



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 November 1994

Tuesday, 8 November 1994

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

DEATH OF DR P. WILENSKI, AC

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I move:

That the Assembly expresses its deep regret at the death of Dr Peter Wilenski, AC, who had a distinguished public service and academic career, and tenders its profound sympathy to his wife and children in their bereavement.

It was with much sadness that I learnt of the recent death of Dr Peter Steven Wilenski, AC, at the age of 55. Dr Wilenski had a distinguished public service and academic career and will be remembered for the significant and valuable contributions he made in both of these fields.

Dr Wilenski was born in Poland before the Second World War. His family fled from Poland early in the war, spending time in a Soviet internment camp before coming to Australia. The young Peter Wilenski soon showed his remarkable intellect and gift for academic pursuits. He attended Sydney Boys High and started his university education in 1957 at the medical school of the University of Sydney. It was at university that he became involved in politics. His career as a student politician climaxed in 1963, when he was elected president of the National Union of Australian University Students. Thereafter, he went to Oxford, where he secured first-class honours in politics, philosophy and economics. He joined the then Department of External Affairs and was posted to Saigon and Ottawa. During these years, he took masters degrees at Carleton University in Ottawa and Harvard University in the United States. Dr Wilenski returned to Australia in 1971 and worked in the foreign aid section of the Department of Foreign Affairs before receiving a promotion to Treasury.

In 1972, Dr Wilenski joined Gough Whitlam's staff, becoming his principal private secretary after Mr Whitlam was elected Prime Minister. One of Dr Wilenski's many strong commitments was to equality for women. It is reported that he was a significant influence in the decision to appoint Ms Elizabeth Reid as women's adviser to the new Prime Minister. Following the 1974 election, Dr Wilenski was, briefly, special adviser to the Royal Commission on Australian Government Administration; and, by the end of the year, he was made Secretary-designate to the Department of Labour and Immigration - a position he assumed in 1975.

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Following the 1975 Federal election, Dr Wilenski was left without a department by the incoming Fraser Government. He was offered the post of foundation professor at the Australian Graduate School of Management in 1977, and he threw himself into public administration work, which included a major review of the New South Wales Public Service. In 1980, Dr Wilenski transferred to a political science research chair in the social justice unit at the ANU. It was during this time that he was able to give effect to his strong and active interest in the advancement of women in society and in the Australian Public Service.

In 1983, he was appointed head of the Department of Education and Youth Affairs but was soon involved in work on reform of the Public Service. This led to his appointment as chairman of the Public Service Board in October 1983. Dr Wilenski presided over the board for 3½ years, during a time of major change in the Public Service. It was during that time that I got to know Dr Wilenski well, while I was working briefly at the Public Service Board. He played a major part in developing the Government's white paper on the Public Service and Public Service Reform Act, which created the Senior Executive Service. His focus was on a more open public service with wider access for people of different backgrounds and with equality of opportunity. He strove for a responsive public service which would achieve government objectives.

One of the many achievements during this time was the banning of smoking in all Commonwealth offices and premises. Recognised as a significant contribution to occupational health and safety in the public sector, it was also the impetus for consequent related reforms in the private sector. After the board's abolition in 1987, Dr Wilenski spent a year as the Secretary to the Department of Transport and Communications, during which he saw the introduction of a ban on smoking on domestic flights in Australia. In 1989, he commenced a three-year term as Australia's Ambassador to the United Nations. Among his assignments at the UN were reviews of administration in the world body itself and the UN Education, Scientific and Cultural Organisation. In 1991, he was awarded an honorary doctorate of letters by Macquarie University for service to Australia and the international community. Dr Wilenski returned to Canberra in early 1992 to become head of the Department of Foreign Affairs and Trade. He fell ill in the latter part of 1992, but courageously carried on, despite undergoing heavy chemotherapy in his long battle with cancer. He reluctantly resigned from the position of department head in May 1993, while still providing valuable assistance as an adviser when his health allowed.

Dr Wilenski was made a Companion of the Order of Australia on the Queen's Birthday in 1994. This honour paid tribute to his outstanding service to Australia and to humanity at large. He brought great intelligence, talent and compassion to all of the diverse tasks that he undertook, whether as a public servant, an academic or a diplomat. The benefits from his crusade to reform the bureaucracy of the United Nations were of international significance, and his contribution at the domestic level was just as important. Perhaps his greatest monument is that many of his radical reforms are now so well accepted as part of the mainstream of public administration. He was a remarkable Australian, a visionary, a radical reformer, and an influential senior figure who eschewed the trappings of power. Dr Wilenski is survived by his wife, Jill; son, Michael; and daughter, Katie. I am sure that all members will join with me in extending our profound sympathy to Dr Wilenski's family and friends and in acknowledging his distinguished public service and academic career.

MRS CARNELL (Leader of the Opposition): The Liberal Party shares and very much supports the comments made by the Chief Minister and passes on our condolences to the family of a really great Australian, Peter Wilenski. The Chief Minister has well outlined already what was a truly unbelievable career. One of the issues that possibly need to be raised again is Peter Wilenski's absolute passion for change and for looking at ways to do things better in the public service. Before his couple of years with the Whitlam Government, he regularly met with other people of like mind to think of and look at ways to improve the public service, particularly ways in which the public service could be managed better. At that stage he was looking at ways of devolution of management, of management by results, a long time before that sort of philosophy was terribly well looked at.

In his report, *Directions For Change* - absolutely essential reading for everybody in government, I am sure - he made some very important comments about less bureaucracy, less government secrecy, merit based employment, and community participation in government, which is something that I am sure that certainly this side of the house would share. He talked about taking services to where people need them most - decentralising. He talked about external scrutiny of how efficiently public servants do their jobs. Again, those are issues that are very important to every parliament today.

Certainly, there were times when Peter Wilenski was not the favourite son of Liberal governments, but I think everybody shares a huge amount of respect for somebody who was a great Australian. Everybody in public life should share a number of the views that he put forward in some of the very great papers that he wrote. I got to know Peter Wilenski in a more professional role only very late in his life, but he was always a very polite and very interesting man to speak to. He was very interested in the ACT and in the directions that we were taking with our fledgling self-government. The Liberal Party very firmly supports the motion before the Assembly today.

MS SZUTY: It is with regret that I rise to speak briefly to this motion of condolence on behalf of my colleague Mr Moore and on my own behalf. Peter Wilenski was a distinguished Australian, a true intellectual who had a profound impact on public administration and who made major contributions in the academic arena. His untimely death leaves me wondering what more he may have achieved if his life had not been cut short at the age of 55. Peter Wilenski was a man about whom much has been and will be said. His obituaries in the major daily newspapers last Friday, and his major entry in *Who's Who*, are testimony to his achievements.

It is not possible, in the brief time at my disposal, to do justice to Dr Wilenski's life; so, I shall touch on just a few key points. Peter Wilenski was born in Poland in 1939 and arrived in Australia in 1943 after his family fled Poland during World War II. He excelled at school and went on to study medicine at the University of Sydney. While studying, he developed a keen interest in student politics, being a member and eventually president of the Students Representative Council. He was deeply involved in the issues of the day and took a leading role in opposing the apartheid policies of South Africa. His commitment to student participation at the University of Sydney saw him advocating student representation on the University Senate and eventually becoming, I believe, the first student representative on that body. He continued to contribute on the Sydney University Senate from 1975 to 1989, and again from 1993 until his death.

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Of course, medicine was not to be his career. After graduation, he went on to Oxford, graduating with first-class honours, and joined the then Department of External Affairs in 1967, serving in Saigon and Ottawa, as the Chief Minister has already outlined. During this time he also continued his studies, leading to his eventual five degrees. He returned to Australia in 1971, and it was not long before he was making major contributions to Gough Whitlam's Labor Government; in particular, setting about rebuilding Australia's public administration. In 1975 he found himself on the outer with the new Prime Minister, Malcolm Fraser, and he eventually became foundation professor of the Australian Graduate School of Management in 1977. In the period from 1976 to 1982, Peter Wilenski was given by Neville Wran the opportunity to undertake a radical reform of the New South Wales Public Service. The enthusiasm and vision he brought to this task changed for all time the way that New South Wales public servants treated the community, the New South Wales Government and each other.

The election of the Hawke Government in 1983 provided him with the opportunity to bring this reforming zeal to the national arena, a task he undertook with gusto. As head of the Public Service Board, he presided over major changes and restructuring within the Australian Public Service, including the elimination of the Public Service Board itself in 1987. During this time he was also filling various department head roles within that service. In 1989, Dr Wilenski was Australia's Ambassador to the United Nations. Again, he took his reforming zeal with him and tried to make changes in one of the world's most bureaucratic organisations. Indeed, there was even speculation that he might take on the demanding role of head of this bureaucracy when his term as ambassador expired. However, instead he took on the challenging role of Secretary to the Department of Foreign Affairs and Trade in 1992 - a role from which he retired due to ill health in 1993.

Madam Speaker, any tribute to Peter Wilenski would be incomplete without mentioning his two personal crusades. These were his commitment to equal opportunity in employment and his avowed intent to eliminate smoking in other than open places. The substantial progress made by the Labor Government in equal opportunity programs in the Australian Public Service can be attributed largely to this architect of change, Peter Wilenski. The banning of smoking in Commonwealth Government buildings was also his doing, as was the banning of smoking on domestic flights while he was Secretary to the Department of Transport and Communications.

Peter Wilenski's was a stellar career; one, sadly, shorter than it might have been. It is certainly a career that speaks eloquently of a man of intelligence and vision, with a commitment to getting things done. Peter Wilenski contributed much to Australia, and I believe that we all owe him a debt of gratitude. I support the motion and extend my condolences and those of my colleague Mr Moore to his family and friends.

Question resolved in the affirmative, members standing in their places.

DEATH OF MR GUS PETERSILKA

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I move:

That the Assembly expresses its deep regret at the death of Mr Gus Petersilka, who made a valuable contribution to the Canberra community, and tenders its profound sympathy to his wife in her bereavement.

It was with sadness that Canberrans learnt of the death of Mr Augustin Petersilka, better known to many of us as Gus. He was 76 years of age. It would be true to say that he has been a Canberra institution for the past 30 years.

Gus migrated to Australia from Austria in 1951, and came to Canberra in 1962. His first job in Canberra was with Ingrams hardware business as a storeman. He then moved on to McEwans hardware store in Kingston. It was at about this time that Canberra was developing rapidly in the Manuka area, and Thetis Court was being built. Gus saw the potential for a Viennese-style coffee house in this new building; and, within three months of opening his cafe, it was one of the most popular spots in town. This popularity was due, in part, to the cafe being Canberra's only late night drop-in place where people could sit and have a cup of coffee, read a magazine or just have a chat. Due to the popularity of the cafe, Gus moved on to the Balcony Room of the newly opened Canberra Theatre Centre, and he turned the cafe into a dance restaurant. Gus Petersilka made his mark on Canberra with cafes that were open after normal hours and were renowned for their European ambience. It was in this context that he was made Canberran of the Year in 1978 for his contribution to the community.

At the end of 1978 Gus moved to Queanbeyan, where he converted the old Byrnes Mill into an old-fashioned restaurant. But in 1979 he was back in Canberra, and he opened the well-known Gus's coffee shop in Bunda Street - Canberra's first sidewalk cafe. He then took a well-earned break and went to Vienna in 1985. When he returned to Canberra in 1986 he opened another coffee shop called Noshes, in Garema Place; and in 1991 he moved on to open Cafe Augustin, which he saw as his last cafe venture.

Gus's experience with the Nazis in Europe led him to promise that he would always speak up for what he believed in, and he did just that. He became widely known for his public expression of political and social views in newspaper letters and advertisements. Gus was renowned for his outside cafe tables, and he will certainly be remembered for the valuable contribution that he made to the quality of life in Canberra. He developed something of a reputation as the nemesis of public servants who administered the laws controlling trading on the footpath and illegal structures.

Madam Speaker, Mr Petersilka is survived by his wife, Jenny, and a nephew. I am sure that all members will join with me in extending our sympathy to Mr Petersilka's family and friends and in acknowledging his contribution to the social and cultural life of the Canberra community.

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MR STEVENSON: Gus was a remarkable individual. As we all know, he campaigned long and hard for many issues. Many a time I have been at the restaurant talking to him about what he was doing and about what was happening in Canberra. One of the issues in which he believed fervently was that people should be able to decide what drugs they want to take. He was opposed to compulsory fluoridation. It is a mark of the man that he spent so much of his own money getting a message across in advertisements in the *Canberra Times* - things that he felt needed to be said, but could not be said in another way. As we know, he stood for this Assembly. Had he been elected, his courage, his compassion and his humour would have been valuable for the people of Canberra. He did a lot to make the heart of Canberra - Garema Place and its surrounds - more vital. I trust that his passing, while it may be sad, will inspire others to work for what he worked for: Enterprise that is truly free, and rights that are genuine.

MR STEFANIAK: The Liberal Party joins with the Government and all members in paying tribute to Gus Petersilka, a most remarkable individual. On 23 October 1994 Gus died of cancer, which had been diagnosed only some four months previously. He was born in 1918 in Vienna, Austria. His mother was Catholic; his father was Jewish. He would often say to both my legal colleague Bernard Collaery and me, as he used our firm as his solicitors, "It is the Jewish in me which tells me to be a landlord, and the Catholic which tells me to be a tenant". Gus would say that the Catholic won out. He certainly became a champion of tenants' rights and a pioneer in terms of outdoor entertainment in Canberra.

As the Chief Minister has indicated, he was in Austria during the war. He and his family were involved with the Austrian Socialist Party. He narrowly avoided being killed when he was shot at in 1934, when he was taking bread to that party during the 1934 putsch. He spent World War II in a Nazi labour camp, from which he escaped disguised as a French prisoner of war. He managed to live in the countryside until the end of the war. He migrated to Australia. He came to Canberra in 1962. After the jobs that the Chief Minister mentioned, he started his first experiment in the Viennese-style coffee house and shop at Thetis Court. That was where I first met him, when I was a student at Narrabundah High School. In that experiment, he challenged the Australian milk bar tradition that had been the only type of entertainment that one had in Canberra until then.

Gus went through various jobs and businesses until he went to his famous Cafe Gus's on Bunda Street. He had a lot of fights with bureaucrats there. One morning he found that his tables and chairs had been taken away on the back of a Department of the Interior truck. As a result of the public outcry, those tables and chairs were returned. Gus had a sign there which I can recall, being a frequent visitor to his cafe: "Do it now; tomorrow there may be a law against it". Gus had a number of battles with bureaucrats. Whilst he was from Europe, he was no eurocentric at all. The only people that he seemed to have problems with were bureaucrats and lawyers.

In 1974 he had further problems with the department in relation to some awnings and some poles which did not have the correct approval. Again, the department did a raid; this time, I understand, a pre-dawn raid. Again, there was an outcry; and those goods were returned. It is interesting that in 1978 Gus was duly rewarded for his great efforts

by being made Canberran of the Year. In that year, however, he did, as the Chief Minister indicated, go to Queanbeyan. The reason that he gave was that he was a bit fed up with too much planning and red tape in Canberra. Thankfully for us, he moved back to Canberra, where he has been ever since.

To the Viennese, homes are only to sleep in, and the coffee house is a person's home away from home. That was truly Gus's philosophy, and that is what he put into practice in real life. Apart from being one of the first persons to give Canberra a soul and to pioneer an outdoor style of living, which we simply had not seen in Canberra, Gus was a great community-minded person. He gave a lot of money to the young, especially. From his various cafes in Garema Place he gave food to destitute youth. He provided employment to young people, and perhaps overemployment at times.

Gus was of great assistance to me on a number of occasions. I can recall having many discussions with him. I recall Gus and a number of other shopkeepers from Garema Place coming to see me and my party in 1989, when we first put up the move-on powers legislation. Gus continued to serve his community and continued to have fights with the bureaucracy and other people until his death. I was involved with Gus, as was the firm of solicitors I was with, in his recent fight, which was settled just shortly before his death. Gus was a battler to the end and, as the Chief Minister said, a very great Canberra institution. He did so much to enhance the quality of life in Canberra and was truly a pioneer in terms of giving Canberra a soul. The Opposition joins with the Government in condolences to Gus's widow, his family and his very many friends who are saddened by his death.

MR MOORE: On behalf of Ms Szuty and on my own behalf, I would like to add our support to this motion. In doing so, I take care not to repeat many of the things that have been said, although it is important that I point out that we concur with the sentiments expressed.

After Gus passed away, there were a number of phone calls to my office. In one of them somebody suggested that we should put up a plaque or a monument to Gus Petersilka. I gave this some thought and decided that he probably has a better monument than most people do, because every time you walk through Civic or drive around some of the district centres in Canberra you can see cafes and restaurants with outside areas. That is, of course, what Gus was on about; he was on about ensuring that Canberra had a certain style of life that could be appreciated by all. He would recognise that. In many ways, that is a monument to Gus Petersilka. In addition, there was his recognition as Canberran of the Year. That achievement was well received.

When I think of Gus, I think of going over to his most recent restaurant, and the ones before that, and sitting down to have a cup of coffee. Gus would never let you get away with that. I am sure that most members have experienced this. No sooner had you walked in - you might be just walking past - than Gus would say, "Oh, just come and sit down here"; he would bring out a cup of coffee and say, "I just had a point that I wanted to raise with you", about either something that you had said or something that you ought to have said. He certainly reiterated that in his advertisements in the paper, as Mr Stevenson pointed out.

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My own images of Gus are: Bustling, busy, always with something to say, always ready to express his opinion, and always ready to get stuck in there and do the work. That is something that we can all admire. It is for those reasons, Madam Speaker, that I take great pleasure in supporting this motion, at the same time feeling the sadness of missing the Gus Petersilka that we knew.

Question resolved in the affirmative, members standing in their places.

QUESTIONS WITHOUT NOTICE

Acton Peninsula - Hospice

MRS CARNELL: My question without notice is to the Minister for Health. The Minister has now received a number of submissions from organisations who wish to run the hospice on Acton Peninsula on behalf of the ACT Government. On 15 September, the Minister told the Assembly that the available recurrent funding for the hospice was \$1.48m per annum. Have any of the submissions received by the Minister indicated that they can operate a quality 17-bed hospice for \$1.48m per year on Acton? Does the Minister still stand by his statement that the proposed hospice can be run for this amount of money?

MR CONNOLLY: Madam Speaker, I seem to recall the Leader of the Opposition saying that nobody would be interested in running the hospice at Acton. In fact, we have received three submissions from very reputable organisations, expressing interest in running a hospice at Acton. We have established an arm's length process, where those various bids are being looked at. I expect to take that arm's length process back to my Cabinet colleagues very shortly, and I expect an announcement to be made very shortly. As it is a process of assessing a series of arm's length bids, and going back to Cabinet, I can say to Mrs Carnell that she will be invited to the announcement, at the incomparably beautiful site on Acton Peninsula, when the successful tenderer is announced and when financial arrangements are, as they always are under this open Government, unlike the ramshackle Alliance, made fully public.

MRS CARNELL: I have a supplementary question, Madam Speaker. The question was: Does the Minister stand by his statement that the proposed hospice on Acton Peninsula can be run for \$1.48m per year?

MR CONNOLLY: Madam Speaker, the Minister stands by the statement that there is a tender process going on. It is an arm's length one, and I will report to the public of Canberra when that process is concluded. As always, the full financial details will be made public.

Government Bank Accounts - Reconciliation

MS SZUTY: Madam Speaker, my question without notice is to the Chief Minister, Ms Follett, in her capacity as Treasurer. I refer to the independent audit opinion on the aggregate financial statement for the year ended 30 June 1994. In his qualification of the aggregate financial statement, the Auditor-General notes:

Treasury management is yet to implement systems and procedures which enable reconciliations to be regularly and conveniently performed. Treasury management has advised my Office that daily reconciliations from 1 July 1994 will be brought up to date substantially by mid-November 1994 and in future will be performed on a daily basis.

Can the Treasurer inform the Assembly whether daily reconciliations have now been brought up to date and whether they are now being performed on a daily basis?

MS FOLLETT: Madam Speaker, I will certainly get an update for Ms Szuty on that question, bearing in mind the timing of the Auditor-General's comments. It is a fact, and I am sure that members are aware of it now, having seen the Treasury annual report, that there has been a problem of reconciliation of the whole of government bank accounts. That problem is of considerable longstanding and, in fact, predates self-government. It is regrettable that it has taken so long to come to light. I am quite sure that it would have been easier to fix had it been brought to attention somewhat earlier. Nevertheless, Treasury has given an undertaking to ensure that reconciliations from 1 July 1994 are brought up to date and are performed on a daily basis in the future.

Members ought to be aware, as the Auditor-General also commented, that this is not the only control that is available to Treasury; that they do have controls over payments, in order to prevent and/or detect errors in receipts or payments processes. This is not the only control measure. The problems that have arisen related mainly to the accounting of receipts. There is certainly no suggestion that amounts have been improperly charged against public funds. On the contrary, the problem was, I think, too much money in the account, rather than too little.

Madam Speaker, I will undertake to inform Ms Szuty whether the work that was due by the middle of November has, in fact, been completed. I can assure all members that our Treasury will be reconciling on a daily basis. With the substantial investment in the improvement of financial systems, we should see this kind of incident never occurring again. There has been a large amount committed to improving financial systems across the whole of the service. This area will be one of the areas that benefit from that investment.

Acton Peninsula - Hospice

MR DE DOMENICO: Madam Speaker, my question without notice is directed to the Minister for Health. Minister, in answer to a question on notice in August 1993, your predecessor, the then Minister for Health, Mr Berry, advised that the projected annual running costs of the hospice on Acton Peninsula were \$2m. I ask the current Minister: How then can you explain your comments, in the *Canberra Times* of 23 June this year, that the projected annual running costs of the hospice would be \$1.45m? Why has the Government allocated only \$1.48m in the 1994-95 budget, when less than 12 months ago Mr Berry stated, in answer to a question on notice, that it would cost \$2m to run the facility?

MR CONNOLLY: Madam Speaker, going back to the original question that Mrs Carnell asked: The running of the hospice is subject to a tender process. There are tender bids in at the moment. They have been subjected to an independent arm's length process, and the Government will be making a full report in due course.

I would say - as I said after your pathetic performance in the last sitting week, when you carried on at length all day, every day, in question time and then for an extraordinarily long period on a censure motion on bed numbers, in respect of which you could not get even one Independent to support you, and you made utter fools of yourselves - that my practice, in answering questions in relation to dollars or numbers, has inevitably been to provide, both publicly and to the Assembly, the advice that I am given by the department. The advice that I was given by the department was that, on the premises that we were operating on, that was the figure that we were looking at. That is the figure that has been budgeted for. As I say, we have gone to a tender process. There were certain assumptions in that in relation to certain offsets; but the full information, as I said in answer to the first question, will be given, as it always is, very openly by this Government when the tender process is completed.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Mr Berry advised the Assembly, in answer to a question on notice, that the costs of the building works for the hospice on Acton Peninsula amounted to \$2.4m. We now know that the costs will be nearly \$3.4m, or almost \$1m or 33 per cent higher in just 12 months. Minister, how can you explain this blow-out in the costs?

Mr Lamont: Madam Speaker, I rise on a point of order. A supplementary question is generally on a matter pertaining to the first question asked. That is a completely new matter that has been introduced.

Mrs Carnell: You live by the sword, and you die by it.

Mr De Domenico: It is about the hospice, and it is the same question.

MADAM SPEAKER: Order! Mr Lamont is quite correct. I refer members of the Opposition to the standing orders on supplementary questions. Mr Connolly, you may answer the supplementary if you choose.

MR CONNOLLY: Madam Speaker, again, we are fully open; we are fully honest. Whenever we have been asked what we thought the costs of the capital works for the hospice would be, we have given an honest answer as to what we thought the costs of the capital works for the hospice would be. When we were asked during the estimates process for the latest update on the costs of the capital works for the hospice, we gave you the honest answer, which is, as it is now, because - - -

Mr De Domenico: Who was right - you or Mr Berry?

MR CONNOLLY: That is a trite and foolish question which shows the shallow and facile nature of this whingeing, whining Opposition. While you whinge and whine, we get on with the job; we get on with the job of tackling the hard issues that face this Territory: Improving the health system, improving municipal services, improving education; and doing it all within budget, year after year, under this Chief Minister and Treasurer's guidance, as opposed to the rabble that was once led by the Liberal Party in this Assembly. Madam Speaker, Labor promised to deliver a hospice on Acton Peninsula. Labor will deliver a hospice on Acton Peninsula, operational in February.

Assembly Members - Conflicts of Interest

MR BERRY: My question goes to the standard of behaviour expected of members, ethics and conflict of interest. It is directed to the Minister for Health. Noting that the Leader of the Opposition introduced legislation which provided for private pharmacies to profit from dispensing methadone, I ask: Would the Minister confirm that the Red Hill pharmacy has a contract with the Government to dispense methadone? Would the Minister confirm that the Leader of the Opposition, Mrs Carnell, as the proprietor, sought and was granted the contract to dispense methadone under the methadone program? What was the date of approval? Would the Minister inform the Assembly of the number of clients that the Red Hill pharmacy dispenses to, and the charges for methadone under this program? Is there a potential for more clients under the program?

MR CONNOLLY: Madam Speaker, I seem to recall that, at least, the base question of how many pharmacies was asked in the estimates process. The answer is: I understand that the Red Hill pharmacy has been approved. I shall seek detailed advice on the other matters in the question and get back to the Assembly as soon as possible.

National Museum of Australia

MR CORNWELL: I am comforted by the Minister for Health's assurance that this Government, under the Chief Minister, gets on with serving the people of the Territory, because my question is to the Chief Minister. Chief Minister, you told the *Canberra Times* on 6 February 1994 that, if the Commonwealth Government wanted the land at Acton Peninsula for the National Museum site:

... they will have to add that cost to the cost of the museum.

You also said at the time that the site was worth \$45m. I ask you, Chief Minister: In the interests of the people of the Territory, do you stand by that valuation?

MS FOLLETT: Madam Speaker, I thank Mr Cornwell for the question. I am sure that members will understand that, of course, this Territory is not about to let the Acton Peninsula go simply at a whim of the Federal Government. Now that the Federal Government has decided to make use of Acton Peninsula for the Gallery of Aboriginal Australia, it is quite clear to me that we must seek some form of compensation for the Territory. As it stands, of course, as members would know, the peninsula, whilst being owned by this Territory, is under the planning control of the National Capital Planning Authority.

Madam Speaker, after looking at the recent decision by the Federal Government in the cultural statement, it is quite clear to me that we need to seek from the Federal Government an understanding of how they wish to proceed now with that decision. A very important part of that negotiation with the Federal Government will be the compensation that is to apply in view of their use of Acton Peninsula. It seems to me that the valuations that I had on Acton Peninsula are perfectly legitimate. The one that is mentioned probably relates to a high commercial use of Acton Peninsula. It was independently obtained and is perfectly legitimate. It seems to me that, given that the Commonwealth wishes to proceed with this use of Acton Peninsula, the best way for us to seek compensation probably would be by way of a land swap, and that is what I will be seeking to negotiate with the Commonwealth.

Mr Humphries: You said that it was a bad idea, when Mrs Carnell suggested it.

MS FOLLETT: At the moment we are not at that point, but I do note that that was Mrs Carnell's precise position at the time; and, Madam Speaker, I do not expect to be attacked over it by the Liberals. If they were to do so, it would be extremely hypocritical.

Mr Humphries: But you attacked her for it, when she made the suggestion.

Mr De Domenico: That is different.

MS FOLLETT: Madam Speaker, I hear interjections that I attacked Mrs Carnell over that. I do not recall my doing that at all; but I do expect that the Commonwealth will recognise the value of Acton Peninsula and will seek to play fair with the people of the Territory in coming to a suitable agreement on that matter.

MR CORNWELL: I have a supplementary question, Madam Speaker. I accept the Chief Minister's assurances on this. I am not sure that I accept the Prime Minister's assurances. Therefore, I ask: Will you, Chief Minister, assure the ACT community and this Assembly that you will settle for nothing less than \$45m worth of compensation from the Commonwealth for surrender of the site, either in cash or, as you suggested, in kind?

MS FOLLETT: Madam Speaker, clearly, as I have indicated, this is a matter for negotiation. Mr Cornwell knows the basis on which I made those earlier statements. I stand by them; they are perfectly legitimate statements. In seeking to get compensation for the Territory, I most certainly will have those figures in mind. But I repeat that this will have to be a negotiated settlement. At this stage we are at a very preliminary position in regard to those negotiations. I believe, Madam Speaker, that, having had those figures out in the open, it certainly gives an indication of the kind of compensation I will be looking for.

Government Purchasing Policy

MS ELLIS: Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Urban Services. I ask: Can the Minister inform the Assembly about the recently implemented purchasing policy and how it will benefit Canberra businesses?

MR LAMONT: I thank the member for the question, Madam Speaker. The ACT Government's purchasing policy was released by the Chief Minister in late September and will commence from 1 January 1995. The supply and tender information system called BASIS - buyers and sellers information system - was also launched in late September.

Mr Humphries: Did you say "baseless"?

MR LAMONT: I can understand why the fools opposite would be somewhat jocular about a matter which seeks to sustain and substantiate business in the Territory. Madam Speaker, the purchasing policy focuses on improving the opportunities for Canberra region firms to compete for government business, while maintaining the principles of value for money and open and effective competition. In the case of major contracts, there will be a requirement for potential suppliers to indicate how they will use that order to expand local industry. A quality assurance policy is to apply from 1 July 1995 for critical items above \$50,000.

The purchasing policy requires government purchasing officers to obtain quotations from potential Canberra region suppliers for all of their requirements. The threshold guideline for calling quotations for general goods and services has been reduced from \$5,000 to \$2,000. Madam Speaker, in the short time that BASIS has been operating since the policy was launched, the Government has connected over 800 regional firms and agencies to BASIS. It is currently being used to source Canberra region suppliers' products and services, as well as to provide information to those suppliers and service agents as to purchasing requirements of the ACT Government into the future.

National Museum of Australia

MR STEFANIAK: My question is to the Chief Minister. I ask the Chief Minister: Now that the Federal ALP has completely broken its election promise to develop the National Museum of Australia in Canberra, does the Government stand by its commitment to fund infrastructure costs to the sum of \$13m for this very much watered-down version of a museum; or, since we stand to get only one-third of the original museum, will the Government be funding one-third of the infrastructure costs?

