measure of the problem because of insufficient information, as my colleagues have identified, so let us pause. Let us wait. Let us see. Let us examine this and see what the extent of the problem is before we make further decisions.

It concerns me that in the 20 years or so that we have had clubs here the nature of the machines has changed remarkably from Model T to Ferrari, a modern Formula 1 car, and no-one has been in a position to question that. No-one has said, "Is this good? Should we allow this?". So, I am very keen about the recommendation there now that says, "Let this proposed gambling commission think about this and decide whether we do want new technologies". The pause is important. We must get information. We must have concern for those people who find themselves in difficult circumstances because of a gambling problem. We must identify the extent of that. That is the basis of my recommendations. I am concerned. We should turn our attention to it.

Debate (on motion by **Ms Carnell**) adjourned.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1999

MS CARNELL (Chief Minister and Treasurer) (10.56): Mr Speaker, I present the Public Sector Management (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present legislation amending the Public Sector Management Act 1994. This Act provides the legislative framework for employment in the ACT Public Service and, to a lesser extent, within the ACT public sector.

The Public Sector Management (Amendment) Bill 1999 corrects a number of errors and omissions of a technical nature; provides for the advertising of ACT Public Service job vacancies and related notices in the Territory *Gazette* rather than the *Commonwealth Gazette*; amends the definition of "criminal offence" to include offences committed in other State and Territory jurisdictions; permits the reappointment or re-engagement of former chief executives and executives to the ACTPS with the written approval of the Commissioner for Public Administration; and streamlines the making of routine changes to the public sector management standards.

With the tenth anniversary of self-government in the Territory, the proposed amendment Bill will have the practical effect of further establishing the status of the ACT Public Service as a distinct and separate public service. It will bring the Territory into line with other jurisdictions by ensuring most ACT Public Service job vacancies, notification of promotions, appointments, transfers and retirements are advertised and notified in the ACT *Gazette* rather than in the *Commonwealth Gazette*. These changes

25 March 1999

will be achieved by amending the definition of “*Gazette*” and removing references in the Public Sector Management Act 1994 to “*Commonwealth of Australia Gazette*” and replacing them with “*Territory Gazette*”.

Information on ACT Public Service job vacancies and other information will continue to be available on the ACT Government home page on the Internet and also on all ACT Public Service Internet sites. The information published in the *Commonwealth Gazette*, which includes training programs and Commonwealth job vacancies, can still be accessed through agency subscriptions to the *Commonwealth Gazette*. The changes to the Public Sector Management Act 1994 will also broaden the definition of “criminal offence” to include offences committed in other States and Territories. This will bring the Territory into line with other jurisdictions.

Under the current provisions of the Public Sector Management Act 1994, public servants can be transferred or dismissed if they are convicted of a criminal offence. The current definition of “offence” covers Territory and Commonwealth laws and those of other countries where the offence is an offence under Territory or Commonwealth law. It does not cover Australian State laws. The definition is to be widened to include offences under laws of other Australian States and Territories on the same basis as the laws of other countries. This removes the current anomaly that an offence under Territory and Commonwealth law, or the law of a foreign country, may be considered sufficiently serious to justify the transfer or dismissal of a public servant from their employment when the same offence committed in an Australian State or Territory would not.

Section 248A of the Public Sector Management Act currently prohibits the reappointment or re-engagement of former chief executives and executives to the ACT Public Service within any benefit period. This amendment will permit the reappointment or re-engagement of those former employees to the ACT Public Service, during this period, with the prior written approval of the Commissioner for Public Administration. The change parallels existing provisions which apply to other public sector employees.

The amendment to section 251 of the Public Sector Management Act 1994 is designed to streamline the making of routine changes to the public sector management standards. Section 251 of the Public Sector Management Act 1994 permits the Commissioner for Public Administration to make management standards, with the approval of the Chief Minister, which give effect to the Public Sector Management Act 1994.

The practical effect of the amendment will be to allow the Commissioner for Public Administration to make routine changes to the management standards without having to seek the prior approval of the Chief Minister for every individual management standard. This will be achieved by the Chief Minister setting out the broad parameters in which the commissioner shall operate and approve any changes to the management standards. All management standards will continue to be gazetted and subject to section 6 of the Subordinate Laws Act 1989, which means they will continue to be tabled in the Assembly as disallowable instruments.

The other technical amendments proposed in the Bill are unlikely to have any noticeable impact on the day-to-day application of the Public Sector Management Act 1994. The changes are minor in nature and refer to incorrect paragraph references in various parts of the Act. They are necessary to correct a number of errors and omissions of a technical nature.

There are no adverse financial implications associated with these changes as most of the proposed amendments will have no noticeable impact on the day-to-day operations of ACT Public Service agencies.

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

PAYROLL TAX (AMENDMENT) BILL 1999

MS CARNELL (Chief Minister and Treasurer) (11.02): Mr Speaker, I present the Payroll Tax (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Payroll Tax Act 1987 to provide ACT employment agencies with a more objective regime of exemptions to determine their liability for payroll tax purposes.

The current legislation provides certain exemptions from payroll tax for employment agents. These include an exemption requiring the Commissioner for ACT Revenue to be satisfied that the agent has procured the services of a person who is bona fide rendering services to the public generally. Under current arrangements, Mr Speaker, employment agents have often expressed their concern at the difficulties they face in obtaining information to satisfy these exemptions and/or complying with the requirements of the tests, particularly in relation to the aggregation of 90 days employment in a financial year.

Following recent Victorian Supreme Court decisions, most recently in 1998, the scope of the exemption has been broadened to such an extent that it could undermine the entire employment agent provisions. In addition, the commissioner is burdened in determining exemptions in each individual case.

Mr Speaker, this Bill moves the guidelines currently contained in the relevant revenue circulars into the Payroll Tax Act itself and makes further amendment to clarify other exemption provisions for employment agents. Essentially, Mr Speaker, the Bill makes wages paid by employment agents to their contractors exempt from ACT payroll tax where the supply of goods or equipment is more than 50 per cent of the value of the contract; the person engaged to perform the work provides services which are not of

25 March 1999

a type ordinarily offered by the agent, and those services are provided by persons who normally render those services to the general public; the person engaged to perform the work is an employer in their own right; and the person engaged to perform the work does so for less than eight days in each month.

Mr Speaker, in response to the Victorian Supreme Court decision, both New South Wales and Victoria will provide for employment agent exemptions separate from their service contractor provisions. This reflects more closely the current ACT payroll tax guidelines and the provisions to be included in the Act. The New South Wales and Victorian employment agent regimes provide an exemption for employment agents who contract to exempt bodies such as the Commonwealth. This exemption is not included in existing ACT legislation and is not contemplated because of the significant loss of revenue to the ACT.

In conclusion, Mr Speaker, I wish to point out that the Bill imposes no overall additional regulatory or financial burden on the ACT's employment agents. If this Bill is not introduced, however, the ACT could potentially be exposed to substantial revenue loss. This Bill will address the Victorian Supreme Court decision, provide greater certainty for ACT taxpayers, and will also reduce the cost of compliance to business.

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

NATIVE TITLE (AMENDMENT) BILL 1999

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.07): I present the Native Title (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

As members will recall, the Commonwealth Parliament last year amended the Commonwealth Native Title Act 1993 after a lengthy Senate debate. I will not go into the details of that debate, which was very widely reported. Nor will I rehearse the arguments for and against the amendments which were eventually passed by the Senate and the House of Representatives. It should be stressed, however, that many of the more controversial elements of those amendments, particularly those concerning the right to negotiate and the use of pastoral lease lands, have little or no direct relevance to the ACT.

The Commonwealth amendments which do have some relevance to the ACT, even if only for the purposes of participating in a nationally consistent scheme, are the new provisions dealing with the validation of certain acts and confirming the effect of various types of acts on native title rights and interests. The Commonwealth confirmation

provisions are intended to reflect the common-law position, and their content was examined in detail in the Senate. They reflect the considered views of the senators and members of the Commonwealth Parliament and their legal advisers about the common-law position.

These new Commonwealth provisions can be applied to State and Territory acts if the States and Territories pass complementary legislation. I am advised that the Northern Territory, Queensland, New South Wales and Victoria have already passed such legislation and that the remaining jurisdictions are in the process of doing so.

In 1994 this Assembly took the opportunity provided by the Commonwealth Native Title Act 1993 to confirm the validity of certain acts, known as “past acts”, which may have been invalid because of native title. While it was thought unlikely that the Territory had done any acts which would require validation, the Legislative Assembly expressed the view in the Preamble to the Native Title Act 1994 that it “intends to participate in the national scheme enacted by the Commonwealth Parliament”.

The principal benefit of confirmation and validation legislation is that it provides certainty to all sides about the validity and effects on native title of particular types of acts, which in turn reduces the need to litigate these issues on a case-by-case basis. Such litigation can be both lengthy and expensive for everyone involved.

The Native Title (Amendment) Bill 1999 will enable the ACT to participate in the national scheme for validation and confirmation established under the Commonwealth legislation and will enable the ACT and its residents to enjoy the benefit of certainty provided by that scheme. I urge members of this Assembly to support the Bill.

Members may be aware that the Government is interested in making an agreement with indigenous people in the ACT region. The Government’s view is that, although the available historical and genealogical material suggest it is extremely unlikely that native title continues to exist in much, if any, of the ACT, the absence of native title does not preclude the Territory from asking for an agreement with Aboriginal people who have an historic association with the Territory.

Such an agreement would be made in the spirit of reconciliation and in recognition of the dispossession and dislocation that many indigenous Australians have suffered. An agreement of this type would not, of course, be a native title agreement either under native title legislation or otherwise. The agreement would have as its basis an appreciation of the historical fact that, prior to colonial settlement of this region early last century, Aboriginal Australians had an historic association with the region, perhaps for many thousands of years, which has been constrained in the last two centuries to the detriment of Aboriginal people.

The adverse impact of settlement on Aboriginal Australians in this part of the continent has been extensive. While we cannot change the fact of dispossession, the Government can seek to be inclusive of local Aboriginal voices and recognise the cultural concerns of the Territory’s Aboriginal population. The Government is conscious of the disadvantage

25 March 1999

still experienced by many indigenous Australians, as I am sure are other members of this Assembly, and will continue its efforts to address Aboriginal concerns in areas within its responsibilities.

Turning to the provisions of the Bill itself, of necessity the proposed ACT provisions contain many references to provisions and terms used in the Commonwealth legislation. To a large degree the Bill's content and structure are determined by that legislation. The result is that, on its face, the operation of the Bill can be somewhat difficult to follow, particularly for readers unfamiliar with the terms of the amended Commonwealth Native Title Act 1993.

In a new approach for legislation in the ACT, the Bill includes notes to assist readers to understand its interaction with the Commonwealth legislation. These notes and many of the headings in the Bill achieve this objective by identifying relevant provisions in the Commonwealth legislation. The explanatory memorandum for the Bill includes brief descriptions of the relevant Commonwealth provisions and terms to help readers of the Bill understand its effects. I recommend that members take time to read the explanatory memorandum if they are unsure of the effects of any provisions in the Bill.

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

TRUSTEE (AMENDMENT) BILL 1999

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.13): Mr Speaker, I present the Trustee (Amendment) Bill 1999, 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 amends the Trustee Act 1925 of the State of New South Wales in its application to the Territory. The Act was applied in the Territory in 1957. A number of modifications were made at that time and a few have been made since. The modification that is provided for in the Bill is, I think, the most significant that has been made to date. Section 14 of the Act sets out a list of investments that may be made by a trustee unless the trust instrument expressly provides otherwise.

Mr Speaker, most trusts are established by a well-drafted trust instrument. The list may supplement, but it will not supplant, such an instrument. The investments that are listed in section 14 are, except in very few exceptional circumstances, guaranteed to preserve the nominal dollar value of trust moneys. They include Commonwealth Government securities and fixed deposits with a bank.

Until a few years ago the trustee legislation in each Australian State and Territory had a similar list. However, the unsatisfactory nature of the lists has led to a new approach being adopted in most States and the Northern Territory. If the Assembly passes this legislation, only Queensland will still have a list system, and I understand that the new approach is under active consideration in that State also. The most significant defect of the list in the Act is that the listed investments are generally accepted as being unsuitable for many trusts.

Trusts that are likely to have a life in excess of 20 years are not uncommon. It is generally considered that for the interests of beneficiaries to be protected, such a trust, and in many cases a trust with a much shorter duration, should include investments in all asset classes. Significantly, the listed investments do not include investments in residential or commercial real estate or in shares in listed companies. Members will be aware that such investments are not without risk, but, Mr Speaker, this Bill does not suggest the Government thinks otherwise. However, I am informed that investments in these assets will often be in the interests of beneficiaries.

In addition, members will be aware that over the last five or so years the level of government debt in Australia has contracted quite markedly. This has had the effect that the pool of investments that are available, and that are listed, has contracted. In theory these defects could be overcome by amending the list. However, given the changes that are occurring in investment markets, it would not be long before that list was again out of date and in need of further amendment. In any event, constantly amending the list raises the major difficulty with any such list. It can be looked on as a recommendation from the Government that investments should be made in the listed assets and that these investments are safe and suitable for all trusts. The list was never intended as a recommendation from the Government, but this perception is unavoidable while there is a list.

To overcome these difficulties, the Bill amends the Act to allow a trustee to invest in any form of investment. However, it goes on to require the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. If the trustee is a professional trustee or a professional money manager, a higher standard is imposed.

The Bill, Mr Speaker, goes on to direct a trustee's attention to a number of matters that should be taken into account when investment decisions are made. These include the needs of beneficiaries, the value of the trust and the likelihood of a gain or loss being incurred. The trustee is also required to review the investments that have been made at least once a year. These amendments are in line with those that have been made interstate.

The Bill also makes amendments to the Public Trustee Act 1985 to allow the Public Trustee to accommodate the responsibilities that will be cast on it by the amendments. In addition a minor consequential amendment is made to the Financial Management Act 1996.

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

25 March 1999

FIREARMS (AMENDMENT) BILL 1999

MR SPEAKER: Before I call Mr Humphries, I would like to recognise the presence in the gallery of students of Year 6, Garran Primary School. Welcome to your Assembly.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.18): I present the Firearms (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The proposed amendments to the Firearms Act 1996 will enable the ACT to host clay target shooting competitions involving interstate and international competitors in the lead-up to the Sydney Olympics without those competitors offending against the Act for failing to hold an ACT firearms licence or permit to possess or use a firearm. In particular, the Firearms (Amendment) Bill gives full effect to an Australasian Police Ministers Council (APMC) resolution, made on 17 November 1998, to endorse a uniform approach for the recognition of temporary interstate and international visitors visiting jurisdictions for competitive target shooting purposes.

The Bill will amend the Firearms Act and the Firearms Regulations to enable recognition of interstate category C firearms licences and international temporary visitor permits issued in a State or another Territory for competitive target shooting. Recognition of interstate category C firearms licences for competitive shooting purposes will only be provided where the interstate licence holder meets the requirements of the ACT Act and the regulations for the issue of the equivalent ACT licence. The amendments will streamline current approval processes for temporary visitors engaging in competitive target shooting between jurisdictions.

The recognition provided by this Bill, once enacted, of either a firearms licence or an international temporary visitor permit authorising the possession or use of a firearm for shooting competition purposes issued by a State or another Territory will be contingent upon the visitor's compliance with any conditions or requirements prescribed by the firearms regulations for the possession or use of the firearm. In accordance with the APMC resolution, the period of recognition provided by this Bill of a firearms licence or an international temporary visitor permit issued by a State or another Territory will be limited to three months, commencing on the day on which the visitor arrives in the Territory for the purpose of participating in the competition or, for an international visitor, whichever is the earlier of this period or the expiry date of the international temporary visitor permit.

The Firearms Regulations currently enable the Registrar of Firearms to issue a permit to an international shooter where that person is visiting the Territory, is normally resident in a country other than Australia, and is licensed or otherwise authorised in the person's country of residence to possess and use the type of firearm for which a permit is sought. The Registrar of Firearms also issues permits, on behalf of Australian Customs, to import firearms except for category C firearms which require importation approval from the Commonwealth Attorney-General. For competition target shooting purposes, category C firearms include self-loading and pump action shotguns with a magazine capacity of no more than five rounds.

At the APMC, I proposed that mutual recognition for the possession and use of category C firearms, for both international and interstate visitors, be restricted to two-shot semiautomatic or pump action shotguns which are required for clay target shooting. A similar restriction was proposed by me for the importation into Australia of category C firearms by international shooters. However, the APMC's decision was to endorse a uniform approach for the recognition of temporary international and interstate visitors attending jurisdictions for competitive target shooting which did not incorporate the two-shot restriction for category C firearms. In fact, some jurisdictions sought to extend the mutual recognition arrangements beyond those for purely competitive target shooting.

Mr Rugendyke: Mr Speaker, I draw your attention to the state of the house.

A quorum not being present, and the bells being rung -

MR SPEAKER: Order! You cannot leave the chamber, gentlemen. Come back, please, both of you.

Mr Moore: Perhaps, Mr Speaker, you could explain to the Garran Primary School students what has happened.

MR SPEAKER: I noticed that Mr Quinlan was a little puzzled when we began today. The chamber is the area surrounded by those walls. If you are not inside that area you are not in the chamber for the purposes of the Assembly.

Mr Moore: Perhaps you could explain what a quorum is, Mr Speaker.

MR SPEAKER: Yes, it is probably a good opportunity. Thank you, Mr Moore. A quorum is nine of the 17 members - half plus one of the Assembly. I am looking at the hourglass to see if it is going to run out, but we have four minutes.

(Quorum formed)

MR HUMPHRIES: I am grateful for the audience to hear my words of wisdom. Mr Speaker, I advised members on 18 January 1999 that legislation would be introduced to give effect to the principle that category C firearms brought into the ACT under this arrangement would be limited to two-shot semiautomatic and pump action shotguns.

25 March 1999

I have since been advised by the Commonwealth, which is the authority which will be approving category C shotgun importation applications, that most, if not all, international competitors will be seeking to import the standard category C semiautomatic or pump action shotgun with a magazine capacity of no more than five rounds as opposed to the rarer two-round magazine variety of the same category C shotgun.

The Commonwealth has confirmed that it will not be seeking to restrict category C weapons imported by international competitors to the two-shot variety. In the circumstances, were the ACT to proceed with the imposition of a ban on category C shotguns other than those which are limited in their firing capacity to two rounds, the Territory would effectively be unable to host both national and international competitors in their preparations for the Olympics. Whilst it was my preference to limit the types of category C shotguns entering the Territory to those with a two-shot capacity, I do not propose that this be at the cost of the Territory's host role in this international and historic event. Therefore, the proposed amendments to the ACT firearms legislation enable mutual recognition of the standard category C shotgun with a magazine capacity of no more than five rounds.

But, most importantly, Mr Speaker, the Government's legislation complies with all APMC agreements which form part of the national firearms agreement. I have said previously that the ACT Government is not in the business of breaching the agreement and this legislation, while differing from my original intended position, is entirely consistent with the national agreement.

This Bill will also make several formal amendments to the Firearms Act to renumber and rearrange or insert section headings to certain provisions and to repeal those sections and schedules of the Act which have expired. Mr Speaker, I commend the Bill to the Assembly.

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

OLYMPIC EVENTS SECURITY BILL 1999

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.27): Mr Speaker, I present the Olympic Events Security Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

For a few weeks next year while the games of the Twenty-seventh Olympiad take place, the eyes of the world will be on Australia. Some of those eyes will focus on Canberra, which has the honour of hosting several events forming part of the Sydney Olympic Games. The Games will present Canberra with a unique opportunity to show the world what it has to offer.

It is the responsibility of the Territory Government and this Assembly to do what we can to ensure that the attention that the ACT receives as an Olympic host city reflects our generally pleasant and peaceful lifestyle. With that responsibility in mind, I have presented the Olympic Events Security Bill. As its name suggests, the Bill deals with the security arrangements for Olympic events to be held in Canberra and has been developed in consultation with the ACT region Australian Federal Police officers responsible for liaising with the Olympic security command in New South Wales and the Sydney Organising Committee for the Olympic Games, SOCOG.

An unpleasant feature of modern life is that major sporting events have sometimes attracted an antisocial element whose actions have impaired the enjoyment or safety of both participants and spectators. The bombing at the Atlanta Olympics and last year's World Cup Soccer violence are two recent examples of conduct which has left people seriously injured. Closer to home, each summer brings us fresh examples of disruptive behaviour at international cricket matches, such as streakers and other pitch invaders. It is no wonder that legislation dealing with security at sporting events has from time to time been enacted in various Australian jurisdictions, including for the World Cup Athletics held in Canberra in 1985.

Attending an Olympic event is an experience that most people would consider to be enjoyable, although this may depend on whether one's favourite athlete or team does well. Spectators expect to have excitement and fun. They want to enter into the famous Olympic spirit. They do not want to feel as though they are inside the Pentagon, nor do they want to feel as though they are in the middle of a pub brawl. The security arrangements for such events therefore need to be effective and low key, so that everyone can feel safe but not stifled.

The structure of this Bill enables the measures it contains to be applied selectively to Olympic events so that the right balance can be achieved for each event according to the probable level of risk for that event. The application of measures to particular events will occur by way of a ministerial declaration that must be published at least a week before the event in both the *Gazette* and a major daily newspaper. The publication will put spectators on notice about the security arrangements for that event.

The measures which the Minister can choose to apply to Olympic events include new powers to request a search of personal property, such as bags or eskies, to facilitate checks for prohibited items or weapons hidden in such places; powers to request that a person permit a "pat down" of outer clothing, again to check whether a person has hidden a prohibited item or a weapon under his or her clothing; and powers to ban a person from bringing certain items into the Olympic venue.

25 March 1999

Other measures which will apply to Olympic events are: Powers to refuse entry to persons reasonably believed to be likely to commit an offence or breach a condition of entry set by the organisers; powers to ask for a person's name and address, which will enable the authorities to identify fans who are known to have caused trouble at other events, such as notorious soccer hooligans; and powers to remove from the venue a person who commits an offence at the event.

The power to eject gives police and other authorised security staff the option of simply ejecting the person without having to involve the police in charging and prosecuting the offender, which means that he or she will not necessarily be arrested or incur a criminal record in relation to his or her conduct at the event. If the behaviour is regarded by police as serious enough to warrant action beyond ejection from the venue - for example, if the person had injured another spectator - police would, of course, be able to use their usual powers to arrest and charge offenders.

The Bill contains provisions enabling some or all of these new powers to be exercised by police and other authorised persons. Those provisions will ensure that neither security at the event nor general policing operations in Canberra are impaired should there be a shortage of available police officers. The training and selection of any authorised persons will be coordinated by the ACT region Australian Federal Police in conjunction with SOCOG, with the Minister or his or her delegate authorising the relevant personnel, which it is expected may include Emergency Services staff, professional security guards and some of the Olympic volunteers being recruited by SOCOG. The Bill also contains technical provisions which deal with the effects of disallowance and enable regulations to be made for the purposes of the proposed Act.

In closing, I urge members of this Assembly to support the Bill to help ensure the success of the Olympic events in Canberra next year, which will be of benefit to both this Territory and Australia generally. I do not generally believe that the Territory should countenance provisions that might be contained in legislation of this kind, but it is important to emphasise to members that these requirements are a stipulation made by SOCOG. Therefore, the ACT is required to enact these provisions in order to remain a host city for the Olympic events for which we are slated to be the host.

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

POISONS AND DRUGS (AMENDMENT) BILL 1999

MR MOORE (Minister for Health and Community Care) (11.34): Mr Speaker, I present the Poisons and Drugs (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Poisons and Drugs Act 1978. Provisions in the Act prohibit the advertising of pharmacist-only medicines except in publications intended for circulation only within the medical, nursing, veterinary, dental or pharmaceutical professions, or the wholesale drug industry. The Bill amends the Act to allow advertising to the general public of some pharmacist-only medicines, which are also known as Schedule 3 medicines and are available without prescription following consultation with a pharmacist.

The National Drugs and Poisons Schedule Committee publishes, under the auspices of the Australian Health Ministers Advisory Council, the standard for the uniform scheduling of drugs and poisons. The chairman of the Australian Health Ministers Advisory Council advised the committee at its February 1998 meeting that State and Territory Health Ministers had agreed to allow some product brand-name advertising to the public of selected pharmacy-only medicines. Subsequently, the committee considered on a product-by-product basis what pharmacist-only substances would be appropriate for advertising to the general public.

Examples of substances which the committee decided could be advertised include some non-sedating antihistamines for the relief of hay fever, an anticholinergic agent for the treatment of spasm of the gastrointestinal tract, a topical preparation for hair growth promotion, and nicotine-containing chewing gum and transdermal patches as aids to smoking cessation. These changes will allow consumers more choice and information about the medicines they use. Advertising of certain medications will make patients more aware of available treatments while promoting the sensible use of medication.

Pharmacists are well equipped to handle inquiries from patients about these products, and are in the position to advise patients to go to their doctor if the products they are using are not appropriate. All States have made a commitment to the new advertising requirements for pharmacists-only medicines, and all States have amended or are amending their legislation to incorporate these changes. Amending the Act will ensure that the ACT fulfils its commitment to the harmonisation of advertising requirements for drugs and poisons throughout Australia.

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

TOBACCO (AMENDMENT) BILL 1999

MR MOORE (Minister for Health and Community Care) (11.37): I present the Tobacco (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

25 March 1999

Mr Speaker, I am proud today to present the Tobacco (Amendment) Bill 1999 to the Legislative Assembly. The ACT has been at the forefront of legislative reform to minimise the incidence of tobacco-related illness in the Canberra community.

Mr Osborne: You prohibitionist!

MR MOORE: The Government has a tireless commitment to introducing comprehensive measures to minimise the harm caused by drugs of addiction, and these amendments will result in our jurisdiction having the most stringent regime in Australia. I noted an interjection from Mr Osborne about prohibition. It will not surprise him to know that I will address that issue during this speech. Just hold your seat for a little while, Mr Osborne. I know that the suspense is great, but - - -

MR SPEAKER: Order! Interjections are out of order.

MR MOORE: Absolutely, Mr Speaker. I begin by talking about the raft of measures we have in place. They include: The Smoke Free Areas Act 1994, which, as you know, restricts smoking in enclosed public places; the Tobacco Act 1927, which controls the sale and supply of tobacco products to persons under 18 years, cigarette vending machines, and the advertising and promotion of tobacco products; and the Tobacco Licensing Act 1984, which licenses tobacco retailers and wholesalers in the ACT.

These amendments to the Tobacco Act 1927 will significantly reduce children's exposure to the advertising and promotion of tobacco products. We have chosen these measures specifically as the uptake of regular smoking predominantly occurs within this age group. The amendments have been developed after extensive consultation with young people, parents, local tobacco retailers, health groups and the tobacco industry itself.

In September 1997 an exposure draft proposing amendments and a discussion paper were released for public comment. Meetings were held with major stakeholders and 26 written submissions were received. You can imagine that what is proposed evoked a wide range of responses, with the tobacco industry and retailers arguing that the measures were placing unreasonable costs on business and, at the other end of the spectrum, health and advocacy groups expressing concerns on health grounds that the provisions did not go far enough.

We have taken these diverse views into consideration in the preparation of this Bill, Mr Speaker. These reforms will eliminate point of sale advertising, limit the point of sale displays of tobacco products to one square metre, and limit the product information displayed to one square metre. The displays are required to be behind the sales counter and not visible from a public place - for example, a shopping mall or street frontage.

The amendments will also update the definition of tobacco advertising to include electronic sounds or images; prohibit the display of tobacco products or tobacco packaging which are displayed with the intent of forming a tobacco advertisement; limit the points at which tobacco can be sold to one in non-licensed premises and to a maximum of five in licensed premises; restrict the placement of tobacco vending

machines to designated bar areas within licensed premises; prohibit any promotional items or entitlements being given away with tobacco products; prohibit the sale of any object which is related to the sale or consumption of tobacco products, such as lighters and cigarette cases; prohibit competitions associated with tobacco products or with the promotion of smoking; increase penalties for contravention of the Act; and provide for the appointment of authorised officers with specified powers in relation to offences under the Act. If the amendments are agreed to, Mr Speaker, the Government intends to phase in the legislation over six months to ensure that retailers have sufficient time to meet the new point of sale display requirements in the Act.

Further, this legislation will lead the country in its prohibition on toys and foods which resemble tobacco products. Through the prohibition of these items, children will no longer be exposed to items that can be used for simulated smoking, or be introduced to a smoking culture before they can legally purchase tobacco products. In fact, Mr Speaker, just the other night at an interesting seminar I heard a speaker say, in terms of helping people to give up smoking, that one of the first things that his group does is to try to teach people not to move an arm or hand from down next to the pocket up to the mouth because a smoker has probably done so about a million times over the previous six or seven years. One of the first things they do with smokers is to ask them to put a cigarette in between the smallest finger of their left hand, if they are right-handed, and the next finger and smoke like that. Of course, it is very hard to smoke with a finger right up your nose, but it is part of breaking the habit, and that sort of simulated thing makes a difference. I say that as an aside. The other States and Territories will be encouraged to use these provisions as a model for their own legislation through the State and Territory Ministers forum - the Ministerial Council on Drug Strategy.

Another important element contained in these amendments is the responsible sale of tobacco products being linked to a tobacco licence, providing for automatic cancellation of a tobacco retail licence for a period of five years as a result of two convictions for Tobacco Act offences within a two-year period. While the Tobacco Licensing Act 1984 is currently administered by the Chief Minister's Department, it is envisaged that the administration of this legislation will be transferred to the Department of Health and Community Care prior to the commencement of these proposed amendments. These provisions are designed to protect the public, especially children, from an addictive and harmful product.

The introduction of the Tobacco (Amendment) Bill 1999 will further cement the ACT as Australia's leading proponent of public health protection against tobacco-related illness and disease. The changes to the Act follow the national trend of limiting the excessive amount of retail advertising currently being used to entice young people to take up regular smoking. The ACT will set an example for other jurisdictions to follow.

