



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 May 1993

Tuesday, 11 May 1993

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Tuesday, 11 May 1993

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mrs Grassby**, from seven residents, requesting that the Assembly reinstate ACT low income earners' entitlements to receive the school clothing allowance and free bus passes for their children, and that the Government engage in proper community consultation as part of a thorough review of both programs.

By **Mr Moore**, from 696 residents, requesting that the Assembly implement a discount voucher system for parking at the Canberra Institute of Technology, Northside.

The terms of the petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Low Income Families - School Entitlements

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the School Clothing Allowance entitlement for low income families administered by the ACT Government has been cancelled and that children of low income earners, who previously received a free school bus pass are no longer provided with one if, for primary school children, they live within one kilometre or, for secondary school children they live within two kilometres, of the school.

Your petitioners therefore request the Assembly to call on the ACT Government to immediately re-instate ACT Low Income Earners entitlements to receive the school clothing allowance and free school bus passes for their children, and further request that the ACT Government engage in a proper community consultation as a part of a thorough review of both programs.

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Canberra Institute of Technology, Northside - Parking

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

We the undersigned students of the Canberra Institute of Technology Student Association - Northside object to:

- 1) The lack of sufficient parking facilities for students on campus.
- 2) The introduction of a full fee paying voucher system for students in carpark 17 along Constitution Avenue. We believe that students face particular difficulties when attempting to use the public transport system. For example, class timetables not coinciding with bus timetables, the unwieldy load of textbooks and course requisites for many classes and students are also required to travel to and from other campuses.

We request that a discount voucher system be implemented.

Petitions received.

PAPERS

MR MOORE: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not contain addresses of residents.

Leave granted.

MR MOORE: I present an out-of-order petition from 76 residents requesting that the Assembly implement a discount voucher system for parking at the Canberra Institute of Technology, Northside.

MS SZUTY: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly.

Leave granted.

MS SZUTY: I present an out-of-order petition from 2,231 residents requesting that the level of police services provided to the ACT by the Australian Federal Police be restored to 1992 levels, and that the Australian Federal Police budget and staffing numbers be not further reduced.

LEADER OF THE OPPOSITION

Statement by Speaker

MADAM SPEAKER: I inform the Assembly that on 21 April Mrs Carnell advised me that the Liberal Party had elected her as its leader and that she consented to being Leader of the Opposition. I therefore recognise Mrs Carnell as Leader of the Opposition from 21 April, in accordance with the provisions of standing order 5A.

AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS

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

That the Assembly authorises:

- (1) the recording on video tape without sound by the Prime television network of question time, today, Tuesday, 11 May 1993; and
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule.

QUESTIONS WITHOUT NOTICE

Flag Contracts

MRS CARNELL: My question without notice is to the Chief Minister. I refer the Chief Minister to the tender for the manufacture of the ACT flag which was let to interstate firms in preference to a bid from a Canberra firm. I note that the criterion upon which the selection was made was best value for money. Do the Government's criteria for tenders take into account job creation and the economic development of Canberra, or is it simply based on a bottom line cost?

MS FOLLETT: Madam Speaker, in responding to Mrs Carnell's question I would like simply to comment that for a recently publicised Liberal function where members sought the services of some commercial interest they, in fact, took their business interstate as well, over the border to the Eagle Hawk Motel. In answering Mrs Carnell's question there are a few issues that I need to canvass, and the first of these is that the appropriate procedures in this matter were followed. I have been advised by my department that procedures relating to the selection of a suitable manufacturer are set down in three documents - first of all, the Government Procurement Agreement; secondly, the Treasury Directions; and, thirdly, the ACT Purchasing Manual.

Madam Speaker, I think it is also interesting to note that in May 1990 the ACT Government became a party to the Government Procurement Agreement. It was then known as the National Preference Agreement. It is significant, I think, to note that the Chief Minister at the time, the person who signed that agreement, was in fact Mr Kaine rather than me. As I am sure Mr Kaine appreciated at the time, that Government Procurement Agreement has eliminated the interstate application of preference schemes and any other form of discrimination that is based on the State of origin of goods and services. As I am sure Mr Kaine would have appreciated also, the ACT has a great deal to gain from that arrangement in that our firms can now tender, on an equal basis, for work outside of this Territory. So, Madam Speaker, those are the guidelines which apply in these kinds of tenders and there is a single criterion for tenders of this sort and that is, as Mrs Carnell has said, best value for money.

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On that basis the questions of quality, of cost, of delivery times and of guarantees have all been canvassed and the contracts for various sizes of ACT flags were awarded to three interstate manufacturers. Those manufacturers are Evan Evans in Melbourne, Foxcraft Flags in Brisbane and Dublett Pty Ltd in Sydney. I am advised, Madam Speaker, that no ACT supplier who provided a quotation could match the tenders provided by those interstate tenderers.

Madam Speaker, Mrs Carnell has raised the question of jobs and it is interesting to note that the ACT supplier that I am aware of who has made complaints about this whole process was intending to carry out a significant part of the manufacture overseas. I think that in those circumstances it is rather surprising that the local tenderer was not able to match the interstate tenderers. Nevertheless, I stand by the provisions of the Government Procurement Agreement which do, I think, provide a fair basis for ACT suppliers to tender for ACT work and also for interstate work, and that is a position which clearly Mr Kaine supported. Perhaps in the light of greater experience Mrs Carnell might support it as well.

MRS CARNELL: I have a supplementary question. I would like to point out that the Eagle Hawk Motel is in the Canberra region and it does employ - - -

Mr Connolly: Madam Speaker, I take a point of order. Is this a supplementary question?

MADAM SPEAKER: Order!

MRS CARNELL: Certainly. How does the Government's action to accept interstate tenderers conform with your election promise made during the 1992 campaign launch, I seem to remember? The promise was:

We will establish an ACT Supply and Tender Agency to ensure -

and I emphasise "ensure" -

that ACT public sector demand for goods and services supports ACT industry.

Was this promise just another hollow election grab?

MS FOLLETT: Madam Speaker, we are establishing the supply and tender agency but in doing so we are concerned to ensure that ACT businesses remain competitive. I can see no reason why the Canberra community should be forced to pay more for government services, government contracts, on a discriminatory basis. Quite clearly, Mr Kaine could not see that point either. I think that Mrs Carnell ought to have a look at what is good business practice and what is value for money. Why should the people of the ACT be asked to pay more than they need to for any government service, any government contract, and why should ACT businesses be left to be less than competitive with their interstate counterparts? I can see no reason for that. As I say, the supply and tender agency is concerned to match better ACT requirements with ACT businesses, but it is certainly not aimed at propping up uncompetitive businesses as Mrs Carnell seems to be proposing.

Government Service - Overtime and Redundancy Payments

MR LAMONT: My question is also directed to the Chief Minister. Can the Chief Minister tell the Assembly what action she proposes to take on recent allegations about improper overtime and redundancy payments in the ACT public service?

MS FOLLETT: I thank Mr Lamont for the question, Madam Speaker. I can say at the outset that I have absolutely no reservations whatsoever about the need for the very highest standards of personnel administration to be observed in all areas of the ACT public sector and for that to be seen to be the case. It is very important that people have confidence in our public sector, and, of course, the public right to scrutiny of government operations is part of my party's platform.

I am aware, through various reports, chiefly from the Auditor-General, of instances of possible overpayments and incorrect allowances paid to officers in some areas of the ACT public service. Specifically, Madam Speaker, the Government is addressing the issues that were raised by the Auditor-General in his report No. 6 which is entitled "Financial audits for the year ending 30 June 1992". That report was tabled in this Assembly in December of last year and it remains before the Public Accounts Committee. In no way am I pre-empting either the Public Accounts Committee's consideration or the Government's response to the PAC. The report does raise issues in relation to the general quality of financial systems, to management and accountability, and to the timeliness of some financial reports; but perhaps most pertinently today it also raises the issue of fraud control measures across the ACT Government Service. The steps that the Government is taking to respond to the Auditor-General's findings have been made public and they have been transmitted to the Public Accounts Committee. I have instructed my department to give every assistance to the PAC in their deliberations on these matters and I understand that there are hearings on Friday of this week to look at this report.

I am aware also, Madam Speaker, of recent allegations about overpayments which may have occurred in the past few years and, most recently, procedures for the handling of redundancies. The Head of Administration has recently appointed authorised officers under the Public Service Act to examine two specific instances. I have been concerned myself to take some action on this matter and, given that there has been extensive consideration of the approval procedures and related financial matters already undertaken by the Auditor-General, I have written to him asking him to follow up the work that he has already done by reviewing the approval and payment processes for overtime, for allowances and for redundancies. That would, of course, include any general findings on administrative weaknesses from the examinations of the two specific matters that are currently under review.

I regard the examination by the Auditor-General and his subsequent report to this Assembly, and consideration by the Public Accounts Committee, of course, as the appropriate course of action for me to take. It does parallel the approach taken in relation to fraud control in the Auditor-General's report No. 6, and there is no intention whatsoever to whitewash this matter. The report will be provided to this Assembly. I would like to table for the information of members a copy of my letter to the Auditor-General on this matter.

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Government Service - Overtime and Redundancy Payments

MR DE DOMENICO: My question is also to the Chief Minister. It refers to the question that Mr Lamont just asked her and to her reply. I refer the Chief Minister to the inquiry by Mr Len Sorbello into a particular allegation of improper practices within her own department. I also thank the Chief Minister for sending Mr Harris down to talk to Mrs Carnell and me about this last week. Chief Minister, did your Investigations Unit recommend referring the allegation to the Federal Police, according to department policy? If so, why have not the police been called in?

MS FOLLETT: I believe that the action which has been taken administratively under the Public Service Act is entirely appropriate in this matter. I think it would be appropriate also for Mr De Domenico and others interested to await the outcome of the inquiry that is taking place under the Public Service Act. I believe that this inquiry will not be protracted and that we can expect a report on it shortly. I think that the action under the Public Service Act, combined with the Auditor-General's more general scrutiny of all of these arrangements, is the appropriate way to proceed at the moment.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. First of all, the Chief Minister has not answered whether there was a recommendation from her unit to call in the police, and, if so, why they were not called in. Secondly, in terms of open government that she has spoken about before, will the Chief Minister make sure that copies of Mr Sorbello's report are available to members of this Assembly?

MS FOLLETT: Madam Speaker, I am a little hesitant to give Mr De Domenico the assurance that he seeks on the report that Mr Sorbello may produce.

Mr De Domenico: Why? Are you waiting to see what he is going to say first?

MS FOLLETT: It is precisely for the reason that Mr De Domenico mentions; that none of us know what that report may say. It may recommend a further course of action. I am quite happy to arrange for Mr De Domenico to be briefed on this matter, as he already has been, as it progresses and to keep him informed, as he obviously requires to be. There are, of course, some issues of privacy involved. As the very nature of this inquiry implies, there may be a need for further action to be taken - for example, through the police and/or the courts - and it may not be appropriate for the full report to be made a public document. Under the Public Service Act these matters are usually dealt with on a confidential basis, and I believe that that is the preferred course of action.

Acton Peninsula - Hospice

MS SZUTY: My question without notice is to the Minister for Health, Mr Berry, and it concerns the siting of the hospice at Acton Peninsula. I have stated both publicly and in this Assembly that I support the siting of the hospice at Acton Peninsula. However, my question to the Minister is: Why has the siting decision been made outside of the overall context of the planning for the peninsula?

MR BERRY: I thank Ms Szuty for the question. As far back as the last election, members will recall, the Labor Party gave in its election portfolio a commitment to the development of a hospice, and that was to be built on the Acton site, along with other facilities. As the community knows, the Labor Party delivers on its promises. It galls those members opposite when we deliver on those promises, particularly the Liberals because they hate to see the good news that flows from the implementation of Labor Party policies.

In relation to the siting of the hospice, there was some communication with the National Capital Planning Authority in relation to the site, and I agreed with the site proposed by the National Capital Planning Authority. What members fail to accept is that this Government was elected on a commitment to put the hospice on the Acton Peninsula.

Mr Humphries: And to consult.

MR BERRY: Of course, there was considerable consultation with the community. There was considerable consultation with the community over a long period about the community call for health facilities on that site. A range of community bodies called for health facilities on that site, and nobody has said that we ought not have a hospice. The Government decided that the hospice was a priority. We provided funding in the last budget to construct the hospice, and a site has been agreed with the National Capital Planning Authority and it will be built. Gall the Liberals as it may, it will be built, and it will provide a valuable service to the people of the ACT community, one which they will welcome. It was something that we had to get on with. You just cannot keep talking about these issues forever. Some in the community would say that if we do not agree with them we have not consulted enough. Well, there comes a time when you take your promise, you take your election commitment, and you take the budget which funded sufficient money to build the facility and you get on with it. That is what we have done.

MS SZUTY: I have a supplementary question, Madam Speaker. The Minister has said that he has communicated with the National Capital Planning Authority regarding this decision. Has he consulted at all with the Consultative Committee on Acton Peninsula, which is the community based group?

MR BERRY: If you are referring to the one that was established by the NCPA, I have not conferred with it personally. As I say to you, we could sit around for years and years and we would get nothing done. There was no denial from the community that we needed that facility. All of you agree that we need the facility. There was some disagreement about where it ought to be.

Mr De Domenico: No, there was plenty of disagreement as to where it should be.

Mrs Carnell: So you made the decision.

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MR BERRY: You say that we have not consulted enough if we do not agree with you. I say, and the Government says, that we have consulted fully. There has been plenty of time for people to express a view about where the hospice ought to go. Our view is that it ought to go on the Acton site. We reckon that we have overwhelming support from the community for the placement of that hospice on the Acton site. It is a great site for a great facility from a great government.

Joint Venture Housing Development - Braddon

MR CORNWELL: My question is for Mr Wood, Minister for the Environment, Land and Planning. I refer to the mixed private-Housing Trust development at section 22, blocks 6 to 9, Torrens Street in Braddon and I ask: Is Commonwealth funding through the better cities program being used for this joint development, and, if so, how much?

MR WOOD: Madam Speaker, no, there is no Commonwealth money going into there. That is the simple answer. It may be said from time to time and reported from time to time that that is the case, but there is no Commonwealth money going into there. There is sometimes a claim that, because there is augmentation going on to the North Canberra sewerage main, somehow there is a benefit, but there is no direct link in any sewerage work into anything that the Commonwealth Government will put money into.

Sport and Recreation

MRS GRASSBY: My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. Can the Minister advise the Assembly of any moves to consult the community on developing sport in Canberra?

MR BERRY: Madam Speaker, this flows again from an election commitment to the people of Canberra. We promised that we would set up a sport and recreation council and we subsequently did so - another promise delivered. Madam Speaker, the forum "Future directions for sport and recreation in the ACT" will be held on Saturday, 22 May, at the Australian Institute of Sport at Bruce. The aim of the forum is to identify the needs and to develop objectives and strategies to meet the needs of sports bodies in the ACT. These results will be used in the development of a strategic plan to the year 2000 for sport and recreation in the ACT. This is a very important decision because there have always been complaints - pre-Labor, that is - that there has not been sufficient consultation about the future of sport in the ACT. I think this forum will go a long way to satisfying those complaints.

In particular, we are concerned about equity and access for all Canberrans in sport and recreation. Last Friday night I was looking at some figures which showed that 57 per cent of young boys in schools had participated in representative sport or for their schools but the rate was only about 34 per cent for young women. So there is an issue of access that has to be addressed.

That is just one issue. We also have to deal with access for the disabled and for the community generally. This forum, on 22 May 1993, will set the pace for sport and recreation and facilities in both of those areas in the ACT. I would like, in closing, Madam Speaker, to congratulate the chair of the Sport and Recreation Council, Ms Sue Baker-Finch. It was a very important decision of government to endorse that forum. It is most important that the work of the Sport and Recreation Council be recognised as it develops sport and recreation, and facilities associated with sport and recreation across the ACT.

Kick Boxing

MR HUMPHRIES: My question is also to the Minister for Sport. I refer to the Government proposal to ban kick boxing in the ACT. I assume, although the Minister has not stated as such, that the reason the Government proposes to ban kick boxing is that it is dangerous. I ask the Minister: How many people have been injured in the ACT in, say, the past 10 years through participation in kick boxing competitions?

MR BERRY: I thank the member for the question because it is a topical issue and one that needs wide broadcasting. It is a dangerous sport. Those of you who have not watched a match might have seen some file footage on one of the TV programs recently where a couple of young women were involved in a bout of kick boxing.

Mr Humphries: Is this a Jean-Claude Van Damme movie?

MR BERRY: No. Do you want to wait and listen? We were able to see a couple of young women brutalising each other in a bout of kick boxing. Blood was running down their faces. That is an injury, in my book. Those people get out in the ring and deliberately set out to damage each other. It is a violent sport. There are no mothers and fathers out there who would want their children exposed to that sort of violence or involved in it.

Mr Kaine: Ban rugby.

MR BERRY: This is not about following a bladder around a paddock. This is a sport where people set out to take each other out and it is designed - - -

Mr Humphries: Unlike rugby league, say, or fencing, or karate - - -

MR BERRY: I can see why Mr Humphries is no longer the sports spokesperson. Even to the casual observer, a game of rugby is about following a bladder around a paddock, but in the case of - - -

Mr Cornwell: It is a long time since you have been to a match, is it not?

MR BERRY: There you go; the new spokesperson is starting to pick it up. It will come to you slowly, as all things come to Liberals - slowly. Madam Speaker, this is a dangerous sport. There are people injured every time there is a bout. The violence portrayed by that particular sport is seen on the television screens and in the pit fights in pubs and bars around the Territory. We are setting out to stop that.

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MR HUMPHRIES: Madam Speaker, the question I asked was very simple: In the past 10 years, how many people have been injured through kick boxing competitions in the ACT? Could I have an answer to that question, please?

MR BERRY: Everyone that has been involved in a bout.

Mr De Domenico: How many?

MADAM SPEAKER: The question has been answered.

Life Education Centre

MR MOORE: Madam Speaker, my question is also to Mr Berry, but as Minister for Health. I begin the question, Madam Speaker, by quoting from a press release that was issued on 3 May. It said:

I am appalled at Michael Moore's latest stunt on radio this morning in order to grab cheap publicity and keep his name in the headlines. Mr Moore's call to legalise drugs ahead of addressing more pressing issues is indicative of his lack of real commitment to the issue.

Recognising that the ACT is the only jurisdiction in Australia that has not provided funding to the Life Education Centre, I am wondering what the Minister is intending to do about rectifying this situation for the benefit of the people of the ACT, or will his Government continue with the hypocritical approach reflected in that press release from Mrs Grassby?

MR BERRY: They are being funded.

Revenue Raising

MR KAINE: Madam Speaker, I would like to address a question to the Treasurer.

Mr Lamont: Are you not somewhat down the order, Mr Kaine?

MR KAINE: At least I am asking a question. It is only a few weeks since the Grants Commission delivered a rather devastating blow to the Territory in recommending a reduction in Commonwealth funding of the order of \$68m. Given the Government's demonstrated inability to reduce the expenditure side of their budget - I quote the health budget as an example - how does the Chief Minister intend to lift her revenues, which is the other option generally available? In particular, can she identify the new taxes or existing taxes which are going to see a substantial increase imposed on the Territory in July?