MS FOLLETT: Madam Speaker, the sheer hypocrisy of those opposite leaves me breathless. Having offered no support whatsoever to the National Museum project, they are now universally, both locally and federally, and quite falsely of course, whingeing that they do not think that it is being realised. When the Federal Government gave a commitment to the National Museum of Australia, where were the Liberals at the last election? They were backing away at a million miles an hour. The absolute hypocrisy of their now coming forward and saying that they were in favour of it all along is almost breathtaking.

Madam Speaker, it is well known that this Government has supported the National Museum all along. In order to give impetus to its development, I made a commitment that this Government would fund the infrastructure for the museum. In putting a costing on that, we had assumed that the museum would be proceeding at Yarramundi. The infrastructure costing that we had done was always a very rough costing because there were no design studies and no siting studies done. The cost that we had developed was of the order of \$13m maximum.

Opposition members interjected.

MS FOLLETT: They do not want to hear the answer. Madam Speaker, I maintain my commitment to providing infrastructure for the National Museum and to a financial contribution of that order. As the site of the development has changed, I cannot say whether that would be the cost required from the ACT Government; but I certainly would not be tempted or persuaded to go beyond that.

Mr Stefaniak has said that the Federal Government has reneged on its commitment. I would like, just for the information of members, to correct that extremely inaccurate statement. Madam Speaker, I would like to quote, firstly, from a statement made by the Federal Minister, Mr Lee, in the House of Representatives on 18 October. Mr Lee, the Minister for Communications and the Arts, said:

... let me make it clear that the government today has announced that funding will be provided to establish a gallery of Aboriginal Australia on the Acton Peninsula. The government has always made it clear that this would be the next stage of the National Museum. Let me quote the words of the Prime Minister in relation to the establishment of the gallery of Aboriginal Australia.

Mr Lee then quoted Mr Keating in his cultural statement, as follows:

In the pursuit of both excellence and access to it we will continue to develop the National Museum ...

There is a clear intention by both the Prime Minister and the Minister responsible to proceed with the National Museum. Senator Gareth Evans, who is the Minister representing the Minister for Communications and the Arts in the Senate, also made a statement along the following lines, in answer to a question from an equally hypocritical bunch of Liberals:

So we have decided to treat as a priority the establishment of the Gallery of Aboriginal Art -
he meant Australia -

to establish it as a major physical centre on the Acton site, which is the old Canberra Hospital site - a magnificent site effectively in the centre of Canberra. It will be a stand alone institution involving ATSIC and the Institute of Aboriginal and Torres Strait Islander Affairs, with the Gallery of Aboriginal Australia built as part of that. It will be a magnificent facility and it will be at the core and the heart of the clear original concept of the National Museum.

Madam Speaker, members opposite will continue to try to talk down the significant achievement that we have gained for the ACT in the development of the Gallery of Aboriginal Australia; the significant achievement for Aboriginal Australians as well in having their culture and heritage properly collected, properly displayed and interpreted for the first time for all Australians in the national capital.

I know that the Liberals have no interest whatsoever in this matter. Madam Speaker, well may they squirm; well may they try to drown me out. But I maintain my full commitment to the National Museum. I take the creation of the Gallery of Aboriginal Australia as an essential first step and an essential next step. I, for one, will continue to work and to plan towards the full realisation of the National Museum in due course, as will the Federal Government. It is only the Liberals that want to talk the whole project out of existence.

MR STEFANIAK: I have a supplementary question, Madam Speaker. Chief Minister, if this is the first step, when are the next steps or stages going to happen, and where?

MS FOLLETT: Madam Speaker, I do not know how often the Liberals had planned on raising this issue, but quite clearly we have had only recently from the Federal Government the cultural statement. I suggest to you, Mr Stefaniak, that it might be more productive if you went back to your Federal colleagues and got them to ask the same sorts of questions of the Federal Government. The National Museum is a Federal project to which, as a government, we offer support. But it is not our project. We will work and plan for its completion. But we are not responsible for its completion; the Federal Government is.

Truck Parking - Residential Areas

MR MOORE: Madam Speaker, my question is directed to Mr Lamont as Minister for Urban Services. I wonder whether the Minister would inform the house of his intentions, if he has any, of addressing the problem of commercial trucks, particularly those above three tonnes, parking in residential neighbourhoods.

MR LAMONT: Madam Speaker, I am sure that Mr Moore is raising this question as a result of some correspondence he has recently received from a constituent, as well as a number of complaints - in particular, an expose on Trevor the truckie and his neighbour on one of the national television programs.

Mr Kaine: I do not even own a truck.

MR LAMONT: It could be said that you look as though you had, Mr Kaine.

Mr Berry: No; he does not.

MR LAMONT: No. In fact, you do not look as though you did. Madam Speaker, the question is one of considerable concern to transport regulation in the ACT, as well as to the Office of the Commissioner for the Environment and the EPA within the Department of the Environment, Land and Planning, because it is not just a question of the break-up of urban infrastructure, which has occasioned calls from my departmental officers for restitution works to be undertaken by the owners of such vehicles - and that is a continuing problem that has been identified - but also a question of breaches and noise pollution associated with the use of such vehicles.

The question as to how the prohibition would work is one that is causing some difficulty in arriving at the necessary regulatory framework, Mr Moore. As you would understand, there is a view that a person who may be conducting a business in the transport industry has a right to park their vehicle on their own property, if that is all that they are doing. Where they attempt to undertake a business from such premises, they are required to go through a process under the leasing arrangements. That includes, I would suspect, cooperation from their neighbours to allow them to do so.

The matter of a single truck parking in a driveway, as an example, is extremely different from, say, the circumstances outlined in the Trevor the truckie incidents, where you allegedly had a transport business in all of its forms being conducted from a private residence in a private residential area. The transport regulation review which is under way, and the report of which will be released shortly, attempted to address some of those issues. I was, again through representations from constituents, concerned that it did not address the issues. I am seeking now to have the issue addressed specifically in terms that will allow for the legitimate parking of a vehicle where that is the purpose, without it unduly impacting upon the neighbours; and to prohibit the undertaking of a business where it is a repair, service or maintenance business, in a heavy machinery sense, in suburban areas. That is the great difficulty that we have. In fact, from information from around Australia, it is a problem that exists in every major metropolitan city in Australia.

There have been different ways in which it has been addressed. I understand that not one of them has been successful, on behalf of either the people in the industry or the residents. In some instances, the parking has been allowed to continue under specified guidelines at specified times. In other instances, there has been a blanket prohibition on those vehicles entering any suburban area for the purpose of home garaging, if you like. I would hope - certainly, before the end of this year - to bring to the community a set of guidelines to cover the issue.

Department of Health - Public Relations Unit

MR HUMPHRIES: My question is to the Minister for Health. I refer the Minister to an editorial in the *Canberra Times* of 29 April this year which stated:

No sooner had we thought commonsense was to replace politics and ideology as the main ingredient of the administration of health in the ACT, our hopes are dashed. Terry Connolly made such a good start ... He announced the superfluous public-relations section was to go.

In an article in the same paper, just nine days before, Mr Connolly asked why the ACT Health Department spent \$360,000 a year on public relations and employed four journalists in its public affairs unit. I would have to ask the Minister: Why, then, is the projected budget for his department's public relations unit for this financial year - money for a unit, the Minister said, was superfluous and had to go - virtually unchanged? Why does the communications unit now employ five staff, instead of four?

MR CONNOLLY: Madam Speaker, I think that this question was asked and answered at the Estimates Committee. I do not know whether Mr Humphries or Mrs Carnell asked the question; they were chopping and changing at the Estimates Committee. I made it clear that I wanted that communications unit to desist doing some of the work that it had previously done. Mr Fraser indicated that it was now doing other duties. If you wish, I will get a written statement from Mr Fraser as to that. You will appreciate that the extent to which a Minister says that that public servant does this, and that public servant does the other, is somewhat limited. I had expressed my scepticism of the need for a lot of the work that that unit had been doing. I am advised that that unit is no longer doing much of the work that I had been critical of but is, in fact, performing other duties.

MR HUMPHRIES: I have a supplementary question, Madam Speaker. The Minister told the *Canberra Times* on 20 April:

It -

that is, the \$360,000 -

is a lot of money and the public expects as much money as possible to be going on nurses nursing and doctors doctoring and wardsmen assisting nurses to make their jobs easier, and less on PR.

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I assume that the public relations unit is still about with that name - PR - and I ask the Minister: Is it possible that publicists publishing and advertisers advertising the Government's remarkable performance in health is somehow more attractive four months before an election than doctors doctoring and nurses nursing?

MR CONNOLLY: No; absolutely not. If members wanted an outrageous example of taxpayers' money used in a blatantly political manner to make political points, I would refer them to the Health Week that Ron Phillips was running in New South Wales recently, which extended to full-page newspaper ads extolling the virtues of Ron Phillips and the New South Wales Liberal Government; to, I believe, television spots extolling the virtues of Ron Phillips and the New South Wales Liberal Government in their handling of the health portfolio; and to various other massively expensive material - all of which focuses on the wonderful virtues of Ron Phillips and the New South Wales Liberal Government. When you see that sort of stuff coming out involving me, you can ask your silly question. You will not.

Residential Land - Releases

MRS GRASSBY: My question is to the Minister for the Environment, Land and Planning. Why is the Government currently slowing down the release of residential land in the ACT?

MR WOOD: Madam Speaker, the answer is quite simple. The Government is responding to growth factors in the ACT. When I made that announcement last week, it was seized on here and there by anybody who wanted to make a fairly irrelevant political point. The fact is that the land program is a five-year rolling program. It is not something that is locked into place; it is not something that is rigid and cannot be changed. The fact is that it is changed from time to time; it is adjusted, when necessary, to reflect changes in market conditions. Contrary to some comment, I would point out that changes are not unusual. As recently as 1993-94, there was a reduction from 1,410 blocks to something like 650 blocks that were to be released. Early this year, we deferred for a time a government land auction. It is a fairly routine operation. If I checked the documents that we put out, there probably is a point down the bottom that says, "This program is subject to change".

Madam Speaker, I should point out that the ACT residential market is returning to a period of steady growth after a period of heightened activity. Commencements were running at a rate of 900 to 1,000 a quarter - close to 4,000 a year - in the years 1992 and 1993. The Indicative Planning Council, which advises me on the rate of land release that is desirable, now expects that there will be 3,200 sites required in 1994-95 and 3,000 in the year 1995-96. While we have those predictions, we monitor very carefully the rate of growth. It is significant to note that the rate of growth in Canberra is declining from a figure that was consistently, I believe, above 2 per cent to a rate that now is getting closer to one per cent. We will continue to monitor this factor carefully, to see that we match, as closely as possible, the supply of land to the demand.

I made an announcement last week that the release of 800 blocks would be delayed for five months in the year after next. Let us put that into context. That is the sort of long-term planning that we need to do; that is the sort of adjustment that becomes inevitable from time to time. It may be necessary, in the space of some months, to increase the supply; and, if necessary, that will be done. We continue to monitor the need for land. We do it carefully. I believe that, over quite a period, we have been able to manage a very adequate supply of land to meet our demand.

Acton Peninsula - Development

MR KAINE: Madam Speaker, in responding to an earlier question, the Chief Minister referred to some eminent personages, namely, the Prime Minister and Gareth Evans in particular, to justify the view that Acton Peninsula was always a part of the plan for the development of a national museum. That, of course, is consistent with a statement that she made to the *Canberra Times* on 19 October where she was quoted as saying:

We certainly will be pursuing it, a land swap with the Commonwealth ... They won't get the site for nothing.

Only six days before that statement, the Chief Minister assured a constituent in a letter:

The Government is not presently pursuing an exchange of Acton Peninsula and West Basin for either cash or land at another location.

Was the Chief Minister being honest with the *Canberra Times* on 19 October, or was she being honest with the constituent only six days before, on the 13th?

MS FOLLETT: Madam Speaker, Mr Kaine is quite wrong in the opening statement he made in that question, when he intimated that I had always envisaged Acton Peninsula as part of a national museum. I never have. It is quite incorrect to say so. In fact, for some years the Government, in making submissions to the National Capital Planning Authority on our view of the use of Acton Peninsula, has consistently put forward a view that it should have a mixed use and should include things like health facilities, which we are committed to, and even housing. A variety of uses was our preferred outcome for Acton Peninsula. As I have said before, the National Capital Planning Authority has planning control over Acton Peninsula. It is well known also that, for some years, they have envisaged Acton Peninsula being used for a national cultural institution. That view of the NCPA has been pretty well broadcast in the community consultation process, which they are conducting.

Madam Speaker, what I said to my constituent in the letter that Mr Kaine referred to was absolutely accurate. As a government, we have never pursued a land swap for Acton Peninsula; and only since the Federal Government announced its plans for Acton Peninsula has the issue been at all relevant to us. We have said what we thought Acton Peninsula was suited for, and we have said so repeatedly.

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Once the Federal Government, who has planning control of this peninsula and whose project the National Museum is, decided that they wanted to use that land for that project, then quite clearly we were in a different ball game. We will now, subsequent to that decision, pursue a land swap by way of compensation.

MR KAINE: I have a supplementary question, Madam Speaker. Minister, your statement to the *Canberra Times* of 19 October was quite specific, namely:

We certainly will be pursuing it, a land swap with the Commonwealth.

Only six days earlier you denied that you were talking about either a land swap or cash. Can we take your later statement as definitive - in fact, you are pursuing a land swap and you are not negotiating with the Commonwealth on the basis of payment in cash - and, therefore, Mr Cornwell's question is no longer relevant?

MS FOLLETT: Madam Speaker, clearly I will do the very best deal that I can for the Territory; but I think that the most likely way to proceed, at this stage, is by a land swap.

Public Events - Renting of Food Sites

MR STEVENSON: My question is to Mr Wood. It concerns the renting of sites to sell food and beverages at public events such as Floriade, which are either partly or mainly funded by the community. There is one specific instance of a local ice-cream manufacturer who has attempted to gain a site at various events such as Floriade, the Canberra Festival, the Canberra Show, the Kambah Village Fair, the Food and Wine Frolic and so on. I have been told that they were told, even though they manufacture ice-cream locally, that they are not to sell ice-cream. I have been told that there was no satisfactory explanation given, although I cannot verify that. In fact, they did rent a site at the recent Floriade. They were not allowed to sell ice-cream. If you look at the commercial deal, I think it is a good idea to rent sites, because we get some money back from them. A very large ice-cream manufacturer rented a number of sites for the full Floriade, and that worked out at \$56 per site per day. It cost the local manufacturer \$291 a day. That does not seem to be a good decision which would get for Canberrans the most amount of money and which would give local manufacturers the best go. There are a number of possible solutions. Firstly, each site could be rented on a day-to-day basis. There would be a major benefit in that, because you would not have the one company selling the same things all over the place; you would get variety. Also, you would give local companies a go.

Mr Lamont: How about we ask the question and you give the answer, or we give the answer and you ask the question?

MADAM SPEAKER: Order!

MR STEVENSON: Madam Speaker, the Minister makes a very good point.

MADAM SPEAKER: Yes; but you should be asking your question, Mr Stevenson.

MR STEVENSON: I do take his interjection to heart. The reason is that I have asked Mr Lamont questions in the past and, if I did not give him the answer, I did not get one. I have to make it easy. Another way is that the rent could be a percentage of gross sales.

Ms Follett: Madam Speaker, on a point of order - - -

MR STEVENSON: Obviously, I am just about to finish. I would have finished about half a minute ago had it not been for the various interruptions.

MADAM SPEAKER: Mr Stevenson, I have a point of order.

Ms Follett: Madam Speaker, if Mr Stevenson is rising to ask a question, he ought to ask it, rather than make a statement on the issue.

MADAM SPEAKER: Mr Stevenson, ask your question now.

MR STEVENSON: Indeed. Would the Minister be prepared to review the decision, to make absolutely certain that Canberrans are getting the best deal and that local manufacturers have an opportunity to deal in the Canberra marketplace?

MR WOOD: Madam Speaker, amongst the spectacular success of Floriade there was one issue - in the overall context, fairly minor - that was raised about Floriade. While it is a minor issue, I acknowledge that it was a very major issue for the ice-cream manufacturer to whom Mr Stevenson refers.

Ms Follett: And the orange juice man.

MR WOOD: That is right; I do not think that he had to pay for his site. Mr Stevenson did suggest a couple of solutions. There is another solution, and it is the cause of what happened. The Floriade board, amongst its multitude of activities, seeks sponsorship. Streets Ice Cream was one of the major sponsors. Another thing that the board does is invite people, if they wish to contract, to run services - food and wine, beverages and the like. Those two came into conflict.

The advice that I have been given is that the ice-cream manufacturer signed a contract - strangely, I think - agreeing that she would not sell ice-cream. That was a requirement built into the sponsorship by Streets. I think that Streets could have been a bit more tolerant and not worried about one competitor, but they had expectations arising out of their substantial sponsorship. I am told that the ice-cream manufacturer had actually signed a contract not to use the word "ice-cream" and not to sell ice-cream; and, as part of the argument, had agreed to sell only iced confections. You tell me the difference. I think iced confections do not contain milk. It is an argument that should be settled before the next Floriade. I expect that that sort of discussion will occur so that we do not have that problem next time.

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MR STEVENSON: I have a brief supplementary question, Madam Speaker. Mr Wood mentioned that he would expect that a review of that area would occur. Would the Minister make sure that it does occur?

MR WOOD: Yes; because it is their responsibility, I will ask the Floriade board whether they will review what happened, to see whether we can avoid that problem.

Ms Follett: I ask that further questions be placed on the notice paper, Madam Speaker.

PERSONAL EXPLANATION

MRS CARNELL (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

MADAM SPEAKER: Please proceed.

MRS CARNELL: In question time Mr Berry suggested that there may have been a conflict of interest - - -

Mr Berry: We are nervous, are we not?

MRS CARNELL: No; I am just very happy. He suggested a conflict of interest with regard to my pharmacy's dispensing of methadone. It is important for the Assembly to understand the actual situation. Red Hill pharmacy is currently approved to dispense methadone. We currently have one client. It is important for the Assembly to understand how that happened. This client is one of the more difficult cases at the methadone clinic. The person has fallen on somewhat difficult times, and the methadone clinic actually approached the Red Hill pharmacy and asked us to dispense methadone for this client, as the client lives in the Housing Trust flats near the pharmacy.

At the time the patient's father was dying of cancer and, as a result, was on a number of addictive drugs, including morphine. The fact that the client of the methadone clinic was actually living in the same flat as the father created huge problems. As we were monitoring the father's cancer therapy and the palliative care generally at that stage, it was perceived that, in the patient's best interest and the father's best interest, it would be a good idea if we monitored both sets of drugs. We undertook to do so. I spoke to Mr Connolly about any problems that might occur in terms of conflict of interest. I have a letter from Mr Connolly congratulating me on seeking approval.

Mr Connolly: No; you wrote seeking approval. It was treated like anybody else's.

MRS CARNELL: I was seeking approval; I am sure that it is the same letter as everyone gets.

Mr Connolly: You got a letter, like anybody else.

MRS CARNELL: That is right. It is a letter from Mr Connolly saying, "Thank you very much for being part of this program". Because of the difficult situation, the particular patient has not been charged at all for the medication that we have dispensed; the pharmacy has borne the cost because, unfortunately, the patient has not held down a job and, therefore, has not been in a position to pay. The patient was also in the difficult position of unfortunately having suffered a number of "accidents" at the time and needed changes of dressings on quite a number of stitches in both the arm and the leg. The pharmacy also has not charged the patient for those. There is a bill that I am sure will never be paid. It was in excess of \$300 last time I saw it. Of course, that is part of the job. I was interested in how Mr Berry could see that as a conflict of interest.

PAPER

MR BERRY (Manager of Government Business): For the information of members, I present the following paper:

Treasury Annual Report 1993-94 and unitary financial statements for the Treasury, together with the Auditor-General's report; and annual reports for the Commissioner for ACT Revenue, pursuant to section 11 of the Taxation (Administration) Act 1987; the Registrar of Co-operative Societies, pursuant to section 12 of the Co-operative Societies Act 1939; and the Bookmakers Licensing Committee, pursuant to section 54 of the Bookmakers Act 1985.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS

Papers

MR BERRY (Manager of Government Business): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for the modification of the Building Code, determinations, a code of practice, management standards, regulations, Supreme Court Rules and variation of the Fire Control Manual. I also present notices of commencement of the Acts listed.

The schedule read as follows:

Bookmakers (Amendment) Act (No. 2) - Notice of commencement (14 October 1994) of remaining provisions (S226, dated 14 October 1994).

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Building Act - Building Code of Australia -

ACT Appendix - Determination No. 143 of 1994 (S235, dated 1 November 1994).

Adoption and preparation and publication of an ACT Appendix - Determination No. 141 of 1994 (S235, dated 1 November 1994).

Adoption and Modification - Determination No. 142 of 1994 (S235, dated 1 November 1994).

Bushfire Act - Variation of the Rural Fire Control Manual - Determination No. 146 of 1994 (S242, dated 7 November 1994).

Credit (Amendment) Act - Notice of commencement (5 October 1994) of remaining provisions (S209, dated 5 October 1994).

Electricity (Amendment) Act - Notice of commencement (5 October 1994) of sections 3 to 48 (inclusive) (S207, dated 5 October 1994).

Games Wagers and Betting-houses (Amendment) Act - Notice of commencement (11 October 1994) of remaining provisions (S226, dated 14 October 1994).

Gaming and Betting (Amendment) Act (No. 2) - Notice of commencement (14 October 1994) of remaining provisions (S226, dated 14 October 1994).

Health Act - Determination of fees and charges - No. 140 of 1994 (S233, dated 31 October 1994).

Housing Assistance Act - Single Share Accommodation Scheme - Determination No. 144 of 1994 (S237, dated 2 November 1994).

Motor Traffic Act - Motor Vehicle (Third Party Insurance) Regulations (Amendment) - No. 35 of 1994 (S228, dated 19 October 1994).

Nature Conservation (Amendment) Act - Notice of commencement (11 October 1994) of remaining provisions (S222, dated 11 October 1994).

Nurses (Amendment) Act - Notice of commencement (6 October 1994) of sections 4 to 44 (S215, dated 6 October 1994).

Physiotherapists (Amendment) Act - Notice of commencement (6 October 1994) of sections 4 to 26 (S216, dated 6 October 1994).

Physiotherapists Registration Act - Physiotherapists Registration Regulations (Repeal) - No. 32 of 1994 (S213, dated 6 October 1994).

Poisons and Drugs Act - Poisons and Drugs Regulations (Amendment) - No. 31 of 1994 (S208, dated 5 October 1994).

Public Sector Management Act - Management Standards -

Long Service Leave - No. 2 of 1994 (S230, dated 19 October 1994).

Standards without general application - No. 3 of 1994 (S230, dated 19 October 1994).

Smoke-free Areas (Enclosed Public Places) Act - Notice of commencement (5 October 1994) of sections 6 to 21 and (6 December 1994) of section 5 (S211, dated 5 October 1994).

Subordinate Laws Act - Credit Regulations (Amendment) - No. 33 of 1994 (S220, dated 7 October 1994).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 34 of 1994 (S223, dated 14 October 1994).

Tenancy Tribunal Act - Code of Practice - Determination No. 145 of 1994 (S238, dated 2 November 1994).

Veterinary Surgeons (Amendment) Act - Notice of commencement (6 October 1994) of sections 4 to 31 (S214, dated 6 October 1994).

PAPER

MR BERRY (Manager of Government Business): I also present the second deed of variation of the development agreement between the Australian Capital Territory and the Chief Minister for the Australian Capital Territory and Casino Canberra Ltd for the development of the casino on block 16, formerly part blocks 6 and 13, section 65 Division of City, pursuant to section 21(a) of the Casino Control Act 1988. The variation to the development agreement reflects the transfer of ownership of Casino Canberra to a new subsidiary of the Casinos Austria Group.

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AUSINDUSTRY - MEMORANDUM OF UNDERSTANDING
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the AusIndustry memorandum of understanding.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, at the meeting of the Industry, Technology and Regional Development Council in Perth on 28 October I signed a memorandum of understanding on AusIndustry, together with Ministers for Industry of all States and the Northern Territory and the Commonwealth Minister for Industry, Science and Technology. I wish to outline for members the purpose and benefits of the AusIndustry initiative, the setting in the ACT for this development, and the further steps in AusIndustry's implementation.

AusIndustry is one of the key industry assistance initiatives of the Commonwealth Government's May white paper on employment and growth, Working Nation. It aims to improve and to streamline access to business improvement programs. The Commonwealth's wide-ranging programs are run by a number of departments. States and Territories provide other enterprise development and improvement programs. Businesses throughout Australia currently experience difficulty in finding out which, if any, of the assistance programs available may be applicable to their needs. This reduces the impact of programs and frustrates and potentially restricts the development of individual businesses. Under AusIndustry, businesses will be able to receive, at one point, information and advice on enterprise improvement programs and a flexible response to their needs.

Madam Speaker, small to medium businesses are a driving force for future growth in the ACT. Our economic climate is conducive to business growth. Our businesses are among the best in Australia. Only last week an ACT company won a national award when Amalgamated Business Machines received the Australian Quality Award for small enterprises. Amalgamated Business Machines is a computer services company which has been operating in the ACT for 11 years. It was the winner of the Quality Management-Best Practice Award in the 1994 ACT Small Business Awards. Other examples of the competitiveness and recognition of ACT firms nationally include the recent high commendation of Instyle Indoor Plant Hire at the National Small Business Awards and the success of CEA Technologies in becoming Australian Small Business of the Year in 1991. In addition, there are increasing numbers of ACT firms gaining national and international contracts for the provision of goods and services.

Whilst recognising that success lies largely in the hands of businesses themselves, the Government has implemented a range of measures to help firms. In particular, through our Business Services Centre, new and growing small businesses have available a suite of services. These include information and advisory services and seminars for new businesses, a consultation service for new and existing businesses, and information on regulatory requirements through the business licence information service.

NIES enterprise improvement programs, including business planning, export market planning and quality assurance, and assistance for businesses to enter export markets is also available from the co-located Austrade Export Centre. In 1993-94, the centre's business advice and referral service handled 3,070 inquiries, conducted 325 individual consultations and conducted prebusiness seminars for 1,342 people. NIES provided 72 services to business.

In the ACT the new AusIndustry program will be delivered through the Business Services Centre and it presents an excellent opportunity to build on the services currently delivered by the centre. The Commonwealth has a large range of business improvement and development programs, and AusIndustry will help ACT businesses to gain access to these. Associated with this, a new service, Bizhelp, will be coming on stream shortly and will provide immediate information on all government industry assistance programs and services. My officers have worked with the Commonwealth to have ACT information incorporated into the database.

The memorandum of understanding on AusIndustry is a partnership between the Commonwealth, States and Territories. It provides the broad conceptual and implementation framework for AusIndustry. The detailed arrangements will be incorporated in further agreements to be developed as quickly as possible between the Commonwealth, States and Territories. Finalisation will, in part, depend on the outcomes of the Burgess review of Commonwealth enterprise development and improvement programs. This review is considering the rationalisation of all such programs and is expected to report to the Commonwealth later this year.

AusIndustry will subsume the current joint Commonwealth, State and Territory enterprise development program NIES - that is, the National Industry Extension Service - for which current arrangements expire on 30 June 1995. It will be guided by an advisory board including four representatives of the States and Territories on a two-year alternating basis. The ACT will be represented on the board in the second two-year term. Madam Speaker, AusIndustry will be of significant help to ACT businesses in improving their competitiveness in regional, national and international markets, and I am pleased to be able to advise members of this development.

2000 COMMITTEE Ministerial Statement

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport), by leave: Madam Speaker, I recently had the opportunity to circulate to each member of the Assembly the report of the ACT 2000 Committee. The report represents the first step in planning our participation in and support for the 2000 Olympics and, importantly, the Paralympic Games; but, first and foremost, it is an opportunity for Canberra, as the national capital, to support Sydney in hosting the 2000 games. It is also an opportunity to support Olympic activities and events so that our community can be part of that prestigious event. With collaborative planning, we can capture these opportunities and build long-term benefits.

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The broad spectrum of ideas in the report across business, sport, culture, tourism and transport provide clear directions for Canberra and the region to work towards. The ACT 2000 Committee's report emphasises the importance of building relations with New South Wales organisations in the surrounding region. This is particularly important for Canberra's long-term growth and economic development.

Mrs Carnell: What did the chairman say about the Government?

MR LAMONT: You want to hear what the chairman says about you, Mrs Carnell.

In addition, as the nation's capital, Canberra has unique responsibilities on behalf of all Australians. A number of golden opportunities for Canberra are highlighted in the ACT 2000 Committee's report. These include the staging of a myths and legends games and rounds of the 2000 Olympic soccer competition, hosting international athletes at the Australian centre of elite sport, an Olympic torch relay pageant upon its arrival in Canberra, opening of the Canberra international airport, and a Floriade fantasia as our tourism centrepieces for 2000.

To develop and implement the ACT 2000 Committee's report, the Government has announced the start of Project 2000. Project 2000 is designed to be a community based project to continue the work of the ACT 2000 Committee in identifying and developing opportunities with business, sport and the community. The Project 2000 Steering Committee, like the ACT 2000 Committee before it, will include representatives across business, tourism, marketing, sport and the cultural sectors of our community. As I have said in my introductory remarks, the region is an important addition to the steering committee in this instance. The name change to Project 2000 reflects the importance of getting every business, every sport and every community group to consider how they can be involved. This Olympics initiative is not about a committee; it is about everybody playing a part and working together. That will be the test by which we will be judged over the coming six years. More importantly, it will be the test by which we will be judged beyond 2000.

This Olympics initiative, as I have said, is not about a committee. As you would be aware, Madam Speaker, Canberra has already bid for and been successful in winning the right to host the 1997 Australian Masters Games. The ACT Academy of Sport will begin shortly to service athletes from the surrounding New South Wales region, and work has begun with the Australian Sports Commission and the Australian Institute of Sport on developing strategic alliances between the ACT Government and those two organisations. As well, Madam Speaker, the 2000 Paralympic Games also provide unique opportunities not only to lift the profile of these elite athletes but also to host events and to support training services in this region. The Government is keen to lead the way with its support for the Paralympics and its athletes.