Mr Speaker, the approach I have outlined here is consistent with our overall approach to drugs, both in the ACT and nationally. Did you know that, Mr Osborne? It is consistent with our overall approach to drugs.

Mr Osborne: No, I missed that.

25 March 1999

MR MOORE: That is why I repeated it for you, Mr Osborne. The approach I have outlined here is consistent with our overall approach to drugs, both in the ACT and nationally. That approach emphasises the principles of harm minimisation, that we should aim to minimise the harms caused to individuals and societies due to the use of drugs, both licit and illicit.

Often the debate on drugs focuses on the use of illicit substances, such as heroin. That is hardly surprising, given the obvious and immediate impact of heroin addiction on our community, including the harm caused particularly amongst our young people, and the associated criminal and social implications. However, we should not lose sight of the broader issues of drug use, of the damage caused by licit drugs and of the need for a comprehensive approach to all issues of drug abuse. Whether we are dealing with licit drugs, such as tobacco and alcohol, or illicit drugs, such as heroin and marijuana, our aim is the same - to minimise harm through a comprehensive approach to both demand and supply, with a particular emphasis on supporting our young people. In this case, we are restricting the use of a legal drug, whereas in the case of heroin, for example, we are dealing with the reality of the problems of use of an illegal drug. These approaches are, in fact, compatible, they are based on common principles of harm minimisation, and they demonstrate the ACT's balanced approach to the problems caused by drug use in our society. The ACT is committed to looking at a range of flexible, pragmatic options to prevent the use of drugs and to support those people who become dependent upon drugs, with the aim of reducing the harm to them and the general community.

Mr Speaker, I believe the approach being adopted in this legislation will assist us in proudly leading Australia in maximising both community and individual health and wellbeing, in promoting a healthy community and in further developing Canberra as a healthy city. I commend the Bill to the Assembly.

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

EXECUTIVE BUSINESS - PRECEDENCE

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, pursuant to standing order 77(d), I move:

That Executive business be called on.

Question resolved in the affirmative.

PUBLIC HEALTH (CONSEQUENTIAL AMENDMENTS) BILL 1999

Debate resumed from 23 March 1999, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.46): Mr Speaker, I rise very briefly to indicate that the Labor Party has considered this piece of legislation and is quite happy to support it. We accept that these are sensible finetuning amendments in the main, going to issues of public health, the control of infectious disease and provisions in relation to transmittable notifiable conditions in patients suffering from infectious diseases. We think the proposals are sensible. I might just acknowledge, Mr Speaker, that the Minister has very kindly provided me with a copy of an amended explanatory memorandum, and I thank him for his courtesy in taking the trouble to do that. The Labor Party is quite happy to support this Bill, Mr Speaker.

MR MOORE (Minister for Health and Community Care) (11.47), in reply: I thank Mr Stanhope and the Labor Party Opposition for their support for these public health measures. Of course, it is consistent with the approach taken with the Public Health Act itself when it went through the Assembly. It had widespread support after a significant amount of negotiation. Because of that, we have had an excellent outcome.

Mr Speaker, I table an amended explanatory memorandum in substitution for the explanatory memorandum that was circulated with the Bill. I will just explain that the scrutiny of Bills committee drew attention to the inadequacy of the explanatory memorandum, and rightly so. I must say that it is somewhat embarrassing to me that we had failed to provide a very clear and concise explanatory memorandum. We have now done that. The outcome of this legislation will be, as Mr Stanhope describes, modification of the Act to deal with a number of small but significant issues which I described in the introduction speech. Mr Speaker, I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

EVIDENCE (AMENDMENT) BILL 1999

[COGNATE BILL:

COURTS AND TRIBUNALS (AUDIO VISUAL AND AUDIO LINKING) BILL 1999]

Debate resumed from 18 February 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

25 March 1999

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Courts and Tribunals (Audio Visual and Audio Linking) Bill 1999? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR STANHOPE (Leader of the Opposition) (11.50): The Labor Party is generally supportive of both of these Bills, the Courts and Tribunals (Audio Visual and Audio Linking) Bill and the Evidence (Amendment) Bill. We believe that it is appropriate that provision be made to the greatest extent possible for the use of audiovisual links in the taking of evidence in our courts. It is appropriate that we utilise the technology that is available to us, as I said, to the greatest extent possible. This legislation enables that across a wide range of Acts - all those pieces of legislation that we have within the Territory that have been identified as possibly benefiting from the use of audiovisual links - the Coroners Act, the Discrimination Act and the Magistrates Court Act, and a range of other pieces of legislation. As I have said, it seems to me just commonsense that we do utilise the technologies that are available and that we do put in place procedures that do allow us to do so for the purposes of convenience and cost.

We do have major problems within our court system - just as every court system in Australia, if not in the Western world, has - in dispensing with the business of the courts. It is time consuming, it is expensive, it is frustrating and it is an issue that all governments have been grappling with for decades. I accept and acknowledge that the use of this sort of technology is a very worthwhile way of dealing with some of those issues that go to the cost of justice and delays in justice, and I commend the Minister for bringing the legislation forward.

There are just two issues and two proposed amendments that I foreshadow I will move. I will just indicate the reservations we have. I believe that they are not significant reservations. The proposals that we would put to amend the Bills are not all that significant in terms of the impact and operation of the legislation. The Labor Party has decided, however, that there are instances in relation to a couple of processes or procedures where the legislation might be improved. They go to the circumstance in which a person in remand seeking to have their bail reviewed might wish to appear in person before a magistrate to plead their case. I do understand the argument that may be put that the capacity exists for a magistrate to make a direction that remandees seeking bail do have available to them that opportunity.

The Labor Party is concerned that there be no doubt that a remandee who might wish, for whatever purpose, to appear in person before a magistrate to plead his case for a review is under no misunderstanding or misapprehension that he has that right. We will be proposing an amendment that simply puts it beyond doubt that a remandee in those circumstances does have that discretion. The advice that I have been given is that most remandees would not choose to exercise this discretion, that they would be more than content to remain at the Remand Centre whilst bail applications are reviewed. The suggestion has been put to me by people from whom I take advice in these matters that it is a provision that perhaps would not be used very often, that remandees would be content to use the video link.

I think there is a philosophical issue here, though - the right of any person who is incarcerated, awaiting trial, to appear in person before a magistrate in circumstances where they wish the refusal of bail to be reviewed. I think there is a strong principle there. It is a question of the philosophy underlying the application and rule of our law. I do not believe that it is an amendment or a change to the legislative scheme the Attorney-General is proposing that in any way derogates from the basic legislative scheme that he has introduced here, and I would urge that approach on the Assembly. Similarly in relation to those persons with a mental illness who might be required to give evidence before the Mental Health Tribunal, I think the same principles apply. I think there is no basis on which one would distinguish between a remandee seeking a review of bail and a person who might be required to appear before the Mental Health Tribunal.

Similarly, the Labor Party would like the legislation to reflect clearly that a person in those circumstances should be seen to have the discretion so that there can be no misunderstanding that, if they wish to appear in person, they may appear in person. If they do not wish to appear in person and they wish to use the audio or video link, that is fine and well. But it should be absolutely clear to them. We believe that there should be no occasion for confusion that those people do not have that right and that opportunity. That is all we are suggesting here. We believe that, with those small changes to the legislative scheme, the proposals the Attorney is bringing forward are worthy of support.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.56), in reply: I thank members for the support for this legislation. It is quite important to be able to use technology appropriately, to be able to consider how the work of the court can be improved and how the cost, in particular, of operating a court can be reduced, because money that we can save in the way in which the court works and the ancillary services to courts work is money that can, potentially, be invested in the improvement of access to justice - for example, the provision of additional magistrates or judges to improve people's chance of getting justice administered swiftly. There is a very important point here about being able to better manage resources in a way which reflects contemporary technology.

I have to say that my opinion is that the courts have been slower to uptake new technology and to use it effectively, at least courts in the ACT, than some other institutions within the ACT. That is a matter of regret. It is a matter which the Government is addressing at the moment in a number of ways and which I hope will be remedied in the next few years in an effective way. This is one way in which it starts to happen. Clearly the courts are now familiar with the use of this technology and familiar with taking evidence from witnesses by use of this technology. I do not think there is any question that it is working effectively in the context of our courts.

Having an audiovisual or visual link between the Belconnen Remand Centre and the courts is a very important additional capacity in our court system. It means that for the first time we will be able to have people making what are often quite routine appearances before a court - often for bail applications, for renewal of bail or for giving evidence in minor matters where there might be a plea of guilty or something of that kind - able to do

25 March 1999

that in a way which provides for the court to use the technology and not have to transport those people from the BRC to the courts. It is a development which will save the system as a whole a great deal of time and effort.

The cost of transporting people backwards and forwards between the Remand Centre is quite considerable. I might point out that most of the occasions of travel are really of a very technical or perfunctory nature. There is a requirement, I think it is for every two weeks, to have bail renewed where somebody is in custody. A bail application is considered at least every two weeks; I think that is how it works. Certainly, many of the occasions of a person appearing before the court are simply of a mechanical nature where nothing of great moment happens and that person returns to their cell at the BRC. Being able to deal with those occasions by audiovisual link from a remote location is a very big development, and I hope that it will be used effectively and fairly by our court system.

Mr Stanhope has made reference to the amendments he intends to move. I do not want to comment on those at this stage; I will wait until the detail stage. I thank members for their support for this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR STANHOPE (Leader of the Opposition) (12.00): I ask for leave to move together the two amendments circulated in my name.

Leave granted.

MR STANHOPE: I move:

Page 3, line 35, clause 4, at the end of proposed new subsection 85AE, add the following subsection:

“(5) The Mental Health Tribunal may not give a direction under subsection (1) in relation to the appearance before the Tribunal of a person who is the subject of a proceeding under the Mental Health (Treatment and Care) Act 1994 if the person objects to the giving of the direction.”

Page 7, line 18, clause 4, at the end of proposed new subsection 85AQ, add the following subsection:

“(4) The Mental Health Tribunal may not give a direction under subsection (1) in relation to the appearance before the Tribunal of a person who is the subject of a proceeding under the Mental Health (Treatment and Care) Act 1994 if the person objects to the giving of the direction.”.

I did traverse the basis of the Labor Party's reasons for moving these amendments in my previous comments, Mr Speaker. I will just reiterate them very quickly. As I said, we are supportive of this legislation. We think that it is sensible and good legislation. I acknowledge the point the Attorney makes about the link between the Belconnen Remand Centre or any remand centre that we might have in the future and the courts. It is sensible that that link be made. It is sensible that remandees who may, for whatever reason, be seeking a review of their bail conditions have available to them an opportunity to appear in those circumstances as required from time to time by video link. We are simply putting the proposition that a person held in custody, for whatever reason, who has a lawful right to have the terms of his incarceration reviewed by the court, has a right in those circumstances to appear in person before a magistrate to plead whatever that person wishes to plead.

I think it should be a fundamental principle in the administration of justice, particularly in circumstances where somebody has been deprived of their liberty, has not been convicted, and wishes as is their right to take a matter or pursue an issue before a magistrate. The Labor Party is propounding a proposition here that this is a matter of fundamental principle and liberty and that we wish to see this legislation, this good legislation, improved by ensuring that a person in those circumstances is under no misapprehension about their right to appear in person if they wish.

As I said, the advice given to me is that most remandees, because of the technical nature of many of the reviews that are required, would not bother. That is the advice that I have been given. This is not something that I have any direct insight into, but I have been advised that they would not bother to travel to the court for these short technical hearings, where they would probably be held in the holding cells under the police station in circumstances less desirable and less salubrious than they enjoy at the Remand Centre. It has been suggested to me that a remandee would not choose to swap a wait at the Remand Centre for a wait in the holding cells at the police station, so it is not something that people in those positions are actually going to rush out to embrace.

Our position is that people in that circumstance, people deprived of their liberty, people wishing to make representation of some sort, should be allowed to do so in person. It is an axiom that everybody deserves their day in court, their moment in court. Everybody deserves the right to appear in person before a court, to look the magistrate in the eye and make whatever case they wish to make as judged against judge.

We think in those circumstances that the exact same principle must apply to a person required to make representations before the Mental Health Tribunal in respect of their particular circumstances as a person with a mental illness in relation to whom certain orders may or may not be made. The principle is exactly the same. A person with a mental illness against whom the Mental Health Tribunal is conducting some hearing or

25 March 1999

procedure has a right to appear in person before that tribunal, to stand or sit before the tribunal and present themselves in person. We simply wish to ensure that that person is under no misapprehension about their right to appear in person. That is what we are seeking to achieve here; nothing more than that. We do not believe that these amendments in any way derogate from or actually affect the import of this legislation.

The Attorney has given some indication that there is a cost implication here in terms of the cost of transportation of remandees from the Belconnen Remand Centre to the Magistrates Court. We are, of course, always mindful of costs in terms of access to justice, the cost of justice and the delays in justice. There are certain fundamental principles, particularly in relation to those people who have been denied their liberty. I accept the point that the Attorney is making about costs; but if it is a question of the cost of transporting from time to time a prisoner from the Belconnen Remand Centre to the Magistrates Court as opposed to that person's right to appear in person before that magistrate, then I am on the side of that person's right to appear in person before his judge.

MR RUGENDYKE (12.06): I rise to support initially the Bill as tabled by Mr Humphries. I see it as an important advancement of our justice system to utilise closed-circuit television and modern technology. I see it as a great saving to our community to be able to put this type of technology in process. Mr Speaker, when I look to Mr Stanhope's amendments, I see that there is an issue of civil liberties and civil rights - the rights and civil liberties of people in the Belconnen Remand Centre in relation to being able to have some control over their own destiny. I wonder whether anybody has actually bothered to ask any remandees whether they think their civil rights and liberties have been advanced by these amendments.

I think it is appropriate in my speech to give an overview of my experience of how the amendments would impact on the rights and liberties of Belconnen remandees in a practical sense. Remandees who are to appear before court on a remand matter are transported in the back of a paddy wagon from the Belconnen Remand Centre to court in Civic. Prior to leaving the Remand Centre they pack up all their belongings, they vacate their unit and they are body-searched. On arrival at the court cells, they are body-searched once again, their property is taken from them and their cigarettes are locked in a locker.

Those remandees are then directed to what I guess is called the holding cell for the day. The holding cells are approximately the size of half the benches opposite. The holding cells are glass-fronted and they are looked down upon by the security officers performing the duties of security guards down in the cells. The floor is lino. The lino extends up and over a bench which the remandees will spend the day sitting on. They have absolutely no dignity when they need to use the toilet. They spend the day being watched by security guards.

There will come a time during the day when they will be called up to the court for their appearance. They will not see daylight. When they leave the cells, which are below ground, they are put into a cage at the back of a lift and conveyed through concrete corridors for their two-minute bail appearance. They then reverse the procedure, going

back through the corridors to the cage at the back of the lift and down below ground level into the cells until they are picked up at about 4 o'clock in the afternoon. They cannot have a cigarette all day. At lunchtime they are fed with plastic-wrapped sandwiches and an apple. Mr Speaker, that is how the civil liberties of these people are impacted on by Mr Stanhope's amendments.

I submit that the original Bill already covers a defendant's desire to be personally present in court. The Bill provides that a court may at any time revoke a direction made, either on its own motion or on the application of a party to the proceedings. If a defendant is not a party to the proceedings, I would like to know who is.

Mr Speaker, another aspect that we must look at is the protection of the community from dangerous prisoners. What should we do about the dangerous prisoners with a record of escaping or inflicting injuries on people? Do we want to allow them to insist on appearing before courts when we could negate the public risk by taking evidence from the Remand Centre? What should we do about people who are under the influence of drugs or who are in a mental state which means that they are not capable of making a choice? Should they be able to insist on appearing before the courts? Then, of course, there is the prospect of solicitors and lawyers exploiting this automatic choice to disrupt the process. Mr Speaker, I believe that it is appropriate and fair for the courts to retain the discretion. For that reason, I will be opposing the amendments of Mr Stanhope.

MR HARGREAVES (12.13): I am sad that Mr Rugendyke is opposing these amendments. I must say that, prior to visiting some of the prisons and the Belconnen Remand Centre, I only had your average mug punter's idea of what actually went on there. I was particularly affected by what I saw at the Belconnen Remand Centre. My information is that the holding cells at the Magistrates Court are no better; in fact, probably a little worse. Nobody in their right mind would want anybody to have to suffer those conditions unless they had to. I am the first to applaud the Government for addressing the situation at the Belconnen Remand Centre by removing that sort of Katingal approach to life and fixing up our prison.

However, what we are actually talking about in these amendments is not that people should or should not have one or other of those things applied; we are talking about the right to a choice. The thing that Mr Rugendyke has clearly missed in all of this is the fact that these people on remand have not committed a crime and been adjudged as such by this society. They have not appeared before a magistrate or a judge and had it confirmed that they had actually committed a crime. It is just that the suspicion is significant enough that they have been placed in custody and charged. There is, if you like, a conclusion being reached that a person is on remand because they are a criminal.

Not every person on remand is convicted. Every person on remand is, in fact, entitled to a certain amount of dignity. That is what we are trying to address in the replacement remand centre. But each and every one of them ought to have the freedom of choice. It is about the freedom of choice that Mr Stanhope is talking - the rights that you and I would have to appear before a magistrate. I urge people to have a little read of the wording. Mr Stanhope has said that the court may direct it. He is also saying that the court may not give a direction unless the applicant for bail has consented to it.

25 March 1999

Mr Speaker, when somebody is taken to a police station and tested, by blowing the bag, for exceeding the prescribed limit of alcohol in their bloodstream, we put them on a test machine. They have not been convicted in a court, but it is obvious to the policeman at the time from the strip list that these people have committed an offence at law. But they still have not been convicted. They are still innocent before the law. The paperwork that is handed up to the magistrate actually says on it that the person has been informed of their rights in one form or another. It is already there. What we are talking about now is actually taking away somebody's right of choice.

I was really disturbed to hear what Mr Rugendyke said, and I will quote it. Talking about the mentally ill, he said, "In whose judgment are these people mentally ill?". How dare we stand in this place in judgment and say things like Mr Rugendyke has just said! He said, "Should they be able to insist on a court appearance? Should anybody be able to insist that they appear before a court?". How deplorable and how disgusting is that? It is that sort of attitude that gives most of the policemen in this town a bad name. I was absolutely shocked when I heard it.

Mr Speaker, I would urge members of this place to think seriously about what we are saying here. This initiative on the part of the Government is a good one. It is a top one, it is a great idea, and a lot of people are going to take advantage of it. A lot of people will not know that they can. A lot of people do not want the indignity of standing there in the dock and they will take advantage of it, but it is their choice. I urge members to think seriously about this matter and not take away people's ability to choose the manner in which they will be paraded before a magistrate. Also, if I have to, I will beg this Assembly to make sure that people are informed of that choice. In every other dealing that we have where there is a potential breach of the law, we tell people what options they have. All of a sudden, we are making judgments about whether somebody has a mental condition or whether somebody is guilty. If that is the case, what on earth do we have a court for? It is an absolute mockery. The members who do not support this amendment are treating the courts with absolute mockery.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.19): I have given serious consideration to what the Opposition has put forward in these amendments and I was at one point inclined to consider that we might be able to support them; but, on further discussion with interested parties in this matter, I have been persuaded that it is not possible for us to support them.

Mr Hargreaves: Why?

MR HUMPHRIES: I will explain that, if you will listen. I suspect that members opposite who have proposed these amendments might not have thought about the implications of them in some respects. I think we need to remind ourselves that we are talking about a quite small number of people to whom these provisions would be relevant.

Mr Hargreaves: What!

MR HUMPHRIES: Listen to me, Mr Hargreaves. The vast majority of people who appear before the court in the circumstances that we are talking about, from the Belconnen Remand Centre, would not want to appear live. For the reasons Mr Rugendyke pointed out, they would not want to appear on most occasions. When you go to the watch-house under the police station or to the cells under the court, for example, you cannot smoke. So those prisoners who do smoke, and a very high proportion of them do, will not be able to smoke while they are waiting to speak to the court, and the chances are that most of them will not want to be in that position. What is more, under the provisions we have put forward here, in the cases where people say, "I want to appear in court because I want to be able to do certain things. I want to be able to make a submission in person", or whatever reason they might have, probably in the majority of cases the court, where it has a discretion under our proposals, will accede to that request.

Mr Berry: Maybe.

MR HUMPHRIES: I think in the majority of cases it will probably accede. So we are talking about a quite small number of cases where they do not; but the question is: What are those cases? Why would a court not want to accede to a request from a party appearing before it to appear in person? That is what we have to focus on in this debate. What are the reasons? Mr Speaker, I think that there are some very good circumstances where the court ought to have the discretion to be able to say, "No, it is not in the interests of the administration of justice that this particular person appear in the court live"; that is, their solicitor or counsel should be able to appear, they should be able to appear themselves by remote audiovisual link, but, for various reasons, it might not be appropriate for them to appear in the court. For example, we have on occasions had people before the courts - - -

Mr Hargreaves: This is *Nineteen Eighty-four* stuff.

MR HUMPHRIES: I am giving you the examples, and I just ask you to listen to them. We have on occasions had people before the courts who have been extremely disruptive of the work of the courts. For example, members will recall the famous incident of Mr Eastman picking up a water jug from the bar table and hurling it at a member of the magistracy sitting on the bench, and the court having to adjourn while order was restored. Unfortunately, members of the bench, and the whole court, were well aware on the occasions that Mr Eastman appeared before the court that that was a very real possibility. When that happens, the court needs to be able to take appropriate steps to protect the dignity of the court and the processes used.

It is appropriate with people such as that, rare though they might be, for the court to be able to say, "We consider that it is appropriate in this case that you give your evidence by remote link from the Remand Centre". They can still talk to their counsel. The guarantee of secure communication between the accused person and their counsel is still there. They will still be able to make their submissions in full to the court, and they would have the protection of knowing that if they are dealt with in an inappropriate way by the court, if the court denies them an appearance in person in a way which

25 March 1999

discriminates against their case or prejudices their case, their chance of remedy on appeal is significantly enlarged by virtue of that fact. But you can imagine circumstances where being able to bring a person into a court would be disruptive to the work of the court.

Another example, which Mr Rugendyke made reference to, is where we have an extremely dangerous person, a very high profile prisoner, for example, an international terrorist who has been arrested in the ACT and is having to appear in court. That has never happened, fortunately, and it is not likely to happen very often. But if it were the case that a person of that kind were there and we had to engage in a significant security risk in transporting him or her from the Remand Centre all the way into town for an appearance, perhaps on several occasions, the cost to the community and the risk to the safety of all those involved of having to make that decision would be quite significant. The court may well decide that it is in the best interests of the administration of justice that that person not appear live on that occasion. That would be rare, but it could occur.

Another example is of a person who was drug affected or seriously mentally ill and was highly disruptive to the work of the court. The court may have a number of matters before it on that day - - -

Mr Hargreaves: The court's right is more important than the individual's right here, is it?

MR HUMPHRIES: No.

Mr Hargreaves: It is more important for the court than the individual's right? You are taking a bloke's right away, a right of choice.

MR SPEAKER: Order, please! You have had your say.

MR HUMPHRIES: No, Mr Hargreaves. The important point here is that we are not detracting from the right of a person to appear in court. Appearance is a term which in a court means to have representations made to the court in the way that they see fit. Most people appear in courts not live at all; they appear by way of counsel. In this case, we are saying that you have the additional right to be able to be face to face with the judge, to be able to put your arguments directly to the judge or magistrate, and that can be conveyed by audiovisual link. I would suggest to members that the additional right to be actually physically present in the court on the limited number of rare occasions where the court might see fit not to grant that right is a very small right.

Mr Hargreaves: It is an infringement.

MR HUMPHRIES: It is an infringement of that right, yes, but it is a small infringement. The right of the court to be able to administer justice and the right of others to get access to justice because the system is not disrupted are other rights which have to be weighed up in the balance. If a seriously mentally ill person or drug affected person was appearing before the court and the court was of the view that that person's behaviour was so disruptive as to disrupt the work of the court, to prevent other people from being safe in those circumstances or whatever, it may take the view on occasions

that it was best that that person appeared remotely - again, a rare occasion, but it could happen. Another example - again not very likely, but possible in a rare case - is where a person has a highly infectious disease. It may not be appropriate for that person to appear in the court live, but they should be capable of being given the chance to appear by audiovisual link.

Mr Speaker, if members are not satisfied with the cases I have given, I ask them to consider the position in other jurisdictions. Most other jurisdictions in Australia have adopted legislation of this kind - - -

Mr Berry: Which ones?

MR HUMPHRIES: New South Wales, Victoria, Queensland, the Northern Territory and Western Australia. Each of those jurisdictions has preserved the right of the court to make the final decision. Every one of those jurisdictions have preserved the right of the court to have the final say in whether the person appears - every one of them. I have not had time to find out since I saw Mr Stanhope's amendment late last night whether Tasmania and South Australia have taken the same position, so I cannot say to the Assembly that the whole of Australia has taken the position that we are recommending in this Bill. It may be the case; I just do not know at this point.

Mr Speaker, I am sensitive to the needs of people to be able to appear in court and I would wish that they have the right to do so in virtually every case. But I also think it is more than conceivable that on occasions it may be better, in the administration of justice, if the actual right to appear personally there - not, on the scale of human rights, a particularly huge right, with respect; the submissions are still being made on behalf of that person and the person is still speaking directly to the court if they wish to - was not given priority over the rights of others who might be involved in this process, including the courts and other litigants who might appear in the courts.

Mr Speaker, I would ask members to consider whether these amendments are not, in fact, although well-intentioned, necessarily appropriate to ensure that justice is appropriately delivered.

MS TUCKER (12.28): The Greens will be supporting the amendments put up by the Labor Party. I have listened to Mr Humphries' argument. I did check with Mr Moore on whether someone with an infectious disease would be allowed to be exposed to the court and Mr Moore confirmed that the Chief Medical Officer would have the right to intervene, if necessary, in that instance.

The other concerns that Mr Humphries expressed do worry me. He has acknowledged that only a small number of people would be involved in this regard. We know, as it is an issue that is getting increasing publicity, that people with mental health problems will be going through our courts more and more as governments like this Government have, by self-righteous statements, put on the mantle of deinstitutionalisation, but they have not provided for community support to take up where the institutions have left off. So, we are seeing an increasing number of people with mental health problems in our prisons.

25 March 1999

Mr Moore: That is just not true, Kerrie; that is just not true.

MS TUCKER: Mr Moore says that it is not true. It is interesting that a national conference on health in prisons, for which you might be interested to get the papers, showed that the increase in the number of people with mental illness in prisons has been related directly to deinstitutionalisation because support has been inadequate in the community. So, there is the issue here of who the people will be who will not have the right to make a choice, as well as the basic issue of whomever it is having the right.

I am sorry if the judiciary are nervous that water or a jug might be thrown at them. Obviously, no-one wants to have unsafe activities occurring anywhere at any time. But I do not see that it is a strong enough argument to say, therefore, that this piece of legislation must always give the courts the right to make a decision here, quite possibly against the wishes of the person who, for whatever reason, wants to be part of the court proceedings.

Some people do not like being videoed. Some people find that experience quite confronting, particularly if they have mental health problems. The reasons for wanting to appear could well be not what Mr Humphries is suggesting, that is, that they just want to go in and create mayhem in the courtroom. I will defend the right of those people to say that they would prefer to be in the court. As people have said, it is not a particularly happy experience and there probably would not be that many who would want to do it.

Mr Rugendyke, once again, put up a curious argument in this place. He said that, because the Bill says the court “may” at any time vary or revoke a direction, it will happen mostly, and it will happen mostly because he knows that it normally would happen. So, we have that kind of vague response from Mr Rugendyke. It does concern me to hear responses like that when we are looking at legislation, because legislation needs to be exact in its meaning and it is not okay just to say, “It will probably work out all right. Why would it not?”. You have to be clearer in your arguments than that. I am supporting the amendments of Mr Stanhope because I think that a particular group of people could be disadvantaged otherwise, and I do not think that that is fair.

MR BERRY (12.32): Yesterday, this Assembly was subjected to theatre and moaning ad nauseam about the rights of individuals to justice. What strikes me about this matter is that today Mr Humphries can put forward a complex argument in relation to the matter, whereas he did not do so when he introduced the legislation to this place, and explain to us why the civil liberties of some individuals were going to be interfered with - in fact, taken away.

I will deal first of all with something that Mr Rugendyke said. Mr Rugendyke said that the amendment put forward by the Government to section 72 of the Magistrates Court Act provided for the court to make decisions in relation to appearances before it. I think Mr Rugendyke has missed the point. The right should be automatic. If the court is to take it away, the court must justify its actions. That is the difference between civil liberties and convenience. He did talk about convenience factors which might discourage people from appearing before the courts. In fact, it did trouble me as he went through all of the areas that there seemed to be a lot of things that would discourage

people from appearing before the courts and not much to encourage them. They ought to be able to appear before the courts with the least amount of interference to their appearance.

Mr Speaker, the amendments that have been put forward by the Leader of the Opposition are sensible ones. They are very small in the scheme of things. I thought that the Government would wisely accept their introduction, given the Attorney-General's admission that only a handful of people might be affected. It strikes me as unusually harsh to take away the right of individuals to automatically appear before the courts if they wish to. Mr Humphries raised the issue of Mr Eastman's behaviour in court, using it as an argument for the automatic removal of a civil liberty. Mr Eastman's civil liberties were intact and there is no reason to take away or interfere with the civil liberties of anybody else because of Mr Eastman's behaviour.

If Mr Stanhope's amendments were carried, the court would still have the right, pursuant to subsection (2) of proposed section 72A, to vary or revoke a direction made under subsection (1). If there were a hazard as a result of the actions of a particular individual, I am sure the court could deal with it and justify its position. But to have legislation in place that automatically removes that right, albeit a fairly small part of one's appearance before the court, is another matter. It is important that the rights of individuals not only are granted but also are seen to be granted in any legislation which is brought before this place.