MS FOLLETT: I thank Mr Kaine for the question. I would like, first of all, to correct his assertion that we have been unable to contain expenditure. In fact that has been a very great strength of the financial management under my Government. I think it is worth noting that each of the budgets that I have overseen has come out with a slight surplus at the end of the financial year, and the only budget that Mr Kaine brought in and administered came out with a deficit. I believe that the performance on financial management is quite clear.

My approach has been, and remains, that whatever efficiencies and whatever reductions in expenditures are necessary must be sustainable. I do not support the Liberals' slash and burn approach. I believe that a cautious and measured reduction of our expenditure is the way to go. It has clearly paid great dividends in terms of our financial management. This has been commented upon by independent observers like Standard and Poors, for instance. I think there is no doubt whatsoever about our record on financial management.

Mr Kaine has asked, particularly, about revenue. I am sure that he will have scrutinised the Grants Commission's report very carefully. He will see that on the general question of revenue the ACT is well up to scratch. Madam Speaker, that is part of the reason why our financial management has been so favourably commented upon. What Mr Kaine is trying to do is to draw me on issues which would be rightly considered in the budget context. I have to tell Mr Kaine - I do not know how many times that I have told him the same thing - that those issues will be considered in the budget context. They will also be considered in the light of the Grants Commission's assessment, as well as that of many others, that our revenue performance and our revenue effort as a Territory compared to the other States and the Northern Territory is just about equal. There are no outstanding areas of revenue capacity that I am aware of where our effort is below standard.

MR KAINE: I have a supplementary question, Madam Speaker. Given the fact which the Chief Minister and Treasurer has pointed out, that our revenue raising is about standard, will she give an assurance that there will be no new taxes, and that existing taxes will not increase at a rate greater than the CPI movement for the last year?

MS FOLLETT: I give an assurance, Madam Speaker, that my taxing regime has always been, and will remain, much less draconian than Mr Kaine's one and only experience when he raised taxes quite significantly in his single budget. If Mrs Carnell were to take on the Treasury, which I very much doubt she would do, we would also need to be raising taxes to prop up businesses in the ACT - to prop up uncompetitive businesses, as she seems to imply. Mr Kaine is again trying to draw me on taxes. I will not be drawn. These matters will be considered and fully debated in this chamber in the budget setting.

Fire and Emergency Services

MS ELLIS: My question is directed to the Minister for Urban Services. Can the Minister inform the Assembly of any moves being considered to improve the effectiveness of the fire and emergency services?

MR CONNOLLY: The issue of rescue services and the conflict between firemen and police in providing road rescue has been agitated on a number of occasions in this place. During the last debate there were strident calls from Opposition members for the Government to do something decisively, to act to resolve this conflict. We have done that. There were then strident calls from the Opposition for us to unact and go back and have a review and think about it, which is about consistent with the Opposition's general approach.

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Madam Speaker, a lot more has been happening than merely that decision that the Fire Service will have the prime responsibility for road rescue. That decision will mean that some eight police officers who are currently on the roster on stand-by duties waiting for an accident to happen, to go out and perform a road rescue, will be able to be deployed to other policing duties. That is a decision which is a win-win for the community because we are well protected by the Fire Service and we will be better policed by police officers policing rather than being on stand-by for rescue.

But that is not all the Government is doing, Madam Speaker. The Government, when it last year amalgamated the urban and rural fire services into one unit and appointed a civilian director of the fire and emergency services, undertook an ongoing process of reviewing emergency services in this Territory. We have established an emergency management committee comprising police, ambulance, fire and other services in the ACT that get involved in an emergency situation. That includes people like ACTEW who have a role when powerlines are down when there is a major disaster. For the first time, Madam Speaker, we have all the agencies involved in a major emergency, a major disaster, working together, looking to deliver efficiencies to government so that the community's outlay on emergency protection can be minimised, but, most importantly, looking to deliver a better way of protecting the public.

Madam Speaker, I am confident that that process will, over the next few years, deliver further dividends for the community. We have made the decision that we will be co-locating ambulance and fire administrative units and the radio room together at the old North Curtin school, which is, again, a win-win solution for the community. We are utilising a redundant government property; we are ensuring that it is not subject to vandalism; we are having a common radio room which will deliver obvious efficiency. We will continue down that path. I have, Madam Speaker, for any members who are interested, a quite extensive paper outlining our future directions in emergency services which I am happy to table.

Business Promotion

MR WESTENDE: Madam Speaker, my question is directed to the Chief Minister. The Chief Minister often talks about the great opportunities for business in Canberra, and rightly so, but what regular consultation process with business in Canberra does the Government have in place? I am personally not aware of any. If there is one, does the Government take any notice of the results of those consultations in the development and implementation of its policy for promoting business in the ACT? Could the Chief Minister mention just one or two of those consultations off the top of her head?

MS FOLLETT: I thank Mr Westende for the question, Madam Speaker. We certainly are in regular consultation with the business community. The main organisation which I utilise is the Economic Priorities Committee, EPACT, on which businesses, unions and the community sector are all represented. The value of that forum is that it does allow for issues to be debated amongst the different interest groups and for a position to be reached rather than for issues to

simply be debated or argued about in the public arena. I believe that the work of EPACT has been extremely valuable. They have reported to me, for instance, on youth unemployment. They are in the process of doing a business strategy, which is very near to completion and on which, of course, I will report to this Assembly.

EPACT is a valuable forum. There are others. For example, there are the business seminars which are conducted through the Business Services Centre, and the women's business breakfasts which are also funded by the Government and supported by the Government and which also serve as a regular forum for consultation with the ACT's business sector. There are other mechanisms as well, Madam Speaker, including organisations like the South East Economic Development Council - a very important body - and I regularly receive representations from businesses within the ACT. I regularly discuss with individual businesses the matters which concern them.

Mr Westende has asked whether I take any notice of those matters. Of course I do. In looking to implement my own Government's policy on economic development, we have, I believe, a quite unique arrangement in the ACT where there is a partnership between the public and private sectors and there is a recognition of the interdependence of those two sectors. I think that is unique, at least in Australia, and it is certainly something which I believe is very valuable and which must be further nurtured.

Premature Births

MRS CARNELL: My question is to the Chief Minister in her capacity as Minister dealing with the status of women. I refer the Chief Minister to the fact that last week our hospital system was unable to cope with the premature births of two Canberra women who had to be sent to Sydney and Melbourne to have their babies delivered, and another woman who was put on stand-by to have her baby delivered in Brisbane or Darwin in the next couple of weeks. I ask the Chief Minister why it is, with all the money that we spend on health in the ACT, that we still have to send mothers interstate to give birth. Further, what sort of representation of women's issues are we getting from the Chief Minister when not only do women who want an abortion have to leave the ACT but also Canberra women who want to give birth?

MS FOLLETT: I clearly have to take Mrs Carnell's question on notice. I have no information on this issue. I will make sure that I receive some and I will report back to her. I am able to say, however, that in opening her question Mrs Carnell referred to the premature births of women. I would be pretty sure that it was premature births of babies.

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Religious Intolerance

MR STEVENSON: My question is to the Attorney-General, Terry Connolly. Has the Attorney-General been involved in consultation with the Commonwealth with regard to the ratification or implementation of the United Nations declaration on the elimination of religious intolerance? If so, what position has he taken on behalf of the ACT?

MR CONNOLLY: I will take that question on notice. I am not aware of work going on on that particular convention. I will make appropriate inquiries and advise Mr Stevenson in due course.

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

AUDITOR-GENERAL'S REPORT NO. 2 OF 1993 Asbestos Removal Program

MADAM SPEAKER: I present, for the information of members, Auditor-General's Report No. 2 of 1993, Asbestos Removal Program.

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

That the Assembly authorises the publication of Auditor-General's Report No. 2 of 1993.

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

That the Assembly takes note of the paper.

Debate (on motion by **Mr De Domenico**) adjourned.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT Papers and Ministerial Statement

MR BERRY (Deputy Chief Minister): For the information of members, I present the following papers:

Legislative Assembly (Members' Staff) Act 1989 - Determinations, dated 1 April 1993 (2) and 22 April 1993.

I seek leave to make a short statement.

Leave granted.

MR BERRY: Members would be aware that, unless determined otherwise by the Chief Minister, staff employed under the LA(MS) Act are employed on the same terms and conditions which apply to public servants employed at the same classification. Non-SES level public servants are subject, under the Public Service Act 1922 and Public Service Regulations, to their recreation leave being deemed to have been granted where recreation leave credits have accrued unused for more than two years prior to 1 January in each year. The special nature of the

work performed by staff employed under the LA(MS) Act in responding effectively to the work requirements of their Minister or member merits greater flexibility and consideration of their recreation leave arrangements. Madam Speaker, rather than completely deregulate recreation leave credit arrangements for LA(MS) Act staff, determinations have been made under Parts II and III which provide for alignment of recreation leave credit arrangements with those which currently apply to SES level staff.

There is also a need for MLAs to be able to get maximum value and flexibility from their staff salary allocation. The Chief Minister has therefore made a determination under Part III of the LA(MS) Act which provides for alignment of the conditions of part-time employees who work less than 24 hours or less than four days per week with those part-time employees who work at least 24 hours on at least four days per week in accordance with subsection 11(4) of the Act. This will entitle these employees to pro rata recreation leave, annual leave loading, sick leave, maternity leave and salary increments, and to be paid for public holidays if they would normally have worked on that day. These employees would otherwise receive a 15 per cent loading on top of the normal rate of pay in lieu of the leave and other entitlements.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations. I also present notices of the commencement provisions for Acts.

The schedule read as follows:

Animal Welfare Act - Animal Welfare Regulations - No. 12 of 1993 (S45, dated 24 March 1993).

Audit Act - Finance Regulations (Amendment) - No. 17 of 1993 (S60, dated 8 April 1993).

Betting (Totalizator Administration) Act - Determinations -

No. 31 of 1993 (S52, dated 30 March 1993).

No. 32 of 1993 (S52, dated 30 March 1993).

No. 33 of 1993 (S52, dated 30 March 1993).

Building and Services Act - Determination of fees - No. 37 of 1993 (S71, dated 28 April 1993).

Buildings (Design and Siting) Act - Buildings (Design and Siting) Regulations (Amendment) - No. 16 of 1993 (S55, dated 2 April 1993).

Drugs of Dependence Act - Drugs of Dependence Regulations - No. 14 of 1993 (S53, dated 31 March 1993).

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Electricity and Water Act -

Canberra Sewerage and Water Supply Regulations (Amendment) - No. 18 of 1993 (S70, dated 28 April 1993).

Determination of fees - No. 39 of 1993 (S76, dated 7 May 1993).

Gas Act - Determination of fees - No. 34 of 1993 (S54, dated 31 March 1993).

Medical Practitioners Registration (Amendment) Act - Notice of commencement of remaining sections (S58, dated 6 April 1993).

Poisons and Drugs Act - Poisons and Drugs Regulations - No. 15 of 1993 (S53, dated 31 March 1993).

Prostitution Act -

Notice of commencement of remaining provisions (S75, dated 5 May 1993).

Prostitution Regulations - No. 19 of 1993 (S75, dated 5 May 1993).

Public Place Names Act - Determinations -

No. 35 of 1993 (G15, dated 14 April 1993).

No. 36 of 1993 (G15, dated 14 April 1993).

No. 40 of 1993 (S76, dated 7 May 1993).

Supreme Court Act - Supreme Court Rules (Amendment) -

No. 11 of 1993 (S49, dated 29 March 1993).

No. 20 of 1993 (S77, dated 7 May 1993).

Unit Titles Act - Determination of fees - No. 38 of 1993 (S72, dated 30 April 1993).

**CULTURAL COUNCIL - "SHARING THE VISION: A FRAMEWORK FOR CULTURAL DEVELOPMENT"
Paper**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.18): For the information of members, I present the report prepared by the ACT Cultural Council entitled "Sharing the Vision: A Framework for Cultural Development", and move:

That the Assembly takes note of the paper.

Madam Speaker, this report has been written by the ACT Cultural Council since its formation over 15 months ago, and done through a very highly consultative process. I am pleased to present this framework because I believe that it is a very important document.

February this year saw the launch of the council's discussion paper which preceded this. Since then the council has sought written and verbal responses in order to finalise its policies. It is important to note that by producing this framework and by presenting it to me the council has responded to the challenge set for it by the ACT Government at the start of 1992. It is worth going back to some of the words associated with the formation of the council, which was one of the major recommendations of the ACT Legislative Assembly Select Committee on Cultural Activities and Facilities which tabled its final report in June 1991. To quote from the government response to the final report of that committee:

This new peak advisory body will have wide-ranging terms of reference. It will be expected to foster and encourage excellence and achievement in the arts and cultural activities. It will be expected to promote the development and continued growth of a creative, diverse and dynamic cultural sector in the ACT with appropriate input from the community. It will encourage both public and private sectors to support cultural activities in the ACT, and promote the social and economic benefits of the arts. The ACT Cultural Council will be expected to maintain effective relationships with the Australia Council and regional bodies, the universities and cultural societies and enterprises.

The council grew out of the knowledge that the future support and development of cultural activity in the ACT would need a stronger infrastructure and would need to be pitched towards the future. I congratulate the members of the council on their work. They are a voluntarily, part-time, unpaid group of individuals who have come together with a genuine desire to see the cultural life of our region flourish. I trust that all members will read this document with interest and care, and the Government will respond to this framework in due course. The document formalises a fresh start to the way we think about ACT cultural development. It is a path to our preferred future.

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

PUBLIC SERVICE - PROGRESS TOWARDS SEPARATION Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the progress towards a separate ACT public service.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, in my statement to the house on 17 December last year I was able to announce that the Prime Minister and I had met and agreed on terms on which the ACT would move to establish its own public service, ending the transitional arrangements included in the Commonwealth's 1988 self-government legislation. I take this opportunity to report to the Assembly on progress. In particular, it is timely to outline the Government's thinking about the sort of public service that we are looking to create. However, I would first like to dispel some myths about the timetable for this important project, and its cost.

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In my December statement I said that we expected to achieve a separate service by 1994. That remains my expectation. I have said since that I do not expect the necessary legislation to be passed by this Assembly until February 1994, and that is still my expectation. But let me emphasise, Madam Speaker, an important point that I made in my December statement which does seem to have been overlooked. I hope that members will forgive me if I quote myself briefly:

... we should take as long as needed to develop an excellent framework within which to manage an excellent service ... and when the job is done I want to be able to say that we have the best system of public sector management in Australia.

I make this point because of recent media talk of delay; because of a supposed failure to meet a target of 1 July this year. Such talk does not advance the issue. Without dwelling on the point, Madam Speaker, the Prime Minister, in his initial letter of April 1992, recognised that a 1 July target, which was 14 months away at the time, could be subject to slippage. My officers have been working full-time on the separate service for less than five months because my initial response to the Prime Minister was to seek and to gain agreement on a range of threshold issues.

I would also like to allay any concerns about the cost of moving to a separate service. In my first letter to the Prime Minister in May last year I sought an establishment grant from the Commonwealth to cover the transitional costs of this move. I subsequently sought, and the Commonwealth agreed to pay, a sum of \$460,000, which we have since received. In that same letter I also sought a transfer of recurrent funding associated with public service functions that are still performed for the ACT by the Commonwealth, such as the determination of conditions under the Public Service Act. I will pursue this issue with the Commonwealth in formal negotiations that are likely to commence later this month.

Madam Speaker, the Government has a vision for our ACT Government Service which I outlined in my earlier statement. That vision is for a unified service spanning the whole public sector and offering the broadest range of career opportunities to our public servants. It is a vision for mobility of staff between our public service and the Australian Public Service. This will maximise career opportunities and give our public service the broadest possible pool from which to recruit talented staff to serve this community. I believe that we can have a career service with sound values and principles, underpinned by legislation for all to see. In short, it is a vision of excellence in service to the Government and to the community.

To ensure that we properly understand what the community expects of the public service, and the values they expect public servants to hold, my department recently organised a symposium on values and principles for our new service which was attended by a number of community members from diverse backgrounds. There were representatives present of unions, employers, women's groups, youth and the ageing, to mention just a few. In my opening speech I asked the symposium to test the values I articulated in my December statement, and to add to them if possible. I have yet to receive a full report on the outcomes of the symposium, but the initial feedback is that there was a high, perhaps even surprising, degree of unanimity among the community representatives about the

values and principles upon which our service might be based. The words used by different representatives varied, but the underlying sentiments revealed several strong common threads, such as the need for responsiveness and accountability and a desire for well-articulated and enforceable ethical standards.

I turn now to the type of public service that we will be proposing. It will be a unique public service, designed not only to serve Australia's only city-State but also to facilitate Canberra's increasingly recognised role as the premier city of the south-east region. It will not be a smaller version of the Australian Public Service, which is designed to support a national government. It will not be a State public service. We can avoid the very hard lessons many of these are learning by insisting now on fundamental values such as accountability and the need to adhere always to ethical conduct. Finally, it will not be a local government service. The local government option for the ACT was dropped in 1986 and today local government functions consume less than 15 per cent of our budget.

The ACT Government Service shares an employment market with Canberra's largest employer, the Australian Public Service, and in many cases will be competing for the same talented staff. Our ability to attract these staff will be enhanced if there is free movement of employees between the two public services. Such movement will also enhance the skills base of both public services by increasing opportunities to gain new work experience. We will, therefore, be proposing to the Commonwealth and to the unions that the ACT Government Service maintains strong links with the Australian Public Service. The Prime Minister and I have agreed on mobility between the two services, and I am looking forward to a relationship between the two services that is as porous as possible. I expect the details to be settled at the meeting later this month when we will propose that the present ways that staff can move between the two services should, at the very least, be maintained.

Other matters that are very important to our staff include: Continued access to the Commonwealth superannuation scheme; continued access to present workers compensation arrangements through the Comcare scheme; the option of continuing to use Commonwealth base level recruitment and traineeship arrangements for at least some of our base level intake; continued access to the Merit Protection and Review Agency for grievances and appeals; and continued use of Commonwealth training and development programs, and to the competency standards that they are developing. Of course, Madam Speaker, we would not commit ourselves to these arrangements unless they proved to be the best option for the Territory and for its employees; but they are a good starting point for us and many will also assist us in monitoring and maintaining the quality of our own service.

All of these elements, Madam Speaker, will be reflected in a single Bill which we will bring forward, after proper negotiation with unions, for the management of the public sector. The Bill will include clauses dealing with some familiar principles, such as merit selection, equal employment opportunity and industrial democracy. It will also include some new provisions to give effect to social justice. For example, we will be including a provision to enshrine access and equity in the public sector, and another to prohibit sexual harassment. The unified service we are proposing will establish the Government as the sole employer for the public sector. All ACT Government Service employees, except casual or short-term employees, would hold an office in the service. This will include the so-called "continuing employees", the mostly industrial staff who at

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the moment do not have permanent officer status and who at present are disadvantaged as a result. In our service the Government has decided it will treat all employees equally. Each office would belong to an employment stream, such as teaching, nursing, or administration, and movement between streams would be on the basis of merit and, where necessary, qualifications.