Over the coming months the ACT Government will review the ACT 2000 Committee's report to identify priorities and, cooperatively with Project 2000, to develop plans to progress the initiatives in this report. As I have said repeatedly and as the Government has said - I understand that all members of this Assembly concur - the 2000 Olympics provide a great opportunity for sports development, and to allow community participation in sport, recreation and cultural activities not just up to the Olympics but also beyond 2000. Project 2000 will build upon the great work that has already been done. Project 2000 will lead the way in sport and recreation into the next century.

BROADCASTING OF ASSEMBLY PROCEEDINGS

Matter of Public Importance

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

The issue of broadcasting ACT Assembly proceedings.

MR MOORE (3.57): Madam Speaker, in speaking to this matter of public importance I am going to raise a series of points: First, the objectives; secondly, public interest; thirdly, improved news reporting; then improved standards for MLAs in the ACT compared with other parliaments; the history and significance of this proposal; and how should it happen. The first objective in seeking the broadcast of Assembly proceedings is to provide for the ABC, in particular, and any commercial broadcaster, all proceedings live, should they wish, or part thereof. The second objective, Madam Speaker, is to permit use of footage by the news media. When I say footage, Madam Speaker, I apply that term to the audio media as well as the visual media. In addressing those two objectives, I think it is important that when we talk about Assembly proceedings we ought not restrict ourselves to the proceedings that occur in this house; we should also be considering a vitally important part of this Assembly, and that is the committee processes and the committee proceedings.

Madam Speaker, I do not think any of us here would be so naive as to think that the media will have such interest in the Assembly over the next few years that they would want to record every single word and use every single word all the time. Nor do I think that there is such interest in the community that people would want to follow every word that is spoken in this chamber. Indeed, there are times - you may find this hard to believe, Madam Speaker - when people speaking here do not even have the attention of other members. I have been in here when there was not even a quorum in the house and still people have proceeded. Madam Speaker, I think that that needs to be said.

That leads me onto the issue of public interest. There are some issues in which the public takes a particular interest, and the recording of proceedings of the Assembly for public use would allow issues under discussion in the Assembly to be followed easily by the public. I think it would allow people better scrutiny of their representatives. I think, Madam Speaker, that sometimes when people come to this chamber they have some negative reactions, although I must say that a number of groups that have come in here recently and that I have been aware of have indicated to me that they are singularly

impressed by some of the proceedings in this chamber. If they have been to the Federal Parliament and watched a near empty house with an individual member speaking, they can see that this Assembly provides a more colourful and more interesting set of procedures. I think there is another important public interest issue, Madam Speaker, and that is that it would prevent unpopular legislation going through unnoticed by the public. One of the roles of the Opposition and one of the roles of the crossbenchers is to raise unpopular measures that the Government proposes. Those are issues that we tend to raise. Similarly, the Government would raise something that any other member tried to proceed with. So, there is the issue of increased accountability, and that, I think, does assist.

Madam Speaker, there is sometimes a perception in the community that somehow or other we get together and make a cosy deal; we slip through a piece of legislation. One case in point that I can remember is the superannuation for members. Those of us who were involved with that issue know quite well that the superannuation for members is no greater than it would be had they been public servants. Nevertheless, there is a perception in the public arena that that may have been the case. I have seen a number of articles to that effect appear in the media. Having public broadcasting of proceedings would allow for those sorts of debates to be fairly open.

I think it would also allow for improved news reporting. It would allow both television and radio news to report what people actually say, instead of relying, as they do at the moment, on interviewing people after something has been said, or often before something has been said, and then balancing that against what somebody else is saying and, on occasions, taking those remarks out of context. Another thing that we see, Madam Speaker, is the trivial sound bite, or grab, as it is sometimes called, in a news snippet. What we would get is what we get from the New South Wales Parliament when they are broadcasting. When issues are raised the members who have raised them are quoted from the floor of the house.

Madam Speaker, I am aware, of course, that you made a statement on this issue when this building was opened. You pointed out publicly that the facilities were in this building to permit the broadcasting of proceedings. At that time, Madam Speaker, I probably misinterpreted what you were saying - I probably should have known better from my presence on the Administration and Procedures Committee - and I stopped the drafting of my Bill for the broadcasting of proceedings. It seems to me that that was probably a mistake; but, like all of us, I have a set of priorities. It was not one of my highest priorities at that time. I feel that I probably let this matter go on for too long. I do have a draft Bill, but it has not been through Parliamentary Counsel. On an issue like this, when I look at the guidelines from the Federal Parliament and other places, I think it is important that we get it right. I would hope that it will be something that is done very early in the life of the next Assembly.

One of the other issues that I mentioned that I would address, Madam Speaker, is improving the standards of MLAs. Although, no doubt, all members recognise your ability to control the house, I think it would encourage better behaviour in the Assembly if we knew that what we are doing is always being recorded; that somebody can always rewind a videotape and get a copy of what was said or what was done and how a person reacted. I think consciousness of that being the case, Madam Speaker, may well add to

the calibre of the Assembly. Speaking of the calibre of the Assembly, Madam Speaker, I think we might also see a much higher quality in speeches by members if they were conscious of the fact that any part of their speech could be used from a recording rather than simply being recognised by the number of people currently in the gallery. That would be interesting. I think, Madam Speaker, that it has those benefits. It would also encourage members' attendance in the chamber, knowing that they are always being recorded. As we know, Madam Speaker, there are some members who are very keen to be in the limelight and to be on camera all the time. At the other extreme, Madam Speaker, there is one member who seems to be very rarely here, other than in question time.

Mr Humphries: Name him; name him.

MR MOORE: Madam Speaker, I hear a call to name him. I will not do that, Madam Speaker. The spirit in which I raise this matter of public importance today is to seek support from all members. Although it is not amongst our highest priorities, it is something that we ought to be dealing with. If any of the members here are in the next Assembly, they might raise the issue then. Should I not be here, I would be happy to pass on my draft Bill.

It is also important for us to compare the ACT Assembly with other parliaments. The ACT, in many ways, has been a leader in procedural reform, I think, in terms of our parliamentary processes. The current debate before the Select Committee on Community Initiated Referenda is part of that whole debate. In fact, Madam Speaker, in the evidence you presented to that committee you raised a whole range of issues as to how we can become publicly more accountable; how we can bring about changes to procedure in the ACT; how we can pick up good ideas from other parliaments as to how we can improve our procedures. In the Northern Territory, in New South Wales and in the Federal Parliament there is some form of broadcasting, and I think it is important for us to recognise that what we are seeking to do is not to break the ice in this way but rather to follow some other sensible procedures.

I note, Madam Speaker, that in the guidelines in the Federal Parliament there is an issue about when somebody has been asked to withdraw a statement. That statement having been withdrawn, it ought not then be reported. Once something is withdrawn, in terms of the Assembly, it ought not be part of a reporting procedure. If there is live reporting of the Assembly, that is not such a critical factor. Somebody who is listening to the whole process live rather than taking snippets can hear somebody raise an issue, can hear that they are asked to withdraw it, and can hear that they are forced to withdraw it; so the matter is dealt with in its whole context. I think the reason for that part of the guidelines in the Federal Parliament, in terms of their broadcasting of proceedings, was to ensure that when somebody has been made to withdraw a comment it cannot be taken out of context and left as though it was made without reference to it.

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I think it is also important to look at the history and the significance of this concept. There is no doubt that the proposal has been worked on before. I have discussed it with members on a number of occasions, both in the previous Assembly and in this Assembly, although I believe that it has never been raised as a public issue for the Assembly to consider. My discussions with other members have been generally positive; that they seek to ensure that we are as accountable as possible.

Madam Speaker, there is the issue of televising in this Assembly. I recall a discussion with you in, I think, the Administration and Procedures Committee. We discussed the cost of implementing the broadcasting of proceedings. I have certainly been aware that that is an issue that needs to be discussed and fully explored before a Bill of this nature should come before the Assembly. Though taking that into account, I feel that it is an embarrassment to me, and I think it should be an embarrassment to other members, that we have not got on with doing this and ensuring that this procedure is followed. Rather than raise it in some way as an election issue, or something along those lines, it is better to raise it in a non-partisan way; to say, "Yes, let us take this on; let us look at the costs; let us deal with this issue as part of introducing a new Assembly to the people of Canberra, as part of a coming of age". I think that after coming into this new building, and going into our third election, we will see a very different attitude from the people of Canberra from what those of us who have been in since the beginning of the First Assembly can recall. Mr Stefaniak, who has been both inside and on the outside looking in, I think, would also recognise that there have been major changes in the attitude of people to the Assembly and how it should operate.

Madam Speaker, it would seem to me that the broadcasting of proceedings should be allowed - both radio and television, and live, if required, in the case of radio. The recordings can be used for either sound footage or visual and sound footage, and they can also be used by the print medium so that they can check what has happened. Madam Speaker, that is the issue I wanted to raise today. I was particularly keen to see it dealt with in a non-partisan way. This Assembly can raise the issue for new members coming in. It can say, "Look, there really are no good reasons for this to be delayed any further. The cost is something we are going to have to deal with, but it is an important part of the process of ensuring that the Assembly becomes much more a part of the community". Madam Speaker, I recommend to members that we deal with this issue in a sensible and rational way.

MS FOLLETT (Chief Minister and Treasurer) (4.13): I congratulate Mr Moore on having raised this issue. I think it is high time indeed that the Assembly did address the matter of the broadcasting of our proceedings. In principle, the Government supports the broadcasting of Assembly proceedings, as I am sure all members would, and we will all have our reasons for doing so. Mr Moore has mentioned in particular the question of accountability. There is no doubt in my mind that, the more open our processes of the Assembly are, the more accountable we become to the community that we serve.

I think there is a more fundamental question, and that has to do with the acceptance by our community of this Assembly. I know that many members will be aware that for the duration of the First Assembly the workings of the Assembly and its members were hardly understood and, need I say, hardly tolerated by many in the Canberra community.

It seems to me that we have developed. We have grown since those days, and our community has grown also, I think, in its knowledge and its tolerance of the Assembly; but we still have a way to go before the ACT community could fairly be said to accept this Assembly as their Assembly, to accept responsibility as a community for their our parliament. I think the broadcasting of proceedings ought to assist in that regard.

I do caution members that the experience in other States, and especially federally, seems to indicate that the broadcasting of proceedings most certainly does not add to the popularity of either politicians or their parliament. In fact, I have been cautioned by members of all persuasions in other States about the dangers of broadcasting proceedings and the effect that it can have on personal popularity. I think that that is all part of the maturing of our parliament. As Mr Moore said, if it means an improvement in the standard of debate and the standard of behaviour of members, I think that is all to the good.

We support the principles of open government, and I think the openness of the Assembly has to be part of that. We have taken a number of steps in this Assembly that are not common in other State parliaments and assemblies. Our Estimates Committee process, for instance, is not shared by all States. When we brought it in it was, in fact, a quite rare process for State or Territory parliaments to indulge in. It is part of the commitment to openness, as is our statement of pecuniary interests of members and that statement being a matter which can be made public. Again, it is a matter of the openness of our processes. There are all sorts of other processes there. The committee system itself, and the consultative procedures that both the Government and the Assembly adhere to, all are aimed at improving accessibility and accountability for everything that we do.

In time, I have no doubt, the Assembly will come to broadcast its proceedings. I think that the wait has probably been worth while. As members know, we have just moved into our new and permanent home, and in making that move there have been quite a few expenses and quite a few bedding down issues that have had to be addressed. I know that some members, for instance, have had their computer systems updated. I think we all have. It is only the Executive that has not. That has been quite a cost. It has been a quite technologically challenging project. The question of furnishings and fittings for members and for the Assembly itself is one that we are going to be addressing for years to come yet.

Had we, as members, been prepared to commit the ACT community to the kind of wild extravagance of the Northern Territory Assembly, we probably would have insisted on building into our new Assembly a broadcast system. I believe that that is what they have done in the Northern Territory. I also think that, if any objects can be made of marble or rainforest timber or be gold plated, you will probably find them in multiple copies in the Northern Territory Assembly. It is that kind of a place. All members here agreed that our new Assembly would be modest and appropriate and would be within the financial resources of the ACT. I believe that that was a very wise decision.

However, now that we have not built in a broadcast system, there are, of course, costs to be addressed if we are to move towards such a system in the future. The kind of costs that I have heard - it is a rough costing and it certainly has not been in any way detailed - is that the equipment itself would cost about a quarter of a million dollars, plus staffing,

of course, to do the broadcasting. The alternative, I suppose, would be to contract the whole thing out. But that is not free. It would still have a cost to it. I think that that is something that we will have to consider in future Assembly budgets. There are also the legal aspects. I am aware that our proof *Hansard* is generally not considered to be a public document until it has been published in its final form, and I do not know what sort of legal problems there might be with broadcasting. So, I do share Mr Moore's position that it would probably be better to achieve the broadcasting by way of legislation that did cover all of the issues and offered proper protection, both to the Assembly and to the broadcasters. I think that is an important point.

Finally, Madam Speaker, I make one last point. I would like to say that this matter of broadcasting is not one for the Government alone, as I am sure members appreciate. It does concern the whole Assembly, and in particular the Administration and Procedures Committee of the Assembly. If we are to proceed, it would be appropriate for the Administration and Procedures Committee to take a reference on the matter and do some investigation into what kind of broadcast method would be the most suitable for this Assembly, and what the costs might be, and for that inquiry to form the substance of a budget consideration at some future time.

To conclude, Madam Speaker, the Government certainly supports the principle. We believe that it adds to the openness and accessibility of the Assembly's procedures. We also believe that the more that the Canberra community knows about its Assembly the better. If there are things about the Assembly that they want to change, they are then, at least, in an informed position to make those kinds of statements. In terms of the debate on democracy, on the nature of our federation, on citizenship and so on, the parliaments of Australia have to be absolutely transparent to their communities in all of their processes and all of their procedures. That places an additional burden on members of parliaments; there is no doubt about that. It is not a burden which we should face lightly. We have experience now from some other parliaments which do broadcast. I think we can learn from their experience. When we do come to broadcast the Assembly proceedings, as I am sure we will, we can make sure that it occurs here in a way that actually reinforces the democratic process, in a way that does provide better information and better accessibility to the community, rather than add, as unfortunately happened in some past instances, to the public cynicism and distrust about the whole political process. They are some thoughts that I provide on behalf of the Government, Madam Speaker. I think the debate that Mr Moore has started is timely, and we support him in principle.

MR HUMPHRIES (4.22): Madam Speaker, on behalf of my party I also indicate that we see advantages in there being a process for the broadcasting or telecasting of the proceedings of this Assembly. The debate about the effect of broadcasting on the work of the parliament and the implications for the conduct of debates in that parliament has gone on for some time. I can recall being in Britain in, I think, 1975 when broadcasting of the proceedings of the House of Commons began for the first time. There was intense debate in the community at that time about the effect that this broadcasting would have on the performance of members of the House of Commons. Since that time the British Parliament has adopted both broadcasting and telecasting of proceedings of the parliament. I do not believe that the overall verdict of the British people is adverse to this process, although there may be some academics or experts on the subject of parliamentary practice who might take a different view. Certainly, Mr Deputy Speaker, it is the

expectation of people in Britain at present that they should be able to hear and see what their politicians, their Ministers and their shadow Ministers are saying on the floor of the house, rather than see it transcribed on a piece of footage on a TV screen or hear it relayed verbatim by a broadcaster on the radio. They expect to be able to see those things, and the question needs to be asked whether the ACT population should be in any different situation.

I want to comment on a couple of matters that were referred to in the debate by other members. Mr Moore made some reference to the number of members in the house at any given time, and perhaps the adverse inference that might be drawn from the fact that people sometimes do not appear on the floor of the house and sometimes the numbers are very small. I must say, Mr Deputy Speaker, that my impression is that, in fact, we have a very good record in this regard. As one who has worked in the Senate, I can say that one would often be up there at other than question time and see two members in it - a member of the Opposition and a government Minister, responsible for being in the chamber, and nobody else. I would go so far as to say that, in fact, on average there are more members present in this place at any given time of day when the house is sitting than there would be in the Senate.

Mr Moore: Not even on a per capita basis?

MR HUMPHRIES: Not even on a per capita basis; on an absolute basis, even though they are four times larger than we are. So we have a fairly good record. We often will have someone, a member unnamed, calling a quorum in this place when, in fact, if they were, heaven forbid, a member of the Senate or the House of Representatives they would be hoarse from having to call quorums all the time, because it is very rarely that that place maintains a quorum, except during debates on very controversial matters, or, obviously, during divisions and question time.

The Chief Minister also made reference to the Northern Territory's extravagance. I think that was the word she used. I think that I would have to agree with her, having seen that building. I must say that I was rather awe-struck. I should note also that, in an ironic twist, it appears that the population of the Northern Territory seemed to forgive the members of the Northern Territory Legislative Assembly very quickly, if they ever had any grudge against them, for the cost of that parliament; whereas it could be said that many members of the ACT community had considerable misgivings about the amount - approximately one-tenth of the amount spent in the Northern Territory - which we allocated to the refurbishment of this building. It is a question of horses for courses, perhaps.

I think, Mr Deputy Speaker, that the provision for broadcasting and telecasting of proceedings in this place is simply a provision for us to be, both in practice and in principle, open about the work that we do in this place. It is, I think, a matter of distress sometimes to see how few members of the community come into this place to see what we do. I have no doubt at all that a consequence of that poor attendance at the parliament of the Territory is that people generally are quite ignorant of what happens here and how it occurs. People, I am sure, have quite strange notions of what occurs in a parliament. My own discussions with some people who have visited this place always

reinforce that view. They say, "I did not realise that you did so many things on the one day" or "I did not realise that you actually vote by calling out yes or no; I thought that you went and pressed a button to vote". There are comments of this kind. There are many misunderstandings and failures to comprehend the way we do things here which would be, I think, usefully dispelled by a measure such as broadcasting. I think that broadcasting or telecasting would actually enhance interest in and understanding of the Assembly and would provide for people to want to come here and see it live because they would be more interested in observing the process and making sure that their interests were being protected in that process.

It should be said, Mr Deputy Speaker, that at the same time we need to be flexible in the way we apply rules on broadcasting. I must say that I think the Federal Parliament's rules in this respect are somewhat stilted. Members who observe that process will note that there are strict rules about what the cameras can cast their lenses over. That was illustrated quite well, I think, a few months ago when that incident occurred where, I think, Mr Howard on the Opposition benches accused the Speaker of the House of Representatives of bias and the gallery of the chamber erupted in applause. The eye naturally would look upwards to see what the people were doing. One would expect in a situation where a cameraman was recording anything else that the camera would do the same thing; but it could not, under the rules of broadcasting that apply in that place, and that was perhaps slightly unfortunate. I think people expect more than a party political broadcast when they watch proceedings in parliament. They expect to see what is going on, and that might include looking at other people's reactions to what is happening, and not just those who are sitting at their desks in the chamber. So, Mr Deputy Speaker, I think there is scope for our being more flexible in those arrangements.

The question has to be asked, "Will members grandstand if they are on camera or being broadcast? Will they", to quote Shakespeare, "strut and fret their hour upon the stage?".

Mr Moore: Surely not. Nobody here would, Gary.

MR HUMPHRIES: I am sure that Mr Moore is right. No-one, surely, in this place could possibly embark on that kind of outrageous behaviour. But I am also confident that if, by some extraordinary phenomenon, they did, people would see through that process. In these circumstances people are under pressure in this chamber. If they are Ministers they have to answer questions, or try to answer questions, without notice, or at least half of them without notice most of the time; they have to respond in debates to things that have been said, to interjections and so on. It tests people's capacity and their mettle, and I think that that comes out in the process of observing those things.

The Chief Minister raised the question of the cost of broadcasting. I notice that Madam Speaker is sitting in a place on the floor of the chamber and, I gather, may well contribute to this debate. I very much look forward to that. That will be a very interesting experience.

Ms Ellis: A valuable experience.

Ms McRae: Ha, ha!

MR HUMPHRIES: I think I heard an interjection from the Speaker. I think that it is open slather, Mr Deputy Speaker, for the future. The cost of broadcasting was an issue raised by the Chief Minister. I recall asking Madam Speaker about this question in the course of some estimates hearings. She may well come back to that matter and speak about it herself. I think it is possible to consider broadcasting as being the responsibility of those who choose to broadcast - that is, the television or radio stations - rather than the responsibility of the Assembly to package the material and give it to the stations to do that with. I would expect that if people wanted to broadcast they would have some kind of broadcast capacity set up. The infrastructure, I understand, is present already, without additional expenditure, and that would be used as required by those people wishing to broadcast. There would, of course, also be a necessity for legal provisions to deal with that question, to make sure that privilege was still protected in the broadcasts.

Mr Deputy Speaker, I indicate briefly that the Liberal Party does see merit in making the proceedings of this place more transparent, more accessible. Television screens, and to some extent radios, are the medium for communication in this day and age. They have replaced over the back fences and the shopping centres in many respects. It is important that people have, in that mainstream of their understanding of what goes on in this world, the proceedings in this parliament - not in an interpreted way, but in a direct fashion; and that would be achieved, I think, by the broadcasting of those proceedings.

MR DEPUTY SPEAKER: The Chair recognises Ms McRae.

Mr Stevenson: Mr Deputy Speaker, once again, I expected better.

MR DEPUTY SPEAKER: Order!

MS McRAE (4.33): Brighter colours might help Mr Stevenson. Thank you, Mr Deputy Speaker, and thank you, members, for the opportunity to speak to you. This is, in fact, the first time I have stood in this chamber.

Mrs Grassby: Your maiden speech.

MS McRAE: No, I am not a maiden any more, Mrs Grassby. I would like to thank Mr Moore for raising this subject, because it is something that, as Speaker, I am immensely interested in and it does fall within my role of responsibility in the administration of the Assembly. I would like to take this opportunity to make a few remarks about what has been happening. I see broadcasting as part of a broader agenda of making the Assembly proceedings more accessible along the same lines that most of the members who have spoken already have outlined. I, as you well know, have conducted a fairly energetic campaign to try to get groups into here. Those of you who have noted two morning tea invitations, whereas one of them should be for afternoon tea on Thursday, will concur that at least we are getting groups through, even through invitation, to meet the members as part of this broader agenda to try to make the Assembly a more

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familiar place to as many people as possible. I realise that that is only one small step. I thought very much at the beginning of the Second Assembly that it was part of my responsibility as Speaker to try to change a little the image that we had unfortunately gathered around this Assembly, and partly to continue the process of educating the community about what the Legislative Assembly was about and to gain wider acceptance. I think collectively we have achieved a great deal on that front.

Another of my responsibilities, through the Committee on Administration and Procedures, was to facilitate and oversee the move to this building. As Mr Humphries has already pointed out, I did answer questions on the infrastructure that has been built to allow for broadcasting; but, of course, that does not include the cameras and the microphones. I believe that that is the area of cost which Mr Humphries quite rightly has pointed out. It does deserve further discussion as to who will incur that cost and then how we will deal with that. It may be that we incur the costs and then charge for the use of it. It may be that somebody may be contracted to put the material in. In the process of putting this building together, submissions from all sides, from all parties, were in agreement that that infrastructure should be there. So, the building is ready to go, more or less, for the broadcasting and televising of proceedings.

Already this building has vastly improved the capacity of the public to come. As you can see, we do have 50 per cent more seating there for the general public. Today they have chosen to stay home, of course; but we do see it full on more contentious days or when we have invited groups. In time we hope to see it more regularly used. Members will have enjoyed the exhibitions upstairs. That is part of the greater plan to make this building a more interesting building. It is not just us talking; there are other things happening within this Civic Centre that we share.

We have already facilitated as much broadcasting as we can. I think it is quite clear that we all agree that further sharing of our activities is important. We have seen it in regard to the budget speech and at question time, to provide updated footage. We have seen some work in the chamber. As Mr Moore has said, the time will come when committee work will also be televised. We have not done that yet; but the facilities, the infrastructure, will be quite easily put into place. All that will happen. We still need to look at the costing, as has been said. Whilst the infrastructure was able to be provided in the construction of this building, the employment of staff, the installation of video recording and the ongoing running of this was beyond the project. As Ms Follett has said, it will need to be part of a budget bid next time around, when members agree. This is something that we can look at, perhaps in the next Assembly, perhaps in the Administration and Procedures Committee, as Ms Follett has suggested.

The other question that members have alluded to, which is one of great importance, is the privilege issue relating to broadcasting concerns. In the absence of legislation I have sought some advice on this. We will need legislation to provide the full range of legal protection for those involved in recording and rebroadcasting the proceedings. Particularly if the broadcast has been judged to be defamatory, there are regulations that will need to be in place for that. I understand that we will have to look at that.

The advice that I have had from the Clerk thus far is that probably our own broadcasting legislation will be the way to go. To reiterate the issues that most of us have already raised, we need to look at the legal requirements, we need to look at the costs, and we need to look at the nature and style of broadcasting that we need. I, as Speaker, would be more than happy to facilitate that next time around, should I be honoured with this position again.

MR STEVENSON (4.38): The role of members of parliament is mainly threefold: Firstly, to obey the constitutional law. Secondly, to obey the majority expressed will of people. Thirdly, to make sure that constituents within their electorates are well informed on all issues. This proposal would do that beautifully, provided that certain conditions were met. There are so many benefits from presenting what goes on in a legislature, or a council, or any parliament, to the people in that constituency. One of the benefits is that it is simply a matter of general education. We have research facilities that are excellent. When we talk about issues we can bring a lot of interesting information to bear. Purely and simply from a general education of the entire population of our electorate point of view, that would be beneficial.

Another educational aspect is the issues that people are concerned about in their local electorate. It would give people a wonderful opportunity to find out what we are proposing. Many people do not realise what we propose until after it has been proposed and passed, and actually impinges on them in the community. Then they say, "Where did this come from?". If we televised or broadcast the proceedings of this Assembly, that would give people little opportunity to say, "Look, I cannot get along because I am working" or "I cannot get along because I am looking after the children", or any other reason. The night session, our Tuesday nights, would come into its own if a broadcast were live.

It has been suggested by members of parliament down the ages that communities should not be allowed to have a direct say on legislation because they are not well enough informed. I could put it in more crude terms that have been used by members of parliament over the years, behind the scenes; but let us say that sometimes they say, "Why should the majority of the community be allowed to have a say on these matters? They are not well informed". There are two points that are important here. Firstly, in surveying the great number of issues that we have surveyed during the last 5½ years, not only in Canberra but also in other communities, we have found that people usually make sensible long-term moral decisions. Perhaps there are times when members of parliament do not quite meet the same standard. With citizens-initiated referenda introduced into the ACT, broadcasting what we talk about would give people a great deal of information on the subject that would be proposed by the citizens to initiate a referendum.

I think it is vital that any such broadcasts go out unedited. The difficulty we have in Australia, and in Canberra, particularly, is the censorship by ABC radio, as an example. The *Canberra Times* is another example. I understand why this is so. It certainly does not benefit the people of the ACT by allowing them to have an overview of all the issues.

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A direct broadcast that is unedited is vital. It would be beneficial, to get around the censorship that we find a daily matter in our communities. We have talked about television; but one does not have to see what is being said, provided one knows what is being said. One could hear that on radio. It does not have to be visual - - -

Mr Moore: We would not be able to see your hand movements, Dennis.

MR STEVENSON: That is true.

Mr Kaine: Which radio station has volunteered to do this?

MR STEVENSON: It is a good question. Mr Kaine asks which radio station has volunteered to do this. If I had one, I would volunteer. It is a wonderful idea. I fully support Mr Moore on it. If we had some creative thinking it probably would not be that difficult a situation. Community radio is available in Canberra. We fund community radio. 2XX is one of the most biased media organs around the place. I well remember prior to the first election for this Assembly going along and wanting to present some viewpoints about self-government. I was in contact with more than one person. I was told in no uncertain terms that they support self-government and they will not have me presenting any argument against it.

Mr Kaine: A good decision, Dennis.

MR STEVENSON: I can well understand your viewpoint, Mr Kaine. Perhaps some close to you do not hold it. Community radio would be an ideal avenue to broadcast live and unedited. After all, that is the cheapest way of doing it. Trying to edit it would cost money. It would be so much better if people could see the colours that we are wearing, the ties we have on, our mannerisms, whether we are looking the camera straight in the eye, et cetera. Why not give it to the public television in Canberra that I imagine will soon be broadcasting? If we contacted the people who are pushing for public television in Canberra, I think they would be more than inclined to take on such a proposal. There is still a lot of time left. Over the year we do not sit for a great number of hours or a great number of days, and I think that it would be beneficial for those reasons.

It is not only beneficial to people from the purely political view. What about the schoolchildren? I did not hear anyone mention that point, although it may have been raised. We run the Youth Parliament. I would like to see it run a little bit differently, upon more parliamentary lines, more democratic lines; nevertheless, we run the Youth Parliament. Students could have this Assembly televised directly into schools. Mr Wood would probably find that - - -

Mr De Domenico: You can see how popular it is with the live audience behind you.

MR STEVENSON: It is a valid point that Mr De Domenico makes. There is not one member of the public in the gallery. It is not for the want of being told. We tell people again and again. I hear that down at Speakers Corner someone is often recommending - it is not me; I have not been down there every time - that people come to the Assembly and have a look at what is going on here. I think that is a good idea.

Broadcasting or televising would certainly solve the problem of having to come along to the parliament. We know that people are busy. They would be able to be at home, doing whatever they do, looking after the children, or out at work, and so on. If it were broadcast on the radio they could be driving around. If they were not going to be home and wanted to watch a particular debate, it could be videoed.

Mr Moore mentioned that this may encourage better behaviour. The experience in the Federal arena is that it encourages far worse behaviour. Ms Follett talked about it increasing the acceptance of self-government. Some of us would suggest the reverse. Mr Humphries suggested that some people might grandstand, but that people would see through that. I would hope and trust that they would. However, the experience of the Federal Parliament being televised, or those sections of it that are, does not necessarily lead us to that conclusion. Although we see people doing things that are perhaps not parliamentary, we did vote for them. Nevertheless, this is an excellent idea, and I commend Mr Moore for bringing it up.

MR STEFANIAK (4.48): I think we are having ourselves on if we think there is a great deal of interest in this in the community or that very many people would listen or watch, at least in the initial stages of any broadcasting of this little parliament.

Mr Moore: Especially if they have to listen to you speak.

MR STEFANIAK: That is probably right, Michael; and especially if they have to watch you grandstand. Mr Moore does raise an issue. Whilst there may not be terribly many members of the public who would be interested in following that closely, and listening and watching the broadcasting of debates in this Assembly, nevertheless it is something that occurs in other parliaments and in our Federal Parliament. I suppose that there are members of the public who are interested.