Mr Humphries also said that there was some justification in the fact that other States have done so in the past. Several of them can get it wrong sometimes, especially if they are great contributors to the lowest common denominator principle, which seems to be the course of not only financial affairs in this country, but justice as well as we wind back rights. It is not a justification to do it because other States do it.

The issue here is one of principle as to whether somebody should have an automatic right to appear before a court, rather than giving the right of appearance to the courts. In the case proposed by the Government, the court is the one that would decide on the application of a remandee to appear before the court. The remandee should be the one that is making a decision about that.

Debate interrupted.

Sitting suspended from 12.37 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hepatitis C

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. In August last year the Chief Minister told the Assembly the Government would introduce amendments to the Blood Donation (Transmittable Diseases) Act to provide access to compensation for people who might have contracted hepatitis C in the ACT from contaminated blood transfusions. Can the Minister say when the Government will introduce the legislation foreshadowed by the Chief Minister to enable access to the compensation package?

MR MOORE: Thank you, Mr Stanhope, for the question. At the time the Chief Minister made that statement it was the Government's intention to introduce legislation to achieve access to compensation. Since that time we have taken legal advice that suggests to us that we do not need to use legislation to achieve the goal. In fact, it would be more effective and fairer to manage it without the introduction of legislation. For that reason we are not intending to introduce legislation to give people access to the hepatitis C lookback program.

Mr Speaker, this question also gives me the opportunity to clarify an answer that I gave yesterday. The day before yesterday I tabled in the Assembly a response which included a table of figures. Mr Berry yesterday asked me to clarify the figures, and I indicated to the Assembly that I would try to bring back clarification. In fact, the figures are quite complex. Late yesterday afternoon, when I spoke to Department of Health officers, they indicated to me that they still felt they did not have a clear way of presenting those figures and that they would like more time. I said that I would be happy to table them today. I table another table to clarify the figures.

The table that you saw showed that 62 people were deceased. It is very difficult for us to work out where the figure of 62 came from. The officer who prepared the table is away sick at the moment. It is probably true that more than 62 people are deceased, but it is appropriate for us to work on people we know about, people we have identified, so we have divided the issue into a number of tables. I will be happy to get any member a briefing on these, because they are quite complex.

We have two groups of people. There are those in the lookback program who were recipient triggered. In other words, we went and found them because somebody had identified that they had received some of the blood. Then in a separate group are donor-matched cases. We then look at our total cases. The total of cases that we have identified that we need to deal with is 115. The number of people who are alive, who are still working, is 64, and the number of deceased people is 51.

We then look at the particular periods. In the period from 1985 to 1990, which is the compensable period, there were the 13 people I commented on before. They were recipient triggered. Of those who are donor-matched cases, 32 have died and 18 are still alive. We still have these groups of people that we are dealing with. Then we have

a group from pre-1985 and a group from post-1990 that we are also dealing with because they are people who approached us, and I think that is appropriate. I hope that this information will assist people to understand.

The table includes the cases post-1990, but this transmission most likely occurred because the only test available did give a number of false negative results. Additionally, the window period for sera conversion is 22 weeks. It should also be understood that after 1990 the ACT Red Cross used the most current available test, so the possibility of transmission of hepatitis C could not be avoided despite all care being given. Thus it is deemed that compensation is not necessary, because all care had been taken. However, it is acknowledged, of course, that this is a most unfortunate situation for people who come into these circumstances. The Chief Health Officer, in briefing me, indicated that the window periods before sera conversion are a perennial problem for all blood-borne viruses.

MR STANHOPE: I ask a supplementary question. Thank you, Minister. Can you table the details of the compensation scheme that will apply, now that we are advised that it is not to be a legislative scheme? Can you advise whether the scheme will be administered by your department or the Department of Justice and Community Safety? Can you advise me whether the Government's compensation scheme will consider claims from families of infected people who have died? Can you tell me whether the scheme will consider claims from people who may have contracted hepatitis C from others who contracted the disease from infected blood but went for years without knowing their risk?

MR MOORE: Mr Speaker, the questions asked are quite complex. I think trying to answer them on my feet will only cause more confusion. Some of the questions also ask for a legal opinion, but I do want to be as open as I possibly can. Because it is Thursday afternoon, the end of the sitting week, Mr Stanhope, first of all I will offer you and any other member a full briefing on the way we are doing the compensation scheme. Additionally, I shall bring back to the next Assembly sitting a statement on exactly how the scheme is operating and what we are going to do, rather than give an answer on my feet that is bound to leave some elements out.

Bruce Stadium

MR QUINLAN: Mr Speaker, my question is to the Chief Minister. It relates to Bruce Stadium. I am reasonably sure that the answer is Johnny Farnham.

MR SPEAKER: Mr Quinlan, it is John Farnham these days.

MR QUINLAN: I knew him as Johnny, Mr Speaker. Do you know that one of his songs started with the words "Help me if you can, I'm feeling down"?

Ms Carnell: That is a Beatles' song. He just did a revamp.

MR QUINLAN: But he made it a big hit.

25 March 1999

Mr Stefaniak: Was he not Sadie, the cleaning lady?

MR QUINLAN: He also sang “Sadie, the Cleaning Lady”. She could have really done a job with her mop in the last week or so.

Mr Hird: Is this the Johnny Farnham half-hour or question time?

MR QUINLAN: Sorry. Now that Mr Kevin Neil has taken off the gloves and stopped being diplomatic and publicly called for the Government to sack the Bruce Stadium management team, Nationwide Venue Management, for, amongst other things, treating them as country hicks - - -

Ms Carnell: It is the marketing team. He asked for the marketing team to be sacked, not the management team.

MR QUINLAN: All right, that will do - the marketing team.

Ms Carnell: It is a bit different. I am just helping you a bit to get the question right.

MR QUINLAN: Yes, happy to take it. Help me if you can.

Mr Humphries: Is there a question here?

MR QUINLAN: There is a question coming here. Will you take action based on that advice? I notice that you have gone public and said that the Raiders were involved in the appointment in the first place. Seeing that they are big enough to quite openly admit their mistake, will you do the same?

MS CARNELL: Mr Speaker, no, I have no intention of sacking the marketing team for Bruce Stadium. It is a bit tragic when the Deputy Leader of the Opposition does not even know how to ask the question right and gets marketing and management a little bit confused.

Mr Quinlan: Answer the question. Get on with it.

MS CARNELL: I was just making sure you had your question right. The management of the stadium is done by Bruce Operations Pty Ltd, which has a contract with a marketing company from Melbourne that is responsible for the sales and marketing campaign at Bruce Stadium. This contract runs until July this year. The marketing company’s responsibilities and services could be categorised as branding, positioning, sales, communications and product development.

Examples are creative concepts and key images to reposition the stadium as a major sporting and entertainment facility; corporate identity; communication strategy for the development and production of commercials and promotion material; signage and advertising strategy; sales program, including suites, naming rights, passholder program, signage and advertising; securing of corporate sponsorship and major events such as the concert that was announced yesterday. The concert will be on 28 April. It will be one of

the biggest concerts we have seen in Canberra for a long time. I would have thought those opposite would have been quite positive about the whole idea. This was part of the brief for the marketing operation. Further examples are advice on furniture and fittings for corporate products; advice on pricing structure for corporate products; and other services which may be requested by Bruce Operations from time to time.

In providing these services to BOPL, Nationwide Venue Management must liaise with Bruce Operations Pty Ltd on all matters pertaining to service delivery and seek and utilise wherever possible the expertise of the major hirers in order to maximise revenue opportunities for the stadium and the hirers. They have also demonstrated a commitment to the joint objectives of Bruce Operations Pty Ltd and the major hirers in delivering a brand-new product and concept to the Canberra marketplace.

Kevin Neil has called for NVM to be sacked. This cannot and should not be done. Normally I would have thought those opposite, particularly Mr Quinlan, would have known that sacking people halfway through their contract was a tiny bit exposing to the Territory. It is the sort of thing that gets you sued. I wonder whether Mr Quinlan is actually suggesting that we should expose the Territory to a suit.

The Raiders, along with the Brumbies, were involved in securing NVM as the successful marketing consortium for the stadium. Bruce Operations cannot terminate the contract for anything less than breach of contract, which is exactly what you would normally expect. There has been no breach of contract. Mr Quinlan is asking us to sack somebody who has not breached their contract because Kevin Neil said so. That is a very unusual approach to policy direction. Bruce Operations Pty Ltd cannot terminate the contract merely because one of the hirers disagrees with some of NVM's advice. That is the scenario here.

Any teething problems with the stadium generally are being addressed through a management forum every week between Bruce Operations and Brumbies' and Raiders' representatives. The sale of suites and other corporate products is going well, with the only problems being of an operational nature due to the fact that Bruce Stadium has not been completed. There are always going to be problems or issues for the first couple of major events at a major venue like Bruce Stadium. Those opposite are doing everything in their power to make this stadium fail. They are going to fail because - - -

Opposition members interjected.

MS CARNELL: I know they are embarrassed, Mr Speaker.

Opposition members interjected.

MS CARNELL: Quite seriously, Mr Speaker, I do not have to put up with interjections.

MR SPEAKER: Order, please! They are not interjections. It is total heckling.

25 March 1999

MS CARNELL: Thank you, Mr Speaker. The fact is that those opposite are going to be very disappointed, because Bruce Stadium is now regarded as probably the best stadium of its type in Australia. The coach of St George stated last weekend, after an inch and a half of rain had fallen at Bruce Stadium, that the surface was the best in the competition. It handled the rain very well. I think that is pretty impressive.

MR QUINLAN: I would not mind getting in answer to my supplementary question an explanation as to why the Government set up Bruce Operations Pty Ltd, which is two public servants. Can you also tell me whether Bruce Operations Pty Ltd - that limited company with two directors, two public servants - has entered long-term contracts with any people at Bruce for major services, including marketing? What is the expiry date of those contracts?

MS CARNELL: Mr Speaker, I have already made the comment that the contract that Mr Quinlan was asking about, the contract with Nationwide Venue Management, is until July 1999.

Department of Health and Community Care - Redundancies

MR BERRY: My question is to the Minister for Health and Community Care. The Minister will recall the statements by the Chief Minister during last year's election campaign that, as far as cuts to the ACT Public Service were concerned, the pain was over; there would be no need for any more slash and burn. Does the Minister think this is her first, second or third order of principle, or has it fallen off the scale? How does the Minister explain the minute of yesterday's date from the chief executive of his department, Mr David Butt, to all members of his staff inviting expressions of interest in voluntary redundancies? Can the Minister tell the Assembly how many jobs will be lost in this round of redundancies and from which areas of operation within the department they will come? How many redundancies will occur in 1999-2000?

MS CARNELL: Mr Speaker, I will take that question, because it is based upon something that I was supposed to have said. The fact is that that was not the approach. That was not what this Government went to the last election with - in fact, quite the opposite. When asked whether there would be any more redundancies, the comment was: "Yes, there would be because there would always be changes in the direction of the Public Service". We said that there would be no more systemic redundancies - that is, no more 2 per cent across-the-board cuts in public servants. In fact, quite specifically - - -

Mr Berry: I raise a point of order, Mr Speaker. I asked Mr Moore whether he thought that was a first, second or third order of principle or whether it was off the scale. That is not a question that Mrs Carnell can properly answer.

MR SPEAKER: That section was out of order because it was hypothetical.

MS CARNELL: The second part of the question becomes non-existent, because the first part was wrong. The Government stands by that view. The reason that we went down the path of no more systemic cuts in the Public Service was simply that those

opposite showed so adequately when they were in government that having huge central redundancy pools and going to across-the-board cuts in the Public Service achieves absolutely nothing, except significant costs to the Government.

I seem to remember that those opposite spent over \$30m on redundancies when they were in government and achieved a very small reduction in the Public Service. They spent money for nothing. This Government stands by the view that those sorts of systemic cuts in the Public Service achieve nothing and are destabilising for the Public Service generally. But I have to say that we stood for election on the basis of reducing our operating loss. When I and other Ministers were asked at length whether that meant that there would be reductions in staff, we all said, "Yes, there would". But the fact is that they would not be systemic. They would be targeted to the areas where we could cut staff and continue to provide services. That was the commitment to the electorate, and we stand by it, and we are reducing the operating loss.

MR BERRY: I ask a supplementary question of the Minister who knows everything. My question is to the Minister who knows everything, the Chief Minister, as it should be. Can she say how the department has made the one-off savings that Mr Butt says will pay for the redundancies? How much has been saved and what programs have been cut to realise them? Could you fill us in on that detail?

MS CARNELL: Mr Moore has made it clear, as have all of the Ministers, that we have to reduce the operating expenditures of our departments. Every one of us is in the same boat. We know, as those opposite have said - - -

Mr Berry: So the answer is no?

MR SPEAKER: Order, Mr Berry! Sit down. You have asked your supplementary question.

MS CARNELL: Mr Moore has made it clear in this place, and in fact on the front page of the *Canberra Times*, about the reductions in staffing needed at the Canberra Hospital. We take the operating loss seriously. Obviously, Mr Berry does not. In fact, those opposite showed that when they were in government. Mr Berry is the person who thinks he can solve the economic situation in the ACT by spending the cash in the balance sheet. What more can you say?

Mr Speaker, in all areas, including Mr Moore's, we will be looking for redundancies in targeted areas, and have done so ever since we have been in government. That will continue, because we still have a \$150m operating loss. Those opposite continue to oppose any asset sale.

Mr Berry: Yes.

MS CARNELL: That is true?

Mr Berry: Yes.

25 March 1999

MS CARNELL: Mr Berry appears to be saying that - - -

Mr Stanhope: And do it successfully.

MR SPEAKER: Order! This is question time. It is not a political meeting where somebody is being heckled while speaking from the back of a truck.

MS CARNELL: Mr Speaker, it is my advice that no memo has gone out from David Butt to the Department of Health generally. I come back to the core issue here. About 70 per cent of ACT government expenditure is in wages. If Mr Berry is ruling out voluntary redundancies, then I have to say that that side can never address the operating loss, so they will never be in government. I think that is a great outcome.

Bruce Stadium

MR KAINE: My question is to the Chief Minister. I refer the Chief Minister to a couple of questions that I asked two weeks ago, on 11 March, in connection with the marketing organisation at Bruce. I asked her then whether it was a fact that a substantial up-front payment had been made to that company in addition to the commission, and I also asked her how much had actually been paid by way of commission. The Chief Minister took both those questions on notice. It is now two weeks later. Can the Chief Minister answer those questions?

MS CARNELL: Mr Speaker, it is my understanding that under standing orders I have 30 days to answer questions taken on notice.

MR KAINE: Okay, we will wait for an extra couple of weeks. Mr Speaker, I ask a supplementary question. I refer to the same matter that was earlier referred to by Mr Quinlan in connection with the nature of the contract with this marketing organisation. The Chief Minister answered in response to that earlier question that the contract expired in July. That is certainly true of the initial contract, but is it not true that there is a second contract which runs way beyond July?

Mr Humphries: Mr Speaker, this has no relation whatever to the first question.

MR SPEAKER: I doubt that that is supplementary to the original question.

Mr Humphries: Indeed, Mr Speaker. That is my point of order.

MR SPEAKER: Sorry, Mr Kaine, but it is not supplementary to the original question that you asked.

MR KAINE: Mr Speaker, I beg to differ with your ruling. Both questions deal with the contract with this marketing company. How can you rule the supplementary question out of order as being irrelevant? It is not irrelevant. It is supplementary to the first question.

MS CARNELL: Mr Speaker, I am happy to take that on notice as well.

MR SPEAKER: The Chief Minister is happy to take it on notice, Mr Kaine. That is fair enough.

MR KAINE: So we wait another 30 days? Beauty!

MR SPEAKER: I would imagine that she may answer them together, but that is a matter for the Chief Minister.

Police Force

MR HARGREAVES: We can wait another six to eight weeks. My question through you, Mr Speaker, is to the Minister for Justice and Community Safety. The Minister is no doubt aware that a significant number - some reports say as high as 80 per cent - of AFP officers come to the end of their 10-year contract this year. The arrangements for termination of those contracts involve reasonably large lump sum payments to those officers who elect to leave the AFP. Can the Minister advise the Assembly whether the ACT, under the terms of the contract, has any responsibility for paying out such funds or reimbursing the AFP for such pay-outs? Does the current contract include provision for such pay-outs in the event that officers of the AFP ACT region take up the lump sum option?

MR HUMPHRIES: Mr Speaker, I thank Mr Hargreaves for his question. I certainly am aware that when contracts of a number of AFP officers - as Mr Hargreaves says, possibly as many as 80 per cent of the total establishment of the AFP - expire in about the middle of next year there is a possibility of a very significant turnover of officers in the AFP. Obviously, in the very worst case scenario, if 80 per cent of officers in the AFP nationally, across Australia, were not to renew their contracts, the extent of disruption would be absolutely enormous. I am working on the assumption, based on no more than my expectation that such a large number of people would not want to get out of an organisation in such a short space of time and expect to find some other work to do, that that will not happen, but we must assume that some reasonably high-level officers may in fact choose to leave the AFP.

We must also assume that it is possible that a large proportion could be among those who are presently serving the ACT region. Although it is not clear and we will not have a clearer picture until the next few months, when I understand the commissioner will be seeking expressions of interest from officers as to what they intend to do on the expiry of their contracts, we need to have contingency plans in place to deal with those issues.

The contract, to the best of my recollection, makes no reference at all to AFTPAS payments or to the ACT Government being asked to contribute to the cost of those things. But the reality is that there are many unsatisfactory elements of the contract between the ACT Government and the Commonwealth Government on policing in the ACT, and the reality is that if the costs of what is happening in the ACT region rise there will inevitably be some flow-on to the level of operation in the ACT region. For example, recently negotiated pay rises for Federal Police across the board are almost

25 March 1999

inevitably going to have some impact on the ACT region. In effect, the cost of those police will rise and no doubt the Government will have to consider whether it wishes to increase the payment for those police to cover that additional cost or whether it expects some reduction in the extent of service or even the number of police to meet the extra cost which has flowed on from the fact that we have those police in our region.

Mr Speaker, I certainly am concerned about the situation. I believe it is an issue that will have to go on the table for the other discussions which are ongoing with the Commonwealth Government. I hope that it will be made perfectly clear to the Commonwealth Government that the ACT does not consider it to be its responsibility if there is a cost to the AFP because they need to pay out redundancies for officers who are retiring. We pay our \$54m a year for policing in the ACT. We expect to get 699 police for that dollar amount. We do not expect to have the amount suddenly cut because the cost of those police has risen in some way. Mr Speaker, obviously those negotiations have some way to go before I can give a clear picture as to what the view of the Commonwealth is on those questions.

MR HARGREAVES: I thank the Minister for the assurance that he is going to say to the Commonwealth, "It is your problem. You are a contractor". I ask a supplementary question. The Minister has semi-answered it already. Has the Minister had discussions with the AFP regarding the implications of the loss of significant members of the AFP in such an event? How will he address the possible significant shortfall in AFP officers available for policing here?

MR HUMPHRIES: On the first question, I have had discussions with senior officers in the AFP, including the commissioner and the assistant commissioner, Mr Stoll, about a range of issues, and I am sure we have discussed AFTPAS in the context of those discussions. I do not think we have discussed whether AFTPAS payments will be falling to the ACT to pay in the year 2000. I suppose it is because it is my view that that is a matter for them to deal with and not a matter that concerns me to any great extent.

The second question was how we will deal with any shortfall in officers. I repeat that my view is that it is the Commonwealth's responsibility to supply us with police officers. If they, for example, were to experience some shortage of officers in some respect, they should deal with that shortage by reducing other areas of AFP operations around Australia. We pay for our 699 police here, and therefore we should not have that number affected by any shortages that might take place at the Commonwealth level with respect to the establishment of the Federal Police.

ACTTAB

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Can the Chief Minister indicate what action she has taken following her commitment to the round table meeting of ACTTAB stakeholders on 14 September last year to consider all the options for ACTTAB's future and to discuss it with the stakeholders further?

MS CARNELL: Mr Speaker, the options that we identified at that particular meeting, from memory, were three. One was the option of ACTTAB going down the path of sports betting to see whether that would produce the sort of extra revenue that was needed. The second one was the potential for interactive gaming. The third one was for the unallocated poker machines inside the cap to move over to the TAB for them to manage. This was one of the issues that I rather hoped the committee report that was tabled this morning would handle, but it appears that the committee report tabled this morning did not handle much at all. We were waiting for the committee report to determine whether that particular approach was a goer and to see what direction the committee report took. Obviously, as it does not give us any particular direction on any of those things, we will have to have a look at whether the poker machine approach is feasible.

I understand that the TAB themselves are looking at issues around sports betting, although initial indications would suggest that sports betting for entities like the TAB has the potential for only a small amount of revenue because they have to lay off so much of their bets to cover potential losses. Because sports betting is basically a two-horse race at fixed odds, the risk factor is very high. Entities like the TAB that cannot handle a lot of risk have to lay off bets, which reduces potential profitability.

All of those things are currently being looked at. When we have some information, we will bring it to the round table. Again, one of the things we were waiting for was the report that the Assembly committee brought forward this morning.

MR CORBELL: I had not thought it was the committee's fault. My supplementary question is: Can the Chief Minister indicate whether any interstate or overseas TAB operators have visited ACTTAB since the September 1998 stakeholder meeting, and has the Government had any discussion with any interstate or overseas TAB operators concerning a possible sale of ACTTAB since the last stakeholder meeting in September last year?

MS CARNELL: I have no idea whom ACTTAB has spoken to. They are a Territory-owned corporation. I cannot really speak for other people but, as the Minister responsible, I can certainly say I have not spoken to any of those entities or entered into discussions with any interstate TAB about the possible sale of ACTTAB.

Government Vehicle Fleet - Natural Gas Trial

MS TUCKER: My question is to Mr Smyth as Minister for Urban Services. Minister, you would be aware that since 1994 your department has been trialling a number of natural gas powered vehicles. This came about through a memorandum of understanding between the then ACT Fleet and the AGL gas company in which AGL agreed to pay for the conversion and decommissioning of five vehicles and one changeover to five new vehicles so that there would be no extra costs to government from running the natural gas vehicles. A review of this trial was undertaken in August 1996 and recommended that the trial be extended to 20 vehicles because natural gas had been shown to be an effective, financially attractive and environmentally beneficial fuel. However,

25 March 1999

I understand that only two natural gas vehicles are still in operation, despite AGL continuing its offer to pay for decommissioning costs or to buy back natural gas vehicles and despite \$14,000 being set aside in the Energy Research and Development Trust to convert five vehicles to natural gas. Could you please explain why it is taking your department so long to put in place this trial and expand the use of natural gas vehicles in its fleet?

MR SMYTH: Mr Speaker, I will have to take that question on notice. I will find out from the department why it has taken so long and what they have done to implement the trial.

MS TUCKER: I have a supplementary question. I have had some answer to this concern in one letter from the Minister and I was concerned. It is not a comprehensive answer. In one part of the letter, which you have signed, Mr Smyth - I will read it - you say:

The conversion of vehicles to natural gas has been temporarily on hold while Totalcare resolves a number of issues in relation to the conversion of the vehicles.

Minister, is two years what you normally consider to be “temporarily on hold”?

MR SMYTH: Again, I will have to find out what has progressed inside the department since writing the letter.

Motor Vehicle Testing

MR OSBORNE: How is your gas-powered car going, Kerrie?

Ms Tucker: Pretty cool, thanks.

MR OSBORNE: Beauty. My question is to the Minister for Urban Services, Mr Smyth. I do hope he does not take it on notice as everyone else seems to be doing today. Minister, in a recent newspaper article the Liberal Victorian Minister for Roads, Geoff Craige, said that he and that State are seriously considering returning the State to annual vehicle inspections. Mr Craige said that he was interested in making the change to annual inspections after learning that police figures for last year showed that 50,000 fines were handed out to motorists who failed random checks and that about 5 per cent of crashes in Victoria in 1998 involved suspect cars. The Minister said that he was thinking about changing to annual inspections as he would consider any plan to save lives. He said:

Anything we can change to save one person's life, in my view, is a worthwhile project.

He also said:

I don't think we should undermine the significance of vehicles with roadworthy defects contributing to crashes.

That can vary from things like brakes to tyres. And we are finding more and more vehicles have less attention to lights and cracks in windscreens and wipers.

The newspaper article then went on to explain that annual roadworthy inspections were already required in Victoria for buses and taxis and that extending this practice to all vehicles more than three years old will bring the State into line with New South Wales, which has had annual tests since 1939. Minister, my question is: Do you support the sentiment of your Victorian Liberal ministerial colleague in regard to vehicle safety, and are you even just a little bit concerned that the jurisdiction upon which we modelled our new system seems to think that they may have got it wrong?

Mr Hargreaves: Good question.

MR SMYTH: It is a good question, because the issue of road safety, I know, is of concern to all members of this place. I thank Mr Osborne for his question. I am aware that around the country there is always talk of the best system to ensure that motor vehicles are roadworthy 365 days a year. I believe our current system in the ACT is the most effective to deliver roadworthiness. We say that your vehicle must be roadworthy every day of the year, not just the day of inspection. At this stage we have no intention of changing our system.

MR OSBORNE: I ask a supplementary question. Minister, although you were not here in the previous Assembly, I believe your predecessor, Mr Kaine, set a target of something like 50,000 inspections per year. Could you tell us how many inspections have been carried out since we moved away from annual inspections in 1997 and how many vehicles were subsequently issued with defect notices?

MR SMYTH: I think the targets set were 35,000 last year and some 50,000 this year. That is a combination of on-road inspections by our random vehicle testing units, which I am sure everybody has seen with their lovely magenta lights, and inspections carried out in car parks. As to specific figures, I think we are on target to carry out the guaranteed number of inspections. I will check on the defect rate for you.

Police Force - Calls to Mugga Lane Tip

MR WOOD: Mr Speaker, my question is to the Minister for Justice and Community Safety. It has two connected components, each referring to police activity and the means by which that activity is reported. Minister, in answer to a question on notice that you have just sent me, I have been told that the police attended Mugga Lane tip on 22 occasions between 1 January 1998 and 30 November 1998 and have done so on many more occasions since, though the police cannot say how often because of changes to police IT systems since 1 December. The answer states:

25 March 1999

... it has not been possible to ascertain whether or not police have been called to the Tip since that date.

Also, Minister, the last quarterly statistical report that you released recently for the current period shows that no AFP statistics were available. Does this mean police - - -

Mr Osborne: He keeps beating you in court, Gary.

MR WOOD: Indeed, Mr Osborne. He should be hired by the Government. Does this mean that police no longer have any records showing where they have been and what they have been doing? How could they remain accountable in such a system, a key question in your current dealings with the AFP?

Mr Hargreaves: Keystone Cops here we come.

MR HUMPHRIES: I thank Mr Wood for that question. When I saw the response to the question on notice he asked me, I asked the same question and have not had an answer back, but I thought I would send him the answer anyway so that he could have that information for himself. I am not sure whether the period about which Mr Wood asked extended into the period for which figures are not available. I think the question he asked was about - - -

Mr Wood: No, they are two different things.

MR HUMPHRIES: Yes, so I do not think it actually impinged on information provided to him.

Mr Wood: But the key question is that that is information that you ought to know about.

MR HUMPHRIES: Indeed, and I have asked that question, and I am anxious to find out what the reason is as well. I understand that there have been problems with the police data collection system. They have been of a technical nature and they have been temporary. I have yet to get accurate information about the nature of the problem, how extensive it is and how long it will last. When I have that information, I will be happy to return to Mr Wood in the Assembly.

MR WOOD: Thank you, Mr Humphries. May I follow that up? Further to that question, you might advise me how many police cars are usually on duty in Canberra on Saturday and Sunday afternoons. I am curious because I have been reliably informed not only that there are many calls to the tip, as I have indicated, on Saturday and Sunday afternoons but also that on Saturday or Sunday afternoons up to three police cars have been there at one time.

Mr Hargreaves: All three police cars.

MR WOOD: It might be all three police cars.

Mr Berry: We have very valuable rubbish.

MR WOOD: Mr Berry, I am not sure that it is the valuable rubbish. Up to three police cars have been present to observe an alleged potential scavenger.

Opposition members interjected.

MR WOOD: Minister, the response of members is appropriate. But there is a serious question. Minister, is this the priority that the police give to fighting crime in our community?

MR HUMPHRIES: I am a little bit concerned about the merriment and mirth on this subject. First of all, let me say that the Government does not prescribe the circumstances in which the police will attend particular incidents. That is entirely and appropriately a matter for the police to determine according to a system which prioritises their work and gives it three different priorities.

Mr Hargreaves: Tip, robbery and violence.

MR HUMPHRIES: I will come back to your comments in a minute, Mr Hargreaves. If it is the view of the communications centre that a particular matter raised with that communications centre warrants - - -

Mr Wood: Someone scavenging.

MR HUMPHRIES: Whatever it might be. If the conduct that is related by a telephone call to the communications centre discloses - - -

Mr Wood: From Urban Services officers.

MR HUMPHRIES: If the information supplied to the communications centre discloses an offence against the Territory's laws and is considered to be a serious matter that warrants the attendance of police, then appropriately the police attend in those circumstances. I do not know, Mr Speaker, whether the particular attendances concerned are appropriate or not, because I do not know what incidents police have been called to.

Mr Wood: Ask them questions.

MR HUMPHRIES: I do not know why I am bothering to answer this question, Mr Speaker.

MR SPEAKER: I must admit that they seem to be quite capable of answering it themselves. Maybe you would like to sit down.

MR HUMPHRIES: I understand that there have been some quite serious disruptions - - -

Mr Osborne: That property is the property of the ACT Government.

25 March 1999

MR HUMPHRIES: I will take the question on notice, Mr Speaker. That might be the best way of doing it.

Economic Growth

MR HIRD: My question is directed to the Chief Minister, Mrs Carnell. I refer to a statement by the Leader of the Opposition, Mr Stanhope, on 25 June last year, when he said:

Quite simply, the growth predictions underpinning this budget are fantasy.