At this point it is appropriate that I repeat the Government's commitment that the terms and conditions of employees will not be adversely affected by this exercise. I want to make it quite clear that the Government has no hidden agenda in this exercise of cutting back, either on terms and conditions or on staff numbers. Enterprise bargaining offers us opportunities to increase productivity, and it is through that mechanism, not the creation of a new service, that we will seek to negotiate productivity gains in coming years.

Madam Speaker, the Bill we will bring forward will be a management Bill as well as an employment Bill. By this I mean that the Bill will not be confined to the employment of public servants. It will also deal with broader management issues, such as the review of organisations to increase efficiency and effectiveness. I referred earlier, Madam Speaker, to the lessons that can be learnt from the recent public administration experiences of various States. We can also learn from our own experience of public administration under self-government, brief though it is.

Two lessons stand out in my mind. The first is the recent ACTEW dispute, which strengthened the Government's resolve to take a whole-of-government approach in public administration matters. Our proposal for a unified service, and the models of administration we adopt in the management of a unified service, will continue this approach. The second lesson is the need for our institutions to be linked as closely as possible to the community they serve. I have in mind the University of Canberra, where the Government and the University Council are of a like mind about the benefits of a closer relationship, and I am delighted at the approach the council is taking. At the seat of this exercise to create a separate ACT Government Service is a recognition that the employees of one sovereign government should not be subject to the rules of another government, Mrs Carnell. This principle applies equally to the ACT police and goes a long way towards understanding the problems that they face. We have recognised that fact and opened the discussion about how best to address it.

In conclusion, Madam Speaker, I should mention that the Trades and Labour Council have agreed to nominate a full-time representative to our separate service task force. This will contribute significantly to a smooth flow of negotiations on the myriad of topics that must be discussed in the coming months, and I am sure that it will significantly shorten the time taken to complete the project.

Madam Speaker, our vision is for a unified service, built firmly on community values and a culture of service. It will be a unique service, yet one that retains links with the other public service with which it shares its home and its origins. Our objective is to establish this service, in cooperation with its members and their union representatives, next year and without extra cost to the budget. That is the task that lies ahead of us, and from time to time I will report further progress to this Assembly. I move:

That the Assembly takes note of the paper.

Debate (on motion by **Mr De Domenico**) adjourned.

LABOUR MINISTERS CONFERENCE
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): I seek leave to make a ministerial statement in relation to the conference of Commonwealth, State and Territory Labour Ministers.

Leave granted.

MR BERRY: I would like to report to the Assembly on the conference of Commonwealth, State and Territory Labour Ministers which was held in Brisbane since the Assembly last met. It was held on 30 April and I represented the ACT Government. A number of issues were debated in which the ACT has a significant interest. These included wages policy, the legislation framework, occupational health and safety, and workers compensation.

Assembly members will be aware that there is general acceptance that national wages policy needs to be developed to promote an effective system of enterprise bargaining. At the national level the Keating Labor Government has continued the historic accord process with the ACTU. Before the Federal election accord mark VII was released, covering the three-year period 1993-1996, with the objectives of promoting sustainable employment growth, securing low inflation, reducing unemployment and enhancing international competitiveness. Madam Speaker, after the Keating Government's victory in the election, the Prime Minister, in his speech to the Institute of Directors on 21 April 1993, recommitted his Government to the accord with the trade union movement and outlined a model by which the shared objectives of accord mark VII could be brought into effect. The Commonwealth Government intends to prepare a legislation package to meet that timetable.

The new Federal Industrial Relations Minister, Mr Laurie Brereton, has already embarked on a round of consultations with employers and the employees and their unions, with the Industrial Relations Commission and with academics and experts, to find solutions to the problems of balancing more decentralised wage bargaining processes with the provision of appropriate minimum standards and providing an appropriate role for the Industrial Relations Commission. The Prime Minister and the Federal Minister for Industrial Relations are fully conscious of the need also to consult with States and Territories. Accordingly, Madam Speaker, the conference of Commonwealth, State and Territory Ministers in Brisbane was of great significance in terms of the future of employment, industrial relations and wages policy for Australia over the next several years, as Mr De Domenico would agree, in stark contrast to his leader, of course.

Madam Speaker, it was gratifying that there was a broad consensus among the Ministers in Brisbane representing a range of political views. There is general support for efforts to speed up the decentralisation of wages and conditions bargaining, on the one hand, to improve productivity and efficiency and, on the other hand, to give workers real input into the decision making process at the level of the individual plant or firm. There was also agreement about the desirability of appropriate minimum standards to apply to underpin the

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enterprise bargaining process. The difficulties that emerged in Brisbane and that were given some coverage by the media were about the means to achieve common objectives, not about the direction being taken. The consultation processes have begun. The ACT Government will continue to participate to develop a nationally coordinated approach that will take Australia in the direction in which it needs to go. We need to enhance competitiveness while continuing low inflation rates, so that sustainable employment growth may be achieved and the distressing level of unemployment reduced.

As regards occupational health and safety, Madam Speaker, the labour Ministers renewed their commitment to achieving uniformity through the implementation in a consistent manner by States and Territories of common essential requirements established in national standards. They agreed to adopt those standards when declared by the National Occupational Health and Safety Commission. Are you listening, Mr De Domenico? There is a double value to the ACT from this commitment. Until self-government the area of occupational health and safety had been woefully neglected in the ACT. The first Follett Government took immediate steps to remedy this lack. Although the ACT Occupational Health and Safety Council, supported by the ACT Health and Safety Office, has done good work in the short time they have been established, the adoption of modern and national occupational health and safety standards will enable them to move quickly to cover a wide range of hazards to which ACT workers are exposed. The other benefit is that national uniformity will ensure best practice in occupational health and safety performance across the jurisdictions, and ensure a harmonised approach between the rights and obligations of ACT employers and workers and those across the border and throughout Australia. Our framework in the ACT, Madam Speaker, is a framework which has been developed against a labour background and one which has been finetuned to deliver the goods for ACT workers as quickly as possible.

Another topic on which there was gratifying consensus as regards the need to move to greater national consistency was workers compensation. The Federal Minister assured the conference that the Commonwealth would not take precipitate action to extend its coverage into areas traditionally covered by State and Territory workers compensation schemes. Assembly members will be aware that the Industry Commission is currently conducting an inquiry into workers compensation, and Mr Brereton said that the Commonwealth will await the final report of the Industry Commission. There will then be consultation with State and Territory governments on the findings and recommendations contained in that report. This will be a matter that will be discussed at a future Ministers for Labour Conference, probably next year, but against the background of general endorsement of movement towards national consistency and harmonisation of workers compensation systems.

The topics of wages policy, the industrial relations framework, occupational health and safety and workers compensation took most of the time at the meeting and, as Assembly members will have appreciated, substantial progress is being made to improve Australia's performance in each of these areas. Furthermore, this is being done in a way that recognises the shared responsibility of the Federal, State and Territory governments. The ACT Government, and I as Minister for Industrial Relations, will continue to play a strong part in progressing these matters, so crucial to our economic and social policy objectives, towards the shared goals. In stark contrast to our political opponents, the path of

consultation and consensus is giving effect to the philosophy of one nation, not a divided nation as was attempted by the Liberals. Australia as a nation stands to make significant economic and social advances from a measured approach to labour market reform, supported by protection for workers in terms of appropriate standards of pay, conditions and their working environment. It is gratifying that labour Ministers are prepared to work constructively to meet that challenge. I move:

That the Assembly takes note of the paper.

MR DE DOMENICO (3.41): Madam Speaker, I rise very briefly to note the paper that Mr Berry just presented to the Assembly. A lot of what Mr Berry said, I think, is exactly the same as what he said when he came back from the Industrial Relations Ministers meeting last year. There are a couple of things that need noting, Madam Speaker. We all knew what happened at the Industrial Relations Ministers conference because Mr Keating and Mr Brereton stood up, and Mr Keating in particular uttered fantastic platitudes about the enterprise bargaining system. He went a step further, in fact, and said that perhaps the enterprise bargaining concept would overtake awards. As soon as he said that, or implied that, of course Mr Ferguson stood up and said, "You cannot say that, Mr Keating. The union movement would not agree to that".

Mr Berry, there was nothing in your paper to say whether you agreed with Mr Keating's and Mr Brereton's attitude towards enterprise bargaining or not. One needs to be reminded about the ACTEW dispute, for example. You said, and I quote you again:

... on the one hand, to improve productivity and efficiency and, on the other hand, to give workers real input into the decision making processes at the level of the individual plant or firm.

What happened in the recent ACTEW dispute? Workers, ETU members, at their individual plant or firm, ACTEW, agreed to certain conditions, which were signed off by the Minister for Urban Services, Mr Connolly - exactly what you have espoused here in this philosophy - but then, what happened? You interfered and stopped it going to the Industrial Relations Commission. While you are saying all these things, you are doing the opposite, Mr Minister. I wonder whether the ACTEW dispute came up for discussion when you were away.

You talk about occupational health and safety standards. I think you have copied exactly the same thing that you said last time. You said:

As regards occupational health and safety, the labour Ministers renewed their commitment to achieving uniformity ...

We all know about designated work groups. Dare I repeat it again.

Mr Berry: That is not one of the standards.

MR DE DOMENICO: Well, it should be, Mr Minister.

Mr Berry: The standards are put out by the National Occupational Health and Safety Commission.

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MR DE DOMENICO: If it is not, it should be. In the ACT it is 10; in New South Wales it is 20; in Queensland it is 30. Where is the uniformity in that? We are the only one that is not uniform with everybody else. Then you talk about the fact that nothing was done besides what was done by the first Follett Government. The first Follett Government, let me tell you, said that a designated work group ought to be 20. But the second Follett Government has changed its mind. You said that it ought to be 10.

Mr Lamont: Progress.

MR DE DOMENICO: Oh, progress! Mr Berry then talks about national consistency of workers compensation. That is fine; that is a great statement too - national consistency of workers compensation. You said in this house last February, for example, that you are creating an atmosphere in which workers compensation premiums in the ACT are going to go down even further because you are creating a great atmosphere in which the private sector insurers - - -

Mr Berry: And it hurts you, does it not?

MR DE DOMENICO: No, it does not hurt, because you have not let me finish what I have to say. The private sector insurers here, whom you authorise and license to operate and underwrite workers compensation, are flourishing. If you are fair dinkum about that, why did the Chief Minister, in the second breath, about 10 minutes ago, tell us that Comcare will continue to underwrite workers compensation for our new ACT public service? If you are really fair dinkum about making it flourishing for the local industry so that the money stays here in the ACT, why do you not allow the private insurers, whom you license, the 13 of them in the ACT, to at least give a quote on underwriting workers compensation for our own public service? Once again you say one thing and the Chief Minister does another. I think you have to make up your mind which way it is going to be.

As I said, Madam Speaker, I am not going to take too much longer because we have heard all this before, both from Mr Berry and from me. He says things like "harmonisation of workers compensation systems". He says different things at different times in this house from what he said today. It is all well and good going to this conference every three or six months; but, really, it seems to me that the ACT Government is the only one that is different from the consensus that is going on in the rest of the country. You are saying one thing and then, when there is an electricity dispute here in the ACT, it is because of your meddling, in particular, as Minister for Industrial Relations, and that you cannot get your politics right and your factions right.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.46), in reply: What a diatribe! What misinformation! I made it clear in my speech, Mr De Domenico - if you were truthful on this subject you would agree with me - that the issue on occupational health and safety was the issue of how we implement the occupational health and safety standards which are declared by the National Occupational Health and Safety Commission. That is what I said. Do not try to mislead the members of the ACT community or members of this Assembly by the sorts of things that you said about our occupational health and safety legislation. Our occupational health and safety legislation has been established in an environment which not only will lead to better conditions for employees in the ACT, and a safer working place, but also will lead to better things for employers.

Mr Temporary Deputy Speaker, Mr De Domenico ought to agree with me and say, "Mr Berry is being very truthful because what he is telling us now is exactly what the Follett Government set out to do in 1989, and it continued with the process when it came to government again this last time". We have said that we will improve occupational health and safety for the work force, and we will work very hard to make sure that every worker in the ACT has the right to come home in as good condition as that in which he went to work. We will continue to do that. Our occupational health and safety legislation, with its designated work groups and the framework of cooperation which we have set in place - which a Labor government has set in place - will ensure that that is delivered. We have said that we will deliver on harmonious standards which are established by the National Occupational Health and Safety Commission. Worksafe Australia was one of the target areas of the Liberals in the last Federal election. They were going to do it over, get rid of it.

Who is this person over here, Tony De Domenico, who argues that safety standards for workers in the ACT should go down, that insurance costs and injuries should go up and the viability of business should go down the gurgler? Mr De Domenico also laboured on the issue of the Government's approach to - - -

Mr De Domenico: I have never laboured in my life, let me tell you.

MR BERRY: That is right; you would not work in an iron lung. This Government has consistently taken an all-of-government approach when it comes to wages. We gave that commitment to the workers of the ACT when we put in place our framework agreement. We will stand by that commitment. We have it in place now and it will survive. Workers out there who have signed up for that framework agreement have the money jingling in their pockets, Mr De Domenico - just like the little knives in yours.

Our approach to workers in the ACT has been consistent, and we will continue with our approach. We are about providing satisfactory wages for all ACT workers. We will not embark on a system of exploitation which has been proposed by the Liberals in the past. You cannot hide what you stood behind just by electing a new leader or doing an old one over; you cannot change your clothing. You are the people who have exploitation of workers as your policy. You set out to set up workplace arrangements where the weaker will go under but the strong will survive. The strong will always survive. What the Liberals set out to do was to exploit the weaker ones in their industrial relations system. I expect that these days, now that they have been well and truly done over, we will hear less and less of that policy as they dress up the new facade of the Liberals. But it will shatter again, as it always does; it will shatter again and fall away as it always does.

Mr Temporary Deputy Speaker, our participation in this very important conference enables us to pursue Labor's ideals with the Federal Labor Government which will enhance the opportunities for workers in this country and ensure protection for their wages and working conditions, but at the same time will work on those important issues of unemployment, international competitiveness, and, of course, those areas of occupational health and safety and workers compensation which I have already spoken about. We said to the ACT Government Service that we would mirror their wages agreement and we are not going to contract out their workers compensation.

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Mr De Domenico: Why not? It might be cheaper for us to do it. It might save a dollar or two, giving the same cover but saving millions for the ACT Government.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): Order!

MR BERRY: We are not going to contract it out. We are going to provide for the ACT Government Service the level of cover which they had been provided with previously. Why would we do anything else? What would you want to do? Do you say that as a condition of joining the ACT Government Service you should have less? That is what Mr De Domenico is on about. This Government is not about that. We are about building a government service which is efficient, which is effective and which has high morale. That is the most important part. It should not be frightened of its future employer, as it would have been, as any worker would have been, had the Federal Liberals been elected.

I think the message is loud and clear. We have a progressive Federal government in place; we have a progressive ACT government in place. We will work together in the interests of the ACT; but, in particular, we will not isolate ourselves from the rest of Australia, as Mrs Carnell would seek to do, as she suggests in relation to businesses in the ACT. Mrs Carnell would have the boom gates put up again; she would stop them crossing the border - except, Mrs Carnell, if you want to go to the Eagle Hawk Motel for lunch. Mr Temporary Deputy Speaker, this again is a progressive involvement in a feature of Australian government that will take us into the next century, and Labor involvement in it will be one of the great successes.

Question resolved in the affirmative.

COMMONWEALTH FUNDING **Discussion of Matter of Public Importance**

MR TEMPORARY DEPUTY SPEAKER: Madam Speaker has received a letter from Mr Kaine proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The Government's responsibility to consult with the community on its proposals to deal with the recommended reduction in Commonwealth funding.

MR KAINE (3.54): Mr Temporary Deputy Speaker, I did not bring this subject forward for debate today idly. The Grants Commission report on general revenue grants relativities for 1993 raises matters of great concern to the community and the Government; and I repeat - to the community and to the Government. There is one significant, salient fact which emerges from the report, and that is that the commission recommends that the ACT general revenue grant be reduced by \$42.8m - that is the grant for allowances outside the relativities calculations - and a further \$25.2m reduction in funds distributed from the pool of revenue funds. None of the sophisticated arguments advanced to explain the differences in the way the relativities were assessed can add any comfort to the fact that \$68m less is recommended by the commission to be paid to the ACT in 1993-94 as compared to this current fiscal year.

This single fact is one of the most important so far as the budget in 1993-94 is concerned. Over the last four years we have seen three budgets that have failed to take note of the need to reduce expenditure and to expand the economic base of the Territory. I note that the exception was that brought down by the Alliance Government. The fundamental and difficult issues associated with restructuring the way that government does its business have simply not been addressed.

Instead of devising new ideas and strategies, the Follett Government has deluded itself into thinking that the problem could be ignored, and presumably, if ignored long enough, would simply go away. Someone somewhere else would make everything all right. Regrettably and inevitably, however, this state of bliss had to end and a price for procrastination must eventually be paid. The time for payment has arrived, but unfortunately the timing could not be worse. It is a time when more than one in three young people between 15 and 19 are unable to find any work here. It is a time when eight out of each 100 adults are unable to find work. It is a time when less than a half-dozen major businesses have relocated to the ACT over the last couple of years. It is a time when economic growth from capital works projects is being driven from outside the Territory rather than by local decisions. It is a time when a growth in diversity of business in the ACT has simply stalled.

This would be serious enough in a large populous State with a vigorous and varied industrial and commercial life. It is more serious in the ACT, which still depends on the public sector to provide about 48 per cent of available jobs - a public sector, I might add, that is growing steadily smaller; a public sector that is simply not recruiting the young or the unskilled; and a public sector that is shedding middle level, middle-aged men and women to an uncertain future inadequately provided for by superannuation.

Notwithstanding that this is hardly a propitious time for the making of hard decisions, they now have to be made of necessity. The Government can no longer put off the confrontation of these major and fundamental issues. I submit, Mr Temporary Deputy Speaker, that the ACT now has very little remaining potential to make significant adjustments either in its revenue or in its expenditures. On the revenue side, many taxes in the ACT are no longer susceptible to the exercise of great discretion. Our performance in revenue collection is now recognised by the Grants Commission and by the Chief Minister as being close to standard. In any case, in many instances the levels are determined very often by others, by the States, for example, working to ensure that business taxes are uniform.

From our viewpoint it is quite obvious that the level of taxation in New South Wales is of particular importance to us. If ACT taxes exceed those of New South Wales, for example, in payroll tax, FID, stamp duties, excises and the like, businesses will simply migrate to surrounding New South Wales or even to major centres like Sydney or Melbourne. On the other hand, if ACT taxes are significantly low compared to New South Wales or interstate elsewhere, some businesses might be attracted here, but our revenue effort would most likely fall below that of the States and the Territory would be penalised by the Grants Commission and the financial Premiers Conference for underachievement on revenue raising.

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Those taxes that are within the ACT's discretion, property taxes such as rates and land tax, for instance, can be adjusted to produce additional revenue; but, while they represent up to a quarter of all ACT recurrent revenue, our revenue effort, as I have already pointed out, is already comparable with the States'. Hence, penalties might be incurred by excessive revenue raising effort. In particular, of course, there is a political risk, a high political risk, for any government taking this course. The private taxpayer out there is not going to be too pleased about paying taxes at a higher rate than anywhere else in Australia.