There may be members of the media who would be interested in doing so if the costs were right. I think Mr Humphries raised some very good points in relation to letting the media pay and in relation to the infrastructure of this place. It may not be a costly exercise for this Assembly to indulge in, and it may well be something that a media outlet would be prepared to pay for it. Then the idea has merit. I think of the singular lack of interest which I think the community at this stage would show in the broadcasting of these proceedings, by radio or by television, or by both. But it is something that the Administration and Procedures Committee, or some other appropriate committee, can look at and can take soundings on. I think that in taking soundings it would be very important not just to look at the cost issue but also to seek out community views and the views of any interested individuals in the community as to whether they want to see it occur, in what capacity, what concerns they have in relation to costs - if costs indeed are a factor - and then to report back on what track we can go down in terms of broadcasting.

Several speakers spoke of behaviour. I think Mr Stevenson said that TV does not seem to have modified the behaviour of certain members in the Federal Parliament. I think the Prime Minister's behaviour is probably just as bad as it always was.

Mr De Domenico: They wear brighter ties, though.

MR STEFANIAK: They do wear brighter ties. Rather than getting rid of people grandstanding and being a disincentive to grandstanding, perhaps it has just refined the type of grandstanding that goes on. I do not really think it is going to change for the better the behaviour of members. To the credit of this little parliament, though, generally the behaviour of members here has been pretty good, on the whole. There is obviously a fair amount of toing-and-froing at times. Occasionally in the life of both this Assembly and the last there has been some vitriol, which is to be expected.

Mr Wood: Yes. Well, he is the one. That is him. Yes.

MR STEFANIAK: Him?

Mr Wood: He does it.

MR STEFANIAK: Hardly. Bill, not him. Generally, compared with the Federal Parliament, we are very tame. Mr Stevenson mentioned unaltered broadcasts and the benefit that that would have in terms of a lack of censorship. I suppose that for interested Canberrans, if there are many who are interested in following the affairs of this Assembly, and perhaps relevant debates which can never be adequately reported in the print media, let alone in radio grabs or television grabs, there is merit in broadcasting the goings on in this Assembly.

Mr Moore, in his speech, talked a little bit about the history of this Assembly. When one looks at what the community would think on this issue, that is very relevant. He referred to the fact that out of all the members here I am the only one who has been in and out of both Assemblies. I suppose I do get a certain perspective from that. In the First Assembly there were a number of issues and a number of members who were regarded as somewhat of a joke. In fact, the whole body was regarded as somewhat as a joke because, quite clearly, a large proportion of people in the ACT did not want that type of self-government.

Mr Kaine: There were a couple of good performers there.

MR STEFANIAK: There were some very good performers in the First Assembly, but some of the community did not really quite appreciate that. However, it is true, as members have said, and I think Madam Speaker has said, that the Assembly has mellowed; it has matured to an extent. Whilst the community is certainly not as anti as it was about the First Assembly, I do not believe that there is a huge amount of real interest in terms of what we do on a day-to-day basis. That is something I detected when I went back into the work force in February 1992, and until August 1994 when I came back into this place. People have too many other things in their daily lives to interest them to be worried to a great extent about what goes on in this place, unless there is some particular issue that they have very strong feelings on, or something that personally affects them in their livelihood. Then, of course, they become very interested. I suppose that that is true of politics in Australia as a whole. This place is not unique in that regard.

I wonder how many people do listen to and watch the television broadcasts of Federal Parliament. I know that my old Auntie Molly in Manly was always a very keen listener to the ABC broadcast of Federal Parliament, but I think she might have been an exception. Large numbers of members of the public really show very little interest in politics. I suppose that broadcasting proceedings here might have some educational value for schoolchildren. I suppose that, just because the vast majority of Canberrans may not have much interest in what happens here on a minute-to-minute basis, that is no real reason why we should not follow other parliaments and go down the track of having proceedings broadcast. It probably is a sensible issue raised by Mr Moore, but I certainly do not think we need to rush into it. It is something that an Assembly committee can look at to see what is the best way of going about it, and certainly the most cost-effective way, which I think the community would expect of us.

MADAM SPEAKER: I believe that the discussion is concluded.

PUBLIC WORKS COMMITTEES - NATIONAL CONFERENCE

Statement by Member

MS SZUTY: Madam Speaker, I seek leave of the Assembly to make a statement on the National Conference of Public Works Committees, which was held in Hobart on 31 October 1994.

Leave granted.

MS SZUTY: I am pleased to provide members with a report on the proceedings of the National Conference of Public Works Committees. The conference was held in Hobart on Monday, 31 October 1994. Members of five public works committees attended. They represented the Commonwealth's Parliamentary Standing Committee on Public Works, Queensland's Standing Committee on Public Works, South Australia's Environment, Resources and Development Committee, Tasmania's Standing Committee on Public Works and our own Standing Committee on Planning, Development and Infrastructure. Three members of the Planning, Development and Infrastructure Committee attended the conference - Mr De Domenico, Mr Cornwell and I. On behalf of the committee, I provided to conference delegates an update on the way public works matters were handled this year by the Estimates Committee. This reflects the fact that, this year - unlike its practice in previous years - the Planning, Development and Infrastructure Committee did not examine the draft capital works program of the Government.

On my return from the Hobart conference, I spoke to our committee chairman, Mr Berry, about the desirability of providing to the Assembly a brief report on the conference. We both felt that it was appropriate to do so, which is why I am speaking now. The Hobart meeting was the third National Conference of Public Works Committees. The first was held in Brisbane in 1991 and the second was held last year in Canberra.

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Unfortunately and regrettably, Madam Speaker, no member of this Assembly attended either conference, although the Planning Committee's secretary, Mr Power, attended the Canberra conference and provided an update on the Planning, Development and Infrastructure Committee's activities.

I want to report to the Assembly that the national conference proved to be an extremely valuable learning experience for all delegates. The conference commenced on Sunday night with an informal dinner, hosted by our Tasmanian colleagues, which provided a splendid opportunity to meet the other parliamentarians. The following day, the Tasmanian Speaker opened the conference and noted in passing his own long service on the Tasmanian Public Works Committee. We were then taken on a tour of three facilities approved by the Tasmanian committee - a senior secondary college under construction, Elizabeth College; the newly opened, refurbished Tasmanian Police Headquarters; and the redevelopment of the Hobart Magistrates Courts. The latter two projects involved extensive heritage study and assessment, which has parallels with what is happening in the ACT at the moment.

In the afternoon, delegates met in formal session in a committee room of the Tasmanian Parliament. We shared experiences in handling public works matters, and two papers were presented - one, by Queensland, on the social obligations of public infrastructure; and the other, by the Commonwealth, on the use of project management in public works projects. Both papers gave rise to extensive discussion, especially the one on social obligations. That paper raised the question of how far a parliamentary public works committee should go in pushing government agencies to provide adequate socially desirable infrastructure such as child-care, on-site parking and access for people with disabilities. Queensland delegates cited a recent court case in which the State Government was said to have failed to provide suitable access for people with disabilities to the new \$170m Convention and Exhibition Centre.

What became clear during the conference was the tremendous value gained by delegates in sharing information about the projects and processes used by the various committees to assess new capital works. The ACT participated actively in these discussions. It turns out that ours is the only parliament that has the opportunity to look at a complete year's program of proposed expenditure on capital works. This gives us good insights into some broad themes, such as how the proposed expenditure fits into the total economic activity in the Territory; the role of Treasury in the whole process; the interrelationship of Treasury, ACT Public Works and the various agencies sponsoring individual projects; and the adequacy or otherwise of the reasons being advanced for capital works projects. This sort of insight is not generally available to other public works committees.

I might mention that most public works committees can examine only projects above a certain monetary value. Also, it seems that most public works committees do not get to examine Treasury officials about the financial implications of particular projects. Further, while all committees are probably now aware of the importance of having adequate support staff available to process the paperwork and conduct research, some committees, such as the Tasmanian one, still rely on staff from the non-committee areas.

It might also be said that some members of public works committees are only gradually acquiring the confidence to sharply question government officials when these officials appear before the committee.

Delegates at the Hobart conference unanimously agreed that we would gain by meeting again next year to update our experiences and perhaps focus on certain themes emerging from this year's conference. One such theme is whether the National Building Code of Australia is adequately handling emerging community needs and social expectations of buildings. Delegates to the Hobart conference encouraged the Commonwealth's Public Works Committee to inquire into this matter in the coming year. One issue for public works committees is whether they should assess the adequacy of a project once it is completed - that is, inquire into whether the project has delivered on its promises. There is an argument for saying that such reappraisal would be useful in educating designers, officials and politicians about what works and what does not. While no public works committee has the resources to do this as a routine measure, it might be useful as a one-off exercise - for example, for a committee to select one capital works item each year and assess how well it has serviced the community in practice.

I note, in passing, that members in this chamber might have been interested in the results of such a study as they applied to the ongoing roadworks in Adelaide Avenue - which has been the source of some questioning at meetings of the Planning, Development and Infrastructure Committee and estimates committees in recent years - or to the hospital redevelopment project. In terms of which parliamentary committee should conduct such an appraisal, it may well be that it is not the public works committee, but perhaps the public accounts committee, reflecting its charter to examine critically financial matters.

The delegates from South Australia offered to host next year's conference, and this offer was accepted by the Commonwealth, the States and the ACT. I am sure that my colleagues on the Planning, Development and Infrastructure Committee will join me in recommending that members of the committee next year - no matter who they are - attend that conference. As a result of their attendance, the overall standard of questioning by members about capital works and their understanding of the whole process will benefit the public, whom we serve.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MRS GRASSBY: I present report No. 16 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 16 of 1994 was circulated when the Assembly was not sitting, on 21 October 1994, pursuant to the resolution of appointment of 27 March 1992. I commend the report to the Assembly.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**

Report on Draft Variation to the Territory Plan - Heritage Places Register

MR BERRY (Manager of Government Business) (5.03): I present report No. 30 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan relating to the Heritage Places Register, together with a copy of extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 4 November 1994, pursuant to the resolution of appointment. Madam Speaker, I move:

That the report be noted.

In September, the Minister, Mr Wood, referred this draft variation and papers to the Planning, Development and Infrastructure Committee. They were subsequently considered by the committee. The committee recommended as follows:

The Committee endorses the Variation to the Territory Plan relating to the Heritage Places Register with the following addition: that items 6 and 7 of the draft Variation dealing with Aboriginal Places PH12 and PH13 be strengthened by inserting the word 'will' in lieu of 'should' in sub-point (iii) of the Specific Requirements applying to each item (it being noted that sub-point (iii) is to be included in both items).

The purpose of this change, Madam Speaker, is to ensure that nobody could be left in any doubt about consultation with the Aboriginal community and, in particular, the Ngunnawal community.

Question resolved in the affirmative.

CRIMES (AMENDMENT) BILL (NO. 3) 1994

Debate resumed from 13 October 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (5.05): Madam Speaker, I rise to indicate the support of the Liberal Party for this Bill before the Assembly today, coming, as it does, in the wake of a Bill introduced last year by the Liberal Party which, in my view, replicates many of the provisions of this legislation, at least as far as one aspect of it is concerned. This legislation has been a long time in coming, in one sense. I note from the Minister's presentation speech that in 1975 there was a report by the Australian Law Reform Commission on criminal investigation, which, I gather, has, in large part, shaped the final outcome of this process and this legislation. Certainly, it has had an influence on the current Commonwealth legislation, which has now been passed by the Federal Parliament and which will become operative on 1 December this year. It is for that reason that we are considering this Bill today.

As I understand the Minister, the legislation that applies in the Commonwealth is legislation that will not apply in the ACT. It has previously been the case that Commonwealth law in these areas has applied in the ACT. The Commonwealth is to evacuate this area of the law as of 1 December, in the expectation that the ACT will enact its own provisions dealing with the subject of this Bill, namely, the obtaining of search warrants; powers of arrest by police; powers of police to demand the name and address of people suspected of having committed crimes; the execution of warrants; identification parades; and, generally, the taking of evidence by the police in the course of their duties. As I indicated previously, the Commonwealth law has applied in this area. There have also been a number of sources of procedure, such as police regulations and other subordinate laws, which have affected this area. We are now going to see a consolidation of the law in this Bill. I think that it is the intention of the Government, although it is not entirely clear, that the laws here will eventually be the sole place to which one will be able to turn to see what the laws are, for example, in respect of powers of search and entry; powers to strip search somebody; powers to conduct an investigation applying a search warrant; and so on. It would certainly be useful to be able to say that there was a single source of authority for the actions in those areas.

We are all aware, from some problems in the past in this respect, that there are a number of sources of law with respect to search and entry powers, for example. It is important that, in a single place, people can know where the laws are and what their rights are in respect of those powers. Although it is not entirely clear from the Minister's presentation speech, I take it that one of the possible ways of bringing into line other laws is to repeal provisions in other laws relating to this area and let it all be sourced from the Crimes Act. That is my hope. Perhaps that will be the ultimate result of the process. We will see.

Madam Speaker, the legislation gives us relatively little room to move, because it is modelled very closely on Federal legislation. As I indicated, that Federal legislation comes into force on 1 December. There is only a very small number of ways in which our legislation departs from that. I have been fortunate to receive from the Minister's department a copy of a document which indicates what are the 10 areas of departure. They are not very great. Substantially, we are enacting a consistent arrangement with the Commonwealth for police powers in this area. I will not go through the very many areas in which this law is going to operate. I will record my disappointment that, apparently, the Australian Federal Police Association, in either its national or its ACT manifestation, was not consulted about the terms of this legislation, which seems to me to be a somewhat extraordinary omission. I have spoken only today with both the ACT secretary and the national secretary of that trade union, and both disavowed any direct knowledge of the legislation, although they did explain to me that subsequently they had obtained, through legal officers in the Australian Federal Police, information about what was going on. That is a far cry from being consulted directly, I must say. I would hope that the great consultative Government would do better in future on matters of such direct relevance.

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My concern about this matter is not that the safeguard has been put in place. I think it is important, with respect to these areas, to have laws which are clear and which contain safeguards on their operation. It is, however, important also to make sure that they are practical and workable. It is the policemen out in the street, not the Attorney-General, who have to deal with these laws on a day-to-day basis, to protect the people of this community from crime and to effectively clear up crime when it occurs. It is very important that the provisions are a practical tool and not a millstone around the necks of those law enforcement officers. I assume that, as we see these rules operate, we will be flexible enough, in government or in opposition, to propose and to accept changes if they do not prove to be what they are supposed to be.

Madam Speaker, I must also refer to the provisions dealing with the power of police to demand the name and address of suspects. I well recall the day last year when the Crimes (Amendment) Bill (No. 4) of 1993 was introduced in the Assembly. *Hansard* records such cries as "Police state!" from the Minister across the way when the legislation was introduced to give police officers the power to demand names and addresses. I note the acrobatic excellence of his backflip in agreeing at this stage to give police powers in very similar terms to those which were proposed in my legislation. There are some differences. The Minister is quite right to make that point. In my respectful opinion, the differences are very small. The Minister listed in his presentation speech seven supposed differences between the legislation that he introduced and the Bill that I had previously introduced. I want to go through those in turn.

The first point refers to the context in which the legislative changes are being made. With great respect, that is a discussion about the philosophy behind the Bills, but it is not an explanation of any difference in the substance of the Bills. The power to demand name and address is distinguished on the basis that, in this Bill, that power depends on a person having actually committed or being in the process of committing an offence. My Bill did, indeed, refer to police believing, on reasonable grounds, that an offence was about to be committed. That is a very small proportion of the total cases in which it would be applied, but - - -

Mr Connolly: It is a huge issue of principle.

MR HUMPHRIES: It is a very small difference, Mr Connolly. The next point is that the power to demand name and address will not be extended to the power to demand information about where a person is going or what he or she has been doing. That does not appear in my legislation, and it has never been suggested that it is there. It will be an offence to refuse or to give a false name and address, the penalty being a fine. That also appears in my legislation; so it is not a difference. There will be no power to demand identification papers. There is a provision in my Bill for the power to demand or to request papers; but there is not any fine that flows from that. So, it is purely a power to request - not a legal requirement to comply.

I would respectfully suggest that there is very little difference between what the Minister has put in his Bill and the effect of my Bill, in any case. Under Mr Connolly's Bill the citizen whose name and address is demanded has a reciprocal right to demand the policeman's name, station and evidence of his being a police officer. In my legislation it is, I think, name, rank and number. Again, that is hardly an extraordinary difference.

Madam Speaker, as I have said, this is better late than never. I accept that the Minister has seen or has been persuaded that there are important reasons for police to have a simple power which exists in every other jurisdiction in Australia except, on my latest information, New South Wales. Even in New South Wales, I understand, the legislation has been considered. There are many other respects in which this legislation deals with the overall power of the police to do a number of things. Safeguard protections are built into that in broad terms. I have no particular quibble with most of those provisions. I assume that they will be effective and will protect the citizens of the Territory, but at the same time will not be unduly onerous to those who need to apply them. We should bear in mind that they are being applied by people who are acting in the interests of the community being safe and secure from the effects and implications of crime. Madam Speaker, as I have said, some of these things will need to be examined in the process whereby they are actually put into operation. I hope and assume that over a period of time we will ascertain that we have a workable system which does, indeed, afford those protections.

There are a couple of small matters that I want to raise in connection with this Bill. I note that there are provisions dealing with strip searches and that it is made clear that a strip search does not include a capacity to search body cavities. I assume that members of the Customs Service have that power in respect of people entering the country. I do not know whether it will be considered by police to be the sort of power that they would need to exercise. If the police cannot exercise it under this legislation, I do not know whether it is possible for a court to order such a search to take place. I pose this question because I recall the case in New Zealand not so long ago where a person was apprehended and the police or the Customs Service believed that he was carrying drugs. Apparently, they did not have the power under New Zealand law to actually conduct a cavity search; so they had to detain the person until he excreted what they believed were the drugs concerned. I think that the person was detained for some 30 days and still had not produced the goods.

Mr Connolly: He must have been very uncomfortable after 30 days.

MR HUMPHRIES: I am sure that he would have been very uncomfortable indeed after 30 days. I do not know what he was eating over those 30 days, but he would have been most uncomfortable. Obviously, the penalties for the offence must have been worth more than he was prepared to put up with in terms of the pain. I hope that we would not have to get to that ludicrous stage in the ACT. The Minister may be able to enlighten us about what is going to happen in these circumstances, if they ever arise. I look forward to being enlightened about that. Apart from that, Madam Speaker, the legislation is supported by the Opposition. I am confident that, in due course, it will see us proceeding down the path of having a single place where citizens of the Territory can consult the law to see what are the provisions that govern their rights in these circumstances.

MR MOORE (5.18): Madam Speaker, in rising to speak to the Crimes (Amendment) Bill (No. 3), I would like to take up a particular issue, rather than raise the matters that Mr Humphries has already gone through, appropriately. On that issue, I have circulated an amendment, and I will speak to it in the detail stage, if we consider the Bill as a whole. We have a situation here where, when Mr Humphries introduced his Bill, a Minister talked about the end of civil liberties and about how society, as we know it, was going to come to an end, as our freedoms were going to be slowly whittled away. Then we see a Bill like this, which requires only a very small amendment in order to protect those civil liberties.

Madam Speaker, I imagine that other members have been approached by the Civil Liberties Council and others to raise this issue of the police officer being able to ask for a name and address. As I understand it, none of us has a problem, where a series of offences are considered to have been committed and there is reasonable evidence of that, with a police officer asking for a name and address. It is very important to make that clear in the first place. What we have here is a situation where, a police officer having asked for a name and address - I will refer to the extreme case - a very young person, maybe 14 or 15 years old, has the right to ask the police officer in return for their station and number. There is no real balance in that power situation. The power is almost entirely in the hands of the police officer.

Madam Speaker, that is why I have proposed an amendment which says, "Let us make this apply just to serious offences". According to the advice given to me, if we use the word "indictable", if we find that it is an indictable offence, then the Acts Interpretation Act indicates that we are talking about offences where there is a penalty of imprisonment for a year or more. So, we are talking about only quite serious offences. Any other issue where a police officer can ask for your name and address provides a power against which the Labor Party in this Assembly has taken a stand on a number of occasions. Certainly it is, in one sense at least, similar to those move-on powers that they have strenuously opposed, because those move-on powers give an uneven balance to the relationship between the police and the community. The irony of this matter is that it comes at a time when our Attorney-General, our Minister for police, has managed to encourage the police to undertake a very effective community policing system. We see example after example of the police growing with the community instead of working against them, and that is where we are likely to see results.

As we give police more and more power, we are much more likely to set up a situation of conflict rather than an approach of working together. This is an argument that Mr Connolly himself has put time and again. That is why, when I originally proposed this amendment, I went to Mr Connolly and said, "I want you to consider this amendment very carefully". I know that Mr Connolly has given it due consideration, because he responded by saying that he would go back through it, look at it and consider whether it would be a suitable amendment. Madam Speaker, in foreshadowing the amendment, I shall try to encourage members of the Assembly to have particular thought for young people in Canberra in a situation that arises very occasionally, which could be handled by having a positive relationship with the police - it is usually handled by a positive relationship - instead of by the temptation for a quick fix, for a police officer to say, "I demand your name and address".

Madam Speaker, even as I foreshadow this amendment, I recognise that there is a huge number of police officers in the ACT who resist that temptation to go for the easy fix, who work with the people and encourage them. I have seen many positive examples of police officers working with the community. But there are also those other examples that give the police a bad name, that get publicity and that raise the issue of civil liberties and human rights. Madam Speaker, I think it is important to understand that the argument put by the Attorney-General in introducing this Bill - that the balance in this was to ask the police officer for their name in return - is quite unrealistic. It is not so unrealistic for people like Mr Humphries, Mr Kaine, Mr Stefaniak or me, who would be very comfortable about asking a police officer for their number and the station from which they work. But, when we were 18, 20 or 22, there was an incredible difference in our relationship, our ability and our self-confidence. I think that that needs to be taken into account.

Madam Speaker, whilst I support the majority of the Crimes (Amendment) Bill and recognise that it is, effectively, a transfer of power from the Commonwealth, there is an issue here that was in the Commonwealth Act, and we are making a deliberate attempt to change from the Commonwealth Act. I think that is why we need to look at this issue in particular. We certainly need to recognise that it is different. There are reasons why the Commonwealth Act was different. The Federal Police, when doing Federal work, very rarely deal with offences other than indictable offences. However, it is important for us to take this into account and to remember that there is always pressure to whittle away at civil liberties. It is the way in which civil liberties are lost. Very rarely do we provide extra civil liberties to people. It tends to be the other way. It tends to be the case that we slowly whittle them away, there is a new outcry about crime, and then we provide more power.

On the issue of crime, Madam Speaker, we live in probably the safest city in the Western world. We live in an incredibly safe city. As I said to Mr Stefaniak earlier today, I would be very comfortable, at any time of the day or night, walking through Civic. I would have no problem whatsoever doing that by myself or, for that matter, with Mr Stefaniak. Obviously, I would feel more comfortable with Mr Stefaniak. We have to recognise that we live in a city. While we can protect civil liberties, that is what we should be doing. I would have thought that a Labor government that has prided itself on its protection of civil liberties would at least look favourably on this amendment. I certainly urge the Government to do so.

MR STEFANIAK (5.26): Madam Speaker, I want to respond to a couple of comments from Mr Moore. I do so, basically, as someone who was a prosecutor for nine years and defence counsel for about six years. I make these remarks purely in relation to Mr Moore's comments about his amendment. Firstly, this is quite different from move-on powers or anything like that. It is a totally different area of the criminal law. I think that everyone, except perhaps Mr Moore, realises that. He mentioned that power is very much in the hands of a police officer. That was certainly the case when he and I were growing up. If you did not do what a police officer told you, you would probably get a size 13 boot up the backside. That does not happen any more, simply because there are more constraints on police and also because the law has changed, attitudes have changed

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and, quite clearly, people, especially young people, know their rights. I can remember, back in 1977, lecturing to a group of Year 10 Muswellbrook High School students about their rights as citizens. They certainly had a good awareness of what their rights were vis-a-vis the police. That was shown by the number of questions they asked me. I was in private practice at the time. My experience with young people in Canberra, when I came back from Muswellbrook in 1978, was very much the same.

My experience as a prosecutor and, more recently, back again as a defence counsel, has brought home to me that people in Canberra are very aware of their rights. A lot of young people, especially, who are out there on the streets, who go to various bars and get out and enjoy themselves, are very aware of their rights. Our courts operate to ensure that police do not step outside the bounds of how they are meant to operate. It is incorrect to say that power is very much in the hands of the police. Perhaps in many areas it is not, and that is why, to counter crime adequately, certain measures are necessary which might be seen as restricting civil liberties.

This measure, which Mr Humphries attempted to bring in in 1993, was thwarted by the Government then. Lo and behold! The Attorney-General has done a triple turn and a double backflip and has brought in very similar legislation in this part of the Bill. To try to differentiate between an indictable offence and a summary offence is very impractical, because most indictable offences are now dealt with in the Magistrates Court, just as all summary offences are, and there is no real significance in an artificial distinction, which might have been very relevant in the early part of this century but which, certainly in terms of modern law and modern criminal law in the Territory, is not really a relevant distinction. So, with the greatest respect to Mr Moore, I think that his proposed amendment is a bit of a legal nonsense.

It is also unreasonable to expect a police officer to be a walking law library and to be able to work out whether he can do this now; whether he should arrest this person; whether this is indictable; whether it is summary; whether a fight in a public place is really offensive behaviour or an assault; whether he can ask these people their name and address - and make an instant, snap decision when the police officer might be having his head belted in at the time of that fracas. There are already in our law a number of decisions that police officers have to make when faced with situations in the course of their job. I think this would be just an unnecessary additional burden on them. It would serve no practical purpose to differentiate between indictable and summary, with the way the law currently operates in the Territory. Mr Connolly made some comments to that effect which I, as someone who has practised in criminal law for many years, would certainly fully support.

MR CONNOLLY (Attorney-General and Minister for Health) (5.30), in reply: Madam Speaker, I never thought it would come to this. This is the first law and order debate since Mr Stefaniak returned to the Assembly, and I have to say that I agree with what Mr Stefaniak just had to say. I do not know whether I just said that! I will have to have a good think about it. On a more serious note, I thank members for their general support for this legislation. It is an important package of legislation.

In relation to Mr Humphries's comments, apart from the attempt, which Mr Stefaniak repeated, to say, "This is the Government just repeating what we did", the fundamental difference between this very comprehensive package and the very simple, quick and dirty exercise - as I have described it in the media - that Mr Humphries introduced last year, which dealt only with name and address, is that Mr Humphries's Bill included that prospective power, the triggering mechanism being the belief that something is about to happen. If there is something that the Liberals seem to have an obsession with, it is our fundamental objection to the move-on powers.

I notice that there is a Bill going through in New South Wales that has excited enormous opposition from the Law Society, from the bar and from judges, where there is a provision for preventive detention. If there is a belief that someone may go out and commit an offence, there is power for a court to lock them up for 12 months on the basis of the belief that they may be able to go and do something. That is the point at which we draw a very firm line in the sand and say, "We will not cross it". I can assure Mr Moore that our proven track record on civil liberties on this issue over many years will never allow us to cross that line. What we have done is support the introduction of uniform legislation for the Commonwealth and the ACT on police powers of search and arrest. It is, as I said earlier, significantly balanced. The big difference from Mr Humphries's original Bill is that this does not go to prospective conduct.

Mr Humphries made another important point, about forensic samples. There is a requirement in this Bill, at proposed section 349ZX, in relation to the taking of forensic samples - that is, a body cavity search or other such intrusive, intimate sampling - that it can be done only by a medical practitioner acting at the request of a senior police officer, that being the triggering mechanism. I would also say to Mr Humphries that the issue of intrusive body cavity searches for forensic sampling is one that is high on the agenda of the Standing Committee of Attorneys-General. There is a serious attempt being made across Australia to develop a uniform set of laws relating to police powers for this type of sampling. It becomes particularly important as DNA technology increases and as the forensic importance of DNA evidence becomes much greater. There has been a very sensible agreement between Attorneys-General of all political persuasions that we will refrain from trying to pass our own laws in relation to forensic sampling. We will work to get a uniform approach. So, our proposed section 349ZX really restates the current law, contained in subsection 353A(2) of the Crimes Act, which provides the protection for medical practitioners doing the intrusive body cavity searches. But I hope that, sometime next year, there will be a more comprehensive set of laws dealing with that issue agreed to by all States and Territories.

Mr Moore said that he thinks we have gone too far in extending the ability to ask for name and address beyond indictable offences, which is in the Commonwealth Act, to summary offences as well. We did highlight in the explanatory memorandum that we had done that. I would make two points. Firstly, we differ from the Commonwealth Act in another respect. We have put in an additional safeguard. That is subsection (4) of the relevant proposed section, which says that, when a police officer asks for the name and address, they are required to make a written record of the grounds for the belief that an offence has been committed or that the person can assist in inquiries in relation to an offence which has been committed. That involves additional paperwork. One thing that we all know about police officers is that, like many people, they do not like paperwork.

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If you had the overzealous police officer that Mr Moore is concerned about, who was minded to give a lot of young people in Civic a hard time, that police officer would have to be making copious notes. If there was ever a complaint raised by a young person, the IID would go to those notes. Indeed, if he had not kept those notes, it would disclose that a criminal offence had been committed by the police officer. That is a fairly serious provision. It is, in my view, a quite strong safeguard, and one that goes well beyond the Commonwealth Act.

We put that safeguard in because we thought we had to extend it from indictable to summary. The essential reason for that, much as Mr Stefaniak adverted to it, is that the distinction between indictable and summary in community policing is fairly meaningless. In the Commonwealth policing role it does mean quite a lot. It really is the dividing line for the AFP's principal role at the national law enforcement level - serious fraud, drug related offences, counter-terrorism-type offences and arms smuggling offences; the sorts of laws that, according to the AFP's annual report, the AFP focuses on. If you look for summary offences laws under Commonwealth legislation, you find that they tend to be what you might call regulatory sorts of laws relating to the filing of documents or inspectors not doing things - fairly minor matters which are certainly not the core function of the AFP. The AFP felt that it was quite appropriate in their national law enforcement role to have this limited to indictable offences.