Can the Chief Minister advise the parliament whether the economic growth forecasts for this year's budget are on track, or are they fantasy as claimed by the Leader of the Opposition, Mr Stanhope?

MS CARNELL: Thank you very much, Mr Hird, for the question. I am sure those opposite will listen to the answer on this one. Mr Speaker, when the Government released this year's budget, the estimates contained in it were attacked by those opposite in no uncertain terms. In fact, it was a black-and-white issue as far as the Labor Party was concerned. We were accused of fiddling the books to make our budget look better. Let me remind the Assembly of what Mr Stanhope said in his budget reply speech last year. He said - and I will quote it exactly:

... it is built on foundations of fairy floss. According to the Chief Minister, the ACT is suddenly going to start performing like an Asian tiger economy of the 1980s. Quite simply, the growth predictions underpinning this budget are fantasy. They are nothing more than a cruel hoax perpetrated on the people of the Territory to shore up the Chief Minister's credibility.

What is the reality? In this year's budget the Government forecast growth in State final demand of 2.6 per cent. That is 2.6 per cent for the whole year. What happened? According to national accounts figures released earlier this month by the Bureau of Statistics, the ACT economy has actually grown faster than any other State economy. I will say that again, because I know that Mr Stanhope will attempt to get it right next time. It has grown faster than every other State's economy.

In trend terms, in the December quarter of 1998 our State final demand increased by 2.5 per cent, more than double the national average increase of 1.1 per cent. Only the Northern Territory achieved a faster growth in this quarter. The figures also reveal that in the 12-month period prior to the December quarter the ACT's economy grew by a massive 9.6 per cent, more than double the national average of 4.5 per cent. Based on current trends, growth of up to 8 per cent could occur in the Territory's economy in 1998-99. That is more than three times the 2.6 per cent forecast by the Government in its budget papers.

Mr Moore: Very conservative.

MS CARNELL: We were very conservative. Not only are we likely to record growth well ahead of our original estimates but the ACT could end up outperforming every other State. But remember that, according to the Labor Party, this budget was built on fairy floss. Mr Stanhope said it was a cruel hoax. But Mr Stanhope did not stop there. In the same very stilted budget reply he said:

It is not clever, because it is based upon unrealistic forecasts and because the Chief Minister's explanations are simply not credible.

He said it was not a clever budget, because it was based on unrealistic forecasts. Mr Stanhope, the current leader of those opposite, went on:

This is a budget that develops a logic based on unsustainable forecasts. This is a budget that will collapse when the forecasts cannot be met.

He went on and on about it, probably because he could not find anything else that he thought was wrong with the budget.

Mr Berry: Mr Speaker, I raise a point of order. I refer you to standing order 118, and in particular your powers to sit a person down if they have had sufficient opportunity to answer the question. In raising that with you, Mr Speaker, I draw your attention to what appears to be four or five typewritten pages for the Chief Minister's answer. If we have to face the tedium of that, I think it would be fair enough if it were just tabled and included in the *Hansard*. Then we could all read it at our leisure, those of us who would wish to - and I do not think there would be many.

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

MS CARNELL: Mr Speaker, I think Mr Berry's point of order took longer than I have taken on my feet.

MR SPEAKER: The answer is no longer than some of the questions that have been asked today, or indeed the answers given.

Mr Berry: When was the last time, Mr Speaker, that you saw anybody on this side stand up with a five-page question?

MS CARNELL: Mr Speaker, I understand why those opposite are embarrassed and why Mr Berry wants to walk away, but there was nothing grey or fuzzy about Mr Stanhope's comments, was there? They were categorical. There was no doubt that in the Labor Party's mind we had fiddled the books and therefore the budget was unrealistic. What does that say about Mr Stanhope's credibility? What does that say about his capacity to understand budgeting? All members have had available to them the latest financial report, which covers our budget to the end of January - in other words, seven months of data for this financial year. What does it show? Our financial statements show that at the end of January the Territory was slightly ahead of budget

25 March 1999

forecasts - about \$14m ahead, to be exact. Importantly, our revenue was tracking above budget and our expenses slightly below. So, Mr Speaker, our budget is on track. We do seem to be meeting our forecasts, and the world does not seem to have ended, as Mr Stanhope said it was going to do. What it is showing is just how wrong Mr Stanhope and the Labor Party have been. Their doom and gloom scenario for the ACT simply has not occurred. It is a tragedy that those opposite have a leader who seems unable to see anything positive in anything that is happening here in the ACT.

Mr Stanhope, of course, had better get used to hearing his budget reply quoted back to him time and time again, because it shows a total lack of credibility. You cannot accuse the Government of fiddling the books and of creating false estimates - - -

Mr Berry: I take a point of order, Mr Speaker. It may be useful for members to know that *The Beverley Hillbillies* is on television if they would rather go and watch that.

MR SPEAKER: There is no point of order. Do not be frivolous. Do that again and you will be warned.

MS CARNELL: I understand why those opposite are embarrassed. Their whole budget reply was based upon utter rubbish. We were elected to government and those opposite do not like it. They also do not like it that we are delivering on our promises.

MR HIRD: Mr Speaker, I am shocked - it takes a lot to shock me - that the Leader of the Opposition has once again got it wrong. I ask a supplementary question. Chief Minister, in light of these revelations that our economy is growing much faster than the budget forecast, what action have you taken to discipline the Under Treasurer and his staff for failing to accurately forecast this?

MS CARNELL: That is an appropriate question. By the standards of those opposite, I should be on the phone to Mr Lilley right now saying, "Mr Lilley, you and your staff did not get it right. They were too pessimistic. I am going to suggest to them that they need to drink from that chalice of optimism that Mr Quinlan is so keen on". The bottom line here is that the budget is tracking really well, but those opposite were so far off the beam in their budget reply that it should be embarrassing to them. Maybe they should apologise to the people of Canberra.

Belconnen Pool

MR RUGENDYKE: My question is to the sports Minister, Mr Stefaniak. Minister, on Tuesday last you informed the Assembly that the feasibility study into the proposed Belconnen pool had been completed and would be released shortly. Could you please inform the Assembly whether the Government is considering a proposal to upgrade an existing aquatic facility in Belconnen rather than build a new pool as promised prior to the last election?

MR STEFANIAK: Mr Rugendyke, as I said on Tuesday, the Government has now received the report and it is considering the details of the report. It has not done so as yet. It will do so as soon possible. Once that is done, you will know what is happening.

MR RUGENDYKE: I ask a supplementary question. Minister, could you give a commitment to the Assembly that the entire \$15m the Government promised for the pool will be spent on facilities in Belconnen?

MR STEFANIAK: Mr Rugendyke, I do not know whether you mean just the pool or other facilities in Belconnen as well. Your question is a bit ambiguous. I assume you mean \$15m on the pool and ancillary facilities for the pool. As I said, the Government is looking at the report, and as soon as possible we will indicate what we think would be the best thing to do in relation to what the report says and recommends. It is a very detailed and lengthy report.

In relation to the actual \$15m, let us take it one step at a time. Let us assume, Mr Rugendyke, that as a result of the report the Government feels that a pool and ancillary facilities should be built in Belconnen. Let us just take that step, if that is what actually occurs after we have digested the report and made our announcements accordingly. It would be impossible for me to say at this time whether, if that was the Government's decision, the Government would be spending \$15m, \$14m, \$13m, \$8m or \$16m or who would be spending any amount of money. I think it is very premature to give a definite yes or no to a question like that, Mr Rugendyke.

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

PAPER

MR BERRY: I seek leave to table a letter, which was referred to in question time, from Mr David Butt to all staff in the Health Department.

Leave granted.

WITHDRAWAL OF REMARK

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, during question time Mr Hargreaves made an interjection, making reference to Keystone Cops. I assume he was making reference to the Australian Federal Police in that remark. Although it may not be in breach of standing orders to make that reference, I think that to use that highly disparaging term of the Australian Federal Police in respect of their service to the ACT region is fairly uncalled for. I would remind Mr Hargreaves that some of his predecessors as shadow spokesperson on police came to serious grief using those sorts of terms in respect of the police. I would ask that, for the sake of goodwill on the part of the Assembly towards the Australian Federal Police and the difficult job they do, he withdraw that phrase.

25 March 1999

MR SPEAKER: There is nothing in the standing orders that obliges me or forces me to do that, Mr Hargreaves, but could I invite you to do so?

Mr Hargreaves: Mr Speaker, with the leave of members and yourself, I unreservedly withdraw that comment.

STANDING ORDER 55 - IMPUTATIONS OF IMPROPER MOTIVES AND PERSONAL REFLECTIONS

MR SPEAKER: I wish to make a brief comment concerning the provisions of standing orders relating to the imputation of improper motives to members or personal reflections on members. There were two instances during Assembly sittings on 9 and 10 March which deserve comment and, having examined the *Hansard*, I believe that certain comments made merit withdrawals. Standing order 55 provides:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

A similar provision relating to questions is contained in standing order 117(d), which states:

Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion, and notice must be given of questions critical of the character or conduct of other persons;

The practice of the Assembly, based on that of the House of Representatives, is that a member can direct a charge against another member or members or reflect upon their character or conduct only upon substantive motions which admit of a distinct vote of the house.

During Assembly proceedings on 9 March I had cause to rule out of order a supplementary question directed to the Attorney-General by Mr Berry. I did so substantively because the supplementary question contained an imputation that reflected upon another member, namely, the Chief Minister.

During proceedings on the following day, Mr Kaine referred to an assertion made by the Chief Minister that he had retained government documents after he had ceased being a Minister. Earlier, during questions without notice, the Chief Minister had alleged that Mr Kaine had not returned Cabinet submissions. Mr Kaine drew my attention to standing order 55, stated his belief that the Chief Minister was guilty of being disorderly and asked that I take the matter under consideration and make a ruling about it.

I have considered the matters raised in both instances, together with the further comments made by the Chief Minister after I had undertaken to consider the matter, and comments made by Mr Kaine in response, both of which I did not hear but note in the

proof *Hansard* of that day. Having reviewed the instances on the Tuesday and Wednesday, I must remind members that standing orders make it clear that members may not use offensive words against the Assembly or any member and that all imputations of improper motives and personal reflections on members are considered highly disorderly. Standing orders also require the Speaker to intervene when offensive or disorderly words are used. They also provide that when the attention of the Speaker is drawn to words used the Speaker shall determine whether or not they are offensive or disorderly.

I have already ruled the supplementary question asked by Mr Berry on a matter out of order, for the reason given, and, having considered the matters raised by Mr Kaine and my obligations under the standing orders, I have concluded that the allegations made by the Chief Minister on 10 March are serious and should be withdrawn. However, I also rule that the rejoinder, which I did not hear, made by Mr Kaine on 10 March, namely that the Chief Minister was telling lies, should also be withdrawn. I call on both members, therefore, to withdraw.

Ms Carnell: I will obviously always take any advice from the Speaker, and I withdraw, Mr Speaker.

MR SPEAKER: Thank you, Chief Minister. When Mr Kaine comes back, I will invite him to withdraw as well.

AUDITOR-GENERAL - REPORT NO. 1 OF 1999
Stamp Duty on Motor Vehicle Registrations

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 1 of 1999, "Stamp Duty on Motor Vehicle Registrations".

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.35): Mr Speaker, I ask for leave to move a motion authorising the publication of the Auditor-General's Report No. 1 of 1999.

Leave granted.

MR HUMPHRIES: I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 1 of 1999.

Question resolved in the affirmative.

25 March 1999

PAPERS

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

Cultural Facilities Corporation Act, pursuant to subsection 29(3) - Cultural Facilities Corporation - Second quarterly report for the period 1 October to 31 December 1998.

Canberra Tourism and events Corporation Act, pursuant to subsection 28(3) - Quarterly report for October 1998 to December 1998.

Pursuant to standing order 83A, I also present an out-of-order petition lodged by Mr Hird concerning the demolition of the Lithuanian-Australian Club.

PATIENT ACTIVITY DATA

Papers

MR MOORE (Minister for Health and Community Care): Mr Speaker, for the information of members, I present the information bulletins relating to patient activity data for the Calvary Public Hospital for January and February 1999 and the Canberra Hospital for February 1999.

A.C.T. DRUG STRATEGY - 1999 DRAFT

Paper

MR MOORE (Minister for Health and Community Care) (3.37): Mr Speaker, for the information of members, I present the 1999 draft ACT drug strategy and move:

That the Assembly takes note of the paper.

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

A.C.T. GOVERNMENT SCHOOLS - DRAFT DRUG EDUCATION POLICY FRAMEWORK

Ministerial Statement and Paper

MR STEFANIAK (Minister for Education) (3.38): I ask for leave of the Assembly to make a ministerial statement on the draft drug education policy framework for ACT government schools.

Leave granted.

MR STEFANIAK: Mr Speaker, I want to speak today about an issue that is of great importance to young people and indeed to the whole of our society. That is the issue of drug education. I do this in the context of announcing the release of the draft drug education policy framework for public consultation.

The debate about the best ways to combat the misuse of drugs is broad-ranging and volatile. It is an issue which has been debated at length, an issue debated with vigour and passion throughout the nation. It permeates society and is of great concern at every level of government. Few would deny the importance of educating our young people about the implications of the misuse of drugs while at the same time providing them with ways of dealing with what is an inevitable and often tragic part of the society in which they live now and will inherit as adults.

Drugs are a national problem and as such are of course on the agenda for the Heads of Government meeting in April. I understand that the Prime Minister will be making a statement about drug policy and drug education. I look forward to hearing the outcomes of those discussions. I especially look forward to some Federal funds to assist the States and Territories, particularly the ACT, in drug education.

Today I am pleased to announce that a draft drug education policy framework is to be released for public comment. The framework will be out for community consultation from the end of March to 30 June this year. It provides a context for drug education in ACT schools. Mr Speaker, this is a document which proposes a wide range of strategies and approaches for education about drugs and their effects. It contains advice on a full range of strategies for teaching about drugs. It facilitates developing drug education programs for students from kindergarten through to Year 12, covering each sector of education. And I would expect that the framework, and the community response to it, will provide a better and more coordinated approach to drug education in our schools from next year, the year 2000.

At the outset, I want to assure the Assembly that the draft framework states clearly and unambiguously that drugs are not acceptable in our schools. They are unacceptable. The framework proposes, Mr Speaker, that drug education programs in schools should be put together in ways that are both appropriate to the academic level of students and, most importantly, appropriate to the intellectual and emotional developmental level of children and young people.

It is important that the message that drugs such as heroin and marijuana are dangerous and harmful needs to be right up front in any drug education program. The first option for students should be not to take drugs at all. Abstinence is the best option. That is particularly important for young children. However, drug programs must also be realistic, and it is important that harm minimisation strategies be available to students as they get older.

Mr Speaker, this draft framework has been put together as a detailed, expert and coordinated response to the important role schools have in combating the drug problem. It has been developed by a working party established in February 1998 made up of representatives from Health, police, parents, principals, teachers, students, and young

25 March 1999

people who have left formal education. At Appendix 4 of the framework is a detailed list of the working party. It is a very representative group and a fairly large group. I indicated on Tuesday, in answer to a question from Mr Berry, that there would be a list. It is at Appendix 4 if he wishes to see it.

The framework is comprehensive and it includes, as well as strategies for drug education programs, details about departmental policies and ACT legislation related to drug education in schools; a list of up-to-date support agencies; clear definitions of harm minimisation; and advice on how to deal with a drug incident in a school. Halting the spread of misuse of both legal and illegal drugs is a problem for all of society.

In schools we have a golden opportunity, as well as a fundamental responsibility, to present relevant and accurate information to young people about drugs. As Minister responsible both for education and for children's, youth and family services in this Territory, I am committed to ensuring that our schools grasp this opportunity and that we fulfil our responsibility. It is important that schools prepare young people to live safely and successfully in contemporary society. Providing effective drug education programs in schools is a very important part of doing that.

The draft drug education policy framework brings together the experience and the expertise of a broad range of people to provide a document which is an important component of the ACT's approach to minimising the harm arising from, and associated with, the misuse of drugs. It is aligned with the revised ACT drug strategy which is currently being developed. It is complemented by the draft national school drug education strategy which was released for comment by the Commonwealth in December of last year.

As I said earlier, the misuse of drugs is a problem for all of society. It is a dilemma to which there is no single solution but one in which each and every individual can play a role. It is a problem for government, for parents, for families, for the health system, for the police force, for everyone who cares about the health and wellbeing of society.

This draft framework is designed to play a very important role in the coordinated effort at national, State and local levels to educate our children. Hopefully, this will substantially reduce, and perhaps ultimately eliminate, the tragedies that occur all too often as a result of the misuse of drugs. As I indicated earlier in describing the framework's connections to other strategies, great care has been taken to ensure that it complements and supports other drug education strategies and programs. This is important because it is only by coordinated and concerted effort by us all that real progress can be achieved in drug education.

Mr Speaker, schools are already active participants in the effort to combat the use of illegal drugs and misuse of legal drugs. Significant effort in the area of drug education is already being put in at the school and system level, and it is worth taking some time here to outline this particular effort. Drug education is included in the key learning area of health and physical education, and every school is required to cover these issues under the health and physical education curriculum framework. Drug education in ACT schools is consistent with the national drug strategy. This focuses on students identifying

issues concerning drugs and concentrates on developing personal strategies to avoid taking drugs and to reduce harm associated with drug use, if and when this unfortunately occurs.

The Department of Education and Community Services actively supports the development of appropriate drug education curriculum materials. There is a health curriculum executive officer and a drug curriculum officer with the Curriculum Initiatives Section of my department. Both are involved in supporting drug education. Schools are also encouraged and supported to develop partnerships with teachers, students, parents, the broader school community, community organisations and health professionals to develop drug education programs.

Our government high schools and colleges have student management and behavioural policies which actively prohibit the use of alcohol and illegal drugs by students on school grounds and during school activities. These policies and procedures also set out actions to take if students transgress. Secondary colleges organise special activity days with a focus on the effects of drugs, including illegal drugs.

Mr Speaker, what this framework is designed to provide, what it adds to the effort already going on in drug education in ACT schools, is clear support and direction to ACT government school boards, principals, staff, students, parents and carers, and families on developing and implementing drug education programs. And I am currently looking at ways in which we can further strengthen our initiatives in drug education.

It is important to reiterate that no single approach can effectively address the diverse range of potential harm caused by misusing drugs. The draft drug education policy framework fits in with the overall ACT drug strategy, which aims to discourage students from taking drugs and reduce the uptake of alcohol, tobacco and illicit drugs; minimise the harm associated with drug use; identify and reduce the incidence of drug-related criminal activity; increase public knowledge and skills in relation to all drug use and its effect on the individual and the community and in relation to safer use of alcohol and other drugs; increase availability of resources and services that assist in reducing or minimising harm; promote and enhance drug education programs in schools and colleges and for young people who have left education; and provide a range of services, based on good practice, that aim to reduce drug-related harm, ensuring accessibility and appropriateness of service delivery to the key population groups identified in the national drug strategy.

Mr Speaker, I am confident that this framework will make a valuable contribution to the overall community response to the problems caused by the misuse of drugs. Its aims and its approach are consistent with other major initiatives and strategies. It has been designed by people who are expert in the field of drug education, with input from people who have real experience of the damage caused by drugs, including input from students themselves. Students themselves provided extremely valuable insights into the issues that needed to be addressed, and importantly insights into ways of giving information on drugs that are most likely to be taken on board by young people.

Responsibility for

25 March 1999

effective drug education is a shared one, and the drug education policy framework has taken this joint responsibility into account by involving students, parents/carers, community and government in its development.

Mr Speaker, this draft drug education policy framework provides clear support and direction to schools in meeting the important role and responsibility they have in educating young people on this critical contemporary issue. The framework, together with the national and revised ACT drug strategies, will support effective drug education. It will play an important role in the collaborative community effort to halt the increasing harm done by, or in association with, drugs in our society.

I would like to take this opportunity, before I conclude, to thank all members of the working party for their valuable contribution to the design of this draft framework. I commend this draft drug education policy framework to the Assembly and I look forward to members' comments, along with those that will be received from the wider community throughout the consultation period.

Mr Speaker, I present the following papers:

Draft drug education policy framework in ACT government schools.

Draft drug education policy framework in ACT government schools - ministerial statement, 25 March 1999.

I move:

That the Assembly takes note of the papers.

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

STANDING ORDER 55 - IMPUTATIONS OF IMPROPER MOTIVES AND PERSONAL REFLECTIONS

MR KAINE: Mr Speaker, earlier, in my absence, you invited me to withdraw a statement I made in connection with the Chief Minister recently. In view of her gracious withdrawal of the allegation that she made against me, I unreservedly withdraw my allegation that she had committed a terminological inexactitude.

QUESTIONS WITHOUT NOTICE

Government Vehicle Fleet - Natural Gas Trial

MR SMYTH: I have some further information for Ms Tucker in answer to her question during question time. Apparently, the difficulties regarding the conversion of the vehicles to natural gas have been resolved, and it is expected that as vehicles that are suitable for conversion come up for replacement in the City Rangers Office they will be replaced between June 1999 and November 1999.

Department of Health and Community Care - Redundancies

MR MOORE: In question time Mr Berry raised a question on voluntary redundancies which the Chief Minister answered. In her answer the Chief Minister referred to advice, through me, that a letter on voluntary redundancies had not been circulated to members of the department. Towards the end of question time Mr Berry tabled a letter that purported to be such a letter. Indeed, it was not, Mr Berry. You may be tempted to apologise to the Assembly. The letter that you tabled has no signature, you will note. In fact, it was a draft letter that had been circulated to unions as part of a consultation process considering voluntary redundancies. We normally wait for voluntary redundancies. The letter you tabled had not been circulated to the department. It was part of that consultation process. It illustrates how difficult it is sometimes to run consultation processes. Which comes first - the chicken or the egg? The department was attempting to do the right thing in circulating a possible letter to unions which then winds up in the chamber purporting to be a letter circulated.

Mr Speaker, I take this opportunity to reiterate the Chief Minister's comment that targeted redundancies are certainly a part of a possible approach by this Government in certain stages. With regard to the Department of Health, I have no problem with appropriate targeted redundancies. Indeed, I have spoken to the chief executive officer at the Canberra Hospital, as well as to the Department of Health, and I expect that the hospital will possibly be offering a significant number, although they will follow a consultation process as well.

Mr Berry: But these are not targeted; these are anybody. You just throw it open.

MR MOORE: Mr Berry interjects that these are just anybody's thrown out. No, Mr Berry. You should have read the letter that was in front of you. You would see these are not anybody's just thrown out. The broad expression of interest is put out as part of our normal - - -

Mr Berry: That is not targeted.

MR MOORE: As part of our approach, we first of all ask for expressions of interest. The draft letter was very clear and emphasised again and again that there will be a very small number of voluntary redundancies within the Department of Health and that they will be designed specifically to suit the department. Allow me to quote:

25 March 1999

Decisions to offer a VR will be based on its impact on the capacity of the Department to achieve its business goals -

in other words, they will be targeted -

as well as the direct implications for the local work area concerned.

In other words, they will be targeted. But we have to start somewhere, Mr Berry. This was the very reason the chief executive officer of the Department of Health, Mr Butt, was consulting with the union.

Mr Quinlan: I raise a point of order, Mr Speaker. Do we have to debate this or should we just have a statement of the facts and end of story? It was a question that the Chief Minister answered, and Mr Moore has now entered the debate phase.

MR SPEAKER: He is responding to a letter.

MR MOORE: I am just finishing, Mr Speaker. I have five or six words to say.

MR SPEAKER: I understand that Mr Moore is winding up.

MR MOORE: I am, Mr Speaker. In my last five or six words I would say that Mr Berry might like to apologise to the Assembly.

MARKETING MAJOR EVENTS **Discussion of Matter of Public Importance**

MR SPEAKER: I have received a letter from Mr Hird proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The benefit to the Canberra community and economy of major events, and the need to market those events.

MR HIRD (3.54): Mr Speaker, tourism is worth \$222m a year to the Canberra economy, and much of that revenue is generated through events. It is the enormous magnitude of this contribution to Canberra and the region which has prompted me to bring this issue forward today as a matter of public importance. It is important, Mr Speaker - no, it is vital - that members of this parliament recognise the significance to the community and to our economy of the extraordinary program of events which occur within the Territory. It is equally vital that members support all efforts made by the Government and the community to attract and keep these events in Canberra.

The benefits, as stated earlier, are enormous. For instance, the recent Royal Canberra Show generated a known economic benefit of around \$8m this year. It is accurately described in the show's annual report as "the ACT's biggest all ages event". The Summernats Street Machine Car Festival brings in \$10m a year, the National Folk

Festival a further \$3.5m a year, and the Canberra Home Improvement and Leisure-Pleasure Exhibition contributes \$3m annually. Mr Speaker, these represent only a handful of the events that are held on an annual basis - and just at Exhibition Park in Canberra. The Exhibition Park management estimates that events already listed at EPIC over the next 12 months will attract more than half a million visitors. The Royal Canberra Show this year attracted a record 165,000 patrons over its three days, further evidence that Canberra is maintaining, even improving, its economic stability and that of the region.

Events like the Royal Canberra Show are important not just to Canberra and the Australian Capital Territory; they are a significant contributor to the economic wellbeing of the whole of the Australian capital region. But major events such as the show and Summernats, whilst they attract huge crowds over a short period, are not necessarily the biggest contributors to our local economy. Visitor numbers are not the only indicator of economic impact. For example, Mr Speaker, delegates to national conventions and conferences booked at EPIC are mainly from interstate and stay in motels and/or hotels for up to five nights. For this year's show every hotel room in Canberra was booked out. There is also a significant flow-on benefit to restaurants, shopping centres and transport activities. Likewise, Mr Speaker, for sporting events such as the Australian National Arabian Championships, more than 1,500 competitors alone will stay on average for six nights in the ACT during the current fortnight.

These figures do not include events such as Floriade, the FAI Rally of Canberra, visitors to the National Gallery of Australia, visitors to the Australian War Memorial, and visitors to the Federal Parliament and other Federal activities which encourage visits to the ACT. The National Multicultural Festival has just been conducted very successfully at various locations throughout the city. I know all were very pleased with the outcomes. We have the Australian Jazz Festival, the Tour de Snowy International Women's Cycle Race, the PGA Tour Championship at Royal Canberra Golf Club, the Black Opal Stakes race meeting, the Canberra District Vintage Festival, the Australian Science Festival, the International Chamber Music Festival, the National Capital Dance Sport Championships, the Kanga Cup Soccer, the ANU Chess Festival, the Canberra Cup race meeting and Oktoberfest. The list goes on and on, Mr Speaker.

On top of that we had 23 international groups promoted by embassies participating in more than 150 events at the National Multicultural Festival. With the world's spotlight firmly focused on the national capital during the Year 2000 Olympics and the centenary of Federation of this great country in the year 2001, events like these festivals will showcase Canberra as the most vibrant and multiculturally diverse city within Australia. Last year's festival in its smaller format attracted nearly 4,000 participants to the various programs and generated approximately \$1.9m in economic activity. Significantly, over 21 per cent of the attendees at last year's festival were from outside the ACT-Queanbeyan region. Figures for this year's festival are expected to be similar and very pleasing. Floriade's attraction to people from throughout Australia and internationally is well documented. There is little need for me to elaborate on the contribution that this festival makes annually to the economic growth of the city.

25 March 1999

Some of the world's leading rally teams will descend on Canberra in May for the FAI Rally of Canberra and the prestigious Asia-Pacific Rally Championship, which is the only international car rally held on the east coast of Australia. It attracts stars from Asia, Europe and the Pacific Rim countries. The Asia-Pacific Championship is one of the world's premier off-road motor sports competitions. It is second only in status to the World Rally Championship.

What we have here, Mr Speaker, is a catalogue of events which are of enormous benefit to the Canberra community and the economy and which emphasise the need to market those events to the widest possible audience - jobs, jobs, jobs. Of course, Mr Speaker, these events do not just happen. Thousands of Canberrans spend tens - even hundreds - of thousands of hours on securing the events for the Territory and on promoting and providing the necessary infrastructure and support to ensure their success. Again, take the example of the Royal Canberra Show. It would not be anywhere near the outstanding event that it is if the excellence of the facilities was not universally recognised and the professionalism of the organisers was not accepted as being of the highest and most competent level possible.

All sectors of the community are involved in putting together an event of this nature and magnitude. Branches of the Government are involved with the EPIC authorities in developing the facility and surrounding precincts. The show society spends countless hours on planning and organising such an event. Traffic and public transport management logistics are of the highest standards and are indicative of the level of cooperation between the Government, the private sector and the community organisers which are essential to the successful conduct of these major events. Various clubs and societies are responsible for specific aspects of the show, and untold numbers of individuals spend the year preparing exhibits and products for displays, for competition and for sale. The people involved are not all paid employees; in fact, most offer their services in a voluntary capacity. However, paid or voluntary, the expertise is beyond question.

At the Royal Canberra Show in excess of 1,000 volunteers are needed to put together in excess of 9,000 exhibits, with an estimated value of around \$20m. These volunteers include schoolchildren, who receive valuable training, and service groups such as Rotary and Rural Youth. To these people the show is not just measured on an economic scale; it is an important part of Canberra's and the region's social fabric.

The FAI Rally of Canberra is another interesting event. For years certain people have tried to knock this event and have asked questions as to the Government's involvement in its promotion and conduct. To the Chief Minister's credit, she has been the driving force behind the acquisition of this worthy activity. Despite this knocking, a hardworking core of administrators, again paid and unpaid, has worked tirelessly to ensure not only the continuance of the event, but also its actual growth. I mention players such as James Service, managing director of the Canberra Tourism and Events Corporation; David Marshall, chief executive officer of the Canberra Tourism and Events Corporation; Cliff Egan, the general manager of Exhibition Park, who has taken that facility from a minus to a plus, to his credit and that of his staff; and Steve Dobbie, the

new chief executive officer of the Royal National Capital Agricultural Society - not forgetting the efforts of Mr Guy Thurston, the executive director of ACTION, and all his staff to make these activities a success.