On the expenditure side, the two greatest single areas of standard overexpenditure are the most difficult to restrain. Health and education together make up about half of our budget expenditure, and it has proved consistently difficult to constrain expenditure to the amounts budgeted for them each year.

Mr Wood: No; we have been doing it, no trouble.

MR KAINE: No, you have not. I am glad that we brought that up, Mr Temporary Deputy Speaker. Again this year the health budget is already about \$8m overexpended against what was originally allocated to it, and you cannot argue the case. It matters not whether the excess expenditure is covered in whole or in part by business rules agreed by the Treasury. The net effect is that this year \$8m more has already been spent on health than was anticipated when the budget was brought down last year.

You can talk at the beginning of the year about cutting your budget. You reduce it by one per cent or 2 per cent, and by the end of the year it has increased by 5 per cent and you still talk about reducing expenditure. You have not succeeded, and there is no likelihood in the immediate future that you will. It is clear that, given the demonstrated inability to constrain such expenditures, the amounts of overrun must be added to the \$68m Commonwealth reduction to arrive at the total gap in developing next year's budget. It just does not go away, and you cannot keep adjusting your budget base down every year anyway. Overexpenditure in any area of the budget other than health will also add to the total amount that has to be found to cover 1993-94 expenditures. This is not news to the Treasurer. She knows. So we have to look at what the big gap is going to be.

It must be becoming increasingly obvious, Mr Temporary Deputy Speaker, that there are two possibilities, and only two possibilities, open to the Government in meeting the increased bill next year - apart from the remote possibility of raising more money from taxes, and the Chief Minister has been very cagey about that. The two options are that the Treasurer can spend less or she can borrow more. It is already patently obvious that this Government is not capable of effectively reducing costs. While claiming budget reductions, it has presided over the maintenance of budget levels through a transfer, regrettably, of resources from small-scale general community activity across to the big ticket items such as health and education. That is where the money is being consumed. I therefore have very serious reservations about the Government's ability to do it next year, when it has not been able to do it so far.

Of the alternatives, it would seem that the Government will be forced to rely more on borrowing as a strategy to close the budget gap. I am sure that I do not need to warn the Treasurer or the Government about that course of action. I am not opposed to borrowing, let us be clear, and I borrowed for the capital budget when I was Chief Minister. My warning is that any acceptance of borrowing to balance the recurrent budget is totally unacceptable. To borrow to plug the holes in the recurrent budget is to lead this community into penury. This is the road to disaster that has been followed by some other governments in Australia in recent years. Borrowed money has to be repaid, and it is obvious that, if more of our revenue is consumed by loan repayments, less is available for recurrent expenditure activity. If you do not believe me, ask Jeff Kennett. Ms Follett referred during question time to our credit rating. The Government should not be too complacent about the high credit rating we currently enjoy. While we do enjoy a high credit rating, we will not sustain it if we borrow heavily year after year. It was not too many years ago that Australia had a AAA rating, but in the space of a decade that has changed dramatically and, of course, it can happen just as easily here.

One glimmer of hope for the ACT perhaps lies in the possibility that the Premiers Conference might be kind to us. The ACT can approach the States for some consideration of our plight and for generosity in forgoing funds themselves so that the ACT can be more comfortable. However, given the situation in Victoria, New South Wales, South Australia, Western Australia and Tasmania, it is unlikely that there will be too much sympathy for the ACT in that forum. The Premiers will be hard pressed to say at home that the people of Canberra were in greater need than those in, say, Melbourne or Adelaide. So we should not rely on them.

Nor should we rely, Mr Temporary Deputy Speaker, necessarily on the assistance of the Commonwealth. The Commonwealth wants to be rid of ACT expenditure as quickly as possible. It is clear that as the years go by the national capital influences and special assistance to the ACT will be rated as being progressively less compelling. That has already started.

Mr Connolly: Unless they take it back.

MR KAINE: Well, maybe. It has already started. For example, ACTION buses will lose special assistance of \$8m this year if the recommendations of the Grants Commission are accepted.

I have said many times over the past several years that a financial strategy for the ACT is an essential part of dealing with the budget. Profound strategic questions need to be asked and effective answers found if the ACT is to meet its financial commitments and to prosper. You cannot just stagger from year to year, because you will be on your knees. We are practically on our knees now. We will be further down in a year or two. I am well aware that some of the cynics in this place find my continual comments along these lines to be somewhat reactionary, overly conservative, and not relevant to the ACT. I do not agree. They are very relevant to the ACT and its future. All the indicators show our situation to be worsening, not getting better. Each year the demands for adjustment become greater rather than less, and next year will be no different from this year. I believe that I have been merely restating the obvious, yet it does not appear to be obvious to the Follett Government. Action is required; it is required now.

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Vision is needed to expand and diversify the economy. New businesses must be attracted or generated. Our financial assets and their management, both now and in the future, must be considered in a strategic sense. We have to look at where we are going and how we are going to get there. That is the message that is coming from the Grants Commission. I did not just make it up; the Grants Commission is sending us a very clear message of what is expected of us.

Under those circumstances, Mr Temporary Deputy Speaker, it is not good enough for the Government simply to go and hide in its bunker. The potential impact on every member of our community is immense. It is a very personal impact that is going to be felt. The people are entitled to know what must be done; where new or additional taxes are to fall and who is going to pay them; where reduction or elimination of services is to occur and who is going to feel the consequences of that; what borrowing is necessary and how it will be repaid and by whom. These are fundamental questions that every one of us is entitled to ask, and we are entitled to know the answers.

The Follett Government claims to be consultative. Now is the time to consult, for them to put their money where their mouth is while the budget is being developed. I believe that there are very few people in Canberra who will accept merely being told the bad news after all the decisions have been made, when those decisions will affect them so profoundly. The Government has to start coming clean. It claims to be consultative. We are now being faced with a major problem of dimensions far exceeding anything that has been dealt with in any previous year, perhaps with the exception of the year in which the Alliance Government brought down its budget and made an \$80m adjustment in one year, and to do that we had to close a hospital and close some schools. Does this sound familiar? We had to close a hospital and close some schools to achieve an \$80m change in one year. That is what you are confronted with now and - - -

Mr Lamont: Which schools will you close?

MR KAINE: I am asking you which ones you are going to close, because that is what you are going to be confronted with. You tell us - - -

Mr Lamont: No; you are the one proposing it. No; you want to close them.

MR TEMPORARY DEPUTY SPEAKER: Order!

MR KAINE: You tell us what the options are. We have an idea of the order of magnitude of the problem. You tell us what the options are, as you see them. You put forward your suggestions as to how this gap can be closed. Do not sit on it behind your closed doors on the fifth floor until the taxes go up by 10 per cent and the hospital beds are reduced by another 100 and you do have to close four or five schools. You are the ones who claim to be consultative. You are the ones who were critical of the Alliance Government for doing things without consulting with the public. Put your money where your mouth is and start telling the taxpayer and the consumer out there what the penalties are going to be to implement these recommendations of the Grants Commission. We can be sure that the Commonwealth will pick them up. There is very little likelihood that they will not. There will be a major impact on virtually every citizen living in this Territory. It is still five or six months away. We are entitled to know what you intend to do. Hiding behind the door and saying that it is budget confidential is not good enough.

MS FOLLETT (Chief Minister and Treasurer) (4.09): Mr Temporary Deputy Speaker, when I first saw the topic of Mr Kaine's matter of public importance I, first of all, asked myself why Mrs Carnell was not doing it. I would have expected her, as the ostensibly new leader of the Liberals, to take on this kind of a function. It is, after all, a matter which, as Mr Kaine has pointed out, affects the whole of our community and the whole of government and it ought, in my view, to be a matter taken up by the current Leader of the Opposition.

The fact of the matter is that the Liberals are very new to consultation. Mr Kaine's speech today, although there was a great deal of it that I agree with, barely touched upon the notion of consultation, and this MPI is supposed to be about consulting the community. But, of course, when you look at the manner in which the Liberals consult the community, their discomfort with the whole issue becomes very clear indeed. We have before us, for example, Mrs Carnell's current proposal for a local council for the ACT. I ask myself: Did she consult with her colleagues on that? If so, was it at the Eagle Hawk Hill Motel? Has she consulted with the Liberal Party, because it seems to me to be quite a departure from their policy? Now that she has decided what to do, she has decided to go out and consult the community. Of course, that is completely back to front.

Mr Temporary Deputy Speaker, it is very much in accord, however, with the Liberals' so-called consultation process on Mr Cornwell's agenda of school closures. We have heard Mr Cornwell say repeatedly that he intends to close schools when he gets the opportunity. How does he intend to do it? He intends to go around with his hit list, decide which ones to close, and then consult on it. That is out of his own mouth, Mr Temporary Deputy Speaker. That is the Liberals' idea on consultation.

Mr De Domenico: Do you believe everything Mr Abraham says?

Mr Cornwell: You should have listened to the retraction, white gloves.

Mrs Grassby: I take a point of order, Mr Temporary Deputy Speaker. Do you think we could hear the Chief Minister? I am sitting back here and I cannot hear a word she says. I would like to hear what she has to say.

MR TEMPORARY DEPUTY SPEAKER: Order, please!

MS FOLLETT: Thank you, Mr Temporary Deputy Speaker. I might warn you that I will be seeking to finalise my remarks, so they can interrupt as much as they like. By contrast, the Labor Party in government and in opposition does consult regularly, and we consult thoroughly, with the community that we are here to serve. We have, for example, continued throughout our time in this Assembly to consult on budget matters. That has not been the Liberal idea of consultation of telling them what you are going to do and then going out and consulting after the fact. We have actually asked for people's views and then changed the budget, changed the way that we do things as a result of receiving those views. That is the appropriate way that consultation should occur.

Mr Temporary Deputy Speaker, I could point to some recycling issues, some transport issues, bus timetabling issues and so on as examples of where the Government has taken note of what the community says.

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Mr Kaine has quite rightly pointed to the difficult situation in which the Grants Commission's recent report places the ACT. As he has pointed out, the changes in methodology that have now been applied by the Grants Commission do have the impact of placing a very large burden indeed on the ACT in 1993-94. Application of the findings of the Grants Commission would result in a reduction of Commonwealth revenues compared to this year of some \$74m, and that is clearly a very large gap indeed. At the time of the last budget we did anticipate some reduction in the forward estimates, but our forward estimates reduction has been very much exceeded by the Grants Commission's report.

It is my belief that the ACT cannot be expected to absorb such a dramatic drain on our financial circumstances. This was recognised right from the start. I wrote to the Prime Minister on the day that the report was released, indicating that we could not accept that outcome. I said that I would be putting a case to the Commonwealth as soon as we had time to analyse the full implications to the Territory and that I would be seeking direct talks in advance of the financial Premiers Conference. That case is, even this week, being put to the Commonwealth. I will be seeking also the support of our local Federal members and I have been speaking progressively with them. I think it is extremely important that our Federal members understand what the Grants Commission report would mean for the Territory and undertake also, as I have done, to protect the Territory from such a dramatic and unforeseen burden. I will be approaching the Prime Minister and the Treasurer before the Premiers Conference in order to ensure that our case is well considered. Madam Speaker, I will be making a ministerial statement to the Assembly on Thursday of this week to give further detail of the strategy that I intend to adopt in response to the Grants Commission report.

I can say that, for the Government's part, we do not flinch from the responsibility of undergoing the financial adjustment that is required of this Territory, but I do recognise the limits to budgetary adjustments without inflicting unreasonable hardship on the residents of the ACT. Madam Speaker, so far the Government and the community have accepted a pace of adjustment in both the program expenditures and revenues which has been measured and has been sustainable, yet has been far greater than any adjustment required of any other State. I am proposing to the Commonwealth that we must have a digestible process of budgetary adjustment and that that sort of process must continue, and that special assistance be granted to the Territory over the rest of this decade to limit the reductions in overall revenue grants to that which is consistent with the pace of adjustment.

We will continue through our budgets to pursue the goals of social justice which I consider are paramount in this Territory. Those goals include matters like assistance to the unemployed, providing a stable future for our young people, taking up further and making further inroads into domestic violence, seeking justice and full equality for our Aboriginal citizens in the ACT, and so on. The budget difficulties will not swerve this Labor Government from its social justice course, Madam Speaker. I will be negotiating with the Commonwealth - I would ask members to bear this in mind - from a position of demonstrated fiscal responsibility. I will continue to restructure the budget to adjust to our financial realities; but I certainly, as I said, will not falter in the delivery of essential social programs.

As I said at the outset, Madam Speaker, we have always consulted with the community on our budget strategy, and I will certainly be continuing to do that. If you look for a moment at our record on consultation with the community you can see that we have maintained a dialogue with community groups, including, of course, the Business Council, the Trades and Labour Council, EPACT, the ACT Council of Social Service, and many other groups and individuals in the community. All of those groups and individuals do keep us informed of what their priorities are. In fact, that is the kind of input that we rely upon in keeping in touch with the community.

The Labor Government has placed very great store on its consultation with the community and I consider that that has been a hallmark of our budget development processes. I consider, as I said earlier, that our budget development has benefited greatly from that community input. That will be a significant feature of our deliberations for 1993-94. We have already conducted, for example, the householder survey, and over one in every three households has taken the opportunity to advise us of their views and priorities by filling in that survey and returning it. I have received many letters as well from people in connection with the survey. That response has far exceeded our expectations and the views of those 34,000 households will most certainly be taken into account in the budget deliberations.

Madam Speaker, the business of government is to ensure that we balance the needs of different groups and look at both the short-term and long-term outcomes. That is why we must continue to look for ways of improving efficiency in everything that we do. Mr Kaine demonstrated that he has read the Grants Commission report thoroughly, but he skipped over this little bit. The Grants Commission report does demonstrate that we have been making some major strides already. For example, our above average level of funding has been reduced by over half, from 12 per cent above the standardised level at the outset of self-government to just 4.5 per cent in 1991-92. We have managed to make those adjustments whilst maintaining services and continuing to focus on social justice issues.

Madam Speaker, the ACT Labor Government does stand on its record of responsiveness to the needs and priorities of the community, and for this reason we will continue to argue the ACT's case with the Commonwealth and we will continue to seek to minimise the harsh effects of funding reductions on our community. I am quite sure, Madam Speaker, that the whole community and this Assembly would support the Government in its negotiations with the Commonwealth in order to achieve a fair, equitable and sustainable outcome at the 1993 Premiers Conference. I would remind members that it is at the Premiers Conference that the actual division of funds occurs. This year that conference will be held in July.

In raising this issue I think that Mr Kaine has very rightly pointed to the difficulties of the Grants Commission report, but I do believe that on the issue of consultation with the community it is the Labor Government which has the record there, and it is certainly a record which we will be maintaining. We realise that real consultation involves asking people for their views. By contrast, the Liberal Party has repeatedly inflicted their views upon people and then later, if at all, sought some sort of a sham consultation process. You have only to think back

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to their record on school closures during their term in government. They, first of all, put up the hit list of schools and then conducted a kind of a sham consultation process, having already caused enormous distress in the community. They have not changed. Mr Cornwell is still going around pointing the finger at different schools, putting the frighteners on them and worrying them unduly that their school may be about to be closed. He has a hit list. We know that. Any suggestion that he may be prepared to consult on that is pure naivety, in my view.

On the issue of the local council, Mrs Carnell came down from the Eagle Hawk Motel with the tablets under her arm and said, "Let us have a local council". Even her own party has not supported that view. Even her own party has supported a full State type of government. Now that she has made that decision she wants to put it to the community; she wants to let the community have a say. How about letting Mr Kaine have a say first? You did not consult him. In speaking today it was quite clear that he had not foreseen this bolt from the blue, Madam Speaker. I call on the Liberals to take a lesson from the Labor Party, both in government and in opposition, on consultation. Make it a real process. That means asking people for their views - not dictating to them what your views are, and then subsequently acting upon those views. They have never demonstrated that they are able to take that approach, whether they are in government or in opposition. I would anticipate that the community, having seen them in both modes, will be quite happy to leave them in opposition for many, many years to come.

MRS CARNELL (Leader of the Opposition) (4.23): In less than six weeks this Government will be faced with the news that at least \$68m could quite possibly be stripped from its Commonwealth grant. The news was predicted in April's release of the Grants Commission report. Yet this Government sits idly by as if nothing has happened, hoping that the Grants Commission has got it wrong. Ms Follett mentioned the letter to Mr Keating. I wonder whether it said, "Dear Paul, Help!". Signed: "Rosemary". They are also doing their best - - -

Mr Cornwell: She would have to put "Follett" after that. He would not know who was talking.

Mr Lamont: This is really incisive political invective; an incisive critique on financial management.

Mr Connolly: You dropped Trevor for this?

MADAM SPEAKER: Order! Mrs Carnell has the floor.

Mr Humphries: And you are worried.

MRS CARNELL: They are also doing their best - - -

MADAM SPEAKER: You have a lot of assistance there, Mrs Carnell.

MRS CARNELL: Thank you. I do have a lot of assistance.

They are doing their best to make sure that the people of Canberra know as little as possible about the real financial situation which Canberra faces. Rather than consult the community - that does mean, as Ms Follett said, asking the community what they want and consulting them over some of the hard decisions that must be made - they prefer to bulldoze through their own agenda, regardless

of the needs and the wants of ordinary Canberrans, or even their representative bodies. The list of organisations that Ms Follett keeps using when she talks about consultation are hardly representative. They are not rank and file Canberrans; they are not the community councils that continue to complain about not being consulted. They, on the whole, are government structured bodies, put together by government and with government nominated people on them. That cannot be perceived to be consulting with the community. No, we have not heard a peep out of this Government, and I am not surprised, because they have no plans to deal with the situation if it happens as the Grants Commission anticipates.

If the Grants Commission report is adopted as is, the financial position of the ACT will be far less sustainable than it is now, and I think Labor should be exceedingly worried. What is the Government going to do? Certainly from statements made by Ms Follett in question time and later today they do not have a clue. Are they going to cut back services, as they are already doing in areas such as police, rescue, hospital services - and the list goes on? Are they going to raise taxes or bring in new taxes to make up the difference? The down side of this, of course, is that it reduces private expenditure, and I do not think anybody wants that; but then, Ms Follett indicated in question time that, no, we were not going to have any new taxes.

This quite dramatically limits the things that can be done. Are they going to make ACT government business enterprises - assuming that we have any real ones - more efficient, or maybe even sell them off altogether to raise revenue, just like the Federal Labor Government has done with Qantas and the Commonwealth Bank? This would be worth while, but not if they were to put the revenue back into recurrent expenditure. They must use it, if they do that, to actually pay off debt or the like. I am sure that Ms Follett would not quite understand that. Are they going to make the savings by reducing the public service or introducing lower employer contributions to government superannuation now that we have the green light on a separate ACT public service? In other words, are they going to screw the public service? It appears that we are not going to do that either now, from what Mr Berry says; so again another option is totally excluded. If they do cut back the maintenance on roads, public art works, buildings, it only leads to extra expenditure problems later and, of course, more importantly, will lower our quality of life in the ACT. There is all this to deal with and make decisions about, and there is a deathly silence from this Government.