It is very different in the community policing role. There has been an increasing tendency, both before and after self-government, to blur that distinction between summary and indictable offences. There are many examples of Acts where it is not immediately clear whether the Act discloses a summary offence or an indictable offence. An example that I have used in the public debate would be that the beat squad officers turn a corner, and around the corner they see two young people apparently brawling in the street. Does that disclose the indictable offence of assault or does it disclose the summary offence of fighting in a public place? Members will recall that the police had some concerns about the difficulty of proving assaults. Often, if you have an all-in melee, usually occurring under the influence of alcohol, it may be difficult to charge anyone with assault because they were all willingly having a go at one another. The Government brought before the Assembly, and the Assembly passed, a summary offence - an offence with a considerably lower penalty than that for assault - of fighting in a public place.

Before the police know whether to charge someone with assault or fighting in a public place, they are really going to have to question the two people who are involved in the fisticuffs. It would be very difficult for them to have to form the view that an assault has been committed before they could trigger the questioning for the name and address. Indeed, the possible downside of doing that - and I am sure that it would be an unintended consequence - is that, if you did limit the power to ask for name and address to an indictable offence, there could well be a tendency for the police officer to go for the indictable offence, the more serious offence, in order to trigger the additional power. That would be a very undesirable practice.

I thank Mr Moore for his comments in relation to the way the AFP have developed a very strong community policing ethos. They do not always go for the more serious penalty. They do look for a range of penalties. I think they do act with commendable restraint in often difficult circumstances. I would not like to have a situation where we were almost encouraging the police to go for the more serious offence rather than a less serious offence, merely to trigger the power. It is a decision that the Government has taken after much consideration. We thought about it long and hard. That is one of the reasons why we introduced that very significant additional safeguard in relation to requiring a police officer to record, in writing, why they formed the belief that an offence was being committed, and making failure to do that also an offence. It is, I believe, an appropriate balance between civil liberties, which we regard very highly, and the ability of the police to get about and do their job. If there were abuses, we would take them seriously. If there were widespread abuses, I have no hesitation in saying that I would be happy to come back to the Assembly, revisit it and perhaps look at Mr Moore's proposal. But my belief is that, with the additional safeguards and with the proven track record of the AFP of acting with restraint, this is an appropriate Bill for community policing, because the distinction between summary and indictable offences in a community policing context is often quite meaningless.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (5.39): Madam Speaker, I move:

Page 16, line 21, clause 5, proposed new paragraph 349V(1)(a), before "offence", insert "indictable".

Madam Speaker, before I speak to the amendment, I might just draw members' attention to another small thing that I missed in my initial speech. I notice that proposed section 349ZX actually refers to forensic samples, not to a sports car!

Madam Speaker, in relation to whether we should deal with an offence that is indictable rather than one that is summary, Mr Connolly, as always, put together a very good debating case. I think the case still remains that the Acts Interpretation Act does make a distinction and that, even with those safeguards, we are still whittling away at civil liberties. I recognise that this is a better circumstance than the one formerly proposed, because of those safeguards; but I draw Mr Connolly's attention to the point that a police officer might have terrible trouble doing the paperwork. To use his example of where police officers on the beat come around the corner and find a couple of people, or a dozen people, fighting and they believe that it is an assault, a police officer could simply write in

his notebook, "There was fighting taking place, and I believed that an assault occasioning actual bodily harm had occurred. Therefore, the following people were involved in an indictable offence: Fred Bloggs, et cetera". So, I think that would be the circumstance of an indictable offence. Exactly the same thing could be applied to the situation around the corner. The police officer could say, "I believed that these people were fighting. Therefore, we took the names and addresses of the following people ...". I do not think it is particularly onerous. Therefore, the safeguard that you have in there is, to my way of thinking, an inadequate safeguard. Madam Speaker, I made most of the points that I wanted to make in the in-principle stage of the Bill. I commend the amendment to the Assembly.

MR HUMPHRIES (5.41): Madam Speaker, I am sure that it will come as no surprise that I have to indicate to Mr Moore that the Opposition will be opposing the amendment. I am sure that he is going to rush out and do something vile to himself. I might indicate that I think it is too much to expect of police officers that they be able to juggle the question of whether an offence is summary or indictable as they are considering whether to apply the law. I also make the point that I think Mr Moore grossly exaggerates the extent to which this provision is a great erosion of the civil liberties of a citizen. I, for one, cannot imagine why I would wish to refuse to give my name and address to somebody who wore the uniform of the Federal Police. I have sufficient faith in that institution in this Territory to believe that that is not a process which greatly endangers my civil liberties or constitutes a great threat to anything that I might wish to do, on the basis of going about my lawful business in this Territory. If you happen to not want the police to know where you live, for some reason, it seems to me that you might not want this provision to pass as it stands; but I, for one, cannot see any reason why law-abiding citizens should have anything to fear from provisions such as this.

However, I might just throw the cat among the pigeons by making reference to the fact that, apparently, the Federal legislation on which this is modelled does not give police the power to demand name and address where they believe, on reasonable grounds, that a summary offence has occurred. There is probably a good reason for that. Federal legislation is dealing generally with indictable offences anyway; so there is not a particular reason for it to be summary. It seems to me that the delineation is entirely arbitrary. I think it is incumbent on you, Mr Moore, as one of the people who, I recall, joined in the chorus about the police state, to find some more substantial difference in this legislation than the one example that you have found here.

If I gave you a list of offences in the Crimes Act, I do not think you could name what were indictable offences and what were summary offences, because most people would not know those distinctions in most cases. You would know that murder was indictable and jaywalking was summary; but, apart from that, there are a great many grey areas.

Mr Moore: We would know whether it was a serious offence or not a serious offence.

MR HUMPHRIES: Even that is a slightly arbitrary distinction. Sometimes those distinctions are not as clear as they might appear, to the layman, to be. Madam Speaker, I will not support Mr Moore's amendment. I did want to make brief reference to the comment about proposed section 349ZX. That might not be a car; but proposed section 349ZZA must certainly be named after a police car!

MR CONNOLLY (Attorney-General and Minister for Health) (5.45): Madam Speaker, Mr Humphries says that he would be happy to give his name and address to a police officer. I think that, under the Hare-Clark electoral system, at the moment in this Territory we would all be happy to give our name and address to anybody who would listen.

It is correct to say that the Government is asking the Assembly to choose to go further than the Commonwealth law. It is because of that - we would say - fairly meaningless distinction between summary and indictable in the community policing context. I have given my reasons in the in-principle stage. I reiterate that that safeguard in subsection (4) is a significant one. The additional safeguard is that it is a notorious fact that the AFP is subject to a complaints mechanism that is more rigorous than that of any other police force in Australia. The Ombudsman has clearly shown - whether or not one necessarily agrees with some Ombudsman's reports over issues like Aidex - that she is not backward in coming forward in pursuing police complaints with some vigour. If we were to see in future Ombudsman's reports that this power was abused, as I said before, we would revisit it. I know that Mr Moore is very genuine in raising this issue of civil liberties, and I think he would acknowledge that the Government takes these issues very seriously. We did agonise long and hard over this; but it is one issue that we think, on balance, is appropriate.

MS SZUTY (5.46): Madam Speaker, in speaking to the amendment, first of all, I would like to thank the officers from the Attorney-General's Department who gave me an extensive briefing on this Bill last week. I took the opportunity to raise Mr Moore's amendment with those officers, and they pointed out that, in its original report, the Australian Law Reform Commission made no distinction between summary and indictable offences in relation to this matter, and neither did the Gibbs report address the issue. I think it is significant that, when a Bill similar to this was being debated in the Commonwealth Parliament, the Democrats saw fit to propose an amendment whereby this particular matter would be restricted to indictable offences. I also note that the Government did not oppose the amendment that the Democrats put forward.

I note the Attorney-General's comments on this matter. He said that it is difficult at times to draw the distinction between indictable and summary offences in a community policing context. However, as Mr Moore has pointed out, it is reasonable to assume that people know the difference between serious and not serious offences. Mr Moore is certainly erring on the side of caution. I believe that that is the appropriate position to take in relation to this matter. I understand how powerless some young people, in particular, would feel at being confronted by a police officer and being asked to give their name and address. I think it would be a very confronting experience for most people. As Mr Moore pointed out, some members of this chamber would not find that experience very uncomfortable at all. I take some comfort from the Attorney-General's comments that the Assembly may revisit the matter if the process is seen to be abused. I take note of that, knowing that Mr Moore's amendment is likely to be defeated in this instance.

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MR MOORE (5.48): Madam Speaker, I would like to make just one other comment about civil liberties. There was an article a while back - I believe that it was in the *Valley View* - about a young reporter who had been told by a policeman to move on, even though he did not have the power to move the reporter on. It seems to me that we could learn lessons from that situation when we are talking about the imbalance between the power of the police and the power of the ordinary citizen. We accept an imbalance; but we also accept that that imbalance should be used only in serious cases. In that case, the report, as I read it, indicated that there had been a very poorly used power that really did not exist; but it did demonstrate that, in a confronting situation, just a simple police presence can achieve what this is achieving.

Question put:

That the amendment (Mr Moore's) be agreed to.

The Assembly voted -

AYES, 2 NOES, 15

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|----------|----------------|
| Mr Moore | Mr Berry |
| Ms Szuty | Mrs Carnell |
| | Mr Connolly |
| | Mr Cornwell |
| | Mr De Domenico |
| | Ms Ellis |
| | Ms Follett |
| | Mrs Grassby |
| | Mr Humphries |
| | Mr Kaine |
| | Mr Lamont |
| | Ms McRae |
| | Mr Stefaniak |
| | Mr Stevenson |
| | Mr Wood |

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

Sitting suspended from 5.52 to 8.00 pm

LEGAL PRACTITIONERS (AMENDMENT) BILL 1994

Debate resumed from 13 October 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.02): Madam Speaker, the Legal Practitioners (Amendment) Bill is more or less a mechanical Bill which deals with a number of small, but significant, improvements to the operation of the Legal Practitioners Act. This Act is quite important in the operation of the legal profession in the ACT, particularly solicitors. It ensures that practitioners are meeting a high level of accountability in their operation in the ACT. The Act provides for a considerable degree of self-regulation of the legal profession in the Territory. It is incumbent, therefore, that that self-regulation be accompanied by a legal framework which exhibits a high standard of accountability. In that sense, the privilege of self-regulation carries with it special responsibilities.

Apparently, the Act is considered by the Government to be deficient in some ways. As a result, some amendments are brought forward to deal with a number of areas, including the issuing of practising certificates to persons outside the ACT; the requirements relating to statements of costs and the way in which they are accounted for to clients at the end of a relationship with a lawyer; the capacity of the fidelity fund to meet payments out of it for people who have suffered a loss at the hands of a solicitor who has either lost or stolen the money from that client; and other matters, including the power of the Supreme Court to reprimand a barrister.

One of the few provisions that I wish to examine in respect of this matter is that of controlled moneys. Under this legislation, the audit of a solicitor's accounts which is conducted annually is to include, for the first time, an item called "controlled moneys", which is defined to include not only money but also valuable securities such as share scrip, negotiable instruments and land title documents. The idea is that, if a solicitor has to indicate through this audit what in his or her possession is of value, it is important to be able to look not just at money but also at other documents or things which may be inherently valuable.

I have no problem with this idea in principle. It is obviously desirable for solicitors to be as prepared to account for everything they hold of value as they are presently prepared to account for the money that they hold. However, I anticipate, in principle at least, some difficulty in lawyers actually having a method of accounting for those sorts of documents. I recall that in my own time in private practice I had very strict requirements for moneys that I held on behalf of clients, and they would be properly accounted for in separate trust accounts for those clients; but I had no such system to account for the documents I held specifically in relation to each client. There would be an index system for documents held in our deed register. There would also be care taken to make sure that documents kept on files were secured on those files. But, in my period in service as a solicitor, there was not necessarily any method of accounting for or keeping control over particular valuable documents. They were obviously not unsafe; but, by the same token, they were not in some kind of register.

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Madam Speaker, it may be that, since my time in private practice, lawyers have improved methods and would not find difficulty in keeping track of those documents. I also note that the Law Society has been involved in the development of this legislation and is prepared to accept these provisions without much problem. But this provision may catch some lawyers unawares and will require some of them to keep more careful and detailed records of what documents, securities and other things they hold, in order not to offend against these new provisions in the legislation. I agree with the Attorney that this provision, in theory at least, will provide for better protection of the interests of a client of a solicitor.

It is also indicated in this legislation that certain decisions relating to the payment of moneys out of the fidelity fund, if there is an appeal from that decision by the Law Society, will be dealt with by way of an appeal to, in some cases, the Administrative Appeals Tribunal rather than the Supreme Court, which is presently the body to which one resorts if one is dissatisfied with a decision. It is obviously easier to deal with a matter in the Administrative Appeals Tribunal than in the Supreme Court. That is a positive move, I think, which is satisfactory. I assume that there will be no difficulty with two bodies holding jurisdiction to consider these matters. There may be some matters which cross between the two. I have not explored that in detail, but I assume that that will be resolved in practice and will not require any special amendment to the legislation.

There is one final matter that I want to refer to, Madam Speaker. The Scrutiny of Bills Committee made reference to clause 9 of the legislation, which amends section 67 of the principal Act to reinstate the power of the Supreme Court to reprimand a barrister. It appears, although it is not expressly stated in the presentation speech, that this power was accidentally removed when the Legal Practitioners (Amendment) Bill of last year was passed, that it should not have been removed and that it is now being reinstated; but it is being reinstated retrospectively. I assume that it is being done on that basis because there have been at least some barristers - perhaps only one - that have been reprimanded by the Supreme Court, and this is designed to protect the jurisdiction of the court to do so. It could be said that, by legislating retrospectively in this case, we are adversely affecting the position of those barristers; but I hope that the Attorney can indicate to me, when he speaks on this matter, whether that, in fact, is the case.

I do not have a great problem with this particular matter. I think it is important for the court to exercise that jurisdiction over barristers and solicitors. They are, in a very strict sense, officers of the court. They are admitted for life to that position. So, people like me and the Attorney, who do not actually practise as lawyers, retain our titles as barristers and solicitors of the court, and that carries with it certain responsibilities which ultimately vest in the Supreme Court. It is important, obviously, that they be exercised within the jurisdiction of the law. It will be interesting to know what the situation is. I assume that the Attorney will enlighten us on that matter. However, Madam Speaker, apart from those small matters, the Liberal Party is very happy to see this legislation passed and hopes that it will, indeed, improve the level of accountability by lawyers to their clients and the community generally.

MR CONNOLLY (Attorney-General and Minister for Health) (8.10), in reply: Madam Speaker, I thank the Opposition for their support for this legislation. Mr Humphries is correct in saying that the issue of the disciplinary power of the court in relation to barristers was, indeed, an anomaly when the amending package was put through last year. It has always been the case that the courts have the ability to reprimand practitioners, as defined as barristers and solicitors. We drew some distinctions between barristers and solicitors, although, basically, people still practise as amalgams in this jurisdiction, which is a good thing. The question was raised that we may have inadvertently removed the ability to reprimand someone practising solely as a barrister; hence, we are putting it back in to remove any doubt. I am advised that a check very recently with the research assistant to the Chief Justice confirms that there has been no case of a barrister being reprimanded and no such issue has arisen. So, this will not, in fact, have a retrospective operation. It is done to correct an error. Even if there had been a case - arguably, practitioners have always known that the power was there - that there was an inadvertent slip, we may well have been able to convince members of the Assembly that it was appropriate to correct the error. But I am told that there was no error.

Again, I thank the Assembly. The process of reform of the Legal Practitioners Act and the legal profession in this Territory is one that will never introduce a package that will be perfect. It will be an ongoing process over many years. Mr Humphries is well aware of that, in his role as chair of the committee that has had a look at reform of the legal profession in the Territory, as am I, as Attorney. This is one further step in reform. While we may not be the most advanced in Australia on this - and I must say that there have been some very interesting reforms recently in New South Wales that Attorney Hannaford has brought forward - it is something that we are looking at very carefully here. We are in discussion with the Law Society, the bar and the Council of Social Service about that type of package. We are certainly a lot further down the track of a modern, competitive legal profession in this jurisdiction than are many States of Australia. 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.

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**EDUCATION SERVICES FOR OVERSEAS STUDENTS
(REGISTRATION AND REGULATION OF PROVIDERS) BILL 1994**

Debate resumed from 13 October 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MR CORNWELL (8.13): Madam Speaker, as members will be aware, this is the second piece of legislation presented to the Assembly on this subject. The first was presented last year, 1993. It was withdrawn so that aspects of it could be strengthened in the complementary Commonwealth legislation. Nevertheless, it was hoped that, notwithstanding the delay in introducing this new legislation, State legislation would be passed by the end of this year, 1994, to take over the running of the registration and regulation of providers - firstly, in the interests of efficiency; secondly, because competent accreditation agencies exist at State level, and that includes the ACT; and, finally, if I may say so, in an unusual display of honesty for a centralist Labor Federal Government, because education is a State and Territory responsibility. I believe that we in the ACT are at least on track with the timetable for passing this legislation - which, I hope, will occur this evening - in time for its implementation in 1994.

As the Minister himself acknowledged in his tabling speech, the increasing number of overseas students coming to this country to study should not be jeopardised by financial collapses or unscrupulous practices of a few private providers. There have been one or two fairly spectacular collapses of private organisations. I say this because, frankly, the international competition for such students is simply too competitive for this country to ignore the repercussions if such unscrupulous, indeed illegal, behaviour goes unchecked.

I am not sure how many overseas students are studying in the ACT. We know that our Department of Education has had a rise in the number of Japanese students in our government schools since the Japan visit by the Chief Minister and entourage last year. I understand that we have something like 120 overseas students in ACT government schools. Obviously, not all of them are Japanese. I also understand that about 7.5 per cent of the 9,000 students at the University of Canberra and about 2 per cent of the students at the Canberra Institute of Technology are from overseas. There is also a small number of fee-paying overseas students at ACT non-government schools.

It is a fact that this legislation does not affect any of those educational institutions, because under clause 6 of this legislation non-government schools registered under the Education Act 1937, government schools and public tertiary institutions will automatically receive accreditation. Indeed, it is interesting that most private education providers here in Canberra are tutors rather than schools. From my investigations and from advice I have received, I understand that we would have only three or four private providers. Nevertheless, the importance of having local legislation cannot be ignored. Hopefully, we can expect more overseas students to come to Canberra to study, particularly when the reputation of the CIT's hotel school - even though it is accredited under clause 6 of this legislation - permeates throughout South-East Asia.

I think we can expect that there will be other students coming to the ACT, perhaps to sign up with private providers for education. That is why we need this local legislation. This Bill will provide such overseas students with the protection of a comprehensive registration system of providers and financial protection should a provider go broke. Further, it establishes a trust account. The establishment of this trust account is the major departure from the earlier legislation. It requires a reasonable standard of facilities to be maintained, and it further requires adequate general welfare services to be provided for such students.

I am pleased to note that the registration process at clause 40 also allows for appeals to the Administrative Appeals Tribunal, against either refusal of an appointment to be a provider or the withdrawal of that appointment, under certain conditions set out at clause 38. I believe that this is important, Madam Speaker. Some years ago there was concern expressed about this type of legislation. It was felt that the regulation and registration of private providers could be used against such providers to curtail their opportunities and their activities. Therefore, the protection set out in clauses 38 and 40 is welcomed by the Liberal Party, as indeed is this Bill. The Liberal Party, accordingly, supports it.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (8.20), in reply: I thank Mr Cornwell for his comments and the indication in the house of support for the Bill. It has been a while in coming, as has been indicated. I think that has given us a better Bill in the end. It is true that all of the government institutions, the public institutions, are automatically covered. I would be quite happy to see a private college again established in Canberra and catering for overseas students. I would be happy because, if that eventuated, we could be sure that we have protection for the students. The Metropolitan Business College and other colleges may from time to time cater for overseas students; but that is not by any means their principal business.

We did have a college catering particularly for overseas students, and it collapsed. We did not, at that stage, have the provisions that we have here that would have protected the students. As a result, the Education Department and other education institutions around Canberra had to work very hard to ensure that the students who were left up in the air were able to complete a certificate, as well as they could under the circumstances. I think the measures that we are taking now would ensure that that circumstance did not arise again. It would be unusual if it were the case that there were real difficulties. The students would be protected. They would have access to their money, or a very significant part of their money, and they would not be in such difficulties in the circumstances I described. 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.

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WATER POLLUTION (AMENDMENT) BILL 1994

Debate resumed from 13 October 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.22): Madam Speaker, obviously, members of the community are concerned about water quality and water pollution in the ACT. We see this legislation as being a very important way of dealing with it. I believe that my colleague Mr Stefaniak would be much more capable than I am of enunciating those important principles.

MR STEFANIAK (8.22): Madam Speaker, I apologise for not being here when the debate was called on. I had to hang up on a Federal colleague with whom I was on the phone. The Liberal Party supports the amendments to the Water Pollution Act. I thank the Minister for making his departmental officials available for consultation. I have had a chance to talk to them on a couple of occasions. They have been helpful in relation to the various points I have raised. I note that there was some concern amongst experts in relation to this legislation that perhaps the principal Act still has a number of problems, one of which I might highlight to the Minister in the course of my speech. However, the proposed amendments to sections 20 and 21 go some way towards alleviating some of the difficulties that have been encountered with this Act.

The Bill extends the maximum period for a licence from one year to three years. I note that my Assembly colleague Helen Szuty has some concerns about this which, I understand, she will take up with the Minister. Those concerns may be alleviated a bit when one considers that this Bill allows a licence to be granted, but with conditions, which is something that was not able to be done before. My understanding is that, in the past, a licence has rarely, if ever, not been granted. In accordance with the Act, the department is able to make requisitions. Until those requisitions are satisfied - a company or a body might have to come back on a number of occasions before it gets its licence, and the department can keep making requisitions - a licence will not be granted. I think that the various amendments will help to streamline that to an extent, because they enable the licence to be given but with special conditions attached. I certainly hope that the department will monitor that - I am sure that it will - and ensure that those conditions are abided by. Apart from that, the Bill removes the sexist language in the Act, as do most of our more recent amendments dealing with legislation that dates back more than five years or so. That is a non-contentious issue. It forms a substantial part of the Bill.

This Act is important. It relates specifically to the granting of licences to builders and developers. The people who tend to get licences are regulars, I understand. The people who normally get the licences comply with the law. The law is also terribly important in that there are a number of people who do not bother getting a water pollution licence under the Water Pollution Act. The department refers to such people as "cowboys". There are provisions in the Act that take account of their activities. I understand that, so far, since the Act has been in force, and certainly in the last five years, there has been only one criminal prosecution under it. I understand that there was no application for damages in that case, quite possibly because the damage caused was not significant. That prosecution was some four years ago. So, in terms of the penal provisions, thankfully, there has not been much of a need to prosecute people in relation to this Act.

There is a need for the department and, indeed, the Government and this Assembly to be vigilant in terms of people who would breach the Act, and certainly people who would breach a licence. The safeguards are essential to ensure that a licence is not given or is given with very strict conditions. If toxic substances or pollutants of any description are released into our water system, not only is that bad for the Territory but it is also bad for everyone else in the Murray-Darling Basin. Members will, no doubt, be aware and cognisant of problems in the past when there were sewage outflows from the Lower Molonglo treatment plant. Thankfully, we have not seen that happen for two years. I note the very detailed improvements that have gone on to ensure that things like that do not happen again and that that source, which has the potential to be a major pollutant, produces good water into the river systems. Members would also be aware of problems with the Belconnen tip and some of the pollutants from there that flowed down into the Murrumbidgee River system. With respect to builders and developers, there have in the past been a number of stories and reports of run-offs from building sites and of pollutants getting into the water system. That is where I think this Act can have specific force, and that is relevant to the licences that have been given to date.

We have no problems with the legislation in principle. I indicate to the Minister that I will talk with him later about a concern we have in relation to what happens if the water system is polluted as a result of someone breaching this Act or as a result of someone acting in accordance with a licence. Section 29 of the Act, dealing with civil liability for waste, probably does the job of ensuring that, if someone does discharge waste into waters, even if they have a licence, they will be liable civilly under the Act. That would certainly apply, on my reading of the section, if they went over and above the terms of a licence. But the section is somewhat unclear. It is not worded well. That is something I would certainly like to take further with the Minister, as I feel that it may be sensible - especially if this debate does not conclude tonight - to consider an amendment to make that clearer than it is, even though I understand that this Act, together with the various other pollution Acts, will be consolidated midway through next year. Hopefully, a lot of the problems involved in these Acts could be improved. There are several. I found a potential problem only last week in relation to another Act. That might be something that could be addressed.

In relation to this Act, there are certainly some things that could be made a lot better. Indeed, section 29 is something that I would like to take up with the Minister to see whether there is any need to make that more effective in the interim, before the consolidated Act comes into force. Madam Speaker, I reiterate that the Opposition supports this Bill in principle.

MS SZUTY (8.30): In speaking to this Bill in principle, I wish to take the somewhat unusual step of raising a number of issues which I would like to see addressed over the next few weeks. At first glance, this Bill seems to be a simple and straightforward one - one of taking simple administrative measures to improve the process in the issuing, monitoring and reviewing of licences to discharge waste. However, at this time, I remain unconvinced that the proposed Government amendment to section 23 of the principal Act - the Water Pollution Act 1984 - is necessary.

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The Bill proposes that the duration of the current licence period of 12 months be extended to three years. In pursuing this question with the officers of the Department of the Environment, Land and Planning, I was told that a licence granted for three years would be considered in the case of the Lower Molonglo Water Quality Control Centre and the major land fill sites in the ACT and in respect of a number of large developments in greenfields areas in the ACT. While I appreciate that that certainty needs to exist for major players who rely on the granting of licences, from the point of view of their need to commit themselves at times to major capital works and development infrastructure, I have not yet fully explored the advantages which will be gained by these players in relation to the proposed amended processes. I would like to take the time to ensure that the ACT community will be better protected as a result of the Government's proposed amendment to this section of the Act.

To me, issuing licences for a longer period - three years rather than 12 months - indicates a lessening of scrutiny by government authorities, rather than improved scrutiny, as the Minister's speech indicates will occur. To quote the Minister's presentation speech briefly:

Pending the development of our integrated environment protection legislation, I am proposing a number of amendments to the Act which will improve its administration and ultimately improve water quality in our lakes and rivers. These amendments are: Extending the maximum term of a waste discharge licence issued under the Water Pollution Act from one year to three years ...

This is one of a number of amendments that the Minister outlined in relation to this Act. Also during my briefing, officers from the Pollution Control Authority indicated that the administration of these matters would be more effective with more resources. It gives me cause to speculate whether increasing the licence period from one year to three years would result in more effective scrutiny of the discharge of waste in the Territory. Madam Speaker, I have raised these issues to seek information and clarification of the Government's intentions, and I will certainly endeavour to address the issues prior to the final Assembly sittings for this year.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (8.33), in reply: Madam Speaker, I thank members for their contributions. I will respond in a little more detail on another night, because I will be adjourning the debate shortly. Ms Szuty has perhaps taken the wrong line in wondering about the one-year licence changing to a three-year licence. As I see it and as it will be in operation, that is really a toughening of the requirements. If you look at some of the major work undertaken by the Lower Molonglo water treatment works, you will find that they require a quite large amount of capital expenditure, and we need to know what they are going to do as we give them a licence over a three-year period. It gives us a facility to be tougher on them, rather than just offering a year-by-year licence. It means that we can give a licence knowing what an outcome will be, whereas in doing it on a yearly basis we cannot take a more visionary look and we cannot impose stronger requirements on them to get a desired outcome.

Madam Speaker, it is the intention that this Bill apply only to those very major facilities such as Lower Molonglo, the land fill sites and the Queanbeyan treatment works. It is not the intention to license land developers for more than one year. I may attend to that during the detail stage of the debate on another night.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

Debate (on motion by Mr Wood) adjourned.

ELECTORAL (AMENDMENT) BILL (NO. 2) 1994

Debate resumed from 22 September 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.35): Madam Speaker, the Liberal Party will support this legislation. I must say that, when the legislation arrived, the Liberal Party looked at it with very careful scrutiny and with a fine toothcomb to find hidden traps; but I am pleased to say that we did not find any. Perhaps there are none there; but we did not find any, if there are. There are five essential things which this legislation does. Public holidays which fall on crucial dates, such as close of nominations or close of the rolls, do not interfere with the process of conducting the election. That means that they are not deferred by a day, as would be the case if the Interpretation Act applied. Also, under this legislation, it is not necessary for Independent MLAs to disclose their private debt, which would be, anomalously, the result of the legislation we passed earlier this year. It is also necessary to make a small adjustment to the way in which the fourth schedule to the Act, which deals with the calculation of transfer values of votes, applies in respect of the filling of a casual vacancy. Those things are fixed up, and there is no problem with those.

I will make a short comment about the other two matters which this legislation touches on. One is the question of the close of rolls. At the present time, the legislation requires that the rolls must be closed on the date up to which people may lodge their application to be on the roll. So, if the rolls are to close at 6.00 pm on the day 29 days before the election is to be held and I come in at 5.55 pm with my application form to go on the roll - clearly, I cannot get put on the roll within those five minutes - under the arrangements presently in the law, I will be excluded from being on the roll. That is obviously iniquitous, and we should change the provisions to reflect what I understand is current practice. It should be possible for a person to have their name added to the roll, even though the date for the close of rolls has actually passed, because they have made their application before that date.

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I did have some concern about whether there was any time limit on the placement of those names on the roll. I would be concerned if, say, the time for applications were to close off on the twenty-ninth day before the election but names were to be added in dribs and drabs over the whole period between then and election day. I am assured by the Chief Minister's office and by the Electoral Commissioner that that is most unlikely to occur and that it is normal practice to complete the roll within a few days - at most, a week - after the close of the rolls. That would ensure that candidates and individuals who are entitled to a copy of the electoral roll may get a complete roll at the first available opportunity. So, I have no concerns about that, given the undertaking from the Chief Minister's office.

The second matter is the question of whether individual candidates who agree to be grouped with other candidates can have the word "independent" printed next to their name. Members will recall that the referendum options description sheet, which was lodged with voters before the 1992 referendum, had a mock ballot paper on it, and that mock ballot-paper indicated a column for grouped non-party candidates. The Assembly amended the original legislation brought forward late last year to include that capacity for non-party candidates to group together. The question is whether they should also be entitled to have the word "independent" printed beside their names. I think that, on balance, Madam Speaker, it is probably appropriate that they not have that right. After all, such candidates are, effectively, agreeing to group themselves. They are agreeing, in a sense, to be not independent candidates at all but pseudo party candidates, and they probably should not be entitled to have the word "independent" beside their names.