Mr Speaker, in bringing this issue to the attention of the parliament today, I am hoping to increase the understanding by all members of the Government's commitment to using every opportunity to sell Canberra as the place to be, the place to see and the place to be seen. I would really hope - indeed, I am confident - that this Assembly will endorse the Government's strategies in this area.

MR BERRY (4.06): The statement in the matter of public importance that Mr Hird has brought forward is a motherhood statement that none of us could disagree with. It is particularly important to focus attention on the benefits that major events bring to the economy. But we also have to separate other facts. It is also necessary, in the scheme of things, to draw attention to the so-called major events which have been botched up by this Government. Let us take the major indoor game which was played on an outdoor slab and eventually washed out in its first airing in the ACT. Let us take the rhetoric that was fed to us that it was going to be a major facility for future events in the ACT.

Let us not forget the debacle of the Woodies event and the explanation of why the Government decided on funding the Woodies out of forestry resources to play tennis on the futsal slab as a major event in the ACT. Is it because there is some similarity between the Woodies and trees? I ask you, Mr Speaker: Is that the sort of logic that we need to have in designing major events? The end result was that the Woodies event cost the ACT taxpayers a significant sum. The Woodies event did not attract a great deal of interest in the ACT. In the end it came to be characterised as a plaything of senior executives and the Government, using Territory taxpayers' funds. So, Mr Hird, in bringing these matters forward, I do not know that the Government would thank you because it provokes an interest in earlier events.

In the context of this debate you have to talk about things like the Feel the Power campaign and the millions that were pumped into that. Again, ACT taxpayers' funds were pumped into the Feel the Power campaign. You have also to consider that unpopular slogan, that unpopular second-hand slogan, that was brought to bear in the ACT and launched largely at a Liberal Party function before the last election. We all recall the debacle over the Feel the Power numberplate. When you have a government that is intent on creating a circus out of itself, how can you expect people to take seriously some of the events that it promotes? In fact, the Government's performance runs the risk of damaging events which are run by the private sector, and I reflect on some of those very successful events that are put together by the private sector. The most notable, of course, is the Summernats.

Mr Speaker, the success of large events in the ACT is also about the success of the ACT as a community and the standing of the Government in the wider community. When you look at the Government you have to look at things such as the attempted ACTEW sale. If ACTEW had been sold, there would have been a significant impact on the ACT economy. Briefly there would have been some loose cash available, but in the longer

25 March 1999

term the economy, in our view, would have fared poorly. Mrs Carnell mentioned earlier that she was attaching herself as a drinker from the chalice of optimism. We have seen that, and we need a little bit more than optimism to drag the ACT forward.

Let us not forget the Hall/Kinlyside debacle. What sort of message does that send to the rest of the community about the affairs of government? How serious and how capable is this Government of putting together a major event? We have had in recent days much upset about Bruce Stadium.

Mr Hird: You have egg on your face over that one.

MR BERRY: We have the leadership of the Raiders calling for the sacking of the people who run the show. I think it was the Government that got egg on its face, Mr Hird. Of course, lots of taxpayers' funds have been poured into that. We will not know the full cost of it for years to come, but my guess is that it is running at about \$40m now and could rise higher after the Olympic events because of the mismanagement of the economy in the ACT. Yes, we do need major events in the ACT to prop up the profligate expenditure of a government hell-bent on stunts. In a major Melbourne newspaper Mrs Carnell was described as Madam Stunt. That is a regrettable description of a Chief Minister to spread around the country. At the end of the day that impacts on our ability properly to market major events, because the place begins to be seen as a circus.

We all know that the Feel the Power campaign was badly received. We all know that the Woodies event was seen as part of the ongoing circus. We all know that the ACTEW sale was wrong and bad for the economy and bad for the community. But we have other things to look at, too. The mismanagement of the Floriade fee sent a bad message to people who might wish to visit Floriade. Interstate visitors were put off by the way that was managed. I hope some lessons have been learnt from that event. On the social side, and you cannot look at an economy without looking at the social side, many people interstate will have seen the publicity around the debacle over the funding for the School of Music, the debacle over Ainslie Primary School, the Downer Preschool saga, the problems of youth centres, and the insurance levy. Those sorts of things send an image about the ACT that is not helpful in the scheme of presenting the Territory as a forward-looking place to have fun.

Yes, we all support the motherhood statement which Mr Hird has brought to this place, but you have to look further than just the statement. You have to look at the Government's performance on a whole range of issues. Mr Speaker, if you have a look - - -

Mr Hird: Two hundred and twenty-two million dollars.

MR BERRY: It is not your money to play with. And every dollar of it is necessary to prop up the bad ideas of the Government and the mismanagement of the economy. Mr Speaker, we cannot forget all those symbols of government in the ACT when we think about the need to promote the ACT and major events in the Territory. We cannot forget the aeroplane that was painted with that hated slogan. We cannot forget the

\$30,000 that was paid to Mr Knop for verbal advice over the phone. We cannot forget all of those financial disasters which have occurred in the ACT when we think of the difficulty of promoting the ACT. We cannot forget the big circus tent which has been erected over the Carnell Government. These are issues that have to be driven out of the minds of the ordinary people in the community if we are to be serious about promotion of the Territory and major events here. This sort of image has also permeated into nearby New South Wales. You have only to travel in New South Wales and talk to people there to measure the cynicism they feel about the performance of the ACT Government. This place is developing an awful reputation.

The epitome of the stunts that we may have pictured in our minds - we may have pictured them in nightmares - was the offer of the Chief Minister to climb the Parliament House flagpole naked to attract people to the ACT. I would not recommend that as a marketing strategy if I was an agency selling my wares in relation to those matters. It is not something that comes up well in my mind. It may have been said as a flippant, jovial thing, but for the leader of a government to say those sorts of things is a cause for worry. I am sure that other leaders around the country would not offer themselves in such a state for climbing flagpoles. I do not think they see themselves - - -

Mr Hird: How about going for swims in Lake Ginninderra?

MR BERRY: I am glad that you raised that, Mr Hird. Mr Hird talks about my concern over the filth and slime that have collected in Lake Ginninderra as a result of the inaction of this Government. That is just another area, Mr Hird. You would be better off bribing your Government to ensure that the standard of cleanliness in that lake is better, rather than criticising my attempts to draw it to the attention of the community. Mr Speaker, that is another example.

It is true that these major events are of benefit to the community. It is extremely important that they continue to be successes. But they are not the only problem. We have other major problems as well. But, most importantly, we have to maintain the image of the ACT as a place to do these things. That is a matter for the Government. It would be good to see the circus tent that they have erected over themselves dismantled and a bit of commonsense come back into the way that they present themselves in the scheme of governance in this country.

Mr Speaker, I welcome the opportunity to say a few words about this issue. I offer my congratulations to all of the people who have been involved in those successful events throughout the ACT. For those people, accolades should be forthcoming. There are many small business people and ordinary working people who work to make these events successful. Again, congratulations to them; but, mark my words, there is more to it than just major events. It is more than bread and circuses; it is about substance. We need substance from our Government. We need substance from our community leaders in the form of Ministers and the Executive to ensure that this place has the standing that it deserves in the Australian community. It is not just major events and stunts; it is about substance.

25 March 1999

MR STEFANIAK (Minister for Education) (4.20): Mr Berry spoke for about 13 minutes and I would probably agree with about 1½ minutes of what he said. He started off all right, but then went off on some amazing tangents. I fail to see how things such as an arts centre at Ainslie Primary School, the insurance levy or the Downer Preschool closure, of all things, are remotely relevant to conducting events.

Mr Berry spoke about people outside the Territory thinking that we are becoming a bit of a laughing-stock. I have talked to a few people from New South Wales about, for example, the Downer Preschool closure. They saw reports on that on television and could not believe how an Assembly could take a full morning to debate the Government suspending for 12 months the closure of a preschool when we had another 80 or so preschools in the Territory, three of which were in proximity to that one, whereas in the State of New South Wales people often travel fairly long distances to preschools and pay about \$47 a week for them, compared with the \$4 we pay here. So, in terms of the Assembly being a bit of a circus, have a look at yourself, Mr Berry, and have a look at some of the criticisms you have made in relation to the various topics we have discussed over the last four years of this Government. I fail to see what that has to do with conducting events.

I will refer to a couple of the points Mr Berry made, Mr Speaker. It is amazing how the Labor Party keeps harping about the Acton Arena - or the futsal slab, as it is colloquially called. It is absolutely incredible. I can recall when it was first raised. I think it was during an Estimates Committee meeting that someone said that they thought it was a car park initially and that, of course, would not have caused them a problem. In fact, a car park would have cost about the same as it did, which was about \$250,000, plus \$60,000 for a surface that could be put down and taken up and used elsewhere. It can be used in schools and it can be used by EPIC; in fact, that is exactly what occurs. For the amount of money we have actually spent, I think we have got very good use from it. Who can forget the signs put on the flagpoles outside the Acton Arena in, I think, January 1998 by a number of sporting bodies about \$3m in economic activity? Quite clearly, I do not think that it was a particular waste of money. In fact, I am absolutely amazed at the way the Opposition keeps harping about the futsal slab. They have got an absolutely one-track mind, and that is really rather sad.

Mr Berry mentioned the Feel the Power campaign. I agree that a lot of people did not like the idea of having that slogan on their numberplates. However, I think he is wrong in saying that it was not successful outside the ACT. The actual advertising campaign - the advertisements which were shown on television - was, I understand, reasonably successful; so I would hardly say that, in terms of getting people into the ACT, it was particularly a problem.

The Opposition continually criticises Bruce Stadium. Yes, there have been a few teething problems there. I was pleased to see that some of the more obvious ones had been worked out after two football matches had been played there. I was pleased to read that in the *Canberra Times* this morning. Obviously, in a development like that there will be teething problems. When they are worked out we will have a truly world class facility. What will it host? It will host probably the biggest event of all - Olympic soccer. Canberra is to be an Olympic city. The fact that games will be televised

throughout the world and have probably billions of people, not just millions of people, actually watching them is about the best possible publicity that you could actually get for this Territory.

I will leave all the negative nonsense that Mr Berry talked about and get onto some positives. Mr Hird referred in his speech to a number of very positive events that have benefited this Territory greatly. In October 1990 - the paper should be still here somewhere - I undertook a study tour of Western Australia in which I looked at their events corporation and some of the major facilities which were used to attract events to Western Australia. I was very keen then to see an events body set up here and it took until we got into office to set up an events body - the Canberra Tourism and Events Corporation. I think that was a very positive step because events do bring significant benefits to the Territory. We have some wonderful natural attributes in the Territory, some magnificent sites for people to see. Tidbinbilla is one. The War Memorial is one of the greatest tourism sites in Australia and one of the best in the world. We are ideally suited for a large range of mass participation events, especially mass participation sporting events.

The Summernats event was mentioned. We did a study in January 1991 which showed a \$5.1m economic impact. It has probably risen now to about \$10m a year. It is interesting to note that the amount that the local government put into that was about \$120,000. When I looked at events and what is the ideal ratio in terms of what government can do to assist and what you actually want in economic activity, the figures ranged from getting back \$7 for every \$1 you spend to a ratio of 10 : 1 or 20 : 1. Obviously you are getting good value for your dollar if you get more than 20 times the economic impact in terms of value to the money you actually spend. That was the case certainly with the Summernats and that was the case with a number of other events that we held in the Territory.

Mass participation events are very important. The Masters Games raised some \$18.3m in economic activity in the Territory. Some 7,500 people came from interstate and overseas for that event. Canberra is ideally situated for mass participation events. We have some excellent facilities close to each other for mass participation sporting events, such as the Masters Games. It was a massive undertaking, but we showed that we could do it and the various sports involved showed that they could do it, which augurs well for the future.

I was pleased to see that next year we will have a national golden oldies festival, which is an excellent event. For example, in 1991 Perth had a world golden oldies festival and \$26m worth of economic activity involving about 8,000 participants and others went into Perth from that event. Any event for which people stay for about a week to 10 days, even if only a few hundred people are involved, has a significant effect. If you have events with thousands of people involved and they stay for that period, you really do have a very significant economic impact indeed. Those are the types of events which can help bring a lot of money into this Territory.

25 March 1999

We do have a large range of events where 3,000 to 4,000 people come in, especially in the sporting area. Various national junior championships and titles are held here. We have had basketball events. In some of the seniors events we have had significant carnivals. There is a softball one going on at present. Admittedly there are some elite teams there; but there are a number of other events where we have had a large range of teams here. Again, if they tend to stay for a week you get significant activity.

Let us look at some other ones, moving away from the sporting area. Floriade generates about \$19.2m of economic impact. It attracted 467,000 visitors in 1998; 45 per cent of them were from interstate. CTEC spends some \$500,000 on seed funding events through its events development fund. It estimates that that brings a return of some \$29m to the Canberra community. About \$58 is coming into the Canberra community in terms of economic impact for \$1 spent, which is well over the ratio I mentioned earlier.

As well as those events we have the Australian Science Festival, the National Multicultural Festival, the PGA golf tournament and the National Wine Festival. Ms Carnell was asked a question today in relation to the Johnny Farnham concert. It will be a very big concert, Mr Temporary Deputy Speaker. I would not be at all surprised to see 30,000 or 40,000 people at the new Bruce Stadium for that. Again, most of those people will be coming in from the region. Every time the Raiders and the Brumbies play here a large number of people come in from the region and some of them stay overnight.

During the First Assembly and the Second Assembly - and I note that those opposite were mainly in power then - one of the big problems was in attracting people to stay here for more than one night. What is pleasing to see now is the number of events and attractions that we have here and the fact that people are tending to stay in Canberra, rather than just coming here for a visit and then going. They are staying here for one, two, three or more nights. The best types of events, of course, are those events where they come here and stay for seven to 10 days. That is very significant, Mr Temporary Deputy Speaker. Events are important because not only do they put us in a good light but also they generate jobs. In fact, during 1997-98 they resulted in an estimated 860 extra jobs being created. That is one of the great benefits from conducting events.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): I call Mr Quinlan.

MR QUINLAN (4.30): Thank you, Mr Temporary Deputy Speaker. Again, I must congratulate you - I do not know how to refer to you when you take the chair after initiating a debate - for leading the Government in debate in this place, although I still have not divined from what I have heard why we are here. Before I was elected to this place, I did think that this Government and this Chief Minister were overly keen on personal publicity and on publicity stunts and particularly keen to attach themselves to anyone's success about the town. I have to say that Mrs Carnell, to her credit, is quite good at that pursuit - far better than her Federal counterpart, Mr Howard, who has made looking like a nerd into an artform but who would have us believe that he is Australia's No. 1 cricket fan.

Mr Corbell: And mate.

MR QUINLAN: I am getting to that. Having modelled himself on Bob Hawke's "How're you going?" success, Mr Howard would have us believe now that he is a little Aussie battler and he knows about Aussie mateship. If he does, I would be very surprised. Mrs Carnell is the No. 1 fan of almost everything in Canberra, publicly so, and regularly excited. I noticed the use today of the term, "the chalice of optimism". I mention that because I wanted to stick it in my speech somewhere, having heard it. "The chalice of optimism". I like that; that is a good one. Being the No. 1 fan of just about every sporting team in Canberra is not altogether a bad thing. If it helps to promote the sport and bring in general support for our teams' efforts in whatever, so be it. It ought to be kept in perspective, though. I have to say that I am the sort of bloke who does not mind a good knees-up every now and then - the odd party, the odd event, the odd place to go - and I do believe that we in Canberra benefit from many of the events that we have.

As predicted by Mr Stefaniak, I could not go through the speech without mentioning the futsal stadium. I will just refer to the fact that I think the last thing that happened on it was a circus, which punched holes in it. As we have EPIC anyway, we may as well put car park lines on it, because it is a bit crazy to have an outdoor stadium for an indoor sport. We have had a circus on it, but we should not reduce government to bread and circuses - excuse the pun.

It is a little dangerous to challenge subjects that get close to motherhood and I know that the Government is well armed with press release novelists who can very quickly put words in your mouth and exaggerate what you say; but, what the hell, I will walk on the wild side a little. In 1998 I attended many of the events of the National Multicultural Festival. I have to observe that some of it was very interesting, some of it suffered a little on the entertainment value index and a lot of it was not well attended, unfortunately or not. But, on the positive side, it did abound with photo opportunities for the Chief Minister.

Over many years before that I had attended the Canberra Festival and I found it to be consistently a good festival. I very much hope that the Canberra Festival and the National Multicultural Festival, combined or separate, both succeed. But I think the jury is still out after the 1999 combined festival as to whether we have gained or we have lost and allowed the city's birthday celebration to be subsumed into another festival, which I think would be a shame. From what I have seen this year of the National Multicultural Festival, festivale or whatever you like to call it, I think it is a good and a positive thing that might benefit from being condensed somewhat so that we get more the essence of it, rather than having poor ethnic groups hanging around in Garema Place with not a lot else there than a few of their own supporters.

At this point I am presuming that towards the end of this debate the Chief Minister will speak and there will be some announcement or some reason why we have had this MPI, which does not seem to be contributing much other than filling in the Government's time and the Government's agenda. We talk about the benefits of conducting festivals and events. A lot of people are doing a lot of work on them. If you go to Sports House you

25 March 1999

will find that Sports House have had consultants in and they have worked out how much money their sports bring into town, and the futsal competition can tell you how much money it brings into town. We have various events which I think are somewhat - - -

Ms Carnell: And the clubs do it, too.

MR QUINLAN: Yes, clubs do it. The dragway figures obviously were measured as well. It was confirmed by CTEC, I think, that it does bring in millions of dollars. So we have got these mounting claims. Everything we do, everything that happens in town, is measured by the number of dollars that are brought into town. Being a wizened old accountant, I would not mind knowing whether there is any more detailed analysis to get to the actual values so that we have a rule of thumb. When the Government decides that it wishes to be involved in an event and needs to spend some seed capital, some money, from Consolidated Revenue, from the taxpayers, how do we calculate whether the event is of net good? We can all look at the gross figures and say, "The pubs did all right". I do not know who owns the Lakeside or Rydges and how much of that money stays in town.

I know that it creates employment, I know that employers pay payroll tax and I know that it creates activity for taxi cabs, buses, fast food shops and whatever. But, if we are to focus on events, I would not mind hearing from the Government about the yardsticks, the meters, the rules that they apply when we hear these large numbers. No doubt, I will chuck some of these large numbers around seeing as that is the currency we use in debate - excuse the pun - but I would not mind knowing how the Government actually calculates the net benefit of a given event and the net benefit of spending all these millions of dollars. Is it just going to be the case that we will have the inflated arguments or the arguments built on gross figures - in every sense measured; it just depends on how good your accountant is and how good your research has been - on which to make claims and then turn to governments, successive governments, and ask for support?

Yes, I do not mind a good event, a good bit of party time. I do not mind a photo opportunity every now and then, if you can share them around, Mrs Carnell. But I would not mind knowing whether there is any real measure and real base for a lot of the claims that are made. I look forward to your speech. I did anticipate that there had to be some reason that the leader of policy for the Government had brought on the subject. I am waiting for some startling announcement or revelation.

MS CARNELL (Chief Minister and Treasurer) (4.40): As you would know, Mr Temporary Deputy Speaker, the reason for bringing on this MPI today is really clear. It is simply because of the huge benefit that conducting events brings to the ACT. A large number of jobs are created as a result of festivals and events generally in the ACT. I think it is very important that the community understand both the community benefit and the economic benefit of conducting major events. The need to market these events and for us all to take them on board are things we all should be behind. Mr Quinlan made the point that I tend to be the No. 1 supporter of most of these events in the ACT. I am very happy to take that role. But I would hope that the other 16 members of this Assembly would be No. 1 supporters as well. Unless we are out

there selling these events in Canberra and outside Canberra, we really cannot expect other members of the Canberra community to do that. Unless we are enthusiastic, we simply cannot expect others to be enthusiastic.

Some comments have been made about the enormous number of volunteer hours that go into all of these events. It is quite stunning. I think it is a matter of public importance in this place to say thank you to all those people in Canberra who make huge efforts at sporting events, arts events and other events to make them work for this city and do it for absolutely no money and often no thanks, either. I hope that part of the MPI today is about saying thank you to all those people for improving significantly the job opportunities and the economy in the ACT.

One of the things that we do need to come to grips with as a community generally is the sorts of events that we want, how they fit together in a calendar year and how we make sure that we run our tourism opportunities off those events. I know that Jeff Kennett is regarded as the master of the event in Australia. He is regarded as somebody who has managed to buy, steal, or whatever, events from lots of other places. The approach which has been taken in Victoria and which we are now starting to take here is to ensure that there are events, festivals and so on plugged into every part of the year so that tourism dollars run off our events, festivals and so on.

That sort of approach needs to be supported by the Assembly generally. You would have to say that at times you would have to wonder whether that support exists. We heard Mr Berry get up first and speak about Kinlyside, the Ainslie craft centre and the insurance levy. I have to say that it was a bit of a joke. Is that all that those opposite can come up with - and Mr Quinlan, although he did significantly better than Mr Berry, was not all that much better - in terms of getting behind the really important issue of conducting events and festivals in the ACT and creating jobs?

One of the other things with Mr Berry's speech that absolutely blew me away was his reference to the "parlous state of the ACT economy". The ACT economy is growing at a faster rate than that of any State in Australia and has an unemployment rate of 5.8 per cent, which is lower than that of any other part of Australia. The economy is not exactly in a parlous state; in fact, the economy is going from strength to strength. Why is it going from strength to strength? One of the reasons is that we have been out there promoting Canberra as a good place in which to run events, as a good place in which to run festivals and as a good place to visit for the events and festivals that we are talking about.

The PGA golf tournament held recently in Canberra is a really good example of how events do a number of things. It is not just the people who go through the turnstiles that make the difference for events generally. Sometimes we can be mistaken in thinking that it is. Maybe I should make some comments about Canberra's National Multicultural Festival with regard to that as well. The PGA golf tournament was aired for 10 hours over two days on FoxSports TV. It was also on the Channel Ten network. The coverage reached an estimated 48 countries around the world. How better to profile and market the national capital for what was quite a small amount of money from CTEC to get that event up and running?

25 March 1999

But I have to say that it is not just about saying, "Here's a cheque for \$50,000", or whatever the amount was; it is about getting behind it. It is about the Minister getting out there and shaking the hands of the promoters and making sure that they feel welcome. It is not about photo opportunities. It is about the huge amount of work that happens underneath that to get these events to Canberra. The thing that we can do better, and I hope that we do do better, is show a personal interest in the organisers, in the people that put these sorts of events together, and make them realise that by coming to Canberra they can achieve something quite unique, that is, they can have a very special event in our event calendar, whereas they do not get the same sort of treatment in other places. It is a fact that the Minister is out there shaking hands, being there at a lot of the very minor functions that produce these events in Canberra, along with obviously some financial subsidies in some circumstances.

The same thing occurs with the visiting journalists program. Members opposite may be interested in having a look at some of the feedback that we get as a result of having the visiting journalists program. I have here just some of the feedback that we got from the visiting journalists that came in the last couple of intakes. What do we do in those circumstances? Those opposite spoke about stunts. Yes, we get out there. Yes, I and my Ministers and members get out there and meet every one of them. Yes, we get out there and make them feel important. I have to say that that is the reason that they write well about Canberra - not just about Ministers, but about all of the people involved in events and in tourism in the ACT.

We had journalists from Hong Kong and Malaysia for Canberra's National Multicultural Festival. We also had a unique coverage on SBS. Every single night during the festival there was footage of what had happened that day at Canberra's National Multicultural Festival. It went right around this country. There was absolutely stunning footage in ethnic newspapers right around Australia. There were some wonderful photos. It is not just about the people who turn up; it is the message that we are sending to people around Australia and around the world.

Mr Stefaniak mentioned the FAI Rally of Canberra. If you thought that the number of people watching the event in Canberra was the only measure of the success of the event, you would be underestimating probably tenfold the benefit of that event to the ACT. The fact that the event is shown right around the region really shows the benefit.

Mr Temporary Deputy Speaker, I would like to finish by making the point that we as an Assembly have to get behind these events. We have to get behind the Olympics and these events and not allow them to become political, as those opposite have sought to do in this debate today. We have to shed the politics and get out there and market these events, be positive. If those opposite suggest that the photo opportunities are somehow inappropriate, they are wrong. We simply have to be seen to be aggressively marketing this city and that requires that everybody in this place do it. If there is a good reason for this debate today, and there is, it is about saying, "We've got a lot of events coming up. We've got the Olympics. We've got the centenary of Federation. We've got CHOGM. We've got a large number of opportunities". It is extraordinarily important for the future

of this city and for our children that we as an Assembly do not treat these events politically, that we get behind them and make them work, not just for the Assembly but for Canberra.

We have already heard just how many dollars they produce. Every one of those dollars has an impact on jobs, and jobs are the things that I would have thought everyone in this Assembly would take on board as the bottom line requirement. Jobs and economic growth produce a future for the city. It is almost a challenge to everyone in this place to get behind all of those major events that will give us not just a national focus but an international profile over the next couple of years. Let us make them work the best we can. Yes, we can have a go at each other all the time, if that is what others want to do, with regard to other issues. But when we are marketing Canberra, when we are conducting these events, when we are looking at the Olympics, the centenary of Federation or whatever, let us be together and let us make it work.

MR CORBELL (4.50): Mr Temporary Deputy Speaker, let us imagine an event that pulled in \$2m a year for the ACT economy. Let us imagine an event that drew 18,000 visitors a year for the ACT economy. Let us imagine an event that could attract international level competitors to a venue here, with all of the associated support for the ACT economy. Let us imagine an event that attracted people not only from interstate but also from overseas. Let us imagine an event at a venue which was unique in all of the ACT and New South Wales. Would that not be a great thing for Canberra? Would that not be a fantastic thing for Canberra? Mr Temporary Deputy Speaker, we have got something like that. It is called the Canberra International Dragway. The Canberra International Dragway does all of those things.

Mr Hargreaves: It used to.

MR CORBELL: As my colleague Mr Hargreaves says, it used to. Do you know what, Mr Temporary Deputy Speaker? It is closed. It cannot operate. Why can it not operate, Mr Temporary Deputy Speaker? It is because, for all of the fine words of this Government and for all of the fine words of the Chief Minister and the Minister for sport, they have failed to uphold their obligations to make sure that that dragway gets going again with a new lease. They are refusing to do it, even though the dragway's lease document quite clearly says - - -

Mr Stefaniak: Rubbish! Why do you not join us in trying to get the Commonwealth to live up to its obligations?

MR CORBELL: I know, Bill, that you got rolled on this, so I think you should be a little bit quiet about it. This venue produces major events for Canberra.

Ms Carnell: I take a point of order, Mr Temporary Deputy Speaker. Telling untruths in this place is, I would have thought, contrary to standing orders. If those opposite want to join with us in writing to the Commonwealth to get them to extend the lease, I would be in it.

MR TEMPORARY DEPUTY SPEAKER: There is no point of order.

25 March 1999

MR CORBELL: There is no point of order, Mr Temporary Deputy Speaker. The Chief Minister is just wasting our time.

MR TEMPORARY DEPUTY SPEAKER: I will make the determination, Mr Corbell. You have the call, Mr Corbell.

MR CORBELL: I know that the Chief Minister and the Minister for sport feel sensitive about this really important venue that holds major events every year. I know that they feel sensitive about it. I know that they do not like the idea that their actions were partially responsible for the fact that the dragway is closed. We want to see that facility open again, and we are going to be demanding of this Government that they fulfil all their obligations so that a deal can be done between the dragway and the Federal Government to get that lease under way. That is what needs to be done.

Ms Carnell: Okay. I will draft a letter and you will sign it with me.

Mr Hargreaves: I take a point of order, Mr Temporary Deputy Speaker.

MR CORBELL: Because we want to see - - -

MR TEMPORARY DEPUTY SPEAKER: Order! The house will come to order. Mr Hargreaves has a point of order.

Mr Hargreaves: Mr Temporary Deputy Speaker, today the Chief Minister feigned outrage and all sorts of terrible things because she was heckled like blazes. I ask you to enforce the same rule for the speech of my colleague Mr Corbell.

MR TEMPORARY DEPUTY SPEAKER: There is no point of order.

MR CORBELL: We want to see open a venue that draws \$2m a year to the ACT economy. We want to see open a venue that draws in over 18,000 interstate visitors every year. We want to see open a venue that attracts international level competitors in dragway racing and other motor sport to the ACT. We are going to continue to pursue the hypocrisy of this Government, which has the gall to stand up in this chamber and talk about the importance of major events and at the same time fails to deliver on its obligations to keep open an important venue like the dragway. It is hypocritical and we will continue to pursue the issue because the dragway deserves a fair deal and Canberra deserves this venue.

MR TEMPORARY DEPUTY SPEAKER: Order! The time for discussion has now expired.

PERSONAL EXPLANATION

MR BERRY: I wish to make a personal explanation under standing order 46.

MR TEMPORARY DEPUTY SPEAKER: Proceed.

MR BERRY: Thank you. At the conclusion of question time, Minister Moore pointed out that a minute that I had tabled had not yet been signed. In question time I asked the Minister, but it was answered by the Chief Minister, to explain the minute of yesterday's date from the chief executive of his department - I should have said her department - of Minister Moore's department, which Mrs Carnell went on to explain. I regret that Mr David Butt had not yet signed the letter; nevertheless, it is a minute of yesterday's date, so there is nothing misleading about that. What I would like to see is whether Mr Butt's mind has been changed yet or whether another minute of the same - - -

MR TEMPORARY DEPUTY SPEAKER: Where have you been misled, Mr Berry?

MR BERRY: I did not say that I was misled. I was not misled.

MR TEMPORARY DEPUTY SPEAKER: Where have you been misrepresented, Mr Berry?

MR BERRY: No, I have been given leave to make a personal statement, Mr Temporary Deputy Speaker; it was not a question of being misled.