I and my colleagues, and I am sure the people of Canberra, have absolutely no sympathy for them. The Government has known for a long time that the level of Commonwealth funding was going to be cut; in fact, it was going to be pruned back gradually every year. They have also known that this year, the 1992-93 year, was going to be a hard year, and so, on it would go. We have known for a very long time that this was going to happen, and where are the plans? Where have they consulted the community groups, the Belconnen Community Council and the other groups around that spend an awful lot of their time and effort trying to help and to make the ACT a better place in which to live?

Mr Berry: Is that what they call help?

MRS CARNELL: Trying to help us.

Mr Humphries: That is on the record, Mr Berry.

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MRS CARNELL: That is right; it is on the record. The Labor Government's record on financial management is about as good as Basil Fawlty's is at running Fawlty Towers - absolutely woeful. The asset base that the ACT inherited at self-government in 1989 was rather handsome. Not only that; the road system came to us debt free, and the public hospital system was almost as good in terms of debt. We inherited a stock of public housing valued at around \$1 billion, with a debt of only \$300m payable at an interest rate of 4.5 per cent over a number of years. We had it pretty good. Instead of raising the standard from that level, the Labor Government has taken us right back, so that now, when it is time to start receiving less Commonwealth funding, we are worse off than we were when we started.

Mr Lamont: Who wrote this?

Mr Wood: Time to start? We have been going there for four years, for heaven's sake. Where have you been?

MRS CARNELL: It is no wonder that they have nothing to say, except silly interjections. It is no wonder that you do not want to consult with the Canberra community. You do not have anything to tell them and you do not want the Canberra community to know just how bad it is. Perhaps I am wrong and I am judging the Government - - -

Mr Berry: Harshly.

MRS CARNELL: Harshly - before Rosemary declares her hand at the Premiers Conference in June. Perhaps Rosemary does have a strategic plan to make the Prime Minister take - - -

Mr Wood: Ms Follett.

Ms Ellis: The Chief Minister.

MRS CARNELL: Oh, do you want that? Okay, I will accept that. Perhaps Ms Follett does have a strategic plan to take to the Prime Minister. Perhaps she does intend to stand up for Canberra and really fight for the ACT like she has never done before. We can only hope that she does intend to take such firm actions when she gets there, because if she does not Canberrans will continue to have little to thank her for. Let us hope that this time Ms Follett will shed the smile and will get her hands dirty, and really will get involved in the hard work of government.

The Feds have to realise that Canberra is unique and does deserve extra looking after. People in the ACT have a fair proportion of their "grant" - I put that in inverted commas - spent on the upkeep of our showpiece city, such as the upkeep of our wonderful road system, the gardens, the museums, our art works, and in fact paying for security associated with the visits of eminent guests of the Commonwealth, such as, recently, the Turkish Minister. There needs to be a little more give than take in that department, and Ms Follett must take such concerns to the June meeting. She also needs to make sure that the Commonwealth is paying into our municipal account in a realistic manner for the upkeep of the amenity of Commonwealth buildings and the like. Certainly this Commonwealth Grants Commission report badly underestimates the extra expenditure that the ACT must go to to maintain a national capital.

What will make it difficult for Ms Follett to argue a case for the ACT at the Premiers Conference is that she and her Government continue to let factional philosophy get in the way of good, efficient financial management. It is really important to remember that without good financial management it is impossible to fund the sort of caring society that I am sure everyone in this house aspires to. You cannot do anything if you do not have the money; and the only way we will have money in the ACT is if we have good financial management and we do not go down the track that Mr Berry spelt out in his ministerial statement earlier. This is especially so in the health area. The report issued by the Australian Institute of Health and Welfare titled, "How do we compare?" spelt it out quite definitely. The ACT is spending far too much on health. We all know what the figures are.

Mr Lamont: I move for an extension of time.

Mrs Carnell: No.

MADAM SPEAKER: I call Mr Wood.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.33): Madam Speaker, on this side of the house we were unanimous in wanting an extension of time. We all called for it. Mrs Carnell did not want it. After 10 minutes of listening to Mrs Carnell I know why she did not want to talk any longer. The Liberals are starting to wonder why it is that they have elected her as leader. It was a strange speech. In fact, this is a very strange debate.

Mrs Carnell: It is very important.

MR WOOD: The MPI, which I have read quite carefully, refers to the importance of the Government consulting about the Grants Commission outcomes. You have already, in two speeches, put your mark on the Carnell style; that is, to talk about consultation, and nothing more. We have had 25 minutes of Liberal debate on their MPI, which refers to consultation - not about the detail of the Grants Commission report and the budget, but about consultation - and we have had about one minute's debate on consultation. You will talk about it a lot but you will never offer anything. You will not come up, as I thought you would, with hard suggestions about what the Government should do, whom we should see, and all manner of activities.

Not only that; it is a very cruel debate. It is cruel to ask Mr Kaine to take the lead. It is not at all fair because we are talking about - I will say it again - "The Government's responsibility to consult with the community on its proposals to deal with the recommended reduction in Commonwealth funding". You have given it to Mr Kaine to carry. What you have done in your rhetoric is to admit failure. You have admitted in all this that in the last four years, and the last year-and-a-bit since the election and the new Liberal team, your consultation has been a failure. Let me quote Mrs Carnell's words in a media statement she put out, I think, yesterday. She said, "The Liberal Party will aim for a real participation by the community in the processes of Government".

Mrs Carnell: That is right.

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MR WOOD: You have never consulted before. You have admitted failure. In your radio interview you said the same thing; you said, in effect, "We have failed. We, the Liberals, have failed over the last period of time". You have forced Mr Kaine - his was the only MPI I heard read out - to stand up and take the lead as you kick him and say, "Mr Kaine never ever consulted. He was a failure. Our party and Mr Kaine were a failure".

Mr De Domenico: He was the one that made the hard decisions, Mr Minister. As soon as you make a hard decision they are going to chop you off.

MR WOOD: He made the hard decisions with Mr Humphries on schools. I use your terms - - -

Mr De Domenico: You have to pull your socks up, or they are going to put you on the back benches and promote Mr Lamont.

MADAM SPEAKER: Order!

MR WOOD: He made the hard decisions, you say, without consultation. Mr Humphries went out and said to the community, "We are going to close up to 25 schools. We are not going to talk to you about it, except that we will discuss the criteria for picking those schools". That is what he walked out and said, and he would not deny it if he were sitting in here. So, you took the hard decisions; and there are hard decisions in bringing down budgets. Mr Kaine did take some hard decisions, but he did not talk to the community about it. You are now reminding him, in this debate, that consultation under the Liberal Party has been a complete failure. You have a whole new direction: "We, in this wonderful new party of ours, are going to consult". What a kick it is for Mr Kaine, and what a cheek it is for you people now to turn around and say to us, having admitted your failure, "Go out there and consult".

What advice can you give? I have been sitting here for 25 minutes, listening to you, waiting for that advice, and it has not been forthcoming. Mr Kaine gave a quite reasonable statement of some of the budget problems. I cannot say the same for Mrs Carnell, but Mr Kaine did run through the problems. We know them. Most of us in this Assembly know them, but not the new leader. But there was no talk about consultation. Consultation is, of course, important if we are to convince this community about our budgets and about the style of government. We have to carry the community with us. It seems that the Liberal Party has now decided to take the cheap shot, to take the easy way, to say, "We will go down now for a council style of government", whatever that is supposed to mean - something like Brisbane, or whatever - "and we will talk about something that is popular amongst the people in the community, as a cheap way of gaining votes". That is your style of consultation. I think it is disgraceful. It is cynicism in the extreme.

As to consultation, it is interesting that this morning I was sitting down with the Australian Teachers Union talking budget when I was apprised of the MPI today. I will be sitting down with the other players in the education field next week.

Mrs Carnell: Which players? Do you mean the staff?

MR WOOD: The other union, the PSU, and the Council of P and C Associations. It has been discussed with the various principals groups. It has been discussed through the schools. We are going to these groups asking them for their priorities. Where do they see the key areas? We are being quite up front with them. We have said to them, "The budget situation is difficult. We have reductions every year and you can expect more of the same". We are talking to all these groups, asking them to express their view. While you are talking we are discussing with people how things should be done. Whom have you spoken to in the last few days about these sorts of things? When we make decisions about education those options will have been thoroughly explored with the education community.

Let us look at the other side, the revenue side. We do not just jump in and do things. For example, we have a comprehensive urban renewal program. The prime purpose of that is to look for the benefit to Canberra that can be derived from sensible planning. One of the offshoots of that - it is not the prime reason, might I say - is that there are sound economic reasons for us to do so. It is good financing for us to do so. If North Watson, for example, goes ahead - the processes are not complete, so I do not know whether it is going to go ahead or not - there is an economic benefit to the ACT. But we do not just turn around and say that we are going to do that without very extensive consultation, and, might I say, consultation well over and above that which is required in the relevant legislation.

We have initiated the beginnings, the discussions. We have started them in North Watson and in Duffy the other day. We are the ones who set up those early meetings. They are not required but we have done that. Because there is a potential benefit to us if these things proceed, we go out and we talk to the community because we accept also that there is an impact on the community, both Canberra-wide and within that local neighbourhood. We believe that, for the most part, that impact is entirely beneficial, both to Canberra and to the neighbourhood; but not everybody has quite that view. If you live in a street where there is some change you may be right in terms of your own position as a person in the area. But we go and talk to those people. We do get out there and consult.

I am more than offended by the nature of this debate that just talks about consultation. What I believe happened today was this: Searching around for an MPI, the Liberals said, "We must talk about the Grants Commission and budgets", and that is a very reasonable and sensible thing to be talking about. But because of the new, fuzzy, warm image, or whatever the term might be, you had to wrap it as not just the hard economic matter. You sat around your table, if that is the way you do it, or Mrs Carnell dictated what would happen, and you said, "We have to soften this. We have to make it sound nice and cuddly". So you added that bit about consultation that you did not really want to talk about - consultation with the community. Obviously it is going to be a continuing part of your rhetoric - the replacement for Kaine, the Carnell style. I think it is all hogwash. You do not mean a word of it. You are not serious about it. You have never demonstrated it. What is most significant for me today is that you have given Trevor Kaine a real kick in the pants. You have said, "You were wrong. All your term of leadership and the brief period under Mr Humphries has been a failure", because you have seen that you have not been consulting and now you have to start to do it. I do not think you are serious.

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MR CORNWELL (4.44): I would remind the Assembly that the matter for debate, this matter of public importance, is, "The Government's responsibility to consult with the community on its proposals to deal with the recommended reduction in Commonwealth funding". I do that because it is very obvious that the last speaker did not address the subject at all. He spoke of a great many other matters. So let me return to the subject at hand, and that is that this Territory in the next budget, as a result of the Grants Commission, is facing a \$68m reduction in funding.

Unfortunately, the Labor Government under Chief Minister Follett has not accepted responsibility for taking tough decisions in the past, and we are naturally concerned that she will not be prepared to take tough decisions for this budget either. In fact, last year she failed to confront the quite longstanding problems that led to overfunding in key areas such as health and education. This is no secret. This has been around for quite some time. In fact, Madam Speaker, it was rather interesting that the Government last year, in education, took a big step and cut \$3.4m, or 1.8 per cent of its 1992-93 budget, and we are now facing a \$68m overall deficit. I might add that in cutting that \$3.4m they were very brave because in fact they broke the Labor Party's election commitment, and that was to expand funding to ACT government schools at the school level - a matter that has been glossed over by this Government. Nevertheless, I do believe that it is worth while drawing attention to because it shows that they are quite capable of breaking their undertakings when they are obliged to.

The education area is particularly important, as far as I am concerned, and I would like to quote from the Grants Commission in case anybody has forgotten. I quote:

On the expenditure side, the assessments for the ACT in the 1993 Review implied a 1 per cent reduction in the Territory's cost of service provision ratio. The resultant reduction in grant share derived mainly from methodology changes in the following categories:

Government Schools Education and Non-Government Schools Education - changes to the method of measuring the relevant population factor and the treatment of specific purpose payments - minus \$18m.

That is the reality that the education budget is facing in the 1993-94 ACT budget. Interestingly enough, the ACT Council of Parents and Citizens Associations has drawn attention to this in their latest edition of *Feedback* of May 1993. They went on to add:

The ACT Government stands to lose some \$7m alone because of the change in the way differences in retention rates at Years 11 and 12 are treated by the Grants Commission.

So presumably \$7m of that estimated \$18m loss will be in the change in the treatment of differences in retention rates at years 11 and 12. But what has the Government done about this, Madam Speaker? Mr Wood spoke earlier about consultation. There is no note in this *Feedback* that the Government has sought consultation with the ACT Council of Parents and Citizens Associations in relation to this very important \$7m reduction. None whatsoever.

Further, in the same *Feedback*, we have a report from the Ministerial Advisory Council on Public Education. Mr Wood, again, is speaking about consulting with organisations in education and the rest of the community. In that report this statement appears:

Members of the MAC are treating this reference -

a reference to provide advice on quality education for all students in the ACT -

as a long-term project and have decided not to provide advice to be taken into account in framing the schools budget for 1993-94.

What we have here is the MAC making a decision as to whether they are going to contribute to the budget or not. I would suggest, Mr Wood, that if you appoint these organisations you might like to ask them to make a contribution. It appears that they are making up their own minds whether they are going to be consulted or not. I do not say that I blame them, because I do not think they are going to get very much out of you, or your Government.

These examples, Madam Speaker, would be sad if they were not so serious. They indicate reluctance on the part of the Government to consult. I remind members of a comment earlier today by the Minister for Health that, so far as the Acton Peninsula was concerned, there was no consultation on the positioning of the hospice. This is a government that talks about consultation. There was no consultation on where the hospice should go. There was no consultation whatsoever about the hospice. Yet this Government stands up and argues that they consult with the community. The evidence, I suggest, speaks for itself. This is from a consultative government. I would suggest that that example alone gives little comfort and certainly no confidence to the Canberra community.

Again, it is hardly surprising, because way back on 7 April 1992 I asked the Chief Minister, in relation to community consultative meetings, whether she was going to have any more than the one that she held on 1 June 1989 at the Northside Community Centre.

Mrs Carnell: Did you get an answer?

MR CORNWELL: Yes, I did, Mrs Carnell. It took seven months to provide. What had happened was that there were no consultations taking place along the lines of that first consultative meeting of the community at the Northside Community Centre. It took them seven months to dream up an answer. Is it not interesting? There is silence from the government benches now. It took them seven months, and then they waffled on, saying, "Well, actually, these were being set up by the Labor Party and we were not going to invite anybody else. It was paid for by the Labor Party". I would have imagined, Madam Speaker, that if that had been the case, if that had been the guideline set down, it would not have taken the Chief Minister of this Labor Government seven months to produce an answer for me on that question. So much for your much vaunted consultation process.

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I would say that, so far as the ACT community is concerned, they have every reason to be apprehensive about what is going to happen in this next budget because this time it is serious. Unfortunately, if I can quote the Raiders T-shirt, "This time it's personal". What does Ms Follett indicate that she is going to do in terms of consultation? She is going to talk to the Federal members. She is going to talk to the Prime Minister and to the Treasurer before the Premiers Conference. She has said that she and this Government will not flinch from these hard decisions. What does she propose to do about it? She is going to go cap in hand to the Federal Government seeking digestible adjustments over the next decade - another 10 years. I can imagine what Victoria, Tasmania, South Australia and Western Australia will say. Those States have been decimated in financial terms - I can best liken them, I suppose, in physical terms to Nagasaki and Hiroshima - by Labor Government mismanagement. I can bet how willing those governments will be to come to your support, Chief Minister, and agree to our having a digestible adjustment over the next decade to set off all this shortfall in funding.

Today I received, along no doubt with other members, requests from the Smith Family and from the Salvation Army for further assistance now that winter is coming on. I think that probably is indicative of what Labor governments in this Territory and federally have done to this country over the last 10 years.

Mr Connolly: They do that every year, in every State.

MR CORNWELL: I know that they do, but they are all pleading that it is so much worse this time, Mr Connolly. This Labor Government has refused to bite the bullet on this issue, and I believe that it will be to this Territory's considerable regret that you were elected last year. You have failed to bite the bullet.

MADAM SPEAKER: Order! The time for the discussion has expired.

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

MRS GRASSBY: I present reports Nos 6 and 7 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 6 of 1993, which I have just presented, was circulated when the Assembly was not sitting, on 6 April 1993, pursuant to the resolution of appointment on 27 March 1992. Report No. 7 of 1993 contains the committee's comments on 16 pieces of subordinate legislation and two government responses. I commend the reports to the Assembly.

TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE
Statement by Presiding Member

MR WESTENDE: Madam Speaker, I ask for leave to make a statement regarding the visit of the Standing Committee on Tourism and ACT Promotion to Cooma, the Snowy Mountains, Tumut and Yass on 15 and 16 April 1993.

Leave granted.

MR WESTENDE: The committee visited Cooma, Berridale, the Kosciusko National Park, Tumut and Yass over the two days of 15 and 16 April. The purpose of the visit was to complete work undertaken by the committee last winter when it visited the alpine and south-east coastal regions. The visit gave the committee important insights into the region's enormous value as a tourism drawcard and the potential for both the region and the ACT to develop tourism on a cooperative basis for the mutual benefit of both areas. The value of that visit was reflected in the committee's discussion paper on ACT and south-east region tourism which it presented to the Assembly last November.

On this occasion the committee's prime focus was in following up with regional shire councillors and officers in the Snowy Mountains region and in Yass the specific ACT and region cooperation issues which had been covered by the discussion paper and to assess what additional factors ought to be taken into account in the committee's report to the Assembly. The discussions were frank, constructive and cordial. They reinforced the committee's view that the ACT and the region have a strong tourism and economic interdependence. The committee considers that every effort should be made by all levels of the governments concerned to ensure that the advantages to the ACT and the region of this interdependence are maximised to generate worthwhile employment.

These themes were further explored by the committee during the forum held on 29 April in Canberra. The forum had as its basis the conclusions reached by the committee in its discussion paper. Those attending included the chief executives of organisations involved in the ACT and region tourism industry, representatives of regional shires and senior ACT government officials. The forum has played a significant part in the finalisation of the committee's report which it expects to present to the Assembly in June, and the committee expresses its thanks to all those that participated.

The committee also expresses its appreciation to the shire councils and officers and to the manager of the Kosciusko National Park for sharing with the committee their experience of the relevant issues and for giving freely of their time and hospitality.

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JOINT VENTURE HOUSING DEVELOPMENT - BRADDON

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I want to expand on an answer about the Torrens Street redevelopment in Braddon that I gave to Mr Cornwell earlier today.

Leave granted.

MR WOOD: This is related to blocks 6, 7, 8 and 9 of section 22 in Braddon. I had indicated to Mr Cornwell that no building better cities funding was to be spent on the project. I was focusing on the private development component of the proposal about which so much fuss has been made and which has taken so much of my attention. No funds have yet been expended, certainly; but there is some BBC money for the Housing Trust component of the project, activity under the control of my colleague Mr Connolly.

Sitting suspended from 4.59 to 8.00 pm

BOXING CONTROL BILL 1993

Debate resumed from 25 March, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.01): May I say, Madam Speaker, how photogenic you looked on the *7.30 Report* tonight. It was a very impressive showing from the Assembly's women, I must say. Madam Speaker, I start by making reference briefly to the fact that today is an important birthday which perhaps members have not fully appreciated. Today, of course, is the fourth anniversary of self-government day. Four years ago today the First Assembly was sworn in and the Territory's first Chief Minister was sworn in, and we have since that time four years ago today - - -

MADAM SPEAKER: It is just as well that the Speaker is not too strict on the relevancy rule here.