It does throw up the question of whether - the Independents are not in the chamber at the present time - any of the Independent MLAs who intend to stand on their own "party" ticket should be entitled, similarly, to use the word "independent" in relation to themselves. I know that one particular member will put forward a party with his name and the word "independents" beside it at the top of the column on the ballot paper. That is another matter. We have decided already on the structure of the ballot paper. The only question is whether finetuning like this should occur. As I have indicated, the Liberal Party believes that that is worth supporting because, on balance, it is appropriate for those persons who are in that grouped non-party column not to be able to call themselves Independents as well as being in a party grouping, so to speak. So, Madam Speaker, those things having been said, the Liberal Party supports the amending Bill before the Assembly tonight.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

REFERENDUM (MACHINERY PROVISIONS) BILL 1994

Debate resumed from 22 September 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (8.42): This Bill has taken a long time to see the light of day. If it had been before the Assembly in reasonable time, it could have been suitably amended to cover the administrative aspects of the Community Referendum Bill; but, obviously, it is now too late for that. In any case, this Bill shows all the signs of being cobbled together in great haste. As a result, we cannot be confident that it will provide an adequate basis for conducting referenda in the Territory. The necessity for this Bill or something like it arises from section 26 of the Australian Capital Territory (Self-Government) Act, which requires that there be a freestanding law by which referenda for the Territory may be conducted. This Bill is that necessary mechanical Bill. It purports to govern how referenda are to be held.

Essentially, the Bill is a "lift" of the mechanism by which the Commonwealth Government conducts referenda, which deals only with constitutional matters - that is, the Commonwealth Referendum (Machinery Provisions) Act 1984 - and hence has clear-cut Yes and No cases. The Bill provides a default mechanism; so, its provisions apply only if they are not overridden or contradicted by any other law such as an enabling law being put to referendum. In other words, a law being put to referendum for entrenchment may be self-contained and, therefore, may not require any of the machinery provisions of the referendum Bill. It is only if a law being put to referendum is silent on the mechanisms of that referendum that this Referendum (Machinery Provisions) Bill comes into play.

I said earlier that the Bill shows all the signs of being hastily cobbled together, even though it is lifted from existing Acts. As a result, some parts of it have not been well thought through. For example, in clause 8, line 17, the use of the word "pamphlet" implies something like a glossy, slick brochure. A better word might have been "document", which would convey the sense of factual, informative or even intellectually rigorous preparation. Similarly, in the same line, reference is made to the pamphlet being "posted"; but that says nothing about the relevant papers being received by those who have read them. I would have chosen the word "delivered" rather than "posted". A third example of poor wording is the use of the word "household" at clause 8, line 20. "Household" has restrictive overtones and would not cover all circumstances where electors may live. A better word may have been "residence". I am not for a moment suggesting that these inadequacies are fundamental to the workings of the Bill; but I am concerned that they show haste and sloppy presentation.

The provision for arguments for and against a law being put to a referendum is partially covered by clause 8; but the Bill fails to address the case where, for example, members of the Assembly agree that a referendum should be held but are not necessarily in favour of the matter being submitted. Another scenario could be that two equal groups have different reasons for favouring or opposing a matter to go to referendum, but there is no mechanism for deciding who presents each case or how it is presented. It may not be possible to get sufficient numbers for one of the valid cases to be presented. The Bill fails to deal with this potential outcome.

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For the reasons I have cited, it is probably fortunate that the machinery provisions of the Bill are only default provisions. That allows the enabling law dealing with the matter to be put to referendum to have precedence; thus providing a means of masking the flaws in this Bill that we are discussing tonight. In particular, this Bill, as it stands, is a very good reason why the Community Referendum Bill should be stand-alone legislation. Madam Speaker, we will be supporting this Bill. It is essential for the Territory, but it is unfortunate that it was put together in such haste and is so limited in its approach.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**STATUS OF WOMEN - COMMONWEALTH-STATE MINISTERS CONFERENCE
AND RECENT DEVELOPMENTS
Ministerial Statement and Paper**

Debate resumed from 13 October 1994, on motion by Ms Follett:

That the Assembly takes note of the papers.

MRS CARNELL (Leader of the Opposition) (8.47): Madam Speaker, it is with pleasure that I respond tonight to the Chief Minister's statement on the Commonwealth-State Ministers Conference on the Status of Women, which took place in Adelaide on Friday, 7 October, Chief Minister; not the 6th, as you have in your statement. She mentioned much about equity, access, equal representation and participation, and she told the Assembly that her Government is leading the way in the field of greater representation for women. She referred to the programs in place to ensure that access by women to positions in government and general access to services are readily available - something, obviously, that every member of this Assembly would totally support.

There are a number of issues, though, that the Chief Minister has not addressed in her statement. One of those, of course, is an issue that I know the Chief Minister has spoken about before, and that is the issue of getting more women into parliament. We note a recent decision by the Labor Party to go down the track of a 35 per cent quota for women to be preselected in winnable seats by the year 2002. It will be very interesting to see whether the Labor Party does preselect a woman in the new central seat in the ACT and whether they are willing to back up those statements in reality. Despite this, the Chief Minister was unable to outline for us the specifics of how her Government will actually improve what this Assembly and her Government are doing for women.

The Chief Minister in her statement said:

Ministers agreed to commission research to develop and produce a framework for ensuring that government programs, services and activities are gender inclusive.

Again, that is something that we would totally support. It should not be just to commission research. How about a little bit of implementation of that research? It is a very important point. Of course, there was no detail in what the Chief Minister said. There is always very little detail. Not one word was uttered about how the ACT might be involved in this research, but I am sure that the Chief Minister would want to be involved in such an important piece of research. We did not hear any real details from the Chief Minister on how this would happen; who would commission it; who would do it; what we expect the results to be. Again, I am sure that she will be very keen to tell the Assembly about those issues.

It is obviously very important in the International Year of the Family, as the Chief Minister said, that all women - women in families, working women, women as part of working families and women who choose to stay at home with their families - are actually looked after. Unfortunately, we hear very little about women who choose to stay at home and look after their children. We also hear very little about women who, for whatever reason, choose to take part-time work. Unfortunately, although there have been lots of words sprouted about how we are supporting job sharing in the marketplace and how that will not upset women's career paths or women's career structures, what we actually see out there in the work force is that women who do not choose to work full time, for whatever reason, are having their career structures or their career paths badly inhibited. That is something that must be addressed by all parliaments in this country.

Another issue that needs to be addressed, and something that the Chief Minister spoke about, is the issue of workplace based child-care. Again, that is something that the Chief Minister is very good at talking about; but she is not very good at actually doing anything about it. Recently I was sent a brochure, and was spoken to, by a group called Child Care Solutions. This group advocates employer sponsored child-care and has enabled private long-day care centres in the ACT to work together to make their child-care services easily accessible and available to employers and the community. Unfortunately, as usual, the red tape which this Government refuses to remove and the restrictive regulations that are in place have prevented many employers from providing workplace child-care for their employees. I think every woman will tell you that the lack of child-care facilities in the workplace is one of the main reasons why women are prevented from getting to the top of their professions, whether it be politics, the public service or the private sector. It is those issues that must be addressed.

If we are to encourage more women into the political arena, particularly women with younger children, the issue of child-care and the issue of sitting times - something that this Assembly has not addressed, except, possibly, Mr Cornwell, in respect of Tuesday night sittings - need to be addressed as a matter of urgency. Again, that is something that the

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Labor Party has not spoken about. It is all very well to talk about 35 per cent of women in parliament; but, unless we allow women who have younger children actually to participate and be part of the process, there is no way in our current political system that women will get to the top. It is an issue that must be addressed.

The other issues that the Chief Minister addressed in her statement included the issue of carers - something that we have heard the Chief Minister speak a lot about in this International Year of the Family. She speaks about respite care. I am sure that every member of this Assembly will agree with me - and I know that Ms Szuty will - that one of the issues that simply have not been addressed by this Assembly is the issue of respite care. Lots of words have been written, but the issue has not been addressed. There is no more respite care now than there was before the International Year of the Family. All we see is the waiting lists getting longer and the problem getting worse.

Another issue to do with carers that has not been addressed is the issue of dementia care. We know that many State governments now are funding, or at least partially funding, dementia care in their State. We would all agree that the Federal Government has badly let down people with dementia and their families by not changing the way that dementia patients in our nursing homes and in dementia care facilities are funded. I would hope that nobody on either side of this Assembly, including the Independents, would argue with me on that. The ACT Government cannot wipe their hands of this really important issue. It has been addressed in the States; we know already that one dementia care facility has had to change its funding base and its style of care because of the difficulty of funding such establishments. We know that Eabrai Lodge, a very impressive facility, is currently having exactly the same problems. It is something that must be addressed.

There is the issue of dementia patients in the home, people who are being looked after at home by their carers, by their families. The problems of in-home respite care and facility based respite care have not been addressed in this International Year of the Family. I do not think that that is acceptable, and I am interested that the Chief Minister did not raise that at all in her statement, even though she talked about professional training for carers of the aged. Certainly, training is important; but, without respite care, without a capacity even to go out and do the shopping in certain circumstances, the present situation is simply not acceptable.

The Chief Minister went on to talk about innovative employer supported child-care initiatives and so on. Unfortunately, as I have said already, those innovative employer based child-care facilities are being killed by red tape and by government requirements of a certain amount of space. There are all sorts of issues which are not necessarily tied to quality child-care but which certainly stop any flexibility in the workplace. Again, it is important for us all to stop the rhetoric when it comes to the issue of women, women's place in society and women's capacity - - -

Mr Connolly: And get a woman in for the casual vacancy in Belconnen; that is what we should do.

MRS CARNELL: Mr Connolly, I was quite honest about that. The issues that we, as women in politics - and certainly Mr Connolly does not seem to be too interested in that - have to address include getting on with the job and making sure that we do not continue with this rhetoric. I find it really unfortunate that we are nearly at the end of the International Year of the Family and women in the workplace who have children are no better off; women working part time who have children are no better off; and, possibly more importantly, women who still choose to stay at home and look after their children are certainly no better off. The blame cannot be taken by this Assembly alone; the Federal Government has done nothing. Lots of words have been said, but absolutely nothing has been done. It will be interesting to see whether the Labor Party, those opposite, do put a woman into the third Federal seat, to see whether they are a little bit more than just all words.

Mr Connolly: We will be more successful than you were in trying to get a woman in the Belconnen seat.

MRS CARNELL: You have a quota, Mr Connolly; you have said categorically that you have rules; 35 per cent of all people in winnable seats will be women. If you are going to be more than all talk and no action, we will see a woman preselected, I suspect, for the next election.

MR KAINE (8.59): Madam Speaker, I must say that when I sat down and analysed the statement made by the Chief Minister in connection with this conference I felt that I had been sold short. I think that the average woman in our community who read that statement would feel that she had been sold short also, because the emphasis seems to be on the place of women in politics and in the public service. What we have here is a statement that says, "We are doing just great in terms of the status of women, because in this place we have a certain percentage of women and in the ACT Government Service we have a certain percentage of women". That puts women down to the status of being ciphers in the public service and politics. If that is all there is in terms of the status of women, then we have certainly come a long way!

I do not believe that that is what the status of women is about at all. I do not believe that the women in the suburbs, with their families and their husbands - going about their business of seeing that their kids get up and go to school in the morning; making sure that dad gets to work; and that when he comes home at night there is a place for him and for his family - are concerned at all about these things that the Chief Minister has concentrated on. To say that these are the measures of the importance of women in our community is, I submit, Madam Speaker, absolute rubbish.

Where in this statement is there anything at all about the average woman who is not concerned about working in the ACT public service and is not concerned about standing for public office in the Legislative Assembly? What does this document say about them? It says two things about them. It says that you are one of two things; either you are the victim of violence or you are the carer of somebody that needs your support and attention. That is not the typical woman; it is not typical of anything.

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For the Chief Minister to go to a Commonwealth-State Ministers conference and then come back and offer this as a declaratory statement of the status of women in our community, I think, demonstrates the absolute failure not only of that conference but also of the Chief Minister.

I would like to see a comprehensive statement about where women really fit in our society; an acknowledgment of the things that they do; an acknowledgment of the status that they really have. If you add up the number of women in this place and the number of women in the ACT public service, they represent less than one per cent - perhaps .01 per cent - of all women in the ACT. If you add up all the women who are the subject of domestic violence and all the women who are caring for ageing people, disabled people or people in the community who need a bit of support, they still represent probably less than 10 per cent of the community. Where are the other 90 per cent of the women represented in this document? They are not represented at all.

This document is an indictment of the political approach that has been taken to the status of women in this country. We are concerned only about the politics of it. How good do we make women feel by giving them 50 per cent of the seats in legislative bodies? How good do we feel by giving them 50 per cent of the positions on ACT government boards and committees? Most women could not give a hoot about ACT government boards and committees; they do not want to be involved in that. They do want to be acknowledged for the contribution that they make to the good of this society that we live in. Where is that in the Chief Minister's statement? There is absolutely no mention of it at all. Quite frankly, Madam Speaker, it is a disgrace. If the 90 per cent of them that do not get a mention in this document knew what the Chief Minister thinks is important in terms of the status of women, they would be appalled; just as I would be appalled, as a man, if somebody said, "There are 10 per cent of blokes in the Assembly; 10 per cent of blokes who have jobs in the ACT public service; 10 per cent of blokes who are being subjected to domestic violence; and 5 per cent of blokes who are looking after people who are ageing, disabled or need a carer". I would feel put down. That is what this statement is about; it puts down and writes down the importance of the majority of women in our community. I would like to see something a little more substantive from this Chief Minister and this Government that has the effrontery to put forward that document under the heading "Recent developments concerning the status of women". Madam Speaker, it is a disgrace.

MS SZUTY (9.05): I take pleasure in responding to the Chief Minister's recent statement on recent developments concerning the status of women. I must admit that I did not have the negative reaction to it which Mr Kaine has had and which he has just expressed to members of this Assembly. I note that the focus of the conference which was held - I do not think we are quite sure at this stage when it was - on 6 or 7 October in South Australia was on women's participation in politics. In the Chief Minister's statement, she mentioned the roles that women occupy in this Assembly. They include the role that you, Madam Speaker, occupy; the role that the Chief Minister occupies as leader of the Government in this Territory; and the role that the Leader of the Opposition, Mrs Carnell, has in this Assembly. It is also important to note that I, as an Independent MLA, have a share in the balance of power in this Assembly; and that our two additional women members, Mrs Grassby and Ms Ellis, chair Assembly committees - notably, the Social Policy Committee and the Scrutiny of Bills Committee.

I believe that this Assembly has the best representation of women of any parliament in Australia. I think that the closest chamber to this Legislative Assembly, in terms of female representation, is the Senate. There are some prominent positions held by women in the Senate of the Commonwealth Parliament. I refer to Cheryl Kernot, the leader of the Democrats; and Christabel Chamarette and Dee Margetts, the Green senators in the Senate of the Parliament of the Commonwealth of Australia.

I am often asked, Madam Speaker, whether I support the quota system which has just been adopted by the Labor Party in terms of female representation in parliaments and as candidates for seats. I would like to state to this Assembly that I do support a quota system. I believe that it has taken many years for females to achieve any sort of representation in parliament. If we are looking to achieve the quota system towards the turn of the century, then it is quite acceptable, in my view. Both the Labor Party and the Independents in this Assembly have, of course, achieved 50 per cent representation. I believe, from memory, that nine of the 17 Labor candidates at the next ACT Legislative Assembly election in 1995 are women; currently, two of the six Moore Independent candidates for the election are women - Tina van Raay and I; and we are certainly looking at further women candidates at the election in 1995. I also note that six of the 17 Liberal candidates for election are women.

The Chief Minister's statement also refers to the 42 per cent representation of women on government boards and committees. I believe that the ACT Government is to be complimented on achieving the best results in Australia as regards female representation on government boards and committees. I do not agree with Mr Kaine's assertion that it is something that is of no interest to women in our community. I think it is of very significant interest to women in our community, and I certainly hope that we will approach 50 per cent representation in the very near future.

The Chief Minister also mentioned that two of our government agencies in the ACT are headed by women. They are the Department of Public Administration, which is headed by Maureen Cane; and the Department of Education and Training, which is headed by Cheryl Vardon. I would have to say that two of the many major government agencies is not very many at this stage. I guess that it will be some time before we have 50 per cent of our government agencies in the ACT headed by women.

I was interested in the Chief Minister's reference to the discussion paper *Women and Parliament in Australia and New Zealand*. I hope that she will distribute copies to members of the Assembly, as well as distributing it widely in the community. I agree that, to further encourage female participation in politics, it is important to make that discussion paper available in high schools and colleges in the ACT. I also agree that government programs, services and activities should be gender inclusive. The examples given by the Chief Minister, of the access and equity program and the social justice budget statement, certainly bear that out.

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I would now like to turn to a couple of the matters which Mrs Carnell raised in her remarks and which the conference in South Australia considered. The first of those was the role that women have as carers. It is certainly acknowledged that more work needs to be done in this area. We have just had Carers Week in the ACT, and it is timely to talk about this. Certainly, statistics indicate that millions of dollars are saved by the work that carers rather than governments do. I believe that carers' needs should be recognised and, to the maximum extent possible, their roles should be supported and resourced. Of course, most carers in our community are women. I also note that the identification of respite care services is an area of need. Mrs Carnell has also mentioned that that is an area that we need to pay ever-increasing attention to.

The ACT Work and Family Advisory Service is an important initiative. It seems amazing to me that we have not considered effectively to date the needs of workers in the context of their family responsibilities. We need to continue to address these issues in the future, enabling both men and women to assist with family responsibilities while they work. I also note the Chief Minister's references to domestic violence against women and the work that she is doing at the national level to see that the issue is substantially addressed. It is pleasing to see progress being made in all jurisdictions to eliminate domestic violence against women; nonetheless, it is disappointing that progress is not being made in relation to data collection at the national level. Perhaps the Chief Minister can give the Assembly an explanation why States and Territories seem to be dragging the chain in terms of data collection in this very important area. I have become aware recently, as I am sure other members have, of a recent study which indicates that levels of domestic violence in homosexual relationships are of a similar frequency to those in heterosexual relationships. I would be interested if any information is available about domestic violence in lesbian relationships, in particular; and, if not, whether the Chief Minister believes that this area is worthy of further study. I am pleased that the ministerial conference agreed to consider further the portrayal of women in the media. I certainly hope to receive feedback on that issue in the future.

Madam Speaker, the Chief Minister's statements on the Commonwealth-State Ministers conference and the recent developments concerning the status of women have been broad in their scope, as my remarks have been. I am confident that the needs of women will continue to be addressed by governments for some time to come. I trust that more and more women will take their places in all parliaments and governments in Australia, to ensure the achievement of those objectives.

MR CORNWELL (9.12): I would like to take advantage of this debate to join with the Lone Fathers Association in registering my protest at the media campaign in relation to commercial television. I quote from the Minister's statement:

... violence against women and children is not acceptable and is a criminal offence.

The inference there is unmistakable: Presumably, it is condoned against men. I would suggest to you, Chief Minister, that you join with the lone fathers in directing your media campaign against violence, full stop. The campaign should not be directed against a specific group in the community. Domestic violence of any sort should be opposed.

Mr Connolly: It is overwhelmingly committed by males and, until recently, overwhelmingly denied by males.

MR CORNWELL: I acknowledge the Attorney-General's interjection.

Mr Kaine: They are being politically correct.

MR CORNWELL: They are being politically correct; yes. It is a perversion of social justice, I would suggest, to try to run campaigns along these lines. Mr Attorney, I am appalled at that interjection by you. You are condoning it. What you are saying is that in a certain section of the community violence is permissible. It is not. You know that as well as I do.

I find it appalling that we should be running these advertisements on television about violence against women. Of course that is unacceptable; as is violence against children, as is violence against men. I do urge you to reconsider the content of the advertisements. I have no objection to your running advertisements against violence. I also believe that the lone fathers' representations on this matter have been brushed aside as being unimportant or not worthy of your consideration. I sincerely hope that the information that was given to me is incorrect, Chief Minister; otherwise, I am afraid that you are running a political agenda based, as I say, upon a biased, if not perverted, sense of social justice. I do not believe that that does you, your Government, or this Assembly any good in our attempts to stamp out violence of any description in this community.

MS FOLLETT (Chief Minister and Treasurer)(9.15), in reply: Madam Speaker, could I, in closing this debate, thank all members for their contributions to the debate. At this time I will address only the comments made by Mr Cornwell. I would respond to Mr Cornwell by saying that I absolutely stand by the media campaign that is presently being run to stamp out domestic violence in our community. It is a fact that 97 per cent of this violence is directed against women and children. Mr Cornwell is uncomfortable with that fact. Mr Cornwell would prefer me to portray a false situation or to pretend that women are equally violent against men. They are not. Ninety-seven per cent of this violence is directed against women and children; and the media campaign that is being mounted is aimed at addressing the issue as it exists in our community. Mr Cornwell wants to blind himself, and the lone fathers want to blind themselves, to the facts of the matter. We had a murder in the ACT last week. How can you continue to deny that this is a real issue and that it is a real issue of safety for women and children, which many of them do not survive? It is an absolute falsehood to pretend that those are not the facts. Mr Cornwell also referred to my having brushed aside representations from the Lone Fathers Association. That is simply not true. I have a record of their phone calls to my office. They have been dealt with more courteously than they have dealt with my staff, I might say. If they have comments to make in writing, they will be dealt with in full.

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It is an unfortunate fact, Madam Speaker, that this issue of domestic violence continues to plague our community. It is a very serious problem indeed, and there have been quite extensive consultations on the media campaign that is being mounted. The Federal Police have been consulted; the Domestic Violence Crisis Service has been consulted; the Rape Crisis Centre has been consulted on the presentation of this media campaign. All believed that it would be effective. I do not regard it as a comfortable matter at all. I find the advertisements extremely uncomfortable to watch, but the reason why they cause us such discomfort is that in our heart of hearts we know that they are true. We know that what we are seeing is real, and that is the power of that campaign. That is what has to be addressed if we are going to stamp out this blight on our community. I make no apology for it. I acknowledge that there are people who do not like it, but it will be proceeding.

Question resolved in the affirmative.

ARTS AND CULTURE - GOVERNMENT ACHIEVEMENTS

Ministerial Statement

Debate resumed from 13 October 1994, on motion by Mr Wood:

That the Assembly takes note of the paper.

MR HUMPHRIES (9.18): Madam Speaker, this statement by the Minister a few weeks ago is clearly meant to be setting a scene for next year's election, even to the extent, I notice, of particular mention of the approach taken by the Government in the area of Tuggeranong. I quote from the statement:

Members may be aware that the ACT Government, through a \$15,000 grant to the Tuggeranong Community Arts Association, has funded a cultural planner to conduct a cultural mapping exercise and develop a cultural plan for that region ...

et cetera, et cetera. This does smack fairly heavily of an attempt to prove to the electorate that the ACT Government has been a great champion of the arts. I will say this much for the ACT Government: It has been certainly capable of spending a great deal of money on the arts. That money has been available not because of some direct decision to improve funding for the arts per se but because of the fact that the ACT community as a whole has benefited from the receipt of a handsome \$19m premium for expenditure on cultural facilities - a commitment made some time ago, in effect, by the committee of the Assembly which considered the matter and recommended that that money be spent in that way.

Madam Speaker, it can certainly be said that this Government has a slogan: "We spent the money". I am not sure that that demonstrates that there has been a great commitment to the arts. In particular, it is worth recording that, in my opinion, the Government has been disgracefully lethargic in dealing with the great opportunities which

that \$19m casino premium presented to the community. That money has been in the kitty, so to speak, for quite some time. It was received in late 1991, as I recall. It is some time since that occurred; and, to date, we have had spent well under \$5m of that \$21m available for spending on those major projects. It is probably less than \$5m.

In the first financial year, 1993-94, only \$1.69m of that \$21.3m was spent. That is an appalling figure. In the present financial year we expect to spend - this money has been there for several years, bear in mind, earning interest, which has not been put back into the arts in Canberra - a grand total of \$4.3m. After approximately four years of having this money at its disposal, the ACT Government will have spent a total of only \$6m out of the \$21.3m. That is unacceptable. It indicates a government which either cannot make decisions about these matters or has decided that it gets more value for money, more bang for the buck, by prolonging the process of allocating that money. For some areas of the community there is considerable distress in the Government's slow decision making in allocating that money. There are many community groups which have made applications for funds from the cultural and regional facilities allocation - that is, the \$2.75m put aside for regional facilities - and which have been deeply disappointed because of the extensive delays that have been caused by this Government being slow in making decisions about that matter.

Bear in mind that we have had a series of reports and examinations of this question over a period of several years. Mr Wood, during a period in opposition, chaired the Assembly's Select Committee on Cultural Facilities, which produced a report at about the time that he became Minister. Then there was the report of the Planning, Development and Infrastructure Committee of the Assembly, which recommended that money be spent on a keeping place; on the upgrade of the Canberra Theatre Centre; on the upgrade of the centre at Exhibition Park; and on the Childers Street Theatre. All those recommendations were made over two years ago, and still nothing of significance, with the single exception, primarily, of the Exhibition Park upgrade, has actually happened.

Then we had the *Sharing the Vision* document last year. It was significant and important; but, again, the key decisions in the area of the arts were left unmade. That is a matter of great regret to all those in this community who want to see the arts maintain the pivotal position which we believe that they should have in enlightening, enriching and entertaining society.

I am also particularly concerned at and particularly distressed by this Government's quite disgraceful performance in its support of the Federal Government's backdown on that important cultural facility, the National Museum of Australia. Instead of the Government sticking to its guns and maintaining, as Ms Follett repeatedly and emphatically said as late as earlier this year, that the National Museum of Australia belonged on Yarramundi Reach, we saw her cave in to pressure from her Federal colleagues and agree, "Yes; okay; we will put up with an adulterated, scaled down, watered down, Museum of Australia, retitled the Gallery of Aboriginal Australia, on Acton Peninsula". The site had been declared unavailable for those sorts of things; the site was worth \$45m; the site, the Chief Minister said, would disappear from the ACT's control only over her dead body, or words to that effect.

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Apparently, all that has gone out the window now; and we are prepared to put up with this concept of the National Museum basically being a wan vestige of its original self, not on the original site, and with very little prospect of developing into the National Museum which this Opposition and, we thought, this Government had committed themselves to. This is an important facility for Canberra. Do we see the Government standing up for Canberra? No; we see it saying, "Yes, we are happy to accept the Gallery of Aboriginal Australia. Yes, it is a wonderful thing. Thank you very much, Prime Minister. We will take the money, such as it is, and run". That is unacceptable.

Looking through the Government's promises on cultural matters, I notice that before the last election it promised to commit itself to putting aside a certain percentage of the development cost of major new buildings for public art. That was a promise made in very explicit terms before the 1992 election. Has it happened? No, it has not. The Government is still in the process of developing that proposal. No doubt the Minister can tell us that it is going to happen very soon, but he told us that three years ago.

Madam Speaker, all in all, if I were the Government, I would not count on a major advertising campaign based on the arts. I certainly would not count on gaining much support in the arts community by saying how wonderful they think that the Gallery of Aboriginal Australia is, because I have not met anybody involved in the arts in Canberra who happens to think that this is a good thing. The gallery, in its own right, of course, is a quite important development. Even the Government, in its heart of hearts, realises that it represents the end of the concept of the National Museum of Australia as originally put forward. You could not put the museum, at least as originally conceived, on Acton Peninsula. We will end up with either the sort of museum which Paul Keating talked about - a mausoleum that was unacceptable; a museum of great halls and showcases; and not an open plan, interactive exercise - or a museum over a variety of sites, if we are lucky, in the ACT.

Mr Berry: You should not have closed the hospital, Gary.

Mrs Grassby: If you had not closed the hospital, they could not have put it there.

MR HUMPHRIES: It is worth \$45m to you lot now; so, you should be pretty happy about that. That is \$45m that you did not have before. Most likely, I have to say, Madam Speaker, we are going to see the National Museum turn into a travelling roadshow. We are not going to see it in Canberra, except maybe once every nine months when it happens to come through town like a circus. That is what we are going to see happen to the National Museum.

Mr Kaine: Or every 10 years.

MR HUMPHRIES: Or every 10 years, more likely, as my colleague Mr Kaine points out. That is going to be the reality of the matter. I am not happy about that. That is a sell-out, in my book. But do we see this Government standing by that concept of a museum? No, we do not. No; they have been told, "Fall into line with the Feds because that is your duty", and they have done it. Madam Speaker, that should put the nail well and truly in the coffin of this Government on the question of its performance in cultural matters.

MS SZUTY (9.28): I welcome Mr Wood's ministerial statement on the ACT Government's achievements in arts and culture. It was most appropriate that the Minister for the Arts and Heritage made this statement to the Assembly on 13 October, just five days before the Prime Minister, Mr Keating, delivered the Commonwealth Government's long-awaited cultural statement, Creative Nation. As the Minister said in his statement, Canberra is home to a number of national institutions - which he enumerated - that enhance the cultural profile of Canberra. However, I noted with some concern that the Minister did not include the National Museum among the institutions he named. This omission perhaps indicated some prescience, as, in his statement, the Prime Minister effectively announced the death of the vision of a national museum reflecting the cultural diversity of all Australians. I agree with Mr Humphries's sentiment that this is a most regrettable development in the history of the arts in Australia.

The Prime Minister's Creative Nation statement promised some enhancements to existing institutions, including a \$10m refurbishment of the National Film and Sound Archive building, substantial refurbishment of Old Parliament House and the building of a special space for temporary exhibitions at the National Gallery of Australia. In addition, as all members will be aware, the Prime Minister also announced a joint Commonwealth and ACT Government Gallery of Aboriginal Australia on Acton Peninsula. The Minister, Mr Wood, said in his statement:

... this Government believes that culture and the arts play a key role in enlightening, enriching and entertaining society. The arts permeate our society through theatre, music, dance, film, literature and craft, and in numerous other ways. This diversity of expression is an important barometer of the health and vitality of our community. Support and encouragement of the arts and the people involved are essential roles for government in improving the quality of life for all in our community.