MR TEMPORARY DEPUTY SPEAKER: Under standing order 46. I suggest you read standing orders and look at standing order 46.

MR BERRY: I do. I know what it says and I have your leave to make a statement pursuant to standing order 46.

MR TEMPORARY DEPUTY SPEAKER: Standing order 46 - misrepresentation.

MR BERRY: No, it is not about misrepresentation, Mr Temporary Deputy Speaker; it is about leave to speak. I am explaining my personal position in relation to this matter.

Mr Humphries: I take a point of order, Mr Temporary Deputy Speaker. This is an abuse of standing orders, obviously.

MR TEMPORARY DEPUTY SPEAKER: I uphold the point of order.

Mr Berry: How? Okay, I will write you a little note and get you to explain why you upheld it.

MR TEMPORARY DEPUTY SPEAKER: I suggest you look at standing order 46.

25 March 1999

EVIDENCE (AMENDMENT) BILL 1999

[COGNATE BILL:

COURTS AND TRIBUNALS (AUDIO VISUAL AND AUDIO LINKING) BILL 1999]

Detail Stage

Bill as a whole

Debate resumed.

MR STANHOPE (Leader of the Opposition) (4.57): We had almost concluded the debate on this matter, I believe, at the previous interlude. I think the issues have been fairly well covered, but I want to respond in particular to some of the comments Mr Rugendyke made. I have to say, Mr Rugendyke, that I did think during your speech that you were outlining the reasons why you would support the amendments. I thought you gave a fairly good speech in support of the amendments and was surprised that, in fact, you indicated after your speech that that was not your intention. Regrettably and with great respect, Mr Rugendyke, you completely misunderstand the difference between a person's civil liberties and a person's right to choose. There is a significant difference between the two.

I did say in my opening remarks that one of the reasons that I felt that all members could support these amendments was that most people in remand at the Belconnen Remand Centre, when offered the opportunity of being carted around in the back of a hot and confined van and of spending the entire day in the holding cells under the police station, would probably choose to remain in the Remand Centre.

Mr Hargreaves: They do.

Mr Rugendyke: You got that right, Jon.

MR STANHOPE: I agree. That is my point.

Mr Hargreaves: That is his point.

Mr Rugendyke: That is my point.

MR STANHOPE: Everyone agrees. We all agree that this is no big issue as a matter of practice. We all agree on that, and that is the point. It gives the lie to the main, initial assertion of the Attorney that here we were concerned about the enormous cost that would be involved in transporting prisoners from the Remand Centre to the Magistrates Court. We are all agreeing now that almost nobody would take advantage of the opportunity to appear in person. All we are saying is that they should not be denied that opportunity. They should not be denied that opportunity. On what basis can you

deny to a person held in remand the opportunity to appear in person before a magistrate who is going to deal with the question of their continuing incarceration or their continuing liberty? It is just a nonsense.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

Mr Humphries: I require the question to be put forthwith without debate.

Question resolved in the negative.

EVIDENCE (AMENDMENT) BILL 1999

[COGNATE BILL:

COURTS AND TRIBUNALS (AUDIO VISUAL AND AUDIO LINKING) BILL 1999]

Detail Stage

Bill as a whole

Debate resumed.

MR STANHOPE: It was on that point, Mr Rugendyke, that we actually agreed. I think I agreed with everything you said. It was on that basis that I was somewhat surprised that you came to the contrary conclusion that because, in any likelihood, not many people would choose the option of appearing in person, there was no great cost constraint involved here. Subsequently, the Attorney did raise a number of other concerns, concerns that my colleagues have noted that he did not raise in his speech when he presented the Bill. He raised concerns about - - -

Mr Humphries: This was not an issue then. I had not seen your amendments.

MR STANHOPE: It was never suggested that these amendments were intended to cover the David Eastmans of the world whom you talked about. It was never suggested in your presentation speech that your amendments were designed to prevent notorious and dangerous criminals being transported to the court. These were not issues that you raised in your presentation speech. You are now suggesting that these are the sorts of issues that you seek to prevent by opposing my amendments, that you seek to prevent so-called notorious criminals appearing in court, you seek to prevent - - -

25 March 1999

Mr Humphries: You do not understand, Jon.

MR STANHOPE: That was part of your argument.

Mr Humphries: The Bill does not do those things. They are already happening. The court already has the power to do those things, Jon. This Bill does not change that.

MR STANHOPE: This is interesting in the context of the debate we had yesterday. I think Mr Berry made the point well about the grandstanding that we witnessed yesterday, particularly from the Attorney and the Minister for Health and Community Care, about these inviolable principles of law. The contrast between that debate and this one really is quite stark. Here we are simply talking about providing an opportunity to people on remand and people with a mental illness to appear in person before a court. This is in situations where the particular remandee is not a David Eastman-type, whatever that is. This is in situations where the particular remandee is not a notorious criminal. Let us divorce the prospect of having to deal with notorious and dangerous criminals. Let us forget about that. Let us forget about the David Eastman situations. Let us forget about those. Let us deal with those differently. Let us let the court exercise its discretion in relation to those cases.

If there is somebody in the Remand Centre who is not a notorious or dangerous criminal, if there is somebody in the Remand Centre who is not a David Eastman-type, on what basis do we prevent that person, if they so wish, from being advised that they have a choice? On what basis do we prevent the meek and mild non-notorious criminal, on what basis do we prevent the non-David Eastman types, from appearing in person in court to face the magistrate on an application for bail? On what basis? None. There is not one reasonable basis on which we can deny a remandee the right to stand up in court in front of a magistrate, look them in the eye, and say, "Magistrate, this is the position I wish to put to you".

The same applies exactly to people with a mental illness. On what basis do we decide that a person with a mental illness does not have the right to appear before the Mental Health Tribunal in situations where the Mental Health Tribunal is proposing to make an order affecting that person? By what right do we deny a person with a mental illness the right to stand there with their representative and seek to plead a case? By what right do we do it? The right that we do it by is that we want to save a few bob. In order to save a few bob, we will prevent people who have been incarcerated from appearing in court in person with their solicitors or their legal representatives. We will prevent people with a mental illness the right to appear with the Community Advocate - - -

Mr Humphries: This is nonsense, Jon. You do not know what you are talking about.

MR STANHOPE: Then do not oppose the amendments, which simply allow a discretion. Read the amendments. All the amendments do is say that the person affected must be given a choice and it must be presented to them as a choice. That is all they say, that it must be presented to them as a choice. I just cannot believe that we are debating this proposal. It is such a simple and non-threatening proposal. That is what we are suggesting. I commend these amendments. As we have said before, this is good

legislation. It is, basically, very sound legislation. The Labor Party is pleased to support it. We are pleased to see it here before us. It needs two minor, non-offensive amendments which will improve it. I commend those two minor, non-offensive, non-costly, non-threatening, non-controversial amendments to members.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.06): Mr Speaker, I will not take very long as I think we have had enough debate about this matter, but I want to correct a couple of mistakes that have been made by the Opposition. I hope I will convince them to reconsider their position on this matter. Mr Speaker, I did not argue that the reason for opposing this amendment was the basis of costs - the cost to the community or the justice system. My argument about cost was in relation to the Bill as a whole. I said that the operation of the Bill as a whole would save the community money. If Mr Stanhope casts his mind back, he will recall that I mentioned costs substantially only in respect of the motion that we agree to the Bill in principle. I did not make that argument, at least not substantially, in respect of the amendments he moved. I had different arguments in respect of that. Mr Speaker, I am sorry that Mr Stanhope is not listening to this because it is quite pertinent to the issues he has raised.

Mr Stanhope: I am listening, Mr Humphries.

MR HUMPHRIES: Thank you. I hope you are. Let me make it clear to Mr Stanhope and members here that Mr Stanhope thinks - he is not listening, but I will make the point to others - that we are removing here a right that someone has to appear in person in court. We are not. There is already an inherent right in the ACT's courts and, to the best of my knowledge, in every other court in Australia from the High Court down to tribunals to exclude people, including parties, at their discretion in certain circumstances. So, to remove a right in certain circumstances to appear in person is not new. It is not being created by this Bill. In fact, this Bill is, in a sense, an acknowledgment of the power of the court to exclude somebody whose presence in the court may, for various reasons, be considered to be a disruption to the process of the court.

I do not know whether members have taken that on board, but the suggestion by Mr Berry in his remarks in this debate that we should have put up in big letters that we are removing a right is just not true. We are not affecting that right at all. Section 255 of the Magistrates Court Act already contains that right and there is a common-law right, an inherent power of the court, to conduct proceedings in the manner it sees fit, and it has the inherent power to deal with disruptive conduct amounting to contempt.

You might not believe me when I say that, so I indicate to you that I can prove what I say. If you wander over to the Magistrates Court building, and I particularly invite Mr Stanhope to do this, you will find next to court No. 1 - it might be court No. 2; it is one of those two courts - a soundproof booth. Do you know why that booth is there? I will tell you. It is there to place parties who are disrupting proceedings, but in order that those parties will be able to continue to hear what goes on, even though their right to personal appearance has been cancelled by the court. Mr Stanhope, I do not know how often you have appeared in courts in this land, but if you had you would know that the courts have an inherent power already to exclude people from their presence.

25 March 1999

Mr Stanhope: Where is the Mental Health Tribunal held?

MR HUMPHRIES: It is held in the Magistrates Court building.

Mr Stanhope: Their hearings?

MR HUMPHRIES: Yes. I am astonished. This man is supposed to be the shadow Attorney-General. The court already has the power to exclude people from their presence. That is why that soundproof booth is there. It was built there for that purpose. I assume that my predecessor, Mr Connolly, approved its existence in the court building. Mr Stanhope conveniently finds something to talk about instead. In proceedings affecting Mr Eastman in recent years - there have been so many that I cannot recall which one it was - Mr Eastman was, in fact, excluded from the presence of the court. He was a party and he was excluded from the presence of the court. He was sent, I understand, to a room underneath the court and proceedings were relayed to him there so that he could not disrupt the work of the court. It has happened already.

I am not sure, frankly, what effect the amendments moved by Mr Stanhope would have on the existing power of the court to exclude people from its presence, including parties, including defendants in criminal matters. That power is already there, Mr Stanhope. We are not creating a new infringement on the rights of people; it is already there. I do not want to detain the Assembly any longer. I simply say that this power is a power which exists in every other jurisdiction which has legislated for electronic appearances, every other jurisdiction. I am not being some kind of totalitarian ogre because even Labor jurisdictions have done so. Mr Speaker, even Labor jurisdictions have done so. Therefore, it amounts to a standard across Australia which I would ask members of this place to support.

MR WOOD (5.12): Mr Speaker, the Eastman example - I think it was Mr Humphries who raised it - has actually drawn us off the path. We acknowledge that the courts have had the ability to take people out. Mr Stanhope's amendments are related particularly to the ordinary, innocuous bloke who is never going to cause trouble in court.

Mr Humphries: If he was ordinary and innocuous he obviously would not be in court.

MR WOOD: I will take the interjection, Mr Speaker. Like most of them, once those blokes get to court, they do not cause trouble in the court itself; is that not right?

Mr Rugendyke: Totally correct, Mr Wood.

MR WOOD: Totally incorrect?

Mr Rugendyke: Correct.

MR WOOD: Yes, totally correct. Mr Humphries, by raising the Eastman example, perhaps quite unconsciously and not deliberately, has taken the path away. The question is: What about the ordinary bloke who will not create any trouble in the court having his chance if he wants it? That is the question, not someone whom the court needs to keep out for a particular reason for a short time or for a longer period.

Question put:

That the amendments (**Mr Stanhope's**) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

NOES, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

COURTS AND TRIBUNALS (AUDIO VISUAL AND AUDIO LINKING) BILL 1999

Debate resumed from 18 February 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

25 March 1999

MR STANHOPE (Leader of the Opposition) (5.22): I ask for leave to move my amendments together, Mr Speaker.

Leave granted.

MR STANHOPE: I move:

Page 6, line 36, clause 21, proposed new subsection 72A(1), omit “Unless the Court otherwise directs,”, substitute “Subject to subsection (1A), the Court may direct that”.

Page 7, line 6, clause 21, after proposed new subsection 72A(1), insert the following subsection:

“(1A) The Court may not give a direction under subsection (1) unless the applicant for bail has consented to it.”.

Page 11, line 15, clause 38, proposed new subsection 55A(1), omit “Unless the Court otherwise directs,”, substitute “Subject to subsection (1A), the Court may direct that”.

Page 11, line 21, clause 38, after proposed new subsection 55A(1), insert the following subsection:

“(1A) The Court may not give a direction under subsection (1) unless the applicant for bail has consented to it.”.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1998

Debate resumed from 24 November 1998, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

MR WOOD (5.22): I am not going to repeat Mr Moore’s clear presentation. The Bill will bring about efficiencies in the administration of health in that doctors will be trusted to act professionally. It may also bring about some minor improvements in health treatment in that doctors will not have to be taking time doing other things. Since the Bill simplifies those administrative procedures, the Opposition will be giving its full support.

25 March 1999

MR MOORE (Minister for Health and Community Care) (5.23), in reply: I thank Mr Wood and the Opposition for their support. Mr Kaine has personally indicated to me his support for the legislation. Really, it is about ensuring good pain management, particularly associated with people who are terminally ill, including cancer and HIV/AIDS patients. It is a very sensible piece of legislation generated by the department. I think all members recognise the importance of it. I appreciate the support from members.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.24 pm until Tuesday, 20 April 1999, at 10.30 am

25 March 1999

ANSWERS TO QUESTIONS

PALM - Employees
(Question No. 93)

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

In relation to officers employed in the Planning and Land Management Group (PALM), excluding Building, Electrical and Plumbing Control (BEPCON) and WorkCover

- (1) What is the number of staff who are qualified (a) town planners, (b) architects, (c) landscape architects, (d) engineers.
- (2) What is the percentage of each in relation to the total number of staff employed in PALM, excluding BEPCON and WorkCover.

Mr Smyth: The answers to the member's questions are as follows:

(1) The numbers of officers employed with the following qualifications:

(a) Town Planners	27
(b) Architects	9
(c) Landscape Architects	6
(d) Engineers	16

Two officers with Town Planning qualifications also have a second qualification - 1 in Architecture and 1 in Landscape Architecture. They are only included in the Town Planning number.

(2) The percentage of each in relation to the total number of staff:

(a) Town Planners	11.71%
(b) Architects	3.47%
(c) Landscape Architects	2.60%
(d) Engineers	6.94%

25 March 1999

**PALM - Employees
(Question No. 94)**

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

In relation to officers employed in the Planning and Land Management Group (PALM) and its predecessors, excluding Building, Electrical and Plumbing Control (BEPCON) and WorkCover - for each of the years from 1994 to 1999 (inclusive)

- (1) What was the number of officers who were qualified (a) town planners, (b) architects, (c) landscape architects, (d) engineers.
- (2) What is the percentage of each in relation to the total number of staff employed in PALM, and its predecessors, excluding BEPCON and WorkCover.

Mr Smyth: The answers to the member's questions are as follows:

- (1) The information requested is not available over the period of time specified. PALM, or its predecessors, have not kept a register of staff's qualifications over the period. Staff are generally not required to advise of their tertiary qualifications except when specified under selection criteria.

I have previously provided information on current staff qualifications, which was based on a survey of current staff. It should be noted that staff may possess qualifications, which may or may not be relevant to the requirements of their current jobs.

- (2) The percentage of each in relation to the total number of staff is also not recorded for the period.

**ACT Housing - Rental Accommodation
(Question No. 97)**

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

- (1) For each of the following household types-
- (a) elderly singles (55+ years old, without children);
 - (b) elderly couples (55+ years old, without children);
 - (c) young singles (16-24 years old);
 - (d) singles (25-54 years old);
 - (e) large families (families with children, which require four or more bedrooms);
 - (f) medium families (families with children, which require three bedrooms); and
 - (g) small families (couples 16-54 years old without children, families with children which require two bedrooms).

How many people who have applied for rental accommodation, are listed on the wait tum list as at 28 February 1999.

- (2) As at 28 February 1999, how many people by household type, listed in (1), are listed on -
- (a) the transfer list; and
 - (b) the priority housing list.

- (3) For each of the following dwelling type -
- (a) 2 bedroom house;
 - (b) 3 bedroom house;
 - (c) 4 bedroom house;
 - (d) bedsitter flat;
 - (e) 1 bedroom flat;
 - (f) 2 bedroom flat;
 - (g) 1 bedroom aged persons unit; and
 - (h) 2 bedroom aged persons unit.

What is the average wait-turn time, by each regional office area, as at 28 February 1999

- (4) By dwelling type, listed in (3), how many ACT Housing dwellings are -
- (a) vacant as at 28 February 1999; and
 - (b) the reason for which each property is vacant.

25 March 1999

Mr Smyth: The answer to the member's questions is as follows:

(1) Total Applicants List (Total 3047)

- (a) 340
- (b) 98
- (c) 558
- (d) 709
- (e) 85
- (f) 323
- (g) 934

(2) (a) Transfer List (Total 784)

- (a) 145
- (b) 48
- (c) 63
- (d) 1 82
- (e) 38
- (f) 85
- (g) 223

(b) Priority List (Total 90)

- (a) 14
- (b) 8
- (c) 6
- (d) 20
- (e) 2
- (f) 17
- (g) 23

(3) ACT Housing has not historically produced reports that provide the average wait-turn time, by each regional office, for each dwelling type. Information is being compiled by ACT Housing to provide the answer to the question.

(4) (a) See attached table.

(b) See attached table.

Vacant ACT Housing Properties as at 28 February 1999

DWELLING TYPE	NUMBER VACANT	REASON PROPERTY IS VACANT	NUMBER VACANT BY REASON
2 Bedroom House	20	Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	13
		Awaiting completion of maintenance prior to re-allocation	6
		Awaiting allocation	1
3 Bedroom House	184	----- Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	128 *
		Awaiting completion of maintenance prior to re-allocation	45
		Awaiting allocation	11
4 Bedroom House	14	----- Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	8
		Awaiting completion of maintenance prior to re-allocation	3
		Awaiting allocation	3
Bedsitter Flat	155	----- Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	74 **
		Awaiting completion of maintenance prior to re-allocation	29
		Awaiting allocation	52 ***

25 March 1999

1 Bedroom Flat	43	Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	3
		Awaiting completion of maintenance prior to re-allocation	12
		Awaiting allocation	28

2 Bedroom Flat	91	Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	39 ****
		Awaiting completion of maintenance prior to re-allocation	18
		Awaiting allocation	34

1 Bedroom OPA	13	Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	0
		Awaiting completion of maintenance prior to re-allocation	4
		Awaiting allocation	9

2 Bedroom OPA	18	Awaiting conversion, awaiting sale, awaiting demolition, awaiting upgrade, on offer to CHC, awaiting redevelopment, under review	1
		Awaiting completion of maintenance prior to re-allocation	1
		Awaiting allocation	16

* 30% are awaiting sale

17% are developments to have building commenced shortly

9% are on offer to CHC

** 71% for Macpherson Court

*** 50% are available in Burnie Court

**** 87% are being refurbished in Allawah/Bega upgrade project

**ACT Housing - Rental Properties
(Question No. 98)**

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

In relation to ACT Housing properties

- (1) How many properties were sold by ACT Housing from rental accommodation stock for the period 1 July 1998 to 28 February 1999.
- (2) Can the Minister provide the following details for each of these properties;
 - (a) the suburb;
 - (b) the dwelling type and size; and
 - (c) the sale price.

Mr Smyth: The answer to the member's questions is as follows:

- (1) 167
- (2) See attached table.

25 March 1999

**Details on houses sold from rental accommodation stock for
the period 1 July 1998 to 28 February 1999 - Total 167**

SUBURB	NO OF BEDROOMS	CONSTITUTION TYPE	SALE PRICE
AINSLIE	3	B	\$175,000
AINSLIE	3	B	\$140,000
AINSLIE	3	M	\$149,000
AINSLIE	3	B	\$154,000
AINSLIE	3	B	\$184,000
AINSLIE	3	WB	\$148,000
AINSLIE	3	BV	\$112,000
AINSLIE	2	WB	\$178,000
AINSLIE	2	B	\$144,000
AINSLIE	3	B	\$190,000
AINSLIE	2	B	\$181,000
AINSLIE	3	WB	\$125,000
AINSLIE	3	WB	\$190,000
AINSLIE	3	B	\$142,500
AINSLIE	2	B	\$155,500
AINSLIE	3	BV	\$202,500
AINSLIE	2	WB	\$165,000
BELCONNEN	3	BV	\$112,000
BRADDON	3	B	\$300,000
CHARNWOOD	3	BV	\$70,000
CHARNWOOD	4	B	\$74,000
CHARNWOOD	3	BV	\$91,000
CHARNWOOD	3	BV	\$65,000
CHARNWOOD	3	BV	\$95,000
CHARNWOOD	3	BV	\$88,000
CHARNWOOD	3	BV	\$72,500
CHARNWOOD	3	BV	\$93,000
CHARNWOOD	3	WB	\$67,000
CHARNWOOD	3	BV	\$60,000
CHARNWOOD	3	BV	\$91,000
CHARNWOOD	3	WB	\$60,000
CHARNWOOD	3	WB	\$68,000
CHARNWOOD	3	BV	\$77,000
CHISHOLM	3	BV	\$100,000
CHISHOLM	3	BV	\$86,000
CHISHOLM	3	BV	\$83,500
DEAKIN	3	WB	\$232,000
DEAKIN	3	WB	\$215,000
DEAKIN	2	M	\$178,000
DOWNER	3	BV	\$117,500
DOWNER	3	WB	\$98,000
DOWNER	3	BV	\$117,000
DOWNER	3	BV	\$112,000
EVATT	3	BV	\$81,500
EVATT	3	BV	\$82,000
FISHER	3	BV	\$90,000
FLOREY	4	BV	\$110,000
FLOREY	3	BV	\$117,250
FLOREY	3	BV	\$107,000
GIRALANG	3	BV	\$94,000
GIRALANG	4	BV	\$100,000
GOWRIE	3	BV	\$90,000
GOWRIE	3	BV	\$88,000
GRIFFITH	2	M	\$245,000

SUBURB	NO OF BEDROOMS	CONSTITUTION TYPE	SALE PRICE
GRIFFITH	3	B	\$266,000
GRIFFITH	3	B	\$275,000
GRIFFITH	3	B	\$478,000
GRIFFITH	2	B	\$285,500
GRIFFITH	3	B	\$215,000
GRIFFITH	3	B	\$204,000
HUGHES	3	BV	\$113,500
HOLT	3	BV	\$78,000
HOLT	3	BV	\$84,000
HOLT	3	BV	\$76,000
HOLT	3	BV	\$75,000
KALEEN	3	BV	\$123,000
KALEEN	3	BV	\$104,000
KAMBAH	4	BV	\$105,000
KAMBAH	3	BV	\$62,000
KAMBAH	3	BV	\$80,000
KAMBAH	3	BV	\$78,000
KAMBAH	3	BV	\$77,000
KAMBAH	3	BV	\$35,000
KAMBAH	3	BV	\$88,000
KAMBAH	3	BV	\$82,000
KAMBAH	3	BV	\$88,000
KAMBAH	3	BV	\$50,300
KAMBAH	3	BV	\$80,000
KAMBAH	3	BV	\$77,000
KAMBAH	3	BV	\$78,000
KAMBAH	3	BV	\$84,000
KAMBAH	3	BV	\$88,000
KAMBAH	3	BV	\$86,000
KAMBAH	3	BV	\$86,000
KAMBAH	3	BV	\$97,500
LATHAM	3	BV	\$78,000
LYNEHAM	3	BV	\$142,000
LYNEHAM	3	B	\$131,000
LYNEHAM	3	BV	\$118,000
LYNEHAM	3	BV	\$137,000
LYONS	3	BV	\$112,250
LYONS	3	BV	\$112,100
MACGREGOR	3	BV	\$80,000
MACGREGOR	3	BV	\$77,000
MACGREGOR	4	BV	\$86,000
MACGREGOR	3	BV	\$88,000
MAWSON	3	BV	\$126,000
MCKELLAR	3	BV	\$92,000
MCKELLAR	3	BV	\$102,500
MCKELLAR	3	BV	\$95,000
MELBA	3	B	\$79,000
MELBA	3	BV	\$80,000
NARRABUNDAH	3	B	\$111,000
NARRABUNDAH	3	WB	\$114,750
NARRABUNDAH	2	WB	\$120,000
NARRABUNDAH	3	WB	\$122,000
NARRABUNDAH	3	M	\$153,000
NARRABUNDAH	3	BV	\$210,000
NARRABUNDAH	3	BV	\$200,000
NARRABUNDAH	3	WB	\$120,000
NARRABUNDAH	3	BV	\$132,000
NARRABUNDAH	3	M	\$100,000

25 March 1999

SUBURB	NO OF BEDROOMS	CONSTITUTION TYPE	SALE PRICE
O'CONNOR	3	WB	\$180,000
O'CONNOR	3	BV	\$121,500
O'CONNOR	3	WB	\$201,000
O'CONNOR	3	WB	\$190,000
O'CONNOR	3	WB	\$155,500
O'CONNOR	3	WB	\$136,000
O'CONNOR	3	WB	\$130,000
O'CONNOR	2	M	\$135,000
O'CONNOR	3	WB	\$188,000
O'CONNOR	3	WB	\$145,000
O'CONNOR	2	WB	\$166,000
O'CONNOR	3	WB	\$203,500
O'CONNOR	3	WB	\$190,000
O'CONNOR	2	M	\$162,000
OXLEY	3	BV	\$88,000
OXLEY	3	BV	\$97,000
PAGE	3	BV	\$85,000
PAGE	3	BV	\$82,500
PEARCE	3	BV	\$110,000
RED HILL	3	BV	\$212,000
RED HILL	4	BV	\$255,000
RED HILL	3	B	\$187,000
REID	3	BV	\$220,000
REID	2	B	\$270,000
REID	3	B	\$268,000
REID	3	B	\$305,000
RICHARDSON	3	BV	\$81,000
RICHARDSON	3	BV	\$86,000
RICHARDSON	3	BV	\$85,000
RICHARDSON	3	BV	\$84,000
RIVETT	3	BV	\$95,000
SCULLIN	4	BV	\$99,500
SCULLIN	3	BV	\$85,000
SCULLIN	4	BV	\$100,000
SCULLIN	3	BV	\$86,000
SPENCE	3	BV	\$75,000
SPENCE	3	BV	\$85,000
SPENCE	3	BV	\$75,000
TURNER	3	B	\$222,000
TURNER	2	B	\$156,500
WANNIASSA	3	BV	\$85,000
WANNIASSA	3	BV	\$86,000
WANNIASSA	3	BV	\$84,000
WANNIASSA	3	BV	\$90,000
WANNIASSA	3	BV	\$77,168
WANNIASSA	3	BV	\$84,000
WATSON	3	BV	\$110,000
WATSON	3	BV	\$125,000
WESTON	4	BV	\$105,000
YARRALUMLA	3	WB	\$260,500
YARRALUMLA	3	B	\$252,000
YARRALUMLA	3	M	\$252,000
YARRALUMLA	2	BV	\$245,500
YARRALUMLA	3	WB	\$287,000
YARRALUMLA	3	M	\$256,000

*Note B Brick
BV Brick Veneer

WB Weatherboard
M Monocrete

**ACT Housing Properties - Evictions
(Question No. 99)**

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

In relation to evictions of tenants from ACT Housing properties

- (1) How many tenants were evicted during the period 1 July 1998 to 28 February 1999
 - (a) by reason; and
 - (b) by gender.

Mr Smyth: The answer to the member's questions is as follows:

- | | | |
|-----|-------------------------|----|
| (1) | (a) All for Unpaid rent | 44 |
| | (b) Females | 16 |
| | Males | 27 |
| | Couples | 1 |

25 March 1999

**Condamine Court
(Question No. 100)**

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

In relation to Condamine Court -

- (1) How many government housing tenants lived at Condamine Court before the redevelopment.
- (2) How many government housing tenants live there now.
- (3) Is it intended to complete the redevelopment, if so when.
- (4) Why is the redevelopment not completed.
- (5) Did ACT Housing meet all its commitments to former tenants to return them when the work was complete.

Mr Smyth: The answer to the member's questions is as follows:

- (1) 205.
- (2) 70.
- (3) Further development of the site will be determined once the Assembly has endorsed draft Variation to the Territory Plan No: 96.
- (4) See answer to question 3.
- (5) Yes.

**Australian Alps National Parks
(Question No. 101)**

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

In the Ministerial Travel Report, tabled in the Assembly on 17 February 1999, it was reported that Mr Smyth travelled to the Mount Buffalo National Park to sign an MOU;

- 1) What was the MOU
- 2) With Whom was it signed
- 3) Is there a financial implication for the ACT

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

(1) The Australian Alps national parks Memorandum of Understanding (MOU) fosters a cooperative management program between the Commonwealth, New South Wales, ACT and Victorian Governments.

The basis for the Australian Alps cooperative program is one of participating park management Agencies working in partnership to achieve excellence in conservation management and sustainable use through a strong program of cross-border cooperation. The park management agencies involved in the program include Environment Australia (C/wealth), NSW National Parks & Wildlife Service, Parks Victoria and the ACT Parks and Conservation Service (Environment ACT).

A further objective of the agreement is to pursue the growth and enhancement of inter-governmental cooperative management to protect the nationally important values of the Australian Alps national parks. The Alps are a unique part of Australia, a mountainous biogeographical region in a predominantly dry and flat continent.

All parties originally signed a Memorandum of Understanding initiating the cooperative management program in 1986.

(2) The following parties signed the MOU;
Senator Robert Hill, Minister for the Environment and Heritage, Environment Australia; Minister Pam Allen Minister for Environment NSW, NSW National Parks and Wildlife Service;
Minister Marie Tehan, Minister for Conservation and Land Management, Parks Victoria; and
Minister Brendan Smyth, Minister for Urban Services, ACT.