MR HUMPHRIES: Thank you, Madam Speaker. It is only a brief diversion.

MADAM SPEAKER: You are right, Mr Humphries.

MR HUMPHRIES: Since that time, of course, much legislation has gone under the bridge, including tonight's Boxing Control Bill. The Boxing Control Bill is, perhaps, in many respects, not a piece of legislation that we would want to look back on in another four years and say that it is a particularly fine piece of legislation. You will gather from that that I have some criticisms of the way in which this Bill has been prepared and the implications it would have for the Territory if it were passed in its present form. I indicate that, in the view of the Liberal Party, amendments will certainly be required.

Madam Speaker, much was heard earlier on today about consultation engaged in by this Government - the process of talking to the people of Canberra, listening to them, finding out what they want and then acting accordingly. This Bill tonight is a good example of what garbage that rhetoric earlier today really was. This Bill is a good example of what you should not do if you are a serious government hoping to implement major reforms, what you should not do if you want to see those reforms achieved.

Mr Berry: Another election promise and we deliver again.

MR HUMPHRIES: You are not going to deliver tonight, Mr Berry. That is my message to you. In my view, you are not going to deliver tonight. I want to take the presentation speech that the Minister delivered to the Assembly. It is a good example of what is wrong with this Bill. Here we have a very short speech, just over two pages of very large type, in which the Minister started by saying:

I move:

That this Bill be agreed to in principle.

Fair enough so far. He went on:

Madam Speaker, the Bill establishes controls over amateur and professional boxing similar to those applicable in New South Wales.

Fair enough. He stated what the Bill was all about, and then went on to describe in succeeding paragraphs what the Bill actually does. He said:

... boxing ... allowed only under the auspices ... of the Amateur Boxing Union of Australia. Professional fist boxing ... allowed only under codes of practice ... Kick boxing and similar contests are effectively banned under this Bill.

He gave a very descriptive account of what the Bill is all about. If I am not mistaken, Madam Speaker, this is a major piece of legislation changing the nature of the sport of boxing in the ACT and also affecting other sports in the ACT in a very dramatic fashion - kick boxing, for example. The Minister shakes his head. I am a bit surprised about that. I think the Bill affects kick boxing fairly dramatically, but we can argue about that at some other time.

The point is that in this presentation speech there is not a word of rationale as to why the Government is doing what it is, not a word to persuade people who are not as familiar with the issues as perhaps people in this chamber might be as to why this Government is going down this path. I have the advantage of being a former Minister for Health. I know about the arguments to do with boxing, and I do not need much convincing that boxing should be controlled in this country, if not even banned. There is an argument for that. But I hear nothing in these words of the Minister to persuade me, if I were an uninformed person, that the steps this Government is taking are the steps that should be taken. That is not conducive to persuading the people you are talking to and communicating with to the point of view that you want them to reach.

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Madam Speaker, the explanatory memorandum for this Bill is little better. It goes into only slightly more detail than the presentation speech and leaves a great many important questions hanging. I think that that is a great regret. The most regrettable thing from my point of view is the lack of consultation that underpins this Bill coming forward. If its passage had been fully canvassed, carefully argued and properly discussed in that sector of the community which will be affected by the changes in this Bill, then there would not be the problem of not explaining it in detail when it was presented; but that has not been done.

This Bill was a bombshell when it hit the sporting community of the ACT. Certainly people involved in kick boxing had no idea that it was coming forward. Certainly those involved in other martial arts who have serious concerns about the impact of this Bill had no idea that the Bill was coming forward. I suspect that even those involved in boxing in the ACT had the entire affair come as a great surprise to them.

Mr Berry: It is in the election promises, mate.

MR HUMPHRIES: Here we have it again: "We said something during the election campaign and that gives us carte blanche to do what we want". The fact is that the electorate did not elect this Government to do everything it wants to do without proper consultation and without proper regard to what needs to be done in the way of talking to the community to see whether these changes can be achieved. There was no consultation about this Bill. No kick boxing enthusiasts in the Territory, for example, were properly forewarned. It has to be asked: Why were these people not allowed to put a case for the preservation of their sport? They have put a case. They put a case to us and, indeed, to other members of the Assembly who were prepared to listen to them. Included among those were not, apparently, government members.

It was, in our view, clearly incumbent upon the Government, before introducing legislation making those who participate in this sport criminals - and that is what we are talking about - to demonstrate that there was something wrong with kick boxing in this Territory. But they have not done it - not on the floor of this Assembly, not in the media, not in the public domain, not privately around tables to the people who are representing these sports. I ask the Minister: When and how did he propose to explain to this community why he was taking up this particular issue in this way? Not only has this Government succeeded in doing nothing to explain this particular position to the community; it has not even tried.

There is another serious problem, in our view, Madam Speaker. Even leaving to one side the question of whether kick boxing is or is not a good thing to have going on in this community, there is, in our view, a very serious flaw in the way that the Bill has been drafted. This matter has been brought to the attention of the Minister, but he persistently refuses to consider any argument to do with drafting. I draw members' attention to clause 20 of the Bill, the clause which purports to ban kick boxing. I read that clause:

A person shall not, without reasonable excuse, engage or participate in a boxing contest in which a foot or any other part of the leg of a contestant may be used to strike his or her opponent.

To answer the Minister's point that this is not a criminal offence, I read on:

Penalty: \$5,000 or imprisonment for 6 months, or both.

It sounds pretty criminal to me. If that is not a criminal offence, what is? Let us go back to the words here:

A person shall not ... engage or participate in a boxing contest in which a foot or any other part of the leg of a contestant may be used to strike his or her opponent.

What is a boxing contest? The definition clause, clause 3 of the Bill, is not of great assistance here because, although "boxing official", "boxing contest" and "boxing" are defined, the definition of "boxing" in particular specifically excludes kick boxing. It states:

"boxing" means fist fighting or any other style of fighting (other than kick boxing) ...

The definition clause has no value. So what is boxing in terms of this legislation? My dictionary says - I am paraphrasing here - that boxing is fighting with the fists or hands. If this Minister bothered to go out to the community and talk to some of the people involved in martial arts in this Territory he would quickly realise that it is integral to many martial arts that people in fact fight or spar with their fists or hands and with their feet. I have been to several demonstrations of several martial arts since this Bill was introduced into this place, and that is clearly what is occurring. People are clearly fighting - you might say that they are sparring; that is only another word for fighting - and they are using their fists or their hands and they are using their feet. Under that definition those martial arts, in my view, would clearly be banned.

I would expect the Minister to have been flexible enough to have taken that concern on board, to have attempted to save his kick boxing ban by at least agreeing to compromise somewhere along the line and defining this rather more tightly. He has not bothered. I am afraid that for that reason I certainly will be strongly supportive, and my party will be strongly supportive, of the amendments to be put forward by Ms Szuty in this place to delete clause 20 from the Bill and to delete the reference to kick boxing from the definition clause.

Clearly, there is no justification for taking this step. The Minister's poor planning, his poor execution and his total lack of consultation have not resulted in a good Bill. In my view, that is good enough reason for us to reject that part of the Bill. I still have not seen any clear justification for the substance of the Bill dealing with boxing, but through my own devices I have satisfied myself and my party that the other regulation in the Bill is an appropriate way to go.

There is one final very good reason why we should reject that part of the Bill dealing with kick boxing. Today the Minister was asked in question time, "Is it the case that the Government proposes to ban kick boxing because it is dangerous?". We have to assume that, because he has not actually said so. Is it the case that he wants to ban kick boxing because it is dangerous and, if it is, how much injury has occurred in that sport in, say, the last 10 years?

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If the Minister had done his homework he would have been able to answer that question in a flash, but he could not. The Minister waffled for five minutes, he went backwards and forwards and he attacked the Liberals, as he usually does; but he failed to provide the answer that he should have been able to give to satisfy this Assembly that there is some basis for this legislation.

It would have been very simple to say, Minister - had you known - that there are X number of people who are injured in the course of a year or five years or 10 years, whatever period you like to name, in this particular sport. But he could not do that, and the answer is either that he did not know and could not be bothered finding out - - -

Mr Berry: Everybody.

MR HUMPHRIES: It is no more true to say that everybody is injured in a boxing match, a game of rugby league or a vigorous game of tennis than it is to say that everybody is injured in a kick boxing contest. Where is your evidence?

Mr Berry: The blood comes out the nose, the lips get fat and your head rings. I know; I have been there.

MR HUMPHRIES: In every match? In every contest, Minister? Blood comes out the nose every time; is that the case? He does not know. He has not got a clue. If there are cases of injury resulting from kick boxing you should be able to tell this Assembly what they are, and you cannot. You are derelict in your duty. You are coming to this place expecting us to ban an activity in the ACT, and you cannot tell us why. That, in my view, is an indicator of failure, Minister. You have failed if you expect us to take up legislation on that basis.

Madam Speaker, I suggest that this legislation is worth supporting, except for that part of the Bill which refers to kick boxing, which I think this Assembly should resoundingly reject.

MS SZUTY (8.15): I support Mr Humphries's position. I think that the Boxing Control Bill has a lot to recommend it. However, the problem with the Bill, as I see it, is the kick boxing ban. As I understand it, the enacting of this legislation is necessary because, as far back as the 1970s and the 1980s, attempts to develop a national uniform code for the sport of boxing had failed. Madam Speaker, I wish to congratulate the Government and the Minister in this instance on the Minister's initiative to regulate the sport of boxing in the ACT. This Bill not only seeks to bring the ACT into line with practices interstate but also uses very efficiently the Boxing Authority of New South Wales to register competitive boxers and ensure that their welfare is looked after. The Bill also very sensibly prescribes codes of practice for the conduct of the sport of boxing.

The Bill epitomises the benefits of cooperation, whilst allowing for differences in local needs. For example, in New South Wales women are not allowed to participate in any form of boxing competition. Under the ACT's proposed Act, women will not be discriminated against, although the system of gaining approval to take part in a boxing competition is more complex for women than for men.

Mr Berry: I am warmer and cuddlier than Kate Carnell, the steely heart. She does not care about her own kids. Her kids are in danger because of this.

MADAM SPEAKER: Order!

MS SZUTY: While men can register in New South Wales and box in approved competitions while registered and not under suspension for injury, women need to apply for approval from the ACT Minister for Sport each and every time they wish to enter competitions. Madam Speaker, I feel that the procedures are clumsy and, if necessary, I would be prepared to look at the issue in the future if the number of female boxing competitions increased to the level where this created difficulties.

The ACT has also very sensibly allowed for its own codes of practice to be developed for competitive boxing. We in the ACT have a reputation for setting high standards of health and safety, and I feel that it is important and appropriate that this is carried through to the sporting arena. I would urge the Minister, in developing the codes of practice, to set high standards for safety and protective gear to be worn by boxers to ensure that we are addressing the needs of the sport. We need to regulate so as to promote the skills involved in boxing. I am aware that boxing is a violent sport; that its very nature means that people are going to be injured. However, by introducing adequate codes of practice and adopting the New South Wales registration system, we ensure that boxing skills are promoted and not the blood sport of bashing.

Madam Speaker, another part of the Boxing Control Bill which I feel I should mention as being acceptable to me is the disallowance period for the notification of a code of practice or a variation to the code of practice. Under the Subordinate Laws Act 1989 the period for disallowance would normally be 15 sitting days. However, as this could cause an inordinate delay in making necessary changes I feel that it is appropriate to allow the changes to be made subject to a three-sitting-day disallowance period.

Madam Speaker, what is not sensible or appropriate is the Government's attempt to single out one form of boxing, kick boxing, and to make that form of boxing illegal. The Government, in clause 20 of the Bill before us, seeks to make the sport of competitive kick boxing illegal. I see no merit in the Government's action, only the opportunity for what the Government sees as an unnecessarily violent sport to operate outside the beneficial and very sensible guidelines of the Boxing Control Bill. I, like Mr Humphries, have yet to hear a satisfactory argument for banning kick boxing competitions. The arguments to date have centred on the violence of the sport. However, the Government has the opportunity through its codes of practice to ensure that the welfare of participants is addressed and to ensure that adequate regulation of the bouts themselves takes place.

It has also been suggested that violent martial arts movies and videos give rise to expectations by spectators at these bouts that there will be a certain amount of injury and blood spilt. I would argue that by banning the sport and forcing bouts underground or over the border, where kick boxing is not banned, the Government abrogates its responsibility to make kick boxing in the ACT as safe as possible. The contestants, when given the rules and regulations which they must compete under, accept the dangers to themselves in kick boxing, the same as they do when they abide by the rules of other forms of boxing. If the demand for kick boxing competitions falls because spectators do not want to

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see well-controlled exhibitions of skill between two competitors, then so be it. But to state that the contests are violent and we therefore will not tolerate them at all flies in the face of logic. If that were indeed the case, then boxing itself would be banned - a course of action which has not been proposed.

No other State or Territory bans kick boxing, although I have been informed that some people in New South Wales would like to ban the sport. This view is more a reflection of that State's inability to adequately ensure that the competitions take place with adequate protection for competitors. In New South Wales the regulations call for foot and shin padding, gloves, a groin protector, long trousers and a mouthguard. However, as these protective items have not been described in the regulations in the same way as the weight and padding for fist boxing gloves have been described, contestants are getting away with wearing ankle strapping and elasticised bandages as protective shin and foot pads. This situation is farcical and one which New South Wales authorities need to urgently address. This is no reason why the ACT should ban the sport and become an island of prohibition in a sea of acceptance.

Madam Speaker, in conclusion, at the in-principle stage of this debate, I would like to foreshadow an amendment that I will be moving to the Boxing Control Bill at the detail stage, when I will seek to change the reference to kick boxing in clause 3 to make boxing inclusive of the sport and not exclusive of it. I also foreshadow that I will be voting against clause 20 of the Bill when it is debated at the detail stage.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.21): Madam Speaker, I am rising just to refute an argument that Mr Humphries injected into the debate. He seems to have two strains to his argument. One is that he does not want us to ban kick boxing and the other is that the Bill, as it currently stands, would not only ban kick boxing but also ban all other forms of martial arts. That argument is nonsensical and needs to be refuted.

I say by way of introduction that, while I am not responsible for sport and I cannot tell you about the number of injuries sustained by people in kick boxing and boxing contests, I can as Minister for police tell the house that there is an increasing incidence of young Canberrans being violently assaulted by other young Canberrans using kick boxing techniques. As this so-called sport is increasing in its popularity it is having an impact on the streets, where people are using the techniques that they are learning somewhere to quite viciously assault other young Canberrans. Members opposite, who are seeking to defend this violent form of sport, may want to consider that. When we see further incidents like this it will be, I guess, on their heads, because they have had the opportunity to move on this and outlaw this inherently violent form of activity which is having its impact on the street.

Madam Speaker, the argument of Mr Humphries that we should ban all forms of martial arts is based on clause 20. Nowhere is there any indication that the Bill has an intention to exercise control over martial arts other than boxing. Clause 20 itself prohibits a person from engaging in a boxing contest in which a foot or other part of the leg is used to strike an opponent. Mr Humphries stressed the words "contest in which a foot or other part of the leg may be used to strike an opponent", saying that that could be used to describe some forms of activity in judo or tae kwon do. So it could, but the operative part of the definition is "a boxing contest".

In relation to the term "boxing", clause 20 clearly creates an intention contrary to the definition of boxing contained in clause 3. In clause 20 the term "boxing" would take the ordinary dictionary meaning - the act of fighting with the fists, with or without boxing gloves. But then it expands that definition to the use of the feet. It should also be noted that the heading to clause 20 is "Kick boxing contests prohibited". There is no mention there of martial arts generally. Before a person could be convicted of an offence under clause 20 it would be necessary for the prosecution to prove beyond reasonable doubt that the person was engaged in a boxing contest in which a foot or other part of the leg was used to strike an opponent, not that the person was engaged in any physical activity in which a fist may or may not be used in a particular manoeuvre. Again, it is essentially limited to a boxing contest. The term "contest" would also be given its full dictionary meaning.

Madam Speaker, beyond that we, of course, need to look at section 11A of the Interpretation Act, which specifies that in interpreting a provision a construction that would promote the object underlying the Act should be preferred to a construction that does not. The underlying object of the Boxing Control Bill is to control boxing contests, not martial arts generally. Section 11B of the Interpretation Act provides for the use of extrinsic material in interpreting an Act, which means that anyone in doubt as to what is meant by the definition of boxing can peruse the debates of this place, and it will be abundantly clear to them that the intention of the Government in bringing this Bill forward and the intention of the Assembly, if it is minded to take a sensible course of action, is to ban kick boxing. It would be abundantly clear that it is not the Government's intention to ban martial arts generally.

Madam Speaker, members should vote on the perceived merits or otherwise of kick boxing, not this red herring that the clause may have unintended broader consequences. The clause is limited to kick boxing in its title. It relates to boxing involving feet or other parts of the body, not any form of activity involving other parts of the body. The clear intention which can be gained by looking at the statements of the Minister and other members speaking is that the clause is limited to a ban on kick boxing. So let us look at the merits of kick boxing rather than have this spurious argument that the Government has some intention, in an underhanded way, to introduce a provision that has more general consequences. The provision is limited to kick boxing.

MR CORNWELL (8.26): I am delighted to hear the Attorney-General's reassurance, but unfortunately the Minister's presentation speech does not say what the Attorney-General has just said. The Minister's presentation speech says:

Kick boxing and similar contests are effectively banned under this Bill.

Is it any wonder that we find in an article in the *Chronicle* of 3 May:

A Government bill to control boxing could inadvertently ban karate and other martial arts tournaments in the ACT.

Mr Moore: No, it will not, because it is going to go down. But it would have.

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Mr Berry: Michael Moore is going to promote violence out in the community. That is unusual for you.

MR CORNWELL: Is it any wonder that people involved even in kick boxing are concerned about this? I quote from the *Canberra Times* of 1 April:

"Kickboxing is contested in 37 countries, it has a history which dates back to 776BC, there have been no recorded deaths in the sport anywhere in the world in the past 37 years - which is more than can be said about netball or golf" -

or, I might add, cricket -

"for instance - and it has a much lower injury rate than sports such as league, rugby or Australian football."

These were the statistics and opinions presented yesterday by World Kickboxing Association representative Bob Jones to representatives of the ACT Minister for Sport, Wayne Berry.

They were not presented to Mr Berry himself, but to his representatives. The *Canberra Times* went on to say:

"I can't work out why the Government has scapegoated kickboxing," said Jones, who spent three years working with the Victorian Government to develop kickboxing legislation in that state.

"What this politician [Berry] has done in Canberra is an embarrassment to the world of kickboxing -

and, I might add, an embarrassment to the people of the ACT. The article went on:

Jones said the foreshadowed banning of the sport in the ACT was the first problem he had had in 17 years of involvement.

This is the man who is the World Kickboxing Association representative here in Australia. This is the first problem that he has had in 17 years of involvement in the sport. The article continued:

There were 112 kickboxing contests in Australia last year with 10 fights per night, totalling 1120 bouts and 2240 competitors. Jones said a broken leg in November last year was the worst injury that occurred in 1120 bouts.