This is a view with which I heartily agree. I would like to suggest to the Minister that the Prime Minister went even further when he stated that his Government's great ambition has been to bring cultural issues into the mainstream of our national life and national decision making.

Madam Speaker, the ACT Government's initiatives in creating the ACT Cultural Council and charging it with the goal of creating a secure foundation and an effective framework for cultural development in the ACT are commendable. The Government's initiative in creating a position of cultural planner within the ACT Planning Authority is also to be welcomed.

Debate interrupted.

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ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

ARTS AND CULTURE - GOVERNMENT ACHIEVEMENTS Ministerial Statement

Debate resumed.

MS SZUTY: In particular, I would like to be assured by the Minister that cultural planning will be regarded as other aspects of the planning process are, with such modifications as are suggested by the various inquiries currently under way. What I mean by this is that this aspect of the planning process should also be subject to the same community consultation processes, scrutiny and rights of appeal as are urban and environmental planning matters. Having said that, I particularly welcome the fact that one of the cultural planner's first projects will be to develop a Belconnen region cultural plan by assessing the existing situation and suggesting a strategy for the future. While on the topic of new positions, I would welcome the Minister advising the Assembly as to the status of the position of public art coordinator for the Territory, which he announced to the editor of *Muse* magazine in July. Such a position surely should fall within the ambit of a ministerial statement on arts and culture, and I am surprised that it has not.

Madam Speaker, I welcome the provision of facilities for the arts, including the Cultural and Heritage Centre; the Playhouse redevelopment; the Tuggeranong Community Arts Centre; the upgrade of the Canberra Institute of Technology Woden campus, for contemporary music performance; the upgrade of the Hawker College theatre; and the building of the Street Theatre in Childers Street.

Madam Speaker, the Minister also said in his statement that he believes that the Childers Street area would make an ideal precinct for other cultural groups. He particularly mentioned a government site in Childers Street next to the Street Theatre that has been identified to house Megalo Arts Access, Studio One, PhotoAccess and the Crafts Council - with this facility being available to support the work of both community and professional visual artists. While this concept has some merit, I understand that some members of the organisations that the Minister named have been voicing some concerns about this project. Of particular concern to a number of them is the fact that the proposed facility will have little or no studio space. This means that the artists will largely need to do the creating of their work at a studio remote from these high-quality facilities and then transport the partly finished work to Childers Street. Not only will this be a barrier to the transport disadvantaged; it may also impose the risk of damaging work in transit and have other undesirable consequences.

Another issue of concern is the growing centralisation of arts facilities in the ACT - a process that is not necessarily desirable. One answer to these concerns may be the co-locating of the facilities proposed for Childers Street with studio complexes such as those of Australian National Capital Artists. It may be that the most appropriate way for these issues to be resolved is by their being referred to the cultural planner. The Minister might like to consider that before he responds to the remarks made by members in this debate.

Madam Speaker, as I said earlier, these are all welcome developments, but they are all bricks and mortar developments. The Canberra poet Mark O'Connor said, of the Creative Nation statement, that most of the money earmarked in the policy was going to the building industry and not to individual writers and artists. This is a caution which we would do well to heed in the context of the ACT.

Madam Speaker, I, too, am pleased to see the vision of a studio for local artists realised with the establishment of the Australian National Capital Artists, or ANCA, studios in Dickson and Mitchell. I have had the opportunity to visit the Dickson campus of ANCA on a number of occasions, and I find it a delightful environment, with a strong and developing sense of community. It is a wonderful addition to arts facilities in the Territory. One minor issue of concern on which the Minister may care to elaborate is the fact that substantial cracking developed in the walls of the studios on the northern side of the complex shortly after the completion of the building. ANCA may be put to considerable expense to rectify this.

Madam Speaker, speaking of the ANCA studios brings to mind a concern that I have heard expressed in a number of quarters, and that is a concern about the growth of the arts bureaucracy. We must be aware, in this Territory, of the capacity for patronage to stifle the diversity which is needed to foster a vibrant artistic community. We must take steps to ensure that the dead hand of bureaucracy does not impede a continuation of the progress which has been made so far. The issue of nepotism flows from the patronage system. The fundamental and very real concern is that a small group or coterie does not take control of the grants process and dole out grants to friends and those who do not rock the boat, while denying grants to those who are not part of the "in crowd" or who voice views that differ from those accepted by the coterie. This is a very real concern, particularly in a small arts community such as that in Canberra. I would suggest that it requires a high level of scrutiny, to ensure that emerging artists are able to take their rightful place in the arts community. The truism about artists starving in garrets and becoming famous after their death reflects the fact that great art often is not fashionable and that fashionable art often is not great. We must take care, Madam Speaker, that the very real dangers of censorship and nepotism, which can result from a system of patronage, do not stifle the very artists that the system is designed to foster.

Madam Speaker, in closing I would like to quote once again from Creative Nation, in which the Prime Minister said:

The statement does not attempt to impose a cultural landscape on Australia, but to respond to one which is already in bloom.

These are appropriate sentiments, as pertinent to the ACT as they are to Australia.

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MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (9.36) in reply: Madam Speaker, the Liberals' contribution to this debate on my very short cultural statement was rather like their contribution to the previous debate, on women's policy. Having no policy themselves, having absolutely no record of achievement themselves, what do they do but set about on the basis that attack is the best form of defence. On two occasions in the last half-hour, we heard a lot of nonsense from the Liberals simply because they have no policy.

Let me highlight that. Mr Humphries mentioned Mr Keating's cultural statement. He has probably forgotten - and I can understand that - that a week, or two, or three before Mr Keating's statement, the Federal Opposition Leader brought down the Liberals' cultural statement. Where is it now? It has sunk into oblivion. It was a flimsy, empty document, by any comparison, and especially by comparison with Mr Keating's statement; it is as nothing. The Liberals are culturally bare, and there is no greater illustration of that contrast than those two documents. The same applies at the Territory level. The contrast between what this Government has done and what the Liberals mouth is remarkable indeed. There is no comparison. We have an outstanding record in the arts, and I am proud to stand up and promote that.

While I am in a critical mode, I might criticise Ms Szuty, because I think that she was trying to have things both ways. She told me that she did not want the "dead hand" - and I put that in inverted commas - of bureaucracy; yet two or three minutes before she had said how great it was to appoint a cultural planner who will be a bureaucrat. I cannot quite put those two together, Ms Szuty. Should I not have appointed that cultural planner?

Earlier in Ms Szuty's contribution - which was, I might say, rather more substantial than the one from the other side of the chamber - she congratulated me, as I recall, for appointing the Cultural Council as a body to attend to a whole lot of policy matters. Then, when it came to grants, she was talking about "a coterie of public servants". The public servants do not make those decisions; the Cultural Council does. It is not just the Cultural Council; it is the cultural council with a large number of panels of peers that makes those decisions.

Ms Szuty cannot have it both ways. She cannot say that the Cultural Council is great and, by inference, all the activity that it generates is great, and then claim that there is a coterie of bureaucrats stifling development. It just does not happen that way. It is not the way that the council has been established. It does not work that way. It is genuine peer assessment. Only yesterday, I announced a round of grants; and there are more to come. It has been a long, hard involvement by committees labouring, agonising, and, with inspiration, deciding the best way that grants might be distributed.

As to Mr Humphries's sour grapes about our announcements on the arts: It was Labor Party policy; it was the policy that came through the committee on arts facilities that I was chair of in the last parliament. That committee saw to it that \$19m of casino money was put to arts facilities; and that was a major achievement, a major recognition by the Labor Party and the Labor Government that this was an appropriate way to spend money.

Mr Kaine: When are you going to spend it?

MR WOOD: It has all been announced, Mr Kaine. If you had been paying attention, you would have known that. It may be that you, as a Tuggeranong resident, are not happy with some of those announcements. If that is your view, you spread it.

Madam Speaker, I would have expected Mr Humphries, if he had had some vision in this area, to have made some comment about the remarkable proposal that we have for the Canberra Institute of Technology to spend up to half a million dollars on the quite good hall at the institute. In cooperation with institute programs, relevant programs and programs that are compatible with what is happening at the School of Music or elsewhere, it will introduce courses or programs to promote music, perhaps on the more technical side. Mr Humphries did not have the vision that we had to see that that was a very appropriate way to spend money.

I come back to what Ms Szuty said. She complained that we were centralising things. We have put resources into Tuggeranong; we have put resources into the Woden-Weston Creek area; and we have this other excellent idea of improving the theatre at Hawker College, to make it more accessible to the community. With that cultural planner, we will develop culturally what is happening in that Belconnen area. These are excellent ideas; but, of course, Mr Humphries did not want to know about them. He was into sour grapes because he is bereft of ideas himself in that area of culture; he is culturally barren.

Question resolved in the affirmative.

LEAVE OF ABSENCE TO MEMBER

Motion (by Ms Szuty) agreed to:

That leave of absence from 11 November to 25 November 1994 inclusive be given to Mr Moore.

8 November 1994

ADJOURNMENT
Assembly Visitors

MR BERRY (Manager of Government Business) (9.43): I move:

That the Assembly do now adjourn.

I would like to welcome to the Assembly a few guests who were involved in a vigil outside tonight. It is nice of you to come in and see what we do in our Assembly. We would like to see you back here more often.

Question resolved in the affirmative.

Assembly adjourned at 9.43 pm

ANSWERS TO QUESTIONS

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1386

Waste Disposal Charges

Mr Stefaniak - asked the Minister for Urban Services:

In relation to Waste Management

- (1) Why is a charge of \$22 per tonne - not volume - disposal of industrial and commercial waste being levied against users of Canberras tips.
- (2) Is the domestic user from Queanbeyan charged for the use of Canberras tips; If not, why not.
- (3) Are the Federal/ACT Government agencies, which use Canberras tips, being charged \$22.00 per tonne.
- (4) Name the Federal and ACT Government agencies which use Canberras tip facilities.
- (5) What were the amounts paid by each of the Federal and ACT Government agencies for use of Canberras tips from 1 July 1993 to March 1994.

Mr Lamont - the answer to the Members question is as follows:

- (1) The charges for industrial and commercial waste disposal are on a mass basis rather than volumetric basis for reasons of equity. That is, users are charged according to the actual quantity of material delivered rather than the capacity of the delivery vehicle. Charging by mass is in accordance with accepted practice throughout Australia and overcomes potential problems with arbitrary assessment of each vehicles capacity. For enclosed vehicles such as compactor trucks or for covered loads, an assessment of the volume of each load would be impossible.
- (2) The agreement between the ACT Government and the City Of Queanbeyan for use of the ACTs landfills includes a payment by the City for the usage of the landfills made by the residents of Queanbeyan.
- (3) Where charges are raised, Government users are charged at the same rates as apply to other users.
- (4) The ACT and Federal Government agencies that hold accounts with Waste Management Section for use of the landfills are as follows:

8 November 1994

ACT Government
ACTEW
Department of Urban Services
Department of the Environment Land and Planning
Canberra Institute of Technology
Department of Education and Training
Housing and Community Services Bureau

Federal Government
Aboriginal and Torres Strait Islander Commission
Australian Bureau of Statistics
Australian Customs Service
Australian Geological Survey
Australian Nature Conservation Agency
Australian War Memorial
CSIRO
Department of Administrative Services
Department of Defence
Department of Health Housing and Local Government
Department of Social Security
Department of Transport & Communications
Joint House Department

(5) The charges incurred for the period 1 June 1993 to 31 March 1994 for the ACT and Federal Government agencies that held accounts for use of the ACTs landfills are as follows:

| Agency | |
|--|--------------|
| Fees from 116!93 to 3113194 | |
| ACTEW | \$95,199.98 |
| Department of Urban Services | \$145,610.21 |
| Department of the Environment Land and Planning | \$47,632.10 |
| Canberra Institute of Technology | \$38.48 |
| Department of Education and Training | \$427.66 |
| Housing and Community services Bureau | \$222.86 |
| Aboriginal and Torres Strait Islander Commission | \$217.36 |
| Australian Bureau of Statistics | \$97.02 |
| Australian Customs Service | \$115.50 |

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Agency
Fees from 116/93 to 3113194
Australian Geological Survey
\$
270.50
Australian Nature Conservation Agency
\$
1,069.75
Australian War Memorial
\$
156.20
CSIRO
\$
641.30
Department of Administrative Services
\$
7,454.46
Department of Defence
\$
1,437.03
Department of Health Housing and Local
Government
\$
121.00
Department of Social Security
\$
94.38
Department of Transport & Communications
\$
137.50
Joint House Department
\$
1,829.96

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1391

**Education and Training Portfolio and
Environment, Land and Planning Portfolio -
Market or Political Research**

MRS CARNELL - Asked the Minister for Education and Training on notice on 19 September 1994

For each and every department or agency for which you have ministerial responsibility -

- (1) What market or political research has been conducted (a) in the year 1992-93; (b) in the year 1993-94 and (c) since 1 July 1994.
- (2) What was/is the purpose of that research.
- (3) What were/are the questions asked.
- (4) What was, or is expected to be, the cost of that research.
- (5) What were the results of that research. (Can copies of the results, including reports, of any research conducted during the specified periods be provided).

MR WOOD - The answer to Mrs Carnells question is:

- (1) No department and agency for which I have responsibility undertakes political research. For every department and agency for which I have responsibility, the following market research was undertaken:

Department of Education and Training - see Attachment A

Department of the Environment, Land and Planning - see Attachment B

Attachment A

DEPARTMENT FOR EDUCATION AND TRAINING

QUESTION NO. 1391

Market Research

- (1) (a) 1992-93:- nil
- (b) 1993-94:. a telephone survey requested by the Ministerial Advisory Council on Public Education (MACPE).
- (c) since 1 July 1994:-ad
- (2) The purpose of the research was to identify community attitudes towards the quality of the ACT public education system; and to identify issues affecting-the future quality of education.
- (3) A copy of the questionnaire form, is attached.
- (4) The cost was \$15,305.
- (5) A copy of the Executive Summary of the survey report, setting out the main Findings, is attached.. A copy of the full report can be made available should Mrs Carnell wish to view it.

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SURVEY OF FUTURE EDUCATIONAL REQUIREMENTS

QUESTIONNAIRE

1 Age group:(note here, otherwise ask at end of interview)

- 16 - 24 years
- 25 - 34 years
- 35 - 54 years
- 55 or over

2 What is your relationship to the ACT public education system. Are you a
(Circle one answer only. See NOTE below)

- Student of government school/college . . .
- Student of private school/college
- Past student, government school/college (last 5 years)
- Past student, private school (last 5 years)
- Teacher in government pre-school, school or college
- Teacher in private pre-school, school or college
- Parent of student at government pre-school, school or college .
- Parent of student at private pre-school, school or college
- Parent of a past student, government school (last 5 years) . . .
- Parent of a past student, private school (last 5 years)
- Parent of prospective student of government school system (in next 5 years)
- Other related (specify)
- Unrelated (none of the above)

(NOTE: if respondent is more than one of these categories ask:
Would you have the best knowledge of the ACT government school system as a or a
Ask respondent to answer questions from that point of view.)

3 How would you rate the quality of education received by students in the ACT
government education system? Would you say it was high, adequate or low?

- High
- Adequate
- Low
- Dont know/no opinion

4 What do you think a quality education should provide to students?

PURDON ASSOCIATES
MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION

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5 In your opinion, what are the main strengths of the ACT Government school system?
[PROBE - multiple answers possible, circle or write in UP TO 4 RESPONSES ONLY]

- Dont know / no opinion / no experience of system 1
- Separate college and high school
- No external exams / no HSC / school based assessment
- Neighbourhood/community based schools
- Small class sizes
- Wide curriculum choice
- School based curriculum
- Government funded pre-schools
- Free tuition
- High quality teachers
- Good quality or new buildings / plenty playground space
- Well resourced (equipment, books, computers etc)
- Other (please write in):

6 What are the main weaknesses of the ACT Government school system? (Up to 4)

- Dont know I no opinion I no experience of system
- Separate college and high school
- No external exams / no HSC / school based assessment
- Large class sizes
- Not enough curriculum choice
- School based curriculum
- Poor quality / uncommitted teachers
- Poor quality buildings
- Poorly resourced (equipment, books, computers etc)
- LACK of funding
- Too many pupil free days . . _
- Other (please write in):

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MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION

7 I would like to focus on the future education system. A child who starts pre-school next year would not finish Year 12 until the year 2007. Please tell me what effect you think the following features would have on ensuring that students receive a good education?

Please rate each one as having either a positive or a negative effect.

(Write in code at the end of each line)

Positive effect 1

Negative effect 2

ROTATE STARTING POINTS:

6.

7.

8.

9.

Do not read out:

No effect 3

No opinion 4

1. Assessment of students being done by the school rather than external exams

Students progressing through classes according to ability rather than age

Pre-schools, being available for all 4-year olds

Increasing the teaching load for individual teachers

Each school developing its own curriculum instead of this being done centrally by the Department of Education

A separate college system for final Years 11 & 12 of secondary schooling . .

Use of computer aided learning programs to partly replace teachers

The Dept. of Education providing ongoing training for teachers

Increasing the size of classes

10. Schools being non-selective, that is, students not having to pass an entrance exam

Closure of schools which have fewer than a standard number of students

(Explanation: Primary - fewer than 150, High school - fewer than 350

College - fewer than 500 students)

12. Each school recruiting its own staff instead of the Dept of Education doing this

13. Schools specialising in particular curriculum areas such as science or music . .

(Explanation: rather than every school offering a comprehensive curriculum)

14. The provision of school counselling services for students

15. Parent participation in school decision-making

(Explanation: in School Boards, P & C, curriculum, uniforms, etc.)

WRITE CODE HERE

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MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION

8 In the long term, what other changes are necessary to the education system to cater -for childrens future educational needs? [PROBE]
Dont know / no suggestions / no contact .

9 The ACT Government needs to consider ways in which it can maintain the quality of education in the light of budgetary restraints. Would you please tell me whether you are in favour or not in favour of each of the following suggestions:
(Write in code at the end of each line) _

Do not read out:

In between 3

No opinion/dont know 4

In favour 1

Not in favour 2

Charging community groups more for after-hours use of school buildings

Reducing spending on central administration of the school system

Introducing compulsory fees in government schools

Increasing rates and taxes to fund spending on education

Introducing private sponsorship

(Explanation: For example, companies sponsoring purchase of equipment or sporting teams uniforms)

WRITE CODE-HERE

10 What other suggestions do you have for changes to the education system that would reduce costs without reducing educational quality? (Probe)
Dont know / no suggestions / no contact

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11 What is the highest level of education you completed?:

(circle one)

Did not complete school to year 10 __. __. . . .

Completed Year 10

. . . Completed Year 12

Tertiary education

"THANK YOU VERY MUCH FOR YOUR ASSISTANCE"

Interviewer to note:

12 Sex:

(if unsure, ask)

Male

Female

13 Place of residence:

Belconnen/Gungahlin

Inner Canberra

Woden/Weston Creek

Tuggeranong

Other

*** Interviewer: check that you have recorded AGE in Q1.

PURDON ASSOCIATES

MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION

EXECUTIVE SUMMARY

Purpose

The purpose of the survey was to identify community attitudes towards the quality of the ACT public education system, and to identify issues affecting the future quality of education.

Methodology

A total of 594 people were interviewed by telephone over the period Saturday-25 September to Monday 4 October.

It should be noted that interviews were conducted at a time when there was considerable community discussion about budget cuts to education, and followed a one-day teachers strike on Thursday 23 September. The survey was also conducted during public school holidays.

Interviewers were given quotas for age, sex and place of residence to closely reflect the ACT population, and these targets were achieved.

Respondents were selected at random from telephone lists within each of- the main geographic districts in Canberra.

Results were coded, verified and processed using SPSS software.

Cross-tabulations were prepared for age, level of educational attainment and relationship of key groups to the education system.

Tests of statistical significance have not been applied to the data. Results should be interpreted as being indications of respondent attitude. Care should be taken in cross-tabulations where the size of some groups is small, especially those of:

- Teachers: 23 respondents
- Aged 55 or over: 91 respondents
- Related to private school system: 89 respondents
- Not having completed Year 10 education: 45 respondents

SURVEY OF ATTITUDES TOWARDS ACT PUBLIC EDUCATION SYSTEM

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Main groupings surveyed were:

| Group | % | Total Respondents |
|--------------------|-----|-------------------|
| Government Schools | 14% | 3% |
| Private Schools | 3% | 17% |
| Not Related | 17% | |
| Teachers | 3% | 1% |
| Parents | 34% | 11% |
| Other | 7% | 27% |
| Total | 58% | 15% |
| | 27% | 100% |

Main Findings

A set of graphs showing the main findings is provided in the main text. Attachments include the survey form and tabular results.

Almost 30% of respondents had completed Year 12 education. About 40% had tertiary level qualifications (Figure 1).

Over half 58% of respondents were related to the public school system (Figures 2 and 3).

Main features of a quality education system listed by respondents were basic skills (25%), followed by living skills (10%). Several other features attracted about 5% each of total responses (Figure 4).

Government school system rated as high quality by 30% of respondents and rated low by 13% of respondents (Figure 5).

Strengths of ACT government system were listed as high quality teachers (12% of responses) and wide curriculum choice (10%). The "dont know/no opinion" group accounted for 30% of total responses (Figure 6).

Main weakness of ACT government school system were lack of discipline (10%); lack of funding (10%); large class size (10%) and poor quality teachers (9%) (Figure 7)

School based assessments were seen as a positive feature (52%), with general support across all four groups (Figures 8 and 9).

Progress by ability was important (78%), although teacher response to this was less positive than other groups (Figures 10 and 11).

SURVEY OF ATTITUDES TOWARDS ACT PUBLIC EDUCATION SYSTEM

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Availability of pre-schools for all four year olds was important to 87% of respondents across all groups (Figures 12 and 13). All teachers interviewed saw it as a positive feature.

Increased teaching load was largely negative (65 % of total respondents) and spread across all groups (Figures 14 and 15).

School based curriculum development was not generally supported (60% negative), with strongest support coming from students (Figures 16 and 17).

Separate colleges for Years 11 and 12 was strongly supported (72%) across all groups (Figures 18 and 19).

Ongoing teacher training was strongly supported (98%) (Figure 20).

Opinions were about evenly divided (48% negative: 43% positive) on the value of computer aided learning programs partly replacing teachers. This result should be interpreted cautiously as respondents reacted differently to emphasis on the words "partly" and "replace" (Figure 21).

The effect of non-selective schools was generally positive (58%) particularly amongst students and teachers (Figures 22 and 23).

Increase in class sizes was overwhelmingly (88%) regarded as having negative effects on quality education with high agreement across all sectors (Figures 24 and 25).

Opinions on the effects of small school closures was almost evenly divided for all respondents. Students tended to see this as negative while other groups appeared more in favour (Figures 26 and 27).

There were mixed views on the effects of school based staff recruitment with 52% supporting a positive effect but 33% negative. Teachers were generally less positive than other groups (Figures 28 and 29).

About 70% of respondents saw as positive the effect of school specialisation in curriculum areas, and this was supported across all groups (Figures 30 and 31).

Provision of school counselling services was strongly supported (93%) across all groups (Figures 32 and 33).

Parent participation in school decision making was seen to have a positive impact by the majority (85%) of respondents (Figure 34).

Teaching of vocational skills was the most frequent response to suggestions for changes to cater for future educational needs (Figure 35)

SURVEY OF ATTITUDES TOWARDS ACT PUBLIC EDUCATION SYSTEM

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Almost 60% of respondents supported reductions. in spending on central administration (Figure 36).

About 58% of respondents supported charging more for use of school facilities by community groups (Figure 38).

Opinion was divided on the introduction of compulsory fees and use of increased. rates and taxes to fund education (42% yes; 54% no) (Figures 37 and 39).

About 72% of respondents favoured introduction of private sponsorship in public schools as a source of increased revenue. About 22% opposed this approach (Figure 40).

There was a wide range of suggestions for the introduction of changes to reduce costs with only four items each receiving no more than 5% of total responses. These included maximum use of existing resources, community involvement, small school closure, and reduction in central administration. About 50% of respondents answered "dont know" or had no opinion (Figure 41).

PURDON ASSOCIATES 29 October 1993

SURVEY OF ATTITUDES TOWARDS ACT PUBLIC EDUCATION SYSTEM

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Attachment B

DEPARTMENT FOR THE ENVIRONMENT, LAND AND PLANNING

QUESTION NO 1391

Market Research

(1)(a) 1992-93

Department of the Environment, Land and Planning Shopfront Customer Survey

Dryland Grass Mowing Standards in the ACT - Random Telephone Survey

Floriade Board of Management Visitor Survey

Horse Agistment Paddock Survey

Opening the Doors - Review of Performing Arts by Young People in the ACT

(b) 1993-94

- Department of the Environment, Land and Planning Marketing Plan Floriade Board of Management Visitor Survey

(c) Since 1 July 1994

Floriade Board of Management Visitor Survey

- Land Demand and Supply Market Research
- Marketing Plan for Nature Parks

Department of the Environment, Land and Planning Shopfront Customer Survey

(2) The purpose of this survey was to define the Department of the Environment, Land and Planning customers needs, satisfaction with service and suggestions for the Shopfront.

(3) The questions asked in the customer survey were contained in a six page booklet that was circulated to clients. The results were published in a 50 page booklet titled "DELP Shopfront Survey Results, September 1993". The major points in the survey were circulated to our clients through the DELP Land Information Newsletter.

(4) The majority of the work was conducted using internal resources, however \$1,200 was paid for computing services.

(5) A copy of the questions booklet and the full survey results has been provided to Mrs Carnell.

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Dryland Grass Mowing Standards in the ACT - Random Telephone Survey

(2) The aim of the survey was to determine the public priorities and perceptions of the dryland mowing practices undertaken by the Service.

(3) In 1992/93 City Parks conducted a random telephone survey on dryland mowing standards in the ACT. A sample of 500 responses were sought from approximately 900 telephone contacts.

(4) The cost of the survey was less than \$5,000.

(5) A copy of the survey questions and results has been provided to Mrs Carnell.

Floriade Board of Management Visitor Survey (1992-93, 1993-94, since 1 July 1994)

(2) The Floriade Board of Management commissions a visitor survey each year to estimate the number of visitors to Floriade and to gauge visitor satisfaction with the event.

In 1992/93, an estimation of attendance and major visitor satisfaction survey was undertaken for Floriade 1992. In 1993/94, an estimation of attendance and basic demographic profile of visitors was undertaken for Floriade 1993. An estimation of attendance and major visitor satisfaction survey is currently being conducted for Floriade 1994.

After Floriade 1994, there will also be four focus groups facilitated by Market Attitudes Research. Two of the groups will be held in Sydney to focus on advertising, and two in Canberra will focus on facilities and satisfaction with the event.

(3) Information on questions asked and results are available in the reports provided to Mrs Carnell.

(4) The annual visitor counts and satisfaction surveys in 1992 and 1993 cost \$18,000 and \$11,500 respectively. The 1994 count and survey is expected to cost \$21,150. The four focus groups for 1994 is planned to cost a total of \$5,600.

(5) The surveys indicate an increasing attendance at Floriade, with tourists in 1993 outnumbering locals. There is a high approval rate for Floriade, particularly the floral displays. Analysis of the survey estimates that approximately \$13 million is contributed to the ACT economy as a direct result of Floriade.

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Horse Agistment Paddock Survey

(2) & During 1992/93, users of Government horse agistment paddocks were

(3) surveyed to determine the types of facilities and services they required.

The survey was conducted internally by Departmental staff and no cost has been attributed to it.

The survey has resulted in a Community Service Agreement between the Department and horse paddock users which outlines agreed levels of service to be provided. A copy of the Agreement has been provided to Mrs Carnell.

Opening the Doors - Review of Performing Arts by Young People in the ACT

In 1992 the ACT Cultural Council sought tenders for a review into performing arts by young people in the ACT. Council considered that the information available to it in this area was inadequate.

Ernst and Young were the successful tenders and commenced research through questionnaires and focus group meetings.

The report was launched on 9 June 1994 and the final cost for the research and report was \$26,000.

The main findings were that:

growth in the ACT youth population is more than double the rate recorded nationally; youth cultural development needs are not being fully met; an explicit policy for youth cultural activity should be developed;

funds of up to \$50,000, from within the ACT Cultural Development Grant Program, should be allocated to contemporary youth activities;

the application process youth should be easier to understand.

A copy of the report has been provided to Mrs Carnell.

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Department of the Environment, Land and Planning Marketing Plan

- (2) . The purpose of the Department of the Environment, Land and Planning Marketing Plan was to identify mechanisms for the effective communication of the Departments policies, programs and services to internal and external clients and identify marketing opportunities. It was also used to promote a strong united public image of the Department in all its activities whilst maintaining agreed profiles and it provided a framework for integrating marketing into program and sub-program business plans.
- (3) There were no set questions asked in preparing the Marketing Plan, however interviews with the Department executive and the project steering committee and 20 senior managers from most programs in the Department were undertaken. A range of publications, business plans and other strategic documents from across the Department were consulted to obtain an overview of current marketing practices.
- (4) The cost of the Marketing Plan was \$25,000.
- (5) A marketing planning guide was prepared and introduced to around 50 Senior Officers from the Department at a series of workshops. The aim of the workshops was to introduce the Marketing Planning Guide as a standard planning instrument and to enable managers to work through the guide in preparation for completing it as part of their business planning activities. A report was produced for the Departments Board of Management.

Land Demand and Supply Market Research

- (2) In 1992/93 market research was carried out on commercial centres for the Land Division of the Department of the Environment, Land and Planning. The Retail and Industrial Centres Inventory was completed in 1993/94.
- (3) The Retail and Industrial Centres Inventory is used to monitor commercial floor space in the ACT to facilitate decisions on the planning and release of land to meet commercial and industrial land supply needs. The research indicates the gross floor area of occupied and vacant premises of retail and industrial centres.
- (4) The cost of the research was \$20,000 in consultants fees which was paid as a lump sum in the 1993/94 financial year.
- (5) The results of the research showed the extent of occupancy of available retail, commercial and service trades premises in City, Group and Local Centres and in industrial and services trades areas of the ACT. A copy of The Retail and Industrial Centres Inventory has been provided to Mrs Carnell.

In addition to the Retail and Industrial Centres Inventory, Land Division officers research the land and housing market in the ACT. The purpose of this research is to assist with planning and scheduling of future land releases. The

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research is based on an analysis of collated internal and external data relating to the land and housing market, industry and supply, and dwelling occupations and commencements.