(3) To assist in the achievement of the objectives under the MOU, the Australian Alps Liaison Committee (ALEC), comprising of Senior Managers from each of the participating Agencies administers an annual operational budget of four-hundred thousand dollars (\$400,000).

25 March 1999

The ACT Governments contribution to the overall program is forty thousand dollars (\$40,000), with the Commonwealth, New South Wales and Victorian Governments each contributing one hundred and twenty thousand dollars (\$ 120,000).

Through the Department of Urban Services, Environment ACT is currently coordinating the Alps program with an officer from the Department seconded to facilitate the implementation of the annual cooperative works program. Environment ACT is currently 'hosting' this position with Brett McNamara from ACT Parks and Conservation Service occupying this position on a 4-year term. The position is funded from partner contributions.

**SouthCare Helicopter
(Question No. 102)**

Mr Hargreaves asked the Minister for Justice and Community Safety, upon notice:

In relation to the SouthCare Helicopter.

- (1) Who is responsible for the funding?
- (2) What are the average daily running costs.?
- (3) How much money to date has been donated to the helicopter including:
 - (a) who donated the money?
 - (b) how much?
- (4) Is the helicopter registered as a charitable organisation and if so does the Government give special consideration to it above other charities?

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

- (1) The funding is underwritten by NSW and ACT Governments on a 90/10 sharing agreement. The agreement is to be reviewed after two years operation based on actual usage in each jurisdiction.
- (2) The estimated operating cost of the service is approximately \$2.3m per annum, but this is dependant on operating hours. An average daily operating cost is not available.
- (3) (a) Donations to SouthCare have been received from surrounding Shire Councils, community groups such as Rotary and Apex, and from individuals. Other contributions have been made in kind, such as an offer of rent-free accommodation by the Canberra International Airport.

(b) The total cash amount received as at 22 March 1999 is \$93,859, however, \$67,840 from Rotary is committed to the base facility. The contribution in kind received to date or committed is in excess of \$750,000.
- (4) An application has been made by the Trust Fund to the Australian Taxation Office for public benevolent institution status which is being considered by the ATO. I do not understand what the member means by asking if the Government gives it "special consideration" above other charities.

25 March 1999

**Australian Federal Police - Staffing
(Question No. 103)**

Mr Hargreaves asked the Minister for Justice and Community Safety, upon notice:

In relation to officers of the AFP ACT Region - Can you provide in tabular form, for each of the periods from (a) 1 July 1998 to 30 September 1998 and (b) 1 October 1998 to 31 December 1998.

- (1) By rank, what were the average monthly staff numbers of the AFP in (i) full-time and (ii) part-time positions.
- (2) How many officers, by rank, were on
 - (i) long term compensation leave;
 - (ii) light duties on return to work programs; and
 - (iii) light duties as permanent arrangements following compensable incident.
- (3) For officers away from duty due to compensable incidents (i) how many were there, (ii) what was the type of the incident, and (iii) what was the cause.
- (4) How many hours were applied by AFP officers for each of the following AFP activities,
 - (i) Traffic;
 - (ii) Drug offences;
 - (iii) Theft (non burglary);
 - (iv) Burglary;
 - (v) Robbery;
 - (vi) Property damage;
 - (vii) Assault;
 - (viii) Domestic Violence;
 - (ix) Miscellaneous offences; and
 - (x) Administration and Management

Mr Humphries: The answers to Mr Hargreaves questions are as follows

(1) ACT Region Personnel (Paid On A Fortnightly Basis):

1998	Total	WL 6 Assistant Commissioner	WL 5 Commander	WL 4 Superintendent	WL 3 Sergeant	WL 2 Constable	WL 1
9 July	675	1	3	14	135	465	35
23 July	666	1	3	14	131	463	35
6 August	661	1	3	14	131	458	32
20 August	659	1	3	14	130	461	34
3 September	665	1	3	15	132	461	35
17 September	665	1	3	17	136	459	35
1 October	680	1	3	17	137	455	36
15 October	678	1	3	16	136	474	38
29 October	680	1	3	16	136	472	36
12 November	690	1	3	16	134	476	38
26 November	692	1	3	16	131	487	38
10 December	693	1	3	16	132	489	38
24 December	699	1	3	18	132	490	38

Staff numbers are based on roster data compiled on a fortnightly basis (ie, 42 shifts) and it would be too resource intensive to compile material to calculate by rank average monthly part-time staff numbers for the requested periods. However, manual calculations have been made for 9 July and 24 December 1998:

ACT Region Part-time Personnel:

1998	Total	WL 6 Assistant Commissioner	WL 5 Commander	WL 4 Superintendent	WL 3 Sergeant	WL 2 Constable	WL 1
9 July	10					9	1
24 December	12					11	1

NOTE: It is anticipated that by 30 June 1999, actual staffing for the ACT Region will be 725. This complies with the commitment of the Chief Police Officer for the ACT that staffing levels would be increased to well above 700 by the end of this financial year. The average staffing level for 1998/99 is anticipated to be 695.

Also, in accordance with the Chief Police Officer's agreement to maintain staffing levels above 694 pending the outcome of the Review of the Policing Arrangement, a recruitment strategy has been developed for the 1999/2000 financial year.

25 March 1999

(2)

Work Level/ Rank	(i) Long Term Compensation Leave		(ii) Return to Work Programs		(iii) Permanent Restricted Duties
	1.7.98 to 30.9.98	1.10.98 to 31.12.98	1.7.98 to 30.9.98	1.10.98 to 31.12.98	1.7.98 to 31.12.98
WL6/Assistant Commissioner					1
WL5/Commander					
WL4/Superintendent		1			4
WL3/Sergeant	8	10	11	13	18
WL2/Constable			1		
WL 1					
TOTAL	8	11	12	13	23

(3) Absences from duty due to compensible injuries -1 July to 31 December 1998

Duration of Absence	Type of Injury	Cause of Injury
LESS THAN ONE WEEK	stress	work place related
	neck/back strain	carrying heavy weight
	neck strain	motor vehicle accident
	neck strain	assault
	broken ribs	motor vehicle accident
	back strain	motor vehicle accident
	ankle sprain	pursuing offender
	back sprain	pursuing offender
	hip strain	training accident
	knee sprain	training accident
Total: 11 Members	neck strain	motor vehicle accident
ONE TO FOUR WEEKS	back strain	motor vehicle accident
	back strain/fracture	assault
	knee strain	pursuing offender
	back strain	failure of machinery
	hernia	straining
	fracture	motor vehicle accident
	knee strain	pursuing offender
	back strain	assault
	knee surgery	pursuing offender
	joint strain	training
	occupational overuse	excessive key boarding/
	syndrome/stress	workplace related
	back injury	motor vehicle accident
Total: 11 Members and 2 Staff Members	back strain	assault

FOUR WEEKS TO THREE MONTHS	back strain fracture fracture	assault fall motor vehicle accident
Total: 3 Members		
THREE MONTHS TO SIX MONTHS 1 JULY 1998 TO 31 DECEMBER 1998	Nil multiple fractures post traumatic stress disorder lower back injury neck injury stress* stress* post traumatic stress disorder fracture	_ Nil motor vehicle accident assault . assault assault workplace related workplace related workplace related assault
Total: 8 Members		

*Claim not yet determined.

(4) No data is available to determine categories of activities on an actual time basis .

**McKellar - Grant of Leases
(Question No. 104)**

Ms Tucker asked the Chief Minister, upon notice:

In relation to the grant of leases under section 161 (1)(d) of *the Land (Planning and Environment) Act* for McKellar Section 50 Block 16 and McKellar Section 52 Block 6 to Tokich Homes Pty Ltd:

- (1) Why were these two blocks sold by direct grant to Tokich Homes Pty Ltd when it was admitted by the former Minister, Gary Humphries in Determination 200 of 1997 that while Ecoland (the trading name of Tokich Homes) had originally approached the Government to build ecologically sustainable housing next to local shopping centres, Ecoland was not proposing to include any innovative environmental initiatives as part of this development at McKellar.
- (2) Given that the development proposed for the McKellar site contained no innovation beyond what is currently found in any medium density housing development in Canberra, why were no other developers given the opportunity of bidding for those blocks through an auction or tender process.
- (3) When the Ecoland company originally approached Assembly Members in 1997, the company advised that, while one of the directors of the company was a member of the Tokich family, Ecoland was a separate venture to Tokich Homes. Why then was the grant of the land made to Tokich Homes Pty Ltd.
- (4) How was the sale price of the two blocks determined.

Ms Carnell: The answer to the member's question is as follows:

- (1) The land was sold by direct grant because Tokich Homes Pty Ltd trading as Ecoland met the criteria for the direct grant of land in accordance with Disallowable Instrument No 200 of 1997. Environmental initiatives were initially proposed, however as the proposed development was of a small nature Ecoland advised that it was not possible to incorporate such features into the project. However, Ecoland agreed to undertake various public works at the local centre to improve the appearance and viability of the centre. These works were included as part of the lease conditions and cost \$100,000 for the two blocks.

- (2) It is possible to sell land by auction, tender, ballot or direct grant. Ecoland applied for the sale of the land by direct grant. The application was assessed and it was considered that it met the criteria for the direct grant of land in accordance with Disallowable Instrument No 200 of 1997.
- (3) The application lodged by Ecoland noted that Ecoland is a trading name for Tokich Homes Pty Limited. The principals of Ecoland advised the lease should be issued in the name of Tokich Homes Pty Limited.
- (4) In accordance with Disallowable Instrument No 200 of 1997 the sale of land is at market value.

In accordance with normal practice, the Australian Valuation Office provided the current market value for the blocks.

25 March 1999

AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY
DETERMINATION OF CRITERIA FOR THE DIRECT GRANT OF
CROWN LEASES

NO (200) OF 1997

The ACT Executive under subsection 161(5) of the *Land (Planning and Environment) Act 1991* determines criteria for the direct grant of a lease over land that is land identified in the Territory Plan as Commercial D (Local Centres) Land Use Policies and land adjacent to Local Centres for the purpose of enabling the development of the land for subdivision and resale. The criteria are:

The applicant must:

complete and sign an application form giving details of:

full name and address or full company particulars (including particulars of directors, shares etc);

the proposed lessee or lessees;

the development proposal;

address for service of notices;

demonstrate the viability of the project;

demonstrate that the grant of the lease will:

benefit the economy of the Territory and generate employment; or

contribute to the environmental, social or cultural features in the Territory.

provide evidence of the financial capacity to undertake the servicing and construction program and develop and manage the land;

demonstrate the non-financial capacity including expertise, experience and resources to undertake the development and manage the land;

pay the market value for the land in accordance with the terms and conditions specified by the Territory;

have the support of the relevant Government agency or agencies; and

pay the fees and charges specified by the Minister in accordance with the *Land (Planning and Environment) Act 1991*.

Dated this day of 1997

**Aboriginal and Torres Strait Islander Health Services
(Question No. 106)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 11 March 1999:

In relation to ACT Indigenous Health

- (1) Does the Commonwealth have a uniform set of health indicators used to assess funding priorities for Aboriginal and Torres Strait Islander health services,
 - (a) if so, can you (i) list them and (ii) advise whether the ACT uses them to assess its funding priorities.
 - (b) if not, what indicators do the ACT Government use to assess funding priorities for Aboriginal and Torres Strait islander health.
- (2) What is the current status of the ACT Indigenous populous.
- (3) Is it the case that only \$659 of the ACT's gross expenditure on health services is spent on Aboriginal and Torres Straight Islander people compared to \$869 for non-indigenous peoples if so, (a) why and (b) on what basis did the ACT Government make the decision to expend less funding.

Mr Moore: The answers to Mr Stanhope's questions are as follows:

(1) (a) The Commonwealth Department of Health and Aged Care has advised that, while they do not have a uniform set of health indicators used to assess funding priorities for Aboriginal and Torres Strait Islander health services the Australian Health Ministers' Advisory Council (AHMAC) has, in March 1998, endorsed a set of performance indicators for Indigenous health. These indicators are to be reported on annually. Reports based on these indicators have now been received by the Commonwealth from all States and Territories and will form the basis of a report which is expected to be available for the July 1999 Health Ministers' Conference and will be publicly available in the second half of 1999. The reports against these performance indicators will assist in assessing national funding priorities for 19992000 and beyond. The Commonwealth Department of Health and Aged Care is also currently in the process of a project to refine the national Performance Indicators and Targets.

(1) (b) In order to assess funding priorities, the ACT Government utilises a wide range of information, including:

- demographic and epidemiological information on the health status of current of Aboriginal and Torres Strait Islander people, and their use of health services
- consultation with the Aboriginal and Torres Strait Islander community and their community controlled organisations, including through the Aboriginal Health Forum
- consultation with mainstream health services and organisations and Aboriginal staff employed by them
- national policy directions, such as the National Indigenous Sexual Health Strategy.

These and other information sources will be brought together in a coordinated way through the ACT Aboriginal and Torres Strait Islander Health Plan, which is currently being drafted and is expected to be release by mid 1999. It will identify priority health issues and areas of unmet need requiring funding.

(2) As mentioned above, a report on State and Territory performance against national performance indicators of Aboriginal and Torres Strait Islander health will be available later this year and I would be happy to provide you with a copy of that information when it becomes available. In the interim, Monograph Series Number 4, *Aboriginal and Torres Strait Island People in the ACT*, has prepared by the Health Status Monitoring Epidemiology Unit and provided to the Member. This monograph provides information which will supplement the reports on the National Performance Indicators and Targets. It is also included to demonstrate that, while the lower number of Aboriginal and Torres Strait Islander people in the ACT makes it difficult to interpret health data, the Department is endeavouring to collect and report on available data regarding the health status of Aboriginal and Torres Strait Islander people.

(3) (a) The figure of \$659 per capita health expenditure on Aboriginal and Torres Strait Islander people is an estimate from a report entitled "Expenditures on Health Services for Aboriginal and Torres Strait Islander People", published by the Australian Institute of Health and Welfare (AIHW) in May 1998. This report estimated that the ACT's gross expenditure on health services for Aboriginal and Torres Strait Islander people was \$659 per person compared to \$869 per capita for non-indigenous people in the ACT. These estimates were for expenditures reported for 1995-96.

(3) (b) The AIHW Report urged caution in considering the figures, due to some methodological problems in the collection and reporting of the data. In retrospect, it appears that \$659 per capita may have been a significant underestimate of expenditure.

By far the largest proportion of expenditure on Aboriginal and Torres Strait Islander health in the ACT and all other jurisdictions was for in-patient hospital care. Accurate reporting in this category requires the clear identification of Aboriginal and Torres Strait Islander patients, and the AIHW Report assumed that identification of indigenous status in the ACT was effectively complete.

A more recent national study, involving the participation of The Canberra Hospital, has revealed that there is *significant under-identification* of Aboriginal and Torres Strait Islanders in the ACT hospital system.

This is now being addressed through a range of strategies, including standardising the indigenous identifier question across all health agencies, examining the need for staff training in asking the relevant questions, and the local implementation of other initiatives canvassed in the national Aboriginal and Torres Strait Islander Health Information Plan.

There are also reasons why ACT indigenous expenditure figures are likely to be proportionally lower than in other jurisdictions, given the nature of the local indigenous population. For instance, the relatively high income levels and better health status of the ACT indigenous population is likely to lead a smaller proportion of this population accessing public hospital and community health services, compared to indigenous people in other jurisdictions. Similarly the ACT has much lower patient transport costs than large States or the Northern Territory with remote areas.

The ACT Government did not make a decision to expend less funding on health services to Aboriginal and Torres Strait Islanders compared to non-Indigenous people. As noted above the reasons for the apparently low level are largely due to technical problems in the collection of the data.

Since the AIHW figures were collected, the ACT Government expenditure on Aboriginal and Torres Strait Islanders has clearly increased, including the following initiatives:

- The establishment of the Ginninderra Aboriginal and Torres Strait Islander Scholarships for medical and nursing students;

- The establishment of a second Aboriginal Liaison Officer position with The Canberra Hospital;

- The establishment of an identified Aboriginal Mental Health Worker in ACT Mental Health Services;

- The funding of the Aboriginal Outreach Worker at the Canberra Rape Crisis Centre;

- The provision of an Aboriginal drug and alcohol youth worker through Gugan Gulwan Aboriginal Youth Service; and

- The relocation of the Winnunga Nimmityjah Aboriginal Health Service and refurbishment of premises located in Ainslie.

25 March 1999

**Belconnen Remand Centre - Indigenous Detention Rates
(Question No. 107)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice:

In relation to Indigenous incarceration/arrest rates in the ACT.

1. How many Indigenous persons have been held in remand at the Belconnen Remand Centre (BRC) in the past 12 months.
 - a) How many were males
 - b) How many were females; and
 - c) What was the percentage of detainees.
2. How many, if any, Indigenous detainees were visited by mental health workers.
3. Was the Winnunga Nimmityjah health officer notified of these incarcerations.
4. How many of these detainees were identified as having substance abuse problems.
5. What measures have you undertaken to address the health needs of these detainees.
6. What mechanisms are in place to ensure you are kept abreast of self-harm incidents at BRC.
7. What is the percentage of Indigenous arrest rates over the past 12 months.

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

1. In the twelve-month period from 11th March 1998 to 10th March 1999, thirty-seven Indigenous persons have been held in remand at the Belconnen Remand Centre (BRC).
 - a) Thirty-four were male;
 - b) three were female; and
 - c) between 1st March 1998 and 28th February 1999 inclusive, there were a total of 15,270 detainee days spent in remand. During this period, Aboriginal or Torres Strait Islander (ATSI) detainees represented 1,943 detainee days, being 12.72% of total detainee days.

2. The BRC has a full-time resident Mental Health Nurse. This worker has daily contact, Monday to Friday, with all detainees requiring mental health care. A forensic psychologist from Mental Health Services attends the BRC weekly to assist the development of case management plans for detainees. Mental Health Services also provide some sessional psychiatric care to detainees.

In addition to these services, for the twelve months ending 10th March 1999, six Indigenous detainees received treatment from other mental health workers (including attendance by the Crisis Assessment and Treatment Team and psychiatric hospital treatment for acute cases.)

3. In the first half of 1998, Winnunga Nimmitjiah was not contacted on each occasion when an Indigenous person was remanded into custody. However, during a review of its procedures, Corrective Services identified this as a problem and in the latter part of 1998 procedures were strengthened to ensure Winnunga Nimmitjiah is now contacted whenever an Indigenous detainee is remanded into custody at the BRC. Winnunga Nimmitjiah recently advised that the revised arrangements are operating satisfactorily.
4. Between 11th March 1998 and 10th March 1999, substance abuse problems were identified in twenty-six Indigenous detainees (representing 70% of the Indigenous detainee population for this period).
5. The BRC Medical Officer and the BRC Registered Nurse provide health care to detainees. Indigenous detainees also have access to health services provided by Winnunga Nimmitjiah. The General Practitioner at Winnunga Nimmitjiah visits Indigenous detainees upon request and provides follow-up treatment.

For detainees experiencing opiate withdrawal symptoms, methadone is available as a matter of priority. Staff from Community Care's Drug and Alcohol Program, and staff from the Drug Referral and Information Centre, visit detainees regularly.

6. The Superintendent of the BRC has been directed to report all incidents of self-harm to my office. All major incidents occurring at BRC are reported to my office by telephone, followed by written reports as soon as practicable.
7. The percentage of Indigenous arrest rates over the past 12 months is 10.4% of total arrests.

**Public Service - Employment Classifications
(Question No. 109)**

Mr Quinlan asked the Chief Minister, upon notice, on 23 March 1999:

In relation to the Workforce Statistical Report for the second quarter of 1998/99, tabled in the Assembly on 10 March 1999, from the report and from any other additional data

- (1) How many employment classifications, listed by classification types exist in the ACTPS (eg. ASO, GSO, SOG, SES executive classifications, contracts for heads of departments etc.) including
 - a) the award or standard rate of annual gross payment for each classification;
 - b) the number of employees employed, by category, at a whole of government level;
 - c) the number of employees employed by category on (i) department, (ii) agency and/or (iii) TOC level;
 - d) the additional costs, if any included as employee related expenses on a category by category basis (eg. superannuation benefits, LSL, Rec Leave etc.); and
 - e) the full costs of annual employment by category, given the answer to questions (a) and (d).

Ms Carnell: The answer to the member's question is as follows:

a) The table at Attachment A shows the total number of staff by classification. The bottom and top of the salary ranges are provided for the standard classifications as paid from the PERSPECT payroll system. Where somebody is not paid from PERSPECT but are employed under a classification used on PERSPECT they have been counted against that classification. Salary ranges are not readily available for those classifications not used on PERSPECT.

Note: The staffing statistics do not include ACTEW or Totalcare, this is consistent with the Workforce Statistical reports which only include them in Table 1a, Total Staff Numbers and Full Time Equivalent.

b) Attachment B shows the number of staff by Employment Category, as used in the 2nd Quarter 1998/99 Workforce Statistical Report, by Agency.

c) See b)

d) The information requested in this question is not centrally retained and is not readily available.

However the following information may be of some assistance. Tables 5.1.8 (Consolidated Total Territory Operating Statement) and 5.1.9 (Consolidated Total Territory Statement of Financial Position) on pages 156 and 157 of 1998-99 Budget Paper No.3 provides the following information:

Table 5.1.8	1998-99 Budget \$'000
Employee Expenses	748 439
Superannuation Expenses	189 963
Table 5.1.9	Planned as at 30/6/99 \$'000
Current Liabilities	
Employee Entitlements	123 126
Non Current Liabilities	
Employee Entitlements	1 345 559

e) See responses to Questions a) and d)

Staff by Classification and Salary Range

Classification	bottom of Salary Range	Top of Salary Range	Total Staff
ACCOUNTANT			1
ACTPS TRAINEE SKILLS LEVEL A	\$ 276	\$ 728	23
ACTPS TRAINEE SKILLS LEVEL B	\$ 276	\$ 692	5
ACTPS TRAINEE SKILLS LEVEL C	\$ 276	\$ 602	4
ADMINISTRATION ASSISTANT			1
ADMINISTRATIVE SERVICE OFFICER 1 - 38 HRS	\$ 14,902	\$ 27,450	1
ADMINISTRATIVE SERVICE OFFICER 4 - 38 HRS	\$ 35,685	\$ 38,745	5
ADMINISTRATIVE SERVICE OFFICER CLASS 1	\$ 14,902	\$ 27,569	172
ADMINISTRATIVE SERVICE OFFICER CLASS 2	\$ 28,110	\$ 31,171	842
ADMINISTRATIVE SERVICE OFFICER CLASS 3	\$ 32,017	\$ 34,554	687
ADMINISTRATIVE SERVICE OFFICER CLASS 4	\$ 35,685	\$ 38,745	586
ADMINISTRATIVE SERVICE OFFICER CLASS 5	\$ 39,802	\$ 42,204	496
ADMINISTRATIVE SERVICE OFFICER CLASS 6	\$ 42,986	\$ 49,378	570
ADVANCED SKILLS TEACHER (OLD STP)	\$ 54,470	\$ 54,470	1
AIHS RECEPTION			1
APPRENTICE CHEF YR1			1
APPRENTICE CHEF YR3			2
APPRENTICE CHEF YR4			1
APPRENTICE COOK HEALTH	\$ 11,269	\$ 25,356	5
ASO 2 - HANSARD TYPIST	\$ 28,110	\$ 28 110	3
ASSISTANT ACCOUNTANT (ACTTAB)			1
ASSISTANT ACCOUNTANT (AIHS)			1
ASSISTANT DEAN ACADEMIC			1
ASSISTANT DEAN STUDENT AFFAIRS			1
ASSISTANT EXEC OFFICER, LEGAL AID COMMISSION	\$ 82,840	\$ 82,840	1
ASSISTANT TEACHER	\$ 34,394	\$ 37,881	3
ASSOCIATE DEAN - CLINICAL SCHOOL	\$ 1	\$ 1	1
ATTENDANT			17
AUDITOR - GENERAL	\$149,330	\$149,330	1
BEPCON GENERAL SERVICE OFFICER 10	\$ 42,986	\$ 48,040	5
BEPCON GENERAL SERVICE OFFICER 9	\$ 37,067	\$ 42,054	1
BOX OFFICE (CANBERRA THEATRE CENTRE)			4
BUS OPERATOR			451
BUS OPERATOR SPLIT SHIFT			44
CAREER MEDICAL OFFICER GRADE 1	\$ 57,769	\$ 71,177	7
CAREER MEDICAL OFFICER GRADE 2	\$ 65,492	\$ 83,728	15
CAREER MEDICAL OFFICER GRADE 3	\$ 75,356	\$ 99,432	8
CASUAL MEDICAL OFFICER			3
CASUAL SCHOOL ASSISTANT 2	\$ 17	\$ 17	224
CASUAL STAFF (ACTTAB)			84
CASUAL TEACHER - CATEGORY A	\$ 24	\$ 33	260
CASUAL TEACHER - CATEGORY B & C	\$ 24	\$ 30	139
CASUAL TEACHER 3 YEAR TRAINED	\$ 24	\$ 26	47
CASUAL TEACHER 4 YEAR TRAINED	\$ 24	\$ 28	171
CHEF DE PARTIE			1
CHIEF EXECUTIVE OFFICER - ACTTAB			1
CHIEF EXEC OFFICER, LEGAL AID COMMISSION (ACT	\$111,180	\$111,180	1
CHIEF MAGISTRATE	\$157,876	\$157,876	1
CIT CASUAL TEACHER	\$ 49	\$ 49	20
CIT CASUAL TEACHER - NON DELIVERY	\$ 31	\$ 31	3
CIT CASUAL TEACHER CATEGORY A	\$ 49	\$ 49	57
CIT CASUAL TEACHER CATEGORY B	\$ 49	\$ 49	4
CITYSCAPE GENERAL SERVICE OFFICER 2	\$ 11,465	\$ 23,883	2
CITYSCAPE GENERAL SERVICE OFFICER 3	\$ 24,836	\$ 25,809	106
CITYSCAPE GENERAL SERVICE OFFICER 4	\$ 25,809	\$ 26,992	27
CITYSCAPE GENERAL SERVICE OFFICER 5	\$ 27,450	\$ 29,066	39
CITYSCAPE GENERAL SERVICE OFFICER 6	\$ 29,066	\$ 30,535	30
CITYSCAPE GENERAL SERVICE OFFICER 8	\$ 34,316	\$ 36,333	26
CITYSCAPE GENERAL SERVICE OFFICER 9	\$ 37,067	\$ 42,054	2
CITYSCAPE TECHNICAL OFFICER 4	\$ 42,987	\$ 48,040	3
CLEANER/FUELER/TYRE FITTER			5
CLERK OF THE ACT LEGIS. ASSEMBLY	\$ 91,560	\$ 91,560	1
CLERKS (ACTTAB)			4

Classification	Bottom of Salary Range	Top of Salary Range	Total Staff
COMMISSIONER ACT ELECTORAL COMMISSION	\$100,280	\$100,280	1
COMMISSIONER FOR HEALTH COMPLAINTS	\$ 91,560	\$ 91,560	1
COMMUNITY ADVOCATE	\$ 91,560	\$ 91,560	1
COMMUNITY MEDICAL OFFICER CLASS 1	\$ 45,367	\$ 60,977	1
COMMUNITY MEDICAL OFFICER CLASS 2A	\$ 60,977	\$ 77,135	1
COMMUNITY MEDICAL OFFICER CLASS 2B	\$ 78,558	\$ 86,776	1
CONTRACT CHIEF EXECUTIVE	\$ 82,840	\$200,000	8
CONTRACT EXECUTIVE	\$ 82,840	\$200,000	75
CUSTODIAL OFFICER GRADE 1	\$ 27,450	\$ 32,017	55
CUSTODIAL OFFICER GRADE 2	\$ 33,680	\$ 35,685	4
CUSTODIAL OFFICER GRADE 3 - BRC	\$ 39,802	\$ 41,046	3
DENTAL ASSISTANT GRADE 1 (UNQUALIFIED)	\$ 21,874	\$ 23,386	10
DENTAL ASSISTANT GRADE 2 (QUALIFIED)	\$ 24,836	\$ 31,170	30
DENTIST LEVEL 1	\$ 39,319	\$ 48,040	3
DENTIST LEVEL 2	\$ 54,425	\$ 72,393	11
DENTIST LEVEL 3	\$ 74,084	\$ 75,894	2
DENTIST LEVEL 4	\$ 80,118	\$ 80,118	1
DEPUTY MEDICAL SUPER			1
DIRECTOR AND CHIEF EXECUTIVE CIT	\$143,880	\$143,880	1
DIRECTOR OF PUBLIC PROSECUTIONS	\$182,140	\$182,140	1
DIRECTOR/DEAN			1
DISABILITY SUPPORT OFFICER LEVEL 1	\$ 26,716	\$ 27,786	245
DISABILITY SUPPORT OFFICER LEVEL 2	\$ 33,340	\$ 37,321	47
DISABILITY SUPPORT OFFICER LEVEL 3	\$ 41,963	\$ 44,557	12
DISTRICT OFFICER - ACETUM	\$ 2,101	\$ 2,101	9
DUTY MANAGER			2
DUTY MANAGER			2
EDUCATIONAL HOSPITALITY REPRESENTATIVES NSW			1
EDUCATIONAL HOSPITALITY REPRESENTATIVES QLD			1
EDUCATIONAL HOSPITALITY REPRESENTATIVES VIC			1
ELECTION CASUAL (BASE RATE)	\$ 11	\$ 11	5
ELECTRICAL TRADES GSO 6	\$ 29,067	\$ 30,536	2
ELECTRICAL TRADES GSO 7	\$ 31,568	\$ 33,408	1
ELECTRICAL TRADES GSO 8	\$ 34,317	\$ 36,333	2
ENROLLED NURSE	\$ 28,707	\$ 30,866	267
ENVIRONMENT GENERAL SERVICE OFFICER 3	\$ 24,836	\$ 25,809	2
ENVIRONMENT GENERAL SERVICE OFFICER 4	\$ 25,809	\$ 26,992	8
ENVIRONMENT GENERAL SERVICE OFFICER 5	\$ 27,450	\$ 29,067	8
ENVIRONMENT GENERAL SERVICE OFFICER 6	\$ 29,067	\$ 30,536	5
ENVIRONMENT GENERAL SERVICE OFFICER 7	\$ 31,568	\$ 33,408	2
ENVIRONMENT GENERAL SERVICE OFFICER 8	\$ 34,317	\$ 36,333	1
ENVIRONMENT GENERAL SERVICE OFFICER 9	\$ 37,067	\$ 42,054	1
ENVIRONMENT TECHNICAL OFFICER LEVEL 2	\$ 31,568	\$ 36,333	1
ENVIRONMENT TECHNICAL OFFICER LEVEL 3	\$ 37,067	\$ 42,054	1
ENVIRONMENT TECHNICAL OFFICER LEVEL 4	\$ 42,986	\$ 48,040	13
EX CHEF			1
EXECUTIVE ASSISTANT TO DEAN'S OFFICE			1
FIRE COMMISSIONER, ACT	\$ 88,695	\$ 88,695	1
FIRST CLASS FIREFIGHTER GRADE A - ACETUM	\$ 1,570	\$ 1,570	27
FIRST CLASS FIREFIGHTER GRADE B - ACETUM	\$ 1,518	\$ 1,518	5
FIRST YEAR APPRENTICE - AWARD BASED	\$ 10,980	\$ 12,353	8
FOOD AND BEVERAGE GRADE 2			14
FOOD AND BEVERAGE GRADE 3			1
FOOD AND BEVERAGE GRADE 4			1
FOOD AND BEVERAGE TRAINEE			1
FORESTS CHIEF EXECUTIVE OFFICER	\$ 74,562	\$ 74,562	1
FOURTH YEAR APPRENTICE - AWARD BASED - DS	\$ 24,705	\$ 25,391	5
FRONT OFFICE GRADE II			3
FRONT OFFICE MANAGER			1
FRONT OFFICE RECEPTION			2
GENERAL MANAGERS (ACTTAB)			3
GENERAL SERVICE OFFICER 2	\$ 12,400	\$ 25,412	2
GENERAL SERVICE OFFICER LEVEL 1			1
GENERAL SERVICE OFFICER LEVEL 10	\$ 42,986	\$ 48,040	14

Classification	Bottom of Salary Range	Top of Salary Range	Total Staff
GENERAL SERVICE OFFICER LEVEL 2	\$ 11,465	\$ 24,663	44
GENERAL SERVICE OFFICER LEVEL 3	\$ 24,836	\$ 29,100	196
GENERAL SERVICE OFFICER LEVEL 4	\$ 25,809	\$ 28,727	69
GENERAL SERVICE OFFICER LEVEL 5	\$ 27,450	\$ 29,100	74
GENERAL SERVICE OFFICER LEVEL 6	\$ 29,067	\$ 30,536	49
GENERAL SERVICE OFFICER LEVEL 7	\$ 31,568	\$ 34,047	78
GENERAL SERVICE OFFICER LEVEL 8	\$ 34,317	\$ 36,653	24
GENERAL SERVICE OFFICER LEVEL 9	\$ 37,067	\$ 42,054	11
GRADUATE ADMINISTRATIVE ASSISTANT	\$ 24,259	\$ 31,171	17
GUEST SERVICE GRADE I			3
GUEST SERVICE GRADE II			4
GUEST SERVICE GRADE III			1
HEALTH SERVICE OFFICER LEVEL 2	\$ 12,400	\$ 25,412	193
HEALTH SERVICE OFFICER LEVEL 3	\$ 25,809	\$ 26,729	29
HEALTH SERVICE OFFICER LEVEL 4	\$ 26,689	\$ 27,759	38
HEALTH SERVICE OFFICER LEVEL 5	\$ 28,173	\$ 29,636	8
HEALTH SERVICE OFFICER LEVEL 6	\$ 29,636	\$ 30,964	10
HEALTH SERVICE OFFICER LEVEL 7	\$ 31,899	\$ 33,564	10
HEALTH SERVICE OFFICER LEVEL 9	\$ 36,873	\$ 41,385	1
HEALTH TECHNICAL OFFICER GRADE 3	\$ 37,067	\$ 42,054	1
HOTEL MANAGER			1
HOUSEKEEPER			1
INDUSTRIAL GENERAL SERVICE OFFICER LEVEL 3	\$ 23,263	\$ 24,174	1
INFORMATION TECHNOLOGY OFFICER CLASS 1	\$ 34,554	\$ 39,509	18
INFORMATION TECHNOLOGY OFFICER CLASS 2	\$ 42,986	\$ 49,378	49
JUNIOR RESIDENT MEDICAL OFFICER	\$ 36,484	\$ 36,484	33
KITCHEN ATTENDANT GRADE I			6
KITCHEN HAND			1
LAND FILL OPERATOR	\$ 40,821	\$ 40,821	13
LECTURERS			4
LEGAL 1	\$ 32,985	\$ 67,631	57
LEGAL 2	\$ 73,479	\$ 76,499	28
LEGISLATIVE ASSEMBLY MEMBERS STAFF- LAMS ACT	\$ 1	\$ 200,000	49
LIBRARIAN			1
MAGISTRATE	\$143,336	\$143,336	7
MAINTENANCE COORDINATOR			1
MAINTENANCE OFFICER (ACTTAB)			1
MANAGER STUDENT ENROLMENTS			1
MANAGERS (ACTTAB)			8
MASTER OF THE SUPREME COURT	\$152,891	\$152,891	1
NURSE CO-ORDINATOR	\$ 51,764	\$ 51,764	12
OFFICE SERVICES			7
PASTRY CHEF			1
PERSONNEL COORDINATOR			1
PRESIDENT OF THE AAT / MAGISTRATE	\$143,336	\$143,336	1
PRINCIPAL DENTAL ASSISTANT	\$ 32,016	\$ 32,849	4
PROFESSIONAL OFFICER CLASS 1	\$ 29,976	\$ 42,054	194
PROFESSIONAL OFFICER CLASS 2	\$ 42,986	\$ 48,040	420
PROFESSIONAL OFFICER CLASS 2 (ENG)	\$ 42,986	\$ 48,040	1
PROGRAMMER (ACTTAB)			4
PROJECT MANAGER/COORDINATOR			7
PUBLIC AFFAIRS OFFICER GRADE 1	\$ 36,818	\$ 42,204	4
PUBLIC AFFAIRS OFFICER GRADE 2	\$ 44,775	\$ 50,881	7
PUBLIC AFFAIRS OFFICER GRADE 3	\$ 57,193	\$ 67,631	7
PURCHASING OFFICER			1
RACE DAY OPERATOR (ACTTAB)			7
RANGER CLASS 1	\$ 28,110	\$ 31,171	8
RANGER CLASS 1	\$ 28,110	\$ 31,171	26
RANGER CLASS 2	\$ 32,017	\$ 34,554	9
RANGER CLASS 3	\$ 35,685	\$ 38,745	8
REGISTERED NURSE LEVEL 1	\$ 31,136	\$ 40,585	1,055
REGISTERED NURSE LEVEL 2	\$ 41,933	\$ 44,633	517
REGISTERED NURSE LEVEL 3	\$ 46,320	\$ 49,357	175
REGISTERED NURSE LEVEL 3.5			2

Classification	Bottom of Salary Range	Top of Salary Range	Total Staff
REGISTERED NURSE LEVEL 4			2
REGISTERED NURSE LEVEL 4.1	\$ 54,757	\$ 54,757	1
REGISTERED NURSE LEVEL 4.2	\$ 58,694	\$ 58,694	6
REGISTERED NURSE LEVEL 5.3	\$ 62,629	\$ 62,629	4
REGISTERED NURSE LEVEL 5.5	\$ 75,002	\$ 75,002	1
REGISTRAR	\$ 53,214	\$ 66,731	111
RESEARCH ASSISTANT - NH&MRC	\$ 31,114	\$ 42,224	6
RESEARCH OFFICER- NH&MRC	\$ 39,335	\$ 42,224	3
RESEARCH OFFICER GRADE 2	\$ 35,685	\$ 38,745	2
RESIDENT MEDICAL OFFICER	\$ 42,716	\$ 57,769	71
RESTAURANT MANAGER			1
RESTAURANT SUPERVISOR			2
RUS GENERAL SERVICE OFFICER 6	\$ 29,067	\$ 30,536	1
RUS GENERAL SERVICE OFFICER 7	\$ 31,568	\$ 33,408	9
RUS GENERAL SERVICE OFFICER 8	\$ 34,317	\$ 36,333	1
RUS TECHNICAL OFFICER LEVEL 3	\$ 37,067	\$ 42,054	2
SCHOOL ASSISTANT 2	\$ 28,110	\$ 31,171	554
SCHOOL ASSISTANT 3	\$ 32,017	\$ 34,554	71
SECOND CLASS FIREFIGHTER - ACTEM	\$ 1,419	\$ 1,419	3
SECOND YEAR APPRENTICE -AWARD BASED	\$ 16,470	\$ 17 156	4
SECRETARY (ACTTAB)			1
SECRETARY TO FACULTY			1
SENIOR CHEF DE PARSTIE			1
SENIOR FIREFIGHTER - ACTEM	\$ 1,592	\$ 1,592	87
SENIOR FIREFIGHTER QUALIFIED - ACTEM	\$ 1,642	\$ 1,642	54
SENIOR INFORMATION TECHNOLOGY OFFICER GR A	\$ 74,685	\$ 74,685	3
SENIOR INFORMATION TECHNOLOGY OFFICER GR B	\$ 64,307	\$ 72,393	13
SENIOR INFORMATION TECHNOLOGY OFFICER GR C	\$ 54,425	\$ 58,683	32
SENIOR MEDICAL OFFICER			21
SENIOR OFFICER (TECHNICAL) GRADE B	\$ 64,307	\$ 72,393	2
SENIOR OFFICER (TECHNICAL) GRADE C	\$ 54,425	\$ 58,683	24
SENIOR OFFICER GRADE A	\$ 74,685	\$ 74,685	55
SENIOR OFFICER GRADE B	\$ 64,307	\$ 72,393	216
SENIOR OFFICER GRADE C	\$ 54,425	\$ 58,683	416
SENIOR PROFESSIONAL OFFICER (ENG) GR A	\$ 75,894	\$ 75,894	6
SENIOR PROFESSIONAL OFFICER (ENG) GR B	\$ 64,307	\$ 72,393	2
SENIOR PROFESSIONAL OFFICER (ENG) GR C	\$ 54,425	\$ 58,683	3
SENIOR PROFESSIONAL OFFICER (ENG/REL) GR A	\$ 75,894	\$ 75,894	9
SENIOR PROFESSIONAL OFFICER GRADE A	\$ 74,685	\$ 74,685	26
SENIOR PROFESSIONAL OFFICER GRADE B	\$ 64,307	\$ 72,393	53
SENIOR PROFESSIONAL OFFICER GRADE C	\$ 54,425	\$ 58,683	200
SENIOR PUBLIC AFFAIRS OFFICER GRADE 1	\$ 72,393	\$ 72,393	3
SENIOR REGISTRAR	\$ 75,031	\$ 75,031	8
SENIOR RESEARCH FELLOW- NH&MRC	\$ 54,448	\$ 62,783	3
SENIOR RESEARCH OFFICER - NH&MRC	\$ 44,448	\$ 52,782	4
SENIOR SPECIALIST	\$109,183	\$109,183	51
SENIOR STORES SUPERVISOR GRADE 2 - 38HR	\$ 35,685	\$ 36,818	1
SENIOR TEACHING POST (EDUCATIONAL DEVEL& SUP)	\$ 54,470	\$ 54,470	13
SITE SUPERVISOR	\$ 46,215	\$ 46,215	5
SOUS CHEF			1
SPECIAL MAGISTRATE (CASUAL)	\$ 63	\$63 2	
SPECIAL PROJECT COORDINATOR			1
SPECIALIST	\$ 80,811	\$ 99,724	19
STATION OFFICER GRADE A -ACTEM	\$ 1,894	\$ 1,894	61
STATION OFFICER GRADE B - ACTEM	\$ 1,861	\$ 1,861	6
STATION OFFICER GRADE D - ACTEM	\$ 1,788	\$ 1,788	10
STOREMAN/DRIVER (ACTTAB)			1
STORES SUPERVISOR - 38HR DIVISOR	\$ 29,640	\$ 31,171	2
STUDENT ENROLMENT ASSISTANT			1
STUDENT PLACEMENT COORDINATOR			1
SUPERINTENDENT - ACTEM	\$ 2,386	\$ 2,386	2
SUPPORTED WAGE ADMINISTRATION OFFICER	\$ 8,627	\$ 8,627	1
SUPREME COURT JUDGE	\$ 10	\$250,000	1
SYSTEMS MANAGER			1

Classification	Bottom of Salary Range	Top of Salary Range	Total Staff
TEACHER BAND 1	\$ 34,394	\$ 54,470	288
TEACHER BAND 1 -EDUCATIONAL DEVELOP & SUPPRT	\$ 34,394	\$ 54,470	8
TEACHER BAND 2	\$ 60,345	\$ 60,992	64
TEACHER BAND 2 - EDUCATIONAL DEVEL & SUPPORT	\$ 60,345	\$ 60,992	12
TEACHER BAND 3	\$ 73,072	\$ 73,072	10
TEACHER BAND 4	\$ 74,491	\$ 81,586	7
TEACHER LEVEL 1	\$ 31,936	\$ 50,070	2,558
TEACHER LEVEL 2	\$ 51,681	\$ 54,804	401
TEACHER LEVEL 3	\$ 57,294	\$ 59,770	76
TEACHER LEVEL 4	\$ 61,890	\$ 76,643	106
TEACHER/CONSULTANT			7
TECHNICAL (CANBERRA THEATRE CENTRE)			4
TECHNICAL OFFICER 2 (AMBULANCE)	\$ 31,568	\$ 36,333	61
TECHNICAL OFFICER 3 (AMBULANCE)	\$ 37,067	\$ 42,054	6
TECHNICAL OFFICER 4 (AMBULANCE)	\$ 42,986	\$ 48,040	8
TECHNICAL OFFICER LEVEL 1	\$ 29,067	\$ 31,926	95
TECHNICAL OFFICER LEVEL 2	\$ 31,568	\$ 36,941	71
TECHNICAL OFFICER LEVEL 3	\$ 37,067	\$ 42,963	81
TECHNICAL OFFICER LEVEL 4	\$ 42,986	\$ 49,008	45
THIRD CLASS FIREFIGHTER - ACTEM	\$ 1,394	\$ 1,394	21
THIRD YEAR APPRENTICE - AWARD BASED	\$ 20,588	\$ 21,274	3
TICKET INSPECTOR			3
TRAINEE AMBULANCE OFFICER	\$ 16,090	\$ 29,727	14
TRANSPORT OFFICER GRADE 1 (ACTION)			3
TRANSPORT OFFICER GRADE 3 (ACTION)			20
TRANSPORT OFFICER GRADE 4 (ACTION)			5
TWU GSO 3	\$ 24,836	\$ 25,809	7
TWU GSO 4	\$ 25,809	\$ 26,992	6
TWU GSO 5	\$ 27,450	\$ 29,380	2
TWU GSO 6	\$ 29,067	\$ 30,536	2
URBAN PARKS TECHNICAL OFFICER LEVEL 2	\$ 31,568	\$ 36,333	2
URBAN PARKS TECHNICAL OFFICER LEVEL 3	\$ 37,067	\$ 42,962	8
URBAN PARKS TECHNICAL OFFICER LEVEL 4	\$ 42,986	\$ 48,040	6
VETERINARY OFFICER CLASS 3	\$ 69,014	\$ 70,822	1
YARA-NURSERY GENERAL SERVICE OFFICER 3	\$ 24,836	\$ 25,809	5
YARA-NURSERY GENERAL SERVICE OFFICER 4	\$ 25,809	\$ 26,992	4
YARA-NURSERY GENERAL SERVICE OFFICER 5	\$ 27,450	\$ 29,066	5
YARA-NURSERY GENERAL SERVICE OFFICER 6	\$ 29,066	\$ 30,535	5
YARA-NURSERY TECHNICAL OFFICER 2	\$ 31,568	\$ 36,333	1
YARA-NURSERY TECHNICAL OFFICER 3	\$ 37,067	\$ 42,054	1
YARA-NURSERY TECHNICAL OFFICER 4	\$ 42,987	\$ 48,040	2
Unspecified			19
TOTAL			16,126

Entity	Total Staff by Employment Category		Total
	Fulltime	Parttime	
Department/Agency			
ACT Legislative Assembly	45	20	65
Auditor General	16	-	16
Chief Minister's Department	402	16	418
ACT Executive	20	3	23
Cultural Facilities Corporation	38	44	82
The Canberra Hospital	1,966	1,048	3,014
Dept of Health	310	29	339
ACT Community Care	452	500	952
Healthpact	5	1	6
Casino Authority	12	-	12
Canberra Tourism	41	5	46
Dept of Urban Services	2,394	321	2,715
InTACT	154	14	168
Dept of Justice & Community Safety	904	82	986
Public Trustee	14	2	16
Dept of Education and Community Services	3,488	1,906	5,394
Canberra Institute of Technology	694	172	866
Gungahlin Development Authority	2	1	3
Milk Authority	6	-	6
Australian International Hotel School	51	30	81
Calvary Hospital	349	370	719
CIT Solutions	17	4	21
EPIC	8	4	12
Legal Aid	42	9	51
Total Department/Agency	11,430	4,581	16,011
Territory Owned Corporations *			
ACTTAB	28	87	115
Total Territory Owned Corporations	28	87	115
GRAND TOTAL	11,458	4,668	16,126

NOTE:

Statistical breakdowns of other Territory Owned Corporations are not reported on.

**Arbitrage Programs
(Question No. 110)**

Mr Quinlan asked the Treasurer, upon notice, on 23 March 1999:

In relation to arbitrage programs:

- (1) Noting your response to a Question without Notice on 9 March 1999, that a review was conducted by Bankers Trust into the risk profile of the ACT arbitrage program in 1995:
 - (a) how much did the review cost;
 - (b) what was the name of the consultant(s) who wrote the review;
 - (c) what were the major findings of the report, and
 - (d) will the Treasurer undertake to table a full copy of the report.

- (2) With regard to the arbitrage program run through the Central Financing Unit:
 - (a) Are there any staff dedicated to the management of the program.
 - (i) if so, (A) how many; and (B) what is their classification;
 - (ii) if not, who is generally responsible for monitoring the instruments for the arbitrage program.

 - (b) Are any external managers involved in the program. If so, who are they.

 - (c) What are the costs associated with the running of the program (eg salaries, overheads, administrative fees etc).

 - (d) Are the returns on the program, that have been claimed in *The Canberra Times* net of associated costs or are they the gross difference between the interest costs of borrowing and the interest revenue of lending.

 - (e) If the returns are not net of expenses, what is the final return on the program for each year it has operated.

 - (f) Who are all the organisations who deal with the ACT Government through the arbitrage program.

 - (g) What guarantees are in place to safeguard against payment default.

 - (h) Of the maximum exposure allowable for public money, how much is utilised by the Central Financing Unit on average.

Ms Carnell: The answer to the member's question is as follows:

- (1) In 1995 a review was undertaken by Bankers Trust Australia Limited (BTAL) specifically to review the management of the ACT's investments, borrowings and debt portfolio. In particular, the consultant was asked to report on:
 - the effectiveness of the current strategic decision-making, dealing, administration and reporting in the Capital Markets Section;
 - whether any or all functions could be more effectively performed by external managers;
 - the appropriate method of selection and subsequent supervision of external contractors:
 - for those functions which are to remain in-house, improvements to the effectiveness of the Section's staffing and organisational structure, recording, reporting, supervision (including appointment of an external advisory or management board) and systems; and
 - appropriateness of maintaining the ACT Borrowing and Investment Trust Account within the Public Account, or the development of legislation to create an arms-length central borrowing authority.

Whilst a review of the arbitrage program was not included in the specific terms of reference, the program was addressed in the review under the section of 'Risk Management Policies'.

- a) The report cost a total of \$29,709.
- b) The review was undertaken by Bankers Trust Australia Limited (BTAL). The consultants involved were Mr Joe Duggan Vice President, Risk Management Advisory Unit), Mr Damian Saw (Analyst, Risk Management Advisory Unit), and Mr Justin Myatt (Analyst, Risk Management Advisory Unit).

- c) The major findings of the report in regard to arbitrage were as follows:

Arbitrage potentially involves a number of risks (interest rate risk, liquidity risk, credit risk and funding risk). We judge Treasury's current program as conservative and one which substantially reduces these potential risks.

On balance, we support the market presence rationale for maintaining the Treasury's current arbitrage program for commercial paper. However, we see no grounds for lifting the current ceiling or for extending arbitrage beyond CP. Indeed, if Treasury re-finances more maturing debt using CP rather than private placements, we recommend that the arbitrage activities continue to be effectively wound down.

We understand policy for arbitrage has been documented in various internal memoranda. This policy should be spelt out in the proposed Policy Statement.

We suggest also that the rationale for the arbitrage activities be formally reviewed each year.

- d) A copy of the report has been provided to the Member.

- (2) With regard to the arbitrage program:

- a) There are no staff specifically dedicated to the management of the program. During 1997-98, 91 arbitrage transactions were undertaken. It is estimated that each transaction takes approximately forty five minutes to complete. The incremental increase to the Treasury Dealer's (ASO 6) duties is approximately 68 hours per year. The Treasury Dealer undertakes the majority of the administrative details in respect of these transactions including arranging the deal with external organisations however, under the existing policy, all arbitrage transactions must be approved in the first instance by the Director, Economic Management Branch.

All investment and borrowing portfolios managed within the CFU (including the components relating to arbitrage) are monitored by the Manager and Assistant Manager of the CFU.

- b) There are no external managers as such involved with the arbitrage program.

Arbitrage trading is a process whereby the ACT issues commercial paper from its commercial paper program for maturities averaging approximately 80 days and then reinvests the proceeds in highly rated commercial paper, promissory notes or bank bills to the same maturity (minimum credit rating of A2 applies). In respect of the commercial paper program, the ACT has a dealer panel comprising Commonwealth Bank, National Bank, Bankers Trust and JB Were Capital Markets who arrange funding for the ACT when it wishes to issue commercial paper.

The CFU does not actively pursue arbitrage transactions for financial gain. On all occasions the CFU is approached by investors seeking ACT Commercial Paper (because of its high rating). This 'approach' by investors is made through the ACT's Commercial Paper dealer panel. An organisation of the dealer panel will enquire as to whether the CFU wishes to issue commercial paper at a rate and for a specific maturity and then provide the CFU with an investment opportunity (commercial paper, bank bills etc within the ACT's credit exposure limits) at a higher interest rate than the borrowing for the same term and for the same amount as the borrowing. The offer is first examined to ensure that it is consistent with CFU's established policy in respect of credit limits, maturity and net margin. Following this process the deal is to be approved by the Director, Economic Management Branch before being accepted.

- c) The CP Program is an essential element of the ACT's financial management operations. It is a very inexpensive program to maintain and provides the ACT with access to funding at very competitive rates in a very expeditious timeframe. The total costs associated with the CP Program (including fixed costs which must be met whether it is used or not) totalled \$13,000 in 1997-98. There are no 'program' related costs to the investment transaction component of arbitrage. The salary and overhead costs of the Treasury Dealer will be required irrespective of whether arbitrage trading was undertaken or not. It is estimated that the incremental cost of arbitrage trading in respect of the Treasury Dealer is \$2,000 per year.
- d) The returns on the program claimed in *The Canberra Times* are the gross difference between the interest cost of borrowing and the interest revenue of lending.
- e) Refer to 2c above.
- f) Refer to 2b above.
- g) The CFU has well defined investment credit limits, issuance limits and delegation controls to ensure that there adequate controls and safeguards for all borrowings and investments.

Legal Authority

The legal authority to undertake investments and borrowings on behalf of the Australian Capital Territory is provided in the **ACT Financial Management Act 1996** in Sections 38 and 40. The Treasurer has delegated her powers to officers within the Chief Minister's Department to undertake these transactions.

Investment Credit Limits

The CFU has well defined exposure limits including monetary limits and rating limits (minimum A2 Standard & Poor's) within which **all** investments, including arbitrage related are restricted.

The CFU uses the Standard & Poor's (S&P) Credit Focus report which is updated and issued monthly by S&P as the basis of confirming the credit ratings of all stock it may invest in. The CFU may not undertake any short term investments (ie less than 365 days) in any stock rated lower than A2 by S&P.

Definitions of the rating categories available to the CFU for investment are:

- A1+ Extremely strong capacity to pay (the highest short term rating available)
- A1 Strong capacity to pay
- A2 Satisfactory capacity to pay

Monetary restrictions which apply to arbitrage related investments are:

Portfolio Limit for Arbitrage Investments

Total of all arbitrage investments are not to exceed \$200 million

Group Limits for Arbitrage Investments

Total of all A1+ investments are not to exceed \$200 million

Total of all A1 investments are not to exceed \$100 million

Total of all A2 investments are not to exceed \$50 million

Counterparty Limits for Arbitrage Investments

No more than \$50 million can be invested in an individual A1+ stock

No more than \$30 million can be invested in an individual A1 stock

No more than \$20 million can be invested in an individual A2 stock

An arbitrage transaction will not be undertaken for more than a term of ninety days.

An arbitrage investments credit limit report is updated on a daily basis to ensure that the exposure credit limits are not exceeded. This report is updated daily and must be checked in the first instance by the Manager CFU or alternatively the Assistant Manager CFU prior to authorisation of an arbitrage transaction.

Issuance Credit Limits

The size of the ACT's Commercial Paper Program is currently \$500 million. The Program allows the ACT to undertake short term borrowings (maturities limited to 360 days) for the purposes of satisfying funding requirements of the ACT. Generally, the Program is used until such time as a long term fixed rate transaction is arranged if this is thought to be the appropriate strategy.

In this regard, priority is given to ensuring that the facility always has the capacity to be utilised for the purposes of raising new borrowings for the ACT when required.

After taking into consideration the level of outstanding borrowings funded through the Commercial Paper Program at any point in time and reviewing future cashflow estimates, if there is any available capacity in the Program it is available for the purposes of arbitrage transactions. Based on historical information, estimated forward estimates and the liquid nature of arbitrage transactions, the use of the Commercial Paper Program for arbitrage is restricted to a maximum usage of \$200 million at any time.

The summary of Commercial Paper on issue report utilised by the CFU in its day-to-day operations is updated daily and must be checked in the first instance by the Manager CFU or alternatively the Assistant Manager CFU prior to authorisation of an arbitrage transaction.

There are no implications for the projected end of year borrowing outcomes or for the ACT's loan council allocation as the arbitrage program is to be wound down to zero by 30 June each financial year.

- (h) During 1997-98 the average amount of arbitrage related transactions at any time was approximately \$166 million. The average duration of these transactions was 78 days. Refer to 2g above for details of exposure policy.

**Regulatory Services Division - Cost of Investigations
(Question No. 114)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice:

In relation to the increase in the cost of investigations in the Regulatory Services division, reported in the ACT Department of Justice and Community Safety's quarterly reports for 1998-99

Noting that the Department's first quarterly report shows that the average costs per investigation in the Division rose from \$204 to \$281.93 and that in the second quarterly report this figure has continued to rise and is now \$412.57 and that the reason for these variations have been identified in the report as being due to the complexity of the investigations and the lower number of investigations.

- (1) What is the reason for this burgeoning increase?
- (2) Why wasn't the increase addressed after the initial rise in the first quarter?
- (3) Why wasn't the complexity of investigations anticipated?
- (4) Is there a backlog of investigations?
- (5) Is this trend expected to continue?
- (6) Has there been any changes to personnel at the Division that may have antagonised costs.
- (7) Has there been any consideration given to increasing resources in this area.

Mr Humphries: The answer to Mr Stanhope's questions is as follows:

The performance measure in question is Cost per investigations/inspections within Output Class 3-Regulatory Services. The measure reflects a combination of Liquor and Adult Services Regulation investigations and Consumer Affairs Bureau inspections.

Liquor and Adult Services Regulation investigations include the number of disciplinary action and prosecutions taken against liquor licensees, X Film licensees and other persons for offences under the Liquor Act and Classification (Publications, Films and Computer Games) (Enforcement) Act. Also included are inspections of licenced premises (Liquor and X Film); occupancy loading determined (inside and outside); proof of age cards examined; and policy papers prepared in the relevant period.

Consumer Affairs Bureau inspections include pro-active compliance inspections and trade measurement inspections started and completed within the reporting period as well as compliance investigations commenced in the reporting period. In addition interventions by the Director of Consumer Affairs in courts and tribunals in the public interest are included.

- (1) The increase in the average cost for the first quarter result can be attributed to the lower than anticipated number of inspections undertaken by Consumer Affairs Bureau. The reported average cost for the second quarter was incorrect because an error was made in calculating the result. The average cost for the number of investigations/inspections for the second quarter was actually \$249.11.
- (2) The Director of Consumer Affairs Bureau reviewed the initial target set for number of inspections and advised that it is more practical and accurate to count the number of inspections undertaken rather than the number of instruments per inspection. Accordingly the target has been revised downward from 2150 to 1200 for these inspections. This will be reflected in the revised target of 5970 to be reported in the third quarter report. The third quarter report will also reflect a revised number of Liquor and Adult Services Regulations investigations, increasing them from 3820 to 4770. The refinement of targets is representative of a system that is growing and maturing as experience is gained in the operation of the performance reporting framework and the usefulness of the information is examined.
- (3) The complexity of investigations refers, in the main, to interventions by the Director of Consumer Affairs in courts and tribunals. The timing of these interventions is extremely difficult to predict.
- (4) No.
- (5) No.
- (6) No.
- (7) There is no requirement to increase resources, as the revised targets will be achieved based on current workloads.