Mr Berry: What about the brain damage?

MR CORNWELL: I think that is a reasonable approach to take on this matter. We are listening to what the experts are saying on this, Mr Berry. As colleagues have said before, we have not yet had a proper explanation from you as to why you wish to ban kick boxing. You have said, of course, that - - -

Mr Berry: I will give you another explanation of it which will probably help you.

MR CORNWELL: We will await that with great interest, I am sure. But what I am saying to you is that we have not to date had any statement from you, except a statement that it was violent. I repeat that Mr Jones has already covered that. I can also cover it, but I am sure that other people here can. "Violent" is a term that could be applied to all sorts of other activities. Rugby league has been mentioned already. Goodness gracious, if you are going to worry about violence, such as spear tackles and headhigh tackles, you will be in real trouble with Ros Kelly, your friend and supporter of the Canberra Raiders.

Mr De Domenico: She is no friend of Mr Berry's.

MR CORNWELL: Really? I am sorry.

Mr De Domenico: She is in a separate faction.

MR CORNWELL: Your non-factional colleague.

Ms Ellis: They do not spear tackle. It is illegal.

MR CORNWELL: Just settle down, Ms Ellis. I know that you get upset when I mention Ros Kelly. What about hockey? That could be a very dangerous sport too. I do not know what Ric Charlesworth, the former Labor member for Perth, might think of that comment.

Mr De Domenico: I bet you that he has had a broken leg from time to time playing hockey.

MR CORNWELL: I bet that he has. I mentioned cricket earlier. Horseracing, of course, is also dangerous. This Labor Government does not mind banning circuses with animals, but it does not do anything about horseracing here in the ACT, which sport can also be dangerous. How many jockeys might have been killed over, say, the last 10 years compared to kick boxers? These are the questions.

Mr Berry: How many assaults have happened out there?

MR CORNWELL: Just a moment, Mr Berry. I was interested in the arguments put forward by you originally and by your colleague the Attorney-General about the dangers of kick boxing on the streets. What a nonsense, what a furphy, this is. Mr Connolly, you know it as well as I do, because you did not give a very convincing speech. Under those circumstances you presumably would ban cars because they can be used for all sorts of nasty things. You would ban knives - - -

Mr Moore: Baseball bats.

MR CORNWELL: Baseball bats - indeed, weapons of any sort, Mr Moore. In fact, why do we not arrange it so that young men and perhaps young women walking the streets at night have their hands bound behind their back because they might just be aggressive? Come on! This is a nonsense. This is an absolute nonsense. Mr Connolly also - and I am surprised - - -

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Mr Connolly: This is a new thing. We had not seen kick boxing assaults until the last year or so.

MR CORNWELL: Mr Attorney, I am surprised that you would have the temerity to say in this house, in relation to clause 20 of your lousy Bill, that the heading states "Kick boxing contests prohibited". Anybody with any knowledge of legislation knows that those headings are not part of the legislation. What you said is totally misleading, and you should be ashamed of yourself for even suggesting it, sir.

Mr Connolly: You look at the whole package in construing an ambiguity.

MR CORNWELL: Come on, do not try to weasel out now. At least have the decency to get up and apologise to the Assembly. You went on to say that the prosecution would have to prove that any martial art that might come under an interpretation of this Act in fact did fit the legislation. In support of that you suggested that the court would take into account the presentation speech in the Assembly or, indeed, perhaps Mr Berry's press release dated 5 May, which says, "Martial Arts Not Affected By Boxing Control Bill". Thank you, Mr Berry. We welcome that.

The only problem is that I do not think most people in the martial arts area would want to end up in court in the first place and have to rely upon your media release or, indeed, some questionable interpretation put down here in relation to kick boxing. The fact is that the martial arts people are as concerned as the Kickboxing Association is with this legislation. The Kickboxing Association has a 43-page list of official WKA rules. WKA stands for World Kickboxing Association, Mr Berry, in case you do not understand. Therefore, we are not dealing with some fly-by-night organisation. We are dealing with a responsible organisation which, I suggest, you are quite improperly trying to ban without any justification at all.

I have had discussions in relation to trying to exclude martial arts from the Bill entirely rather than have this clause 20, which, irrespective of the heading, is vague. I was told that it was far too difficult. Under those circumstances I believe that the Government has defeated its own argument. If it cannot find sufficient words to exclude the martial arts, the question remains that they may be incorporated at some time. If two or three years down the track some officious bureaucrat decides to take action against some martial arts activity because they think it might be within the realms of kick boxing, we do not want the matter to end up in court. There is no need for any of this.

The final point I would make, Madam Speaker, is this: If you feel so strongly about the violence of kick boxing, why do you not ban boxing altogether? After all, that is violent as well. The reason you will not do it is that it is an Olympic sport - and, after all, Sydney is competing for the Olympics next time round. I would suggest that on that basis alone, Madam Speaker, this is a nonsense piece of legislation, and it really should not have the backing of any responsible person in this Assembly.

MR MOORE (8.36): We are debating the whole Boxing Control Bill. A focus of a lot of the debate has been clause 20 of the Bill. I think that most members, including previous speakers, feel - I certainly do - that the Bill has a great deal to offer. It deals with what are potentially very dangerous sports. The thing that makes them different from most other sports is that they set out as their object to cause some offence to another person, to actually act in a violent way towards another person. Mr Berry, in his answer to a question today, contrasted that with people chasing a bladder around a paddock with no sheep on it. It seems to me, Madam Speaker, that potential violence is the reason why we need to look for a way to control this activity that some people refer to as sport. From my perspective, I do not see a great deal of sport in somebody punching somebody else's head in.

I feel that the way the Bill is constructed to control boxing through codes of practice is appropriate. But it has all the hallmarks of somebody saying, "Yes, but how are we going to handle kick boxing? Let us put a ban on kick boxing. How are we going to do that?". I can imagine a bureaucrat saying, "But you cannot do that; it is already covered", and being told, "No, no. We want a ban on kick boxing. It has to happen. Go and do it". So then it was added in, and we have clause 20 - "Kick boxing contests prohibited" - under Part V, "Miscellaneous". Then someone said, "Okay, that makes good sense. But we cannot put that in without a definition". So they went back and added a little bit to the definition of boxing to clarify the kick boxing situation. This Bill has all the hallmarks of that. Fortunately, Ms Szuty has been astute enough to pick it up and prepare an amendment that will remove that part of what appears to me to be a late addition and to allow the codes of practice to operate. That is certainly the appropriate way to go.

Wayne Berry's presentation speech on the Bill is full of contradictions, Madam Speaker. All the reasons he gives for controlling and regulating boxing, training, bouts and competition are exactly the same reasons as apply to regulating kick boxing. I thought this Government had learnt some lessons about bans and prohibition. They do not achieve anything other than sending an activity underground, where it can flourish without regulation. This action is often dangerous and could result in young people being wrongly trained in backyards and not subject to the codes and discipline that are associated with the martial arts. I have taken time out lately to visit martial arts training sessions, as have quite a number of members. In uncontrolled conditions there is a far greater risk of what Mr Connolly referred to - young people being a danger on the streets or being loose cannons in our community.

The reasons why kick boxing should be regulated and controlled are the very same reasons that we seek to have boxing controlled under codes of practice, and that is to ensure the safety of the participants; to ensure that training is safe, disciplined and based on strict codes of conduct or codes of practice; and to ensure that all those participating are registered and have exposure to their appropriate association's rules and expectations - and if we are referring to clause 20 they are the World Kickboxing Association's expectations and rules.

Without the regulation and control, I think we run the risk of encouraging unsound and dangerous practices in this sport and thereby increasing the danger to our community. Of course, that danger is encouraged somewhat by a certain style of film that is regularly shown in our cinemas and is available on video.

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Having looked at the statistics, it seems to me that kick boxing bouts are less severe on competitors than boxing matches are. Kick boxers are knocked unconscious - and that is bad enough - 45 to 50 per cent less frequently than boxing competitors.

I am not enthusiastic about either sport but it seems totally inconsistent to regulate one code and not the other, which happens to have a higher safety record. An average of 10 boxers per year lose their lives from causes directly related to boxing competition. That is according to the World Kickboxing Association. To date, there have been no deaths directly attributed to full contact kick boxing, as Mr Cornwell indicated. To argue for exclusion of kick boxing because it is potentially dangerous is ludicrous. Rugby players suffer by far the highest number of severe injuries and even deaths every year. The second on the list of hazardous sports is hockey. Mr Cornwell referred to that and to Dr Charlesworth in particular.

Should these sports be banned or should they be controlled? If we are looking at the statistics on sport, we may as well look at the sport with the highest mortality rate and ask whether we should ban that sport. What is it? It is lawn bowls. Perhaps we should prohibit lawn bowls. That raises quite a number of considerations. Mr Berry, you probably would not find a higher injury rate than you do in jogging. We know the impact that jogging has. It does not appear to have damaged Mr Berry's feet and knees too much, but his brain is another question. I will come back to that. The current safety record in kick boxing across the world may well be due to the fact that kick boxing is regulated by strict rules. Maybe those rules are not strict enough for us. Maybe we need to look at them. I believe that control is the appropriate approach.

The Bill as a whole, which I am delighted to support in principle, goes about dealing with boxing in the correct way; but there is a huge inconsistency in clause 20, which is why that clause has drawn so much attention. Mr Berry's Bill is inconsistent. If safety is the desired outcome, then surely the action to take is to control, to monitor, to regulate and to educate.

I would also like to draw attention to clauses 13 and 14 of the Bill - "Female boxing contests" and "Approval for female boxing contests". The explanatory memorandum makes it very clear that, because the New South Wales registration scheme does not provide for the registration of females to engage in professional boxing contests, these clauses are a way to achieve that. I congratulate Mr Berry on making sure that the legislation is non-sexist, but I think you will agree with me that, on reading the Bill as it stands on its own, it appears to be just the opposite. It appears to be particularly sexist. I think it is a pity that it was drafted in this fashion. I draw attention to that. Mr Berry might choose to comment on it.

Madam Speaker, one of the things that I have noticed in the Labor Party in particular is that when things start going wrong for them, when they have made a mistake in adding something like this in, their arguments tend to go out the window and instead they use personal attacks. Tonight we have had two interjections from Mr Berry that I draw particular attention to. Earlier he said words to the effect of, "Kate Carnell does not care about her own kids" - an appalling statement. Another appalling statement he made was, "Michael Moore is going to promote violence". Both of those statements are absolute rubbish, and that is why I raised the issue about whether his jogging is actually getting to his brain.

Madam Speaker, these particular attacks are very different from my having a go at Mr Berry about his brain. I am sure that he will have the opportunity to come back and have a go at me. That sort of parliamentary light-heartedness is very different from suggesting that somebody is actually going to promote violence or that somebody does not care about their kids. There is no way that anybody is promoting violence. If there were any way in which violence could be promoted, it would be just as sensible to argue that clause 20 would do that. I do not intend to argue that way, Madam Speaker, because it is clearly not the intention of Mr Berry to do that at all. Clearly his intention comes out of a genuine concern - and I recognise that - about violence in this sport.

The difference, in our opinion, is that you can either do it by banning or do it by codes of conduct. I am prepared to support this Bill and I am prepared to support the amendment that has been foreshadowed by Ms Szuty, simply because of that genuine concern to avoid promoting violence and because I have a genuine concern for my own children, as I am sure Mrs Carnell has for her children, in saying that we should regulate kick boxing and boxing. That is why we are interested in the Bill. That is why we have taken the time and care to read it. It is not because we want to promote violence or because we do not care for our kids. That stuff is crazy.

MR DE DOMENICO (8.47): Madam Speaker, I will be very brief. Mr Cornwell, my colleague, spoke quite eloquently - as did Mr Humphries - about Bob Jones. Many years ago, unfortunately too many, I was a student at Melbourne University. I was lucky enough to be trained by Mr Bob Jones in a form of karate called Shotokhan. I can tell you that, like other forms of karate, believe it or not, one uses the fists and the feet. But most of the time, for three-and-a-half of my four years' training in karate, I concentrated not on landing blows but on defending myself against blows from somebody else.

If Mr Berry had taken the trouble of speaking to the people concerned, the World Kickboxing Association and others in the areas of martial arts, he would have known that the best thing that people get out of such forms of sport - and they are sport - is the fact that they are taught how to defend themselves, they are taught how to breathe properly and they are taught various other things.

Mr Humphries: Self-discipline.

MR DE DOMENICO: Self-discipline. As Mr Moore, Ms Szuty and everybody else who spoke on this topic said, it is that sort of discipline that makes it a very popular sport throughout the world. Kick boxing is just another form of martial arts. I would also like to say to Mr Berry that in fact fewer blows are landed on someone's head in the sport of kick boxing than in normal boxing, because of the fact that kick boxers are very highly trained and very highly skilled. That is point No. 1.

Point No. 2 is that - like Mr Moore and Mrs Carnell, who have young children, as others do - I would not permit my kids to participate in the sport of kick boxing, because I personally believe that they would get hurt. But, if some other parent or some other individual wants to participate in that sport, why should they be banned? The only reason why you are going to try to ban the sport is the philosophy of someone in the Labor Party in the ACT. Nowhere else has the Labor Party banned it. Some radical in the ALP in the ACT has said to Mr Berry, "You shall ban kick boxing".

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Mr Cornwell: Like circuses.

MR DE DOMENICO: Like circuses. Thank you, Mr Cornwell. That is the only reason why we are standing here tonight debating this piece of legislation. Mr Berry, you still have not answered the question - - -

Mr Kaine: Mr Berry is going to feed them cake, starting next week.

MR DE DOMENICO: Sure. You still have not answered the question: How many people have been injured in kick boxing in the ACT over the past 10 years?

Mr Berry: Everyone that goes in a bout.

MR DE DOMENICO: "Everybody that goes into a bout", says Mr Berry. Do you know that? Have you spoken to the Kickboxing Association?

Mr Berry: Have you ever had the gloves on, Tony?

MR DE DOMENICO: Yes, I have, Mr Berry.

Mr Berry: That is without them kicking you.

MR DE DOMENICO: I have had the gloves on and I have even participated in kick boxing, for your information, Mr Berry - and I am still here.

Mr Berry: You were injured too, it seems.

MR DE DOMENICO: No. I might have lost some height, but nothing else. Mr Berry, your myopic view is why we are standing here tonight debating this Bill. No other State or Territory in this country bans kick boxing. Mr Moore made one of the best points. You have control of boxing. We applaud that. We think that is fantastic. It is about time that the ACT came into line with all the other States and Territories and other parts of the world and actually controlled boxing. But, if you are going to control boxing, why not also control kick boxing? Why ban kick boxing?

I was interested in Mr Connolly's comments. He said that because as Minister for police he goes around town on Saturday nights he is aware that some young people are using some of the things they see in kick boxing to be violent against other people. That was his logical explanation of why he wanted to ban kick boxing. I go around schools in Tuggeranong and other places from time to time and I see children - as I see my three sons sometimes - in a flitting sort of a way trying to punch each other. Under your logic that means that if you banned boxing there would no longer be any fisticuffs behind the shelter shed at schools. Of course that is absolute nonsense, but that is the sort of logic that you have used.

Mr Connolly, we know that your heart really was not there when you read your brief. One can tell from your face that you really do not mean what you are saying. I do not think anyone as intelligent as you from the right wing of the Labor Party, or your colleagues from the right wing, would really want to put yourselves out of step with every other Labor, Liberal or Callithumpian government around the world, for heaven's sake.

The ACT once again, as Ms Szuty most eloquently said, is going to be the island of prohibition in a sea of acceptance. We have all seen what has happened with the circus issue. Thousands upon thousands of Canberrans go over to Queanbeyan and spend their money in Queanbeyan. Why? Because the only State, Federal or any other government banning circus animals is the ACT radical left-wing Labor Government. I stress that, because we people on this side of the house learnt from 13 March - and I concede this to you, Mr Berry - that parties that are perceived to be radical in any way, shape or form do not get the support of the people in this community. I am sure that even the Independents in this room realise that this ACT Labor Government is one of the most radical governments, conservative or non-conservative, that this country will ever see.

Let me also refer to comments made by Mr Berry and Ms Follett from time to time about this wonderful word "consultation". I am sure that no member in this Assembly - and not one person in the community - had their door kicked down over the past three months or four months by people saying, "You must ban kick boxing".

Mr Cornwell: I was underwhelmed.

MR DE DOMENICO: Were you? But no wonder. The first time the community heard about this was when Mr Berry walked in here and presented a Bill to the Assembly. His presentation speech said "and similar contests". When I went around town and talked to the people in the judo association and karate clubs they said, "Hey, listen. The way we read this presentation speech and press release is that we may be affected". Mr Connolly stands up and says, "No, they are not going to be affected". But how do we know that? Why should we believe Mr Connolly? Nobody in the sporting community believes him when he says that, and certainly no-one believes Mr Berry. Mr Berry might believe in what he has to say, but then again we know - - -

Mr Lamont: The Speaker is down there.

MR DE DOMENICO: Mr Lamont is trying to interject. If Mr Lamont wants to contribute to the debate he can stand up and do so after I have finished or after somebody else has finished. I wonder whether the next step Mr Berry might take is to ban some Jean-Claude Van Damme movies or Bruce Lee movies because they may cause our little brothers and sisters and boys and girls to dash out on the street on a Saturday night and start punching one another in the face.

This Bill is nonsense. This Bill is another example of how this left-wing controlled Labor Government is about to nanny the community because of the personal views of one or two apparatchiks in the back row somewhere who are saying to Mr Berry, "You must do what we tell you" under the threat of not being preselected next time round. Clause 20 of this Bill is a nonsense. The banning of kick boxing is a nonsense and for that reason, as my very eloquent colleague says, the Liberal Party will be supporting Ms Szuty's amendment. We say, "Well done, Mr Berry, for controlling boxing. That is a good move. Well done. Now control kick boxing as well. Do not ban it".

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MR STEVENSON (8.55): I believe that the Labor Party consulted widely on this Bill - apart from all the people from the various associations that came along to see me, none of whom were consulted at all. I found out from these representatives of the associations that, apart from the fact that they were not consulted by the Labor members, they agree with rules. They very strongly agree with the rules in their associations and organisations. They tell you about local rules, national rules and international rules. It is a wonder they do not have interplanetary rules. There are so many rules. Even the dreaded kick boxing has a rule book that is bigger than our standing orders.

It is not as though these organisations were going around like old samurai doing what they want. They understand. There has been regulation in all these organisations for a long time. The people involved in the organisations agree very strongly, and they would encourage good regulation. What they do not encourage is bad regulation. From the information we have had from some of the Labor members, you would think you would almost take your life in your hands if you went anywhere near a contest. Just yesterday, in the *Daily Telegraph Mirror*, on page 5 we saw the headline "Sport Alert as 66 Hurt". The article states:

Serious sporting injuries more than doubled at the weekend, with ambulance officers attending 66 accidents in Sydney.

As you would all know, kick boxing is right up there, or it must be tae kwon do, judo or one of the others! We heard that potentially some of these injuries could result in permanent damage or disability. That sounds like it. I thought that it was Mr Berry saying that. But it was not Mr Berry; it was an ambulance spokesman. He said:

There were 14 fractured limbs, six neck injuries, three spinal injuries, four head injuries, five injured their backs, three were knocked unconscious, three injured their knees and seven had fractured ankles.

That was on Saturday. He continued:

On Sunday there were a further 18 football accidents, a soccer accident, one hockey injury and a person who was hurt on a mini bike.

But we did have a good suggestion. At the end, the article said:

... the key to preventing spinal and most other injuries was to educate players, coaches and administrators.

Let me list the number of ambulance calls by sport. Football accounted for 41 calls, netball nine, soccer nine, hockey one, baseball one, aerobics one - anybody who goes along to aerobics wants to watch out - and rodeos two. We are going to ban them. Talk about cruelty to the animals - these are the people that are riding them.

We come down to clause 20, which is the clause that so much attention is being given to. I am not sure that it actually bans kick boxing. I think it could probably ban every other martial art that ever existed, but interestingly enough I am not sure that it bans kick boxing. It says:

A person shall not, without reasonable excuse, engage or participate in a boxing contest -

I just stop there for a moment. The key word there is "boxing". The definition of "boxing" in the Bill states:

"boxing" means fist fighting or any other style of fighting -

and here are the key words -

(other than kick boxing) -

so we take kick boxing and we put it aside; it is not in it -

in relation to which a class of boxers is prescribed under the New South Wales Act and includes sparring and any such style;

The definition says that kick boxing is not included, so we go back to clause 20 and we read:

A person shall not, without reasonable excuse, engage or participate in a boxing contest -

it does not include kick boxing -

in which a foot or any other part of the leg of a contestant may be used to strike his or her opponent.

It was suggested to me that if you wanted the definition of "boxing" as used in clause 20 you should not look in the definitions at the front of the Bill. That makes sense. It makes as much sense as a lot of these things do. Not having legal training, I would go to the definitions, as I did. I looked at the definition of "boxing" and I realised that it did not mean kick boxing. So, whatever is banned in clause 20, according to the definition it is not kick boxing, but because the clause talks about "foot or other part of the leg" obviously it brings in all the rest. Kick boxing is safe. I could sit down now if I were worried only about kick boxing but - - -

Mrs Grassby: Why don't you?

MR STEVENSON: Because, Mrs Grassby, what we have is even more interesting. That is why I do not sit down just yet.

Mrs Grassby: It might be to you; it is not to me. I think it is boring.

MR STEVENSON: I do not think that requires comment. The definition of boxing states:

... in relation to which a class of boxers is prescribed under the New South Wales Act ...

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You could look all through the Bill and not find anything to do with the New South Wales Act, so you go along and get the New South Wales Act. I can understand why the New South Wales Act was used. At the start of the New South Wales Act, before Part 1, it states:

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled ...

Obviously it was because of the strong monarchical flavour that that was referred to. Then you look for a reference to prescribed classes of boxers. Where is it? We find it on page 6. It says:

For the purpose of registering boxers, classes of boxers may be prescribed according to the style of fighting practised by them.

I am not sure that that really puts a lot of light on what we are doing, so let us go back to what "boxing" means. "Boxers" is the key word. We go to the interpretation section in the New South Wales Act. It says:

"boxing" means fist fighting, kick boxing or any other style of fighting in relation to which a class of boxers is prescribed under section 6 ...

I went back to where it talks about "prescribed under section 6" and then back to the definition, and I thought, "I am not sure that it really covers it all that well, particularly when if the New South Wales Parliament changes the regulations that changes law in the ACT". I am not sure that that is a good principle. Even if we have done it before, I still do not think that makes it a good principle. I do not think we should pass any legislation that is dependent on what the members of the New South Wales Parliament do, unless the people of the ACT have agreed with it and it has to do with health, education, and law and order - although I think such matters should go back to the Commonwealth.

Mr Kaine: You have lost me, Dennis.

MR STEVENSON: Let me explain, Mr Kaine. If we have the New South Wales Parliament making laws for the ACT that we do not know about, perhaps that is not a good thing. Has anybody read the various prescriptions about fighting that are made under the New South Wales Act? Has anybody read the individual areas that are prescribed? They can be prescribed by regulation. It is very hard to get the regulations on this. I have not seen them. I do not know what they cover, but I do know that the New South Wales Parliament can change law in the ACT any time they want to make different regulations in relation to their Act, which we have tied our legislation to. I do not think that is a good idea. Mr Berry was quoted in the *Canberra Times* on 6 May as saying:

Section 20 of the legislation, which bans boxing contests using a foot or any other part of the leg, is aimed exclusively at kickboxing ...

So we are safe. It is aimed exclusively at kick boxing. But I am reminded of the drunken would-be William Tell who was reported in America last week as aiming an arrow from his bow at a tin can on the top of a friend's head and shooting the fellow in the eye. When Mr Berry says that it is his aim to target exclusively kick boxing, I am not sure that he struck the target. I think the legislation is ill conceived. I think it is a problem that there is no consultation. I do not think we should have New South Wales making this law for us.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (9.06), in reply: I must say that those proponents of kick boxing who see Dennis Stevenson supporting them would be very worried about their position. If Dennis supports it there has to be something wrong with it.

Mr Stevenson: Like Canberrans wanting a council?

MR BERRY: I must also say that that outrageous little snake oil salesman act that we just heard in relation to interpretation of the law demonstrates your absence of knowledge and the reason that you are in here and not dealing with law. You know nothing about it - - -

Mr Stevenson: Absence of legal training I grant you totally.

MADAM SPEAKER: Order!

MR BERRY: You know nothing about it. I think you just set out to make a laughing-stock of this place in your approach to the way that we make laws in this chamber.

I will deal with a couple of things that Michael Moore said. Firstly, I agree with Mr Moore that an interjection I made was an intemperate choice of words, and I withdraw them unequivocally in relation to Mrs Carnell. I know that she cares about her children, but I have to say that it surprises me that somebody like her supports this sort of legislation. If she supports what Ms Szuty is on about it will lead inevitably to more violence in our society. There is no question about it.

Mr Moore: There is a question about it.

MR BERRY: I will get to Mr Moore. Mr Moore is a great one for talking about not banning things and how we ought to have a free market in various items in society, but he supports a ban on tobacco advertising. He supported the Labor Party. He supported the Labor Party - a good position, too - and Ms Szuty supported the Labor Party in a ban on circuses.

Mrs Carnell: No, Ms Szuty did not.

MR BERRY: Did she not? I take that back about Ms Szuty. Mr Moore supported the Labor Party - it was a proper position for him to take - to ban circuses in the ACT. To take the position that Mr Moore has taken in relation to something which he describes as a ban on kick boxing seems to me to be a bit of doublespeak - just a little bit; a smell of duplicity, as they say.

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Boxing is unique amongst sporting activities in that the ultimate aim is for victory to be obtained by inflicting on the opponent such a measure of physical injury that he or she is unable to continue. This is the only sport where this is the case. Because this is so, many people now advocate that boxing should be banned - your AMA friends would support that view, Mrs Carnell - or, if this is not possible, that young people should be discouraged by educational campaigns from taking up this sport. That is fair enough. Others support boxing as a virile training in self-defence or as a healthy outlet for human aggression, and point to its worldwide popularity as a participant and spectator sport.

The Government actually considers that interest in this sport is declining, and I would point to the world amateur boxing championships conducted in Sydney in December 1991 at which entries were down, crowds were poor and even the finals were fought in a largely empty stadium - and rightly so. It is, however, a noteworthy and important consideration that boxing remains an Olympic and Commonwealth Games sport. If it were not for that fact it would not have the level of support that it does throughout the community. Boxing supporters therefore press for rational controls designed to minimise the risks of serious injury to the participants. That is why Labor supported the introduction of regulation of boxing. We promised it in our election campaign and we are now delivering. We are quite proud to do so.

In the Australian Capital Territory the issue of boxing control was brought to a head by the presence of a boxing tent at the Royal Canberra Show in 1990 and by a subsequent article in the *Canberra Times* accompanied by photographs of participants, some of whom were under 15 years of age. An inspection of the activity at the show revealed that ring facilities were inadequate; there was no medical practitioner in immediate attendance, if available at all; some of the boxers belonging to the tent were underage for employment purposes; and there was no proper check on the health, sickness or competency of participants invited into the ring from amongst the show's patrons.

A large number of representations about the boxing tent were received from the general public, the local boxing industry, the Australian Medical Association, the Amateur Boxing Union of Australia and the Australian Commonwealth Games Association. These representations expressed outrage at the age of participants, the fact that the tent was in the open and there were no spectator age restrictions, the call for the immediate banning of boxing, and the call for regulation of boxing to ensure the health and safety of those involved in the sport. A search of legislation revealed that there were no appropriate measures in place for the control of this activity. The Royal Canberra Show Society was requested to not permit further boxing tents and, to its credit, has agreed.

Mr Cornwell: Defend your kick boxing arguments. Never mind about this. We are not arguing with that.

MR BERRY: I will get to that, old fellow; just sit down and wait. This left the decision as to how to proceed generally with the question of boxing control. In its 1986 report "Health Aspects of Boxing", the National Health and Medical Research Council agreed with the recommendation of a 1984 British Medical Association report that boxing be banned. However, in the same report the council recommended that, whilst boxing is allowed to continue, urgent attention should be given to upgrading of the control of boxing, with appropriate

controls and supervision to minimise the risk of injury to the participants. The council also advocated the adoption of a national protocol to standardise these control and supervision rules and procedures. The question still remained for the Government to decide whether to move to ban boxing or to control it.

Calls to control boxing are supported by figures relating to deaths in this sport in Australia. In the years 1900 to 1972 there were 82 deaths directly attributed to boxing. Let us not forget; if you have a look at the Australian rules of the World Kickboxing Association they follow the guidelines of the Marquis of Queensbury, with the exception that competitors can kick to all the same target areas as a boxer, and so on. That means that you can punch people around the head with boxing gloves on, but you can kick them round the head with nothing on your feet and legs. The Bill quite specifically places stricter controls on professional boxing than on amateur boxing. This recognises the fact that amateur boxing has a worldwide controlling body and an Australian body which is part of that world body. The performance of the Amateur Boxing Union of Australia in looking after its boxers has been first class, and this legislation will allow amateur boxing contests only where they have been organised by the union or an affiliated club. The rules of amateur boxing include the wearing of headgear and the restriction of bouts to three rounds.

The International Amateur Boxing Association has recognised that the sport is under serious scrutiny, and so it ought to be. It is a dangerous sport. People get injured. Boxers get injured. For those of you who have not been in the ring, Mr Humphries, and had a bit of a punch or two thrown at you - - -

Mr Humphries: How do you know?

MR BERRY: I can tell because your nose is still a bit straight. I have watched you on your feet, Mr Humphries, and I reckon that if it was anybody worth their while it would not be straight by now. The International Amateur Boxing Association has recognised - - -

Mr Humphries: You take me out the back and see. Make a bet.

MR BERRY: I have been in a few and I got hurt when I won them. It is a sport where you get hurt.

The effectiveness of its rules were evident at the 1991 world championships, where not one bout was won by a knockout. Under this Bill professional boxing bouts may be approved only where the participants, boxers and officials, are registered with the New South Wales Boxing Authority, and where the boxers are in possession of a current medical card issued by the authority. These cards carry records of fights and medical examinations before and after each fight. They also show details of any period for which a boxer is barred from fighting for medical or injury reasons. We have arranged a process whereby registration details and the details on the medical cards can be authenticated with the New South Wales Boxing Authority.

Special conditions pertaining to women's applications have been necessitated by the fact that women are effectively banned from boxing in New South Wales and subsequently are unable to be registered with the Boxing Authority and unable therefore to obtain medical cards. That is why they rate a special mention.

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This Bill allows for an independent medical examination to be part of a woman's application to participate as a boxer in a boxing contest. This is in accord with the Government's stated gender equity policies. Madam Speaker, the Bill - - -

Mr Kaine: Would you approve an application if you got one?

MR BERRY: I have said, and I will say it again, that the Bill does not have any effect on any other martial arts activities so long as they are not used to hide de facto kick boxing contests.

Mr Kaine: Says you.

MR BERRY: I will repeat that, Madam Speaker. This Bill will not have an effect on other martial arts so long as they are not used to hide de facto kick boxing contests.

Mr Moore: That is not what the Bill says. It is written in plain English.

Mr De Domenico: What is a de facto kick boxing contest? That could be a martial art. It is the same definition as a martial art.

MR BERRY: It is clearly spelled out in the long title of the Bill. The Bill specifies a legislative regime to control boxing - not rugby, not swimming, not tae kwon do, or other martial arts, but boxing. It is clear. So let us not try that red herring that Mr Humphries has tried on, because it is just not worth arguing about.

It has in the past been noticeable that the Opposition and the media have chosen to ignore the positive advancements contained in the Bill rather than to focus on our efforts to get rid of a violent sport in the community. The Government is very concerned at the impact on young people and on the community in general if a particularly violent activity such as kick boxing is sanctioned as a sport. We looked at recent television and theatre guides which showed many feature movies depicting ultraviolent displays of kick boxing, with heroes of the most aggressive and dangerous nature.

Mr Cornwell: The Bill is not going to do much to stop those.

Mr Connolly: No; the Bill on Thursday will, though.

MR BERRY: The Bill on Thursday, the MA Bill, which you will support - - -

Mrs Carnell: You mean that people over 15 do not - - -

MR BERRY: Which you will support; that is where the double-dealing comes in. The dubious double over here will support those sorts of things. This is a whole range of doublespeak. We are also aware of kick boxing contests being conducted in hotels and clubs as part of the night's entertainment. It is just not on that we should encourage the attitudes and behaviour demonstrated in the depictions and realities of this sport.

I ask the question, Madam Speaker: Do members of this Assembly really want to sanction the pub fights regularly organised in the ACT? These pit fights, as they are called, take place without proper ring facilities, without any medical checks or medical presence at the fights. Fighters are pitted against one another as they are available, without proper regard to skill, fitness or ability levels. It is just a blood sport.

Mr Humphries: That is hearsay.

MR BERRY: How would you know? Have you ever been in a boxing ring? Have you ever had the gloves on? How would you know? The Government's Bill would outlaw these activities. What Mr Moore and Ms Szuty are about, and the Liberals, and Mr Stevenson, is allowing presentation to our community, young and old, of a very violent sport. All of you, from time to time, screech out loud about the level of violence in our society. Some of you who have been out late enough at night would have seen those youngsters having a kick at each other, trying to emulate the kick boxing heroes. What we have to demonstrate to the community as leaders in the ACT is that violence is not on, and it is in decline. What about organised kick boxing? Even here we have undisciplined violence. Listen to this one. I have been quoted figures by proponents of kick boxing that say that there were no deaths in kick boxing last year. I heard somebody say that here. These people have the temerity to then make comparisons with other sports, such as the football codes and netball. There are over 350,000 netballers in Australia.

Mr Kaine: So, how many of them were killed?

MR BERRY: None of them set out to take each other out; that is not the aim of the sport. The aim of kick boxing is to take your opponent right out. (*Extension of time granted*) Somebody mentioned the football codes. The aim of rugby league and rugby union is to get the ball, the bladder, from one end of the paddock to the other.

Mrs Carnell: What do you do to the other person who has it?

MR BERRY: Yes, there is some effort to get the ball off the people in between the ends of the field. Everybody knows that. But the main aim is to take the bladder from one end, or from the middle, to the other end, and hopefully from the middle back to the other end.

Madam Speaker, the aim of the kick boxing contest - - -

Mr De Domenico: Is what?

MR BERRY: The aim is to take your partner out, to beat them senseless.

Mr De Domenico: No, it is not.

MADAM SPEAKER: Could we have some order, please!

MR BERRY: To leave them a bleeding mess. That is what the aim of kick boxing is.

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Mr Cornwell: If I take my partner out - - -

MADAM SPEAKER: Order! The Minister has had not one minute's silence for his entire speech. Could we give him just one for the end of it.

Mr Humphries: Okay, just one.

Mr Kaine: That is asking a bit much, Madam Speaker.

MADAM SPEAKER: Order!

MR BERRY: Beat them to a senseless mess. That is the aim of the game. Drive them to their knees. You people support that. You support its presentation to the community as a violent sport, and you support your kids being exposed to it.

Mr De Domenico: No.

MR BERRY: Well, your kids are going to be exposed to it.

Mr De Domenico: Why?

MR BERRY: Your kids are going to be exposed to it. There was some talk about the football codes. There is a total registration throughout Australia in excess of one million people. Again, the bladder is taken from one end of the paddock to the other. You people do not seem to understand, or want to understand, the difference. Of course, there will be injuries in all sports, and they are to be avoided at all costs. Unfortunately, people will die where there is such a large involvement. Look at lawn bowls. Mr Moore stupidly used lawn bowls as an example. What a stupid example! What a stupid example to try to cover up his support for the depiction of a violent sport. What a stupid suggestion! That is just a bit much.

Have members who wish to legitimise kick boxing seen the television clips? I spoke about one of those this afternoon. It shows men and women - it would make you weep - beating each other senseless; young women were punching and kicking each other with blood streaming down their faces. That is the sort of thing that you want people in the ACT to see; the young people whom you will complain about when there is violence out there in the streets as a result of their exposure to that sort of thing. You will complain about it, as you always have. You will whinge about there not being enough police and not one of you will do anything to stop it. We will win on this one, 9-8. We will be the winners and you will be shown up for what you are.

The Bill is quite specific in that it makes it an offence to engage in a boxing contest where the feet or legs are used to deliver blows. It does not ban the activity. Kick boxing can still be taught as a self-defence mechanism or a fitness activity.

Mr Kaine: Why stop at 9-8 if it is going to win out in the community?

MR BERRY: We will win out there. That is what I was saying, Mr Kaine; we will win out there because the people of the ACT do not support the extension of violence into our community. They want it stopped. That is what this Bill sets out to do. People can learn it as a self-defence activity in gymnasiums and other places, but this Bill sets out to stop organised events which promote the sport and

which encourage other people to be involved in it and the exploitation of young people who get themselves involved in it. If you really want to support that sort of thing you wear the consequences of it. It is not going to be on my conscience. We are going to win this 9-8. We are going to win it out there.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3

MS SZUTY (9.27): Madam Speaker, I move:

Page 2, lines 9 and 10, (definition of "boxing"), omit "or any other style of fighting (other than kick boxing)", substitute ", kick boxing or any other style of fighting".

In moving this amendment I want to make it clear that I do so in the interests of all who wish to participate in kick boxing competitions in the ACT. The Government, through this Bill before us, seems to differentiate between one form of boxing and another and I have not heard any convincing arguments from the Minister that it is necessary to do that. It seems to accept a proposal that by banning kick boxing it protects potential contestants.

I have argued, and will continue to hold the view, that in most cases prohibition does not work, particularly when an activity is only prohibited in particular forms. In this case the Government proposes to allow kick boxing training and practice but says that competitions are not allowed. In my opinion this will force contests underground and fail contestants by not ensuring the best possible codes of practice for the conduct of bouts and the manner of protective clothing to be worn. Madam Speaker, if my amendment is successful the Minister will have the responsibility for developing those very codes of practice.

Madam Speaker, earlier in this debate I congratulated the Government in finding a balance between adopting our own and interstate standards for boxing competitions. I feel that using the existing New South Wales system of registration is an appropriate way to avoid inconsistencies across the border and efficiently