The analysis of this research is published on a quarterly basis in the Housing Development in Canberra and the Residential Activity Report which report on trends in the housing development industry.

Copies of current editions have been provided to Mrs Carnell.

Marketing Plan for Nature Parks

(2) The ACT Parks and Conservation Service has commissioned a consultant team to assist in the development of a marketing strategy for nature parks in the ACT. The purpose of the strategy is to enable the Government and the ACT community to derive economic benefits from marketing the Territory's park areas for nature based tourism, whilst maintaining their natural integrity, and observing the need for social equity. The strategy will follow the direction of the ACT Ecotourism policy and the National Ecotourism strategy.

Surveys will be undertaken as part of the strategy to determine the current level of knowledge of nature parks in the ACT, and to investigate the needs and public perceptions of our parks by both visitors and non-visitors. This information will enable the ACT Parks and Conservation Service to determine the range, and appropriate costs, of services they should be providing to their visitors, and how they should be promoting their product.

(3) A focus group survey, telephone survey, and face-to-face interviews at the Visitor Information Centre on Northbourne Avenue will be undertaken.

(4) The marketing strategy has been funded as part of an enhancement proposal, of which approximately \$33,000 will be required for the promotions plan and includes the survey costs.

(5) The consultants report is due in March 1995.

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8 November 1994

**MINISTER FOR THE ARTS AND HERITAGE
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1393

**Minister for the Arts and Heritage -
Interstate and Overseas Travel**

MR HUMPHRIES - Asked the Minister for the Arts and Heritage on notice on 15 September 1994.

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994:

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MR WOOD - The answer to the Members question is as follows:

As the Minister for the Arts and Heritage, in the period 1 September 1992 to 15 September 1994 I have made one trip, details of which are as follows:

- (1a) DESTINATION: Brisbane
- (1b) DURATION: 1 to 4 June 1993
- (1c) PURPOSE: Cultural Ministers Council Meeting
- (2) ACCOMPANYING STAFF: Nil
- (3) COST OF VISIT:
Minister t \$ 948.00
- (4) ACCOMPANYING FAMILY: Nil

3872

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1399

**Minister for Education and Training -
Interstate and Overseas Travel**

MR HUMPHRIES - Asked the Minister for Education and Training on notice on 15 September 1994.

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994:

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MR WOOD: - The answer to the Members question is as follows:

As the Minister for Education and Training, in the period 1 September 1992 to 15 September 1994 I have made eight trips, details of which are as follows:

1. (1 a) DESTINATION: Auckland New Zealand
(1b) DURATION: 19 to 23 September 1992
(1c) PURPOSE: Australian Education Council
Ministers Meeting
- (2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister \$1440.90

- (4a) ACCOMPANYING FAMILY: Mrs B Wood
- (4c) AT WHAT COST: Mrs Wood accompanied the Minister at her own expense

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- 2. (1a) DESTINATION: Melbourne
- (1b) DURATION: 9 to 10 October 1992
- (1c) PURPOSE: Ministerial Council on Vocational Education Meeting
- (2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister \$ 734.00

- (4) ACCOMPANYING FAMILY: Nil

3. (1 a) DESTINATION: Perth

(1b) DURATION: 21 to 25 April 1993

(1c) PURPOSE: Ministers of Vocational Education, Employment and Training Meeting

(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister \$2203.00

- (4) ACCOMPANYING FAMILY: Nil

4. (1a) DESTINATION: Perth

(1 b) DURATION: 1 to 3 July 1993

(1c) PURPOSE: Australian Education Council and Ministers of Vocational, Education, Employment and Training Meeting

(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister \$1903.40

- (4) ACCOMPANYING FAMILY: Nil

3874

5. (1 a) DESTINATION: Melbourne
(1b) DURATION: 14 to 16 October 1993
(1c) PURPOSE: Australian National Training Authority
and Ministerial Council Meeting
(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:
Minister \$ 740.80

(4) ACCOMPANYING FAMILY: Nil

6. (1a) DESTINATION: Hobart
(1b) DURATION: 1 to 5 December 1993
(1c) PURPOSE: Education Ministers Meeting
(2) ACCOMPANYING STAFF: Peta Beelen - Senior Private Secretary

(3) COST OF VISIT:

Minister \$1574.50
Peta Beelen \$ 983.10

(4) ACCOMPANYING FAMILY: Nil

7. (1a) DESTINATION: Adelaide
(1b) DURATION; 8 to 10 June 1994
(1C) PURPOSE: Examine combined government and
non-government school facilities, and
visit Open Learning Technology Centre.
(2) ACCOMPANYING STAFF: Nil
(3) COST OF VISIT: \$1147.40
(4) ACCOMPANYING FAMILY: Nil

8. (1a) DESTINATION: Melbourne
(1b) DURATION: 15 to 16 September 1994
(1c) PURPOSE: Australian National Training Authority
Meeting
(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:
Minister \$ 794.00

(4) ACCOMPANYING FAMILY: Nil

3875

8 November 1994

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1400

**Minister for the Environment, Land and
Planning - Interstate and Overseas Travel**

MR HUMPHRIES - Asked the Minister for the Environment, land and Planning on notice on 15 September 1994.

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994:

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MR WOOD: - The answer to the Members question is as follows:

As the Minister for the Environment, Land and Planning, in the period between 1 September 1992 to 15 September 1994 I have made four trips, details of which are as follows:

1. (1 a) DESTINATION: Sydney
- (1b) DURATION: 21 to 22 May 1993
- (1c) PURPOSE: Australian and New Zealand Environment and Conservation Council Meeting
- (2) ACCOMPANYING STAFF: Nil

4

- (3) COST OF VISIT:
Minister \$ 300.00
- (4) ACCOMPANYING FAMILY: Nil

3876

2.
3.
4.

(1a) DESTINATION:

(1b) DURATION:

(1c) PURPOSE:

(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister

(1a) DESTINATION:

(1b) DURATION:

(1c) PURPOSE:

(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:

Minister \$ 300.00

(4) ACCOMPANYING FAMILY: Nil

(1a) DESTINATION:

(1b) DURATION:

(1c) PURPOSE:

(2) ACCOMPANYING STAFF:

(3) COST OF VISIT:

Minister

Brian Weir

(4) ACCOMPANYING FAMILY: Nil

Brisbane and Melbourne 3 to 4 February 1994 To investigate residential development and housing design and its application to the ACT.

\$1863.30

Sydney

24 to 25 March 1994

Inspection of medium density housing

Alice Springs and Darwin 26 to 31 July 1994 To examine eco tourism and national parks

management in the Northern Territory as part of the assessment of the potential value of eco tourism in the ACT and its impact on the environment, and to assess the role of aboriginal advice and management.

Brian Weir - Senior Private Secretary

\$3075.95

\$2516.90

3877

8 November 1994

CHIEF MINISTER AND TREASURER
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1402

Treasurer - Interstate and Overseas Travel

MR HUMPHRIES - Asked the Treasurer on notice on 15 September 1994.

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994:

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each-accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MS FOLLETT - the answer to the Members question is as follows:

In my official capacity as Treasurer I did not travel in the period between 1 September 1992 and 15 September 1994.

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**CHIEF MINISTER
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1403

Chief Minister - Interstate and Overseas Travel

MR HUMPHRIES - Asked the Chief Minister on notice on 15 September 1994.

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994:

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MS FOLLETT - The answer to the Members question is as follows:

As the Chief Minister, in the period 1 September 1992 and 15 September 1994 I have made twelve trips, the details of which are as follows:

- (1) (1 a) DESTINATION: Sydney
- (1b) DURATION: 1 September 1992
- (1c) PURPOSE: Hosted a tourism promotion for the announcement to inbound tour operators of the abolition of the surcharge applying to international tourists overnighing in Canberra.
- (2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser
- (3) COST OF VISIT:
Chief Minister \$ 284.00
David Wedgwood \$ 284.00
- (4) ACCOMPANYING FAMILY: Nil

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8 November 1994

2. (1a) DESTINATION: Lightning Ridge
(1b) DURATION: 25 to 27 September 1992
(1c) PURPOSE: Thank Lightning Ridge miners for continued support of Black Opal race and Smith Family
(2) ACCOMPANYING STAFF: Nil

(3) COST OF VISIT:
Chief Minister \$ 600.00

(4) ACCOMPANYING FAMILY: Nil

3. (1 a) DESTINATION: Perth
(1b) DURATION 6 to 8 December 1992
(1c) PURPOSE: Special Premiers Conference
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$1916.00
David Wedgwood \$1766.10

(4) ACCOMPANYING FAMILY: Nil

4. (1 a) DESTINATION: Wellington New Zealand
(1b) DURATION: 27 to 28 May 1993
(1c) PURPOSE: Youth Ministers Council Meeting
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$2118.79
David Wedgwood \$2451.75

(4) ACCOMPANYING FAMILY:

3880

5. (1a) DESTINATION: Melbourne
(1b) DURATION: 7 to 8 June 1993
(1c) PURPOSE: Council of Australian Governments Meeting
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$1064.00
David Wedgwood \$ 966.70

- (4) ACCOMPANYING FAMILY: Nil

6. (1 a) DESTINATION: Brisbane
(1 b) DURATION: 25 June 1993
(1c) PURPOSE: Immigration and Ethnic Affairs
Ministers Meeting
(2) ACCOMPANYING STAFF: Tania Poulos - Department Liaison Officer,
Chief Ministers Office

(3) COST OF VISIT:

Chief Minister \$ 674.00
Tania Poulos \$ 713.00

- (4) ACCOMPANYING FAMILY: Nil

7. (1a) DESTINATION: Japan
(1b) DURATION: 22 October to 6 November 1993
(1c) PURPOSE: Business Delegation to Japan
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$9340.98
David Wedgwood \$9758.80

- (4) ACCOMPANYING FAMILY: Nil

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8 November 1994

8. (1 a) DESTINATION: Hobart
(1b) DURATION: 24 to 26 February 1994
(1c) PURPOSE: Council of Australian Governments Meeting
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$ 1295.39
David Wedgwood \$ 1145.14

(4) ACCOMPANYING FAMILY: Nil

9. (1a) DESTINATION: Sydney
(1 b) DURATION: 25 to 27 May 1994
(1c) PURPOSE: Tourism Ministers Council Meeting
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$ 862.20
David Wedgwood \$ 571.65

(4) ACCOMPANYING FAMILY: Nil

10. (1a) DESTINATION: Brisbane
(1 b) DURATION: 30 June to 1 July 1994
(1c) PURPOSE: Business delegation to examine the economic and industry development activities of the Queensland Government and the Brisbane City Council and to promote the ACT.
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser

(3) COST OF VISIT:

Chief Minister \$ 859.00
David Wedgwood \$ 832.90

(4) ACCOMPANYING FAMILY: Nil

3882

11. (1a) DESTINATION: Sydney
(1 a) DURATION: 28 to 29 July 1994
(1b) PURPOSE: Premiers and Chief Ministers Meeting
(2) ACCOMPANYING STAFF: David Wedgwood - Principal Adviser
(3) COST OF VISIT:
Chief Minister
David Wedgwood
(4) ACCOMPANYING FAMILY:
12. (1 a) DESTINATION: (1 b) DURATION: (1c) PURPOSE:
(2) ACCOMPANYING STAFF:

(3) COST OF VISIT:
Chief Minister
David Wedgwood
(4) ACCOMPANYING FAMILY: Nil
3883
\$ 628.70
\$ 588.65
Darwin
17 to 20 August 1994
Council of Australian Governments
Meeting

David Wedgwood - Principal Adviser
\$2381.95
\$2287.

80

8 November 1994

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 1426

Mens Advisory Council

MR CORNWELL - Asked the Chief Minister upon notice on 11 October 1994.

(1) Why, when you have advisory councils "which represent the views of the multicultural community, of young people, of Aboriginal people and Torres Strait Islanders and of women" (uncorrected proof Hansard 14 September 1994 p 66), do you not have an advisory council to represent the views of men and is failure to have such an advisory council discriminatory.

MS FOLLETT - The answer to the Members question is as follows:

Under Section 27 of the Discrimination Act 1991, measures intended to achieve equality of opportunity for different classes of persons do not constitute unlawful discrimination.

It is important that there are mechanisms for those groups which have historically faced disadvantage to have access to Government.

The Councils mentioned have been established to provide me with advice on issues affecting the disadvantaged groups that they represent. In all cases, with the appropriate exception of the Womens Consultative Council, both men and women are represented on the Councils.

3884

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION No 1427

**Education and Training Portfolio - Fraud Control
Consultancy Contract**

MR CORNWELL - asked the Minister for Education and Training on notice on 11 October 1994

In relation to contracts arranged by your Department (Gazette No 36, 14 September 1994) -

- (1) What is the purpose of contract C93/093, Consultancy Services of Fraud Risk Assessment and ranking for the Department of Education and Training.
- (2) Is this a regular or "one-off contract.
- (3) Why is it necessary and what does it involve.

MR WOOD - the answer to Mr Cornwells question is:

- (1) The contract provides consultancy assistance in the development of a fraud control plan for the department.
- (2) The fraud risk assessment is the first part of a two part process. The second part which will also use consultancy assistance, will be to develop the fraud control plan.
- (3) The ACT Public Sector Management Act makes Chief Executives responsible for the implementation of fraud and corruption control strategies appropriate to their agencies. A Fraud Control Plan is a management tool. It involves identifying areas of potential fraud, assessing the existing administrative processes and controls and making changes where necessary to minimise the scope for fraudulent activity.

3885

8 November 1994

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1433

Development Application - Kingston

Mr Cornwell - asked the Minister for the Environment, Land and Planning What is the delay in construction at Block 5 Section 25 Kingston?

Mr Wood - the answer, to the Members question is as follows:

Before I answer the Members question I would like to clarify that the development site comprises Blocks 4, 5 & 6 Section 25 Kingston.

An application for a lease variation was received by the Department of the Environment, Land and Planning on 9 March 1994 requesting residential, commercial/retail and carparking. The variation was handled as a Controlled Activity under the Land (Planning and Environment) Act 1991.

The application was approved on 9 June 1994 subject to conditions. Issues in relation to the calculation of betterment, including compensation for the provision of public carparking on the site, were discussed at length with the Lessee. Compensation for carparking was not agreed to by the Territory, and betterment was paid by the Lessee on 23 September 1994. The new lease was lodged at the Registrar-Generals Office on 14 October 1994.

There is now no impediment to commencement of work on the site.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NUMBER 1434

Vacant Land - Ainslie

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

(1) Who owns the vacant section of land which is part of Block 8, Section 36 Ainslie.

Mr Wood - the answer to the Members question is as follows:

Block 8, Section 36 Ainslie is leased to the ACT Government and is managed by the Department of Health. It is the site of a hostel for the aged, run by Goodwin Retirement Villages Incorporated. Goodwin Retirement Villages lease the adjoining block, Block 10, Section 36 Ainslie.

The ACT Housing Trust has a lease over the other adjoining block, Block 9, Section 36 Ainslie, which provides accommodation for the aged and Goodwin Retirement Villages provide care services for the tenants.

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8 November 1994

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1435
Corroboree Park Precinct**

MR CORNWELL - Asked the Chief Minister upon notice on 12 October 1994

In relation to the original petition opposing redevelopment of Corroboree Park precinct sent to you on 19 September 1994 and signed by around 160 concerned citizens

- (1) Will you lodge the petition in the Assembly; if so, when, if not, why not.
- (2) Will you ensure that the concerns of the residents of the area are given full and due consideration. -
- (3) What is your Governments response to the concerns that (a) the Corroboree Park precinct (as included in the Interim Heritage Places Register) should be preserved in its current form and (b) that any development of the area should be confined to the refurbishment and extension of existing single residences in keeping with the character of the area.

MS FOLLETT - The answer to the Members question is as follows:

- (1) I lodged the petition, which had 151 signatories, in the Assembly on 11 October 1994.
- (2) I believe that the concerns of the residents have been given full and due consideration. The Heritage Council of the ACT has listed the Corroboree Park Precinct on the interim Heritage Places Register, and the processes which are to be followed are set out in the Land (Planning and Environment) Act 1991. These processes include the public release of a citation for the Precinct with a period of 28 days for public comment. The Corroboree Park citation was released for public comment on 5 February 1994, with comment due by 4 March 1994. The Heritage Council took into account all written public comments received, and held public meetings to discuss issues. Amendments to the citation were made, and it was then gazetted to the interim Heritage Places Register on 27 April 1994.

There is a 28 day period after the gazettal of a place for which appeals concerning the decision to list the place can be made. There have been several appeals to the Land and Planning Appeals Board on the Corroboree Park Precinct, which provides further opportunities for residents and others to voice their concerns and have them taken into account.

When a place is to be gazetted to the Heritage Places Register through a variation to the Territory Plan, a further opportunity exists for community views to be considered.

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(3) The Government supports the preservation of the essential character of the Corroboree Park Precinct, for the reasons outlined in the Heritage Councils citation for the Precinct. The Councils citation identified a number of requirements as necessary for conservation of the heritage significance of the Precinct, including:

- "Driveways are to remain in original size, quantity and location at street frontage in order to preserve the streetscape values of the precinct. The Corroboree Park shall be retained with its present size, character and pattern and type of planting".

- "Alterations and additions to the existing buildings must reflect and complement the architectural style of the original houses, including alterations to external finishes, changes including painting and adding or removing rendering. No buildings or structures shall be erected between the existing building and the front property boundary. Additions and alterations may be permitted only to the sides and rear of houses and only if the additions are set back from the existing front of the building. The original building form is to remain dominant. The roof pitch, walls, materials, window types and materials, shall be as similar to the existing houses as feasible".

- "Demolition of original houses shall not be permitted, and the demolition of original housing fabric shall only be allowed in the context of sympathetic alteration and additions".

- Multi dwelling developments shall not be permitted unless it can be demonstrated that the proposed additional dwellings do not affect the character of the street or are visible from the public domain".

- "Generally two storey additions shall not be permitted except where it can be demonstrated that the addition will have minimal impact on the characteristics of the streetscapes in the precinct."

Any action relating to these requirements is deemed to be a "controlled activity" and requires approval prior to undertaking the activity.

As these details show, complete redevelopment of blocks in the Precinct is not permitted, and the scope for building alterations or new structures is severely curtailed. I believe that both the legislation and the administrative processes in place should be effective in ensuring that the character of the Precinct can be maintained whilst still allowing the residents reasonable flexibility with living arrangements which are sympathetic to the Precinct.

8 November 1994

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1436

Housing Trust Properties - Insulation

MR CORNWELL - Asked the Minister for Housing and Community Services -

- (1) Do all existing ACT Housing Trust properties have insulation to the standard outlined in the Public Housing Standard, 6.07, Energy Conservation and Thermal Comfort.
- (2) If not, how many do not have insulation to that standard; do tenants of these dwellings receive assistance in maintaining comfortable temperatures.
- (3) Is there a program to upgrade/install insulation to the advised standard; if so, what are the details of that program.
- (4) Are all properties newly built or acquired by the Trust insulated to the advised standard.

MR LAMONT - The answer to the Members question is as follows

- (1) No.
- (2) Approximately 10 000 Trust dwellings do not meet clause 6.07 although virtually all Trust houses do have ceiling insulation. Tenants in dwellings with -the poorest wall insulation have their full cost of rent reduced to reflect the inferior insulation of their properties. No monetary assistance is provided directly to aid thermal comfort, although all Trust properties have some form of heating.
- (3) No. However, the Trust does supply and install ceiling insulation on tenant request, where existing levels are inadequate.
- (4) No. All dwellings constructed in the Trusts capital works program meet clause 6.07. Not all dwellings acquired by other means necessarily meet the clause.

3890

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION NO. 1438**

Electoral Commission - Public Relations Consultancy

MR HUMPHRIES - Asked the Chief Minister upon notice on 12 October 1994:

In relation to a public relations consultancy undertaken by Mr Barry Wallett on behalf of the ACT Electoral Commission

1. What firm is Mr Wallett from and who are the shareholders of this firm.
2. What is the cost of the consultancy. _
3. Over what time-frame is the consultancy effective.
4. What tasks are performed as part of this consultancy.
5. Why was an external public relations company chosen to do these tasks over having work done within the Electoral Commission.
6. Is this firm responsible for the design and layout of brochures and advertising material or the booking of advertising airtime in print and electronic media or is this task being done by another firm. If it is being done by another firm, which firm and why.

MS FOLLETT - The answer to the Members question is as follows:

1. Mr Wallett is a Senior Partner in the public relations and marketing consultancy, Capital Public Affairs Consultants. The consultancy has been operating in Canberra since September 1984 and is locally owned and operated. The owners are Barry and Anne Maree Wallett and Thomas and Patricia Parkes.
2. The cost of the public relations consultancy is \$36 850.
3. The period covered by the consultancy is August 1994 to March 1995.
4. The tasks performed as part of this consultancy include advising on the election information campaign strategy, media liaison, preparation of press releases and preparation of media material.
5. An external public relations company was selected to perform the above tasks because of the specialist nature of the tasks involved and the short term nature of the project. The Electoral Commission does not have the required specialist staff to perform the functions involved. Tenders for the consultancy were sought through the

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Publications and Public Communications Section of the Department of Public Administration and a merit selection process was conducted.

6. The project is being jointly undertaken by Capital Public Affairs and Neville Jeffress Advertising in Canberra. Capital Public Affairs have responsibility for advising on campaign strategy, media liaison, preparation of press releases and preparation of media material. Neville Jeffress has responsibility for the design and layout of advertising material and the placement of advertising.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1441

Rural Leases - Withdrawal from Auction

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to rural leases

- (1) If a lease has been surrendered to the Department or has gone back into Department hands by any other means, and has been listed and advertised for public auction, what process would be necessary to abort that process in order to lease that block by any other means; is Ministerial approval necessary.
- (2) Since self-government, how many rural leases have been listed and advertised for public auction but the full process has not been followed through.
- (3) On those occasions in (2), (a) which blocks were involved, (b) why and on what date were they removed from public auction, (c) on whose direction were they removed from auction and (d) on what date were they re-leased.
- (4) On those occasions in (2), was Ministerial approval given.

Mr Wood - the answer to the Members question is as follows:

- (1) The process that is necessary to abort the auction of a block that has been listed and advertised for public auction is to advertise that the block has been withdrawn from public auction. Ministerial approval may be sought to withdraw a block from auction, but this is dependent on the reasons for withdrawal. The Rural Lease Policy provides for leasing of unleased land by restricted auction, restricted tender or direct grant. The policy sets out criteria for determining which process is appropriate.
- (2) Since self-government, no rural leases have been listed and advertised for public auction.
- (3) N/A
- (4) N/A

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8 November 1994

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1443

Housing Trust - Three-Bedroom Houses

MR CORNWELL - Asked the Minister for Housing and Community Services -

- (1) Why is the ACT Housing Trust selling new 3 bedroom houses in Palmerston, eg 3 and 9 Coree Place, 9 and 15 Dandenong Court, 3, 5 and 12 Abbot Close, when there is a waiting list for such accommodation.
- (2) At 30 September 1994 what was the waiting list, including transfers, for three bedroom houses.
- (3) Apart from those listed at (1), how many other new 3 bedroom houses have been built in (a) Gungahlin, (b) Tuggeranong in (i) 1993, (ii) 1994 for "approved purchasers".
- (4) How many new 3 bedroom houses have been built in (a) Gungahlin, (b) Tuggeranong in (i) 1993, (ii) 1994 for Trust tenants either on transfer from other Trust housing or from the waitlist
- (5) How many houses at (3) have been sold in each area in each year.
- (6) What is meant by the term "approved purchasers" and is it part of the Home Entry or Building for Buyers schemes.
- (7) How does the Trust initiative of selling to "approved purchasers" differ from the no deposit house and land package being offered by private builders or developers.
- (8) Does the Trust market the properties at (1) through private real estate agents and, if not, how many Trust staff are engaged in such enterprises.
- (9) Is money from such placed in a specific account and if not, why not.

MR LAMONT - The answer to the Members question is as follows

- (1) All of the houses mentioned are included in the Trusts Building for Buyers home purchase initiative which was established to demonstrate the provision of energy efficient housing at the lower end of the market. This scheme addresses the needs of both public and private tenants who, with some assistance, can make the transition into home ownership. (Please note that the dual occupancy at 9 Coree Place has not yet been handed over to the Trust.)

3894

(2) 1513

(3)(a) Gungahlin - (i) 1993-94 - 2 houses,
(ii) 1994-95 (ie. to 30-9-94) - 14 houses
(b) Tuggeranong - (i) 1993-94 - 8 houses, (ii) 1994-95 - 10 houses

(4) (a) Gungahlin - (i) 1993-94 - 0 houses, (ii) 1994-95 - 0 houses
(b) Tuggeranong - (i) 1993-94 - 8 houses (6 townhouses and 2 dual occupancy houses), (ii) 1994-95 - 0 houses

(5) (a) Gungahlin - (i) 1993-94 - 0 houses, (ii) 1994-95 - 1 house
(b) Tuggeranong - (i) 1993-94 - 4 houses, (ii) 1994-95 - 4 houses

(6) "Approved purchaser", under the Building for Buyers pilot demonstration project, are people who meet eligibility and access finance under one of the Commissioners home lending arrangements.

(7) The Building for Buyers initiative differs from "the no deposit house and land package being offered by private builders or developers" by the application of specific eligibility criteria. Access to the Building for Buyers scheme is restricted to people who qualify for a loan under the HomeBuyer program, ie. those who are unable to secure sufficient and appropriate finance from the private sector.

Eligibility criteria includes:

income; property value; deposit; and loan limit parameters.

(8) As detailed in the response to Mr Cornwells previous Question on Notice No. 1419, properties offered for sale under the Building for Buyers scheme are not marketed through private real estate agents. Loans officers and three staff of the Property Development Section have undertaken marketing activities in addition to their usual duties.

(9) Revenue from the sale of Building for Buyers properties is returned to a specific account within the Home Purchase Assistance Trust Account.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1444

Better Cities Program - Urban Consolidation Study

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

- (1) Is the Urban Consolidation Study mentioned at p 20 of the Better Cities Program, now available.
- (2) Can a copy be provided to interested people including myself.
- (3) If it is not available, why not.

Mr Wood - the answer to the Members question is as follows:

- (1) Yes, the Urban Consolidation Study mentioned at p 20 of the Better Cities Program is now available.
- (2) Yes, a copy has been provided.
- (3) See answer number 1

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1445

Dual Occupancies - Banks

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to the 33 dual occupancy Banks:

- (1) Was it part of the contract that landscaping would be included in the house and land packages?
- (2) Has landscaping been completed in these developments to date?
- (3) What recourse do owners and neighbours have to ensure the contract in respect of landscaping is completed within a reasonable time period?

Mr Wood - the answer to the Members question is as follows:

- (1) Development of Banks has been undertaken by private development companies. Under such arrangements the land development is undertaken by a developer who puts in the roads and services and sells leases for each block to individuals or builders who then seek their approvals for house construction and build them. Any contractual arrangements regarding landscaping between a builder and purchaser would be private and something that the Department of the Environment, Land and Planning would not be involved with.

The land in Banks was released in three packages in 1990 and 1991. At that time it was the Governments practice to require the land developer to provide landscaping on public land including the planting of trees along the street verges. I understand that this has been undertaken and that any outstanding contractual arrangements between the Government and these developers are proceeding satisfactorily.

- (2) A number of the design and siting approvals for dual occupancy developments in Banks have included conditions relating to landscaping works, and staff of the Department of the Environment, Land and Planning will be undertaking follow-up site inspections to ensure that those landscaping works are carried out.
- (3) For many years residential lessees have established their gardens when people move into the new homes and can look after them.

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There are general provisions in all residential leases requiring lessees to maintain their premises in a satisfactory condition. Any specific concerns can be drawn to the attention of the Department of the Environment, and and Planning for investigation.

Private gardens contribute significantly to the pleasing appearance of our established suburbs and the Canberra community is to be congratulated for this.

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO 1446

**Legislative Assembly - Computer
Network Security**

MR CORNWELL - asked the Speaker:

In relation to the networking of computers within the ACT Legislative Assembly -

- (1) What security measures have been put in place to prevent unwanted access to Members data.
- (2) Does the networking give Assembly officers and staffers access to other ACT Government Departments; if so, which ones and what degree of access do they have.
- (3) Does the networking give any other ACT Government Officers access into material stored on Assembly computers or system; if so, which ones and what degree of access do they have.
- (4) What degree of security can be guaranteed.

MADAM SPEAKER - The answer to the Members question is as follows:

- (1) There are a number of security measures in place to prevent unwanted access to Members data. Every authorised user of the ACT Legislative Assembly Network is issued with a username and password by the Security Administrator (Mr Neil Humphries). This password must be changed initially by the new user and again every 40 days, otherwise access to the Network is denied. In addition, password security can be applied to the individual user on specific documents under microsoft word for windows, and on other applications such as Electronic Mail and Lotus Organizer.

The network operating software also continually monitors the network and reports potential security violations to the Security Administrator for further investigation.

Each user is provided with access to a number of network drives to which data can be stored.

Should a user wish all network users to have access to their data they would save the data to the "W" drive. Data for users in a specific section would be saved to the "O" or "S" drive, and should a user not wish others to have access to their data, then that data would be saved onto the "P" drive, which is only accessible if the users password is known.

For additional security users can also store data on floppy disk and not on the PC hard disk ("C" drive). Other office practices that could be employed are to ensure PCs are not left logged on while the office is unattended, or alternatively locking the office, and the keyboard is locked.

The network file server is locked within a cabinet in a secure wire service cupboard within the Legislative Assembly and the keyboard is locked and only accessible by the Security Administrator or his delegate.

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Daily backups of all the data on the file server are automatically executed overnight to tape, and the tapes stored offsite in a secure area during working hours.

- (2) At this stage the Assembly network has not yet been linked to other ACT agencies, with the exception of the ACT Library where we can access the Library book catalogue. As envisaged in the Legislative Assemblys Information Technology Strategic Plan (which has been circulated to all Members), phase 3 of the plan involves accessing other Government departments.
- (3) As stated above, the Legislative Assembly network has not been linked into other ACT Government Offices.
- (4) With user technology and knowledge increasing so rapidly in the computer age ultimate security cannot be guaranteed. The Assembly will implement appropriate security controls, consistent with Information Technology Guidelines which apply across all ACT Government Agencies, and commensurate with assessed risks and threats to members data.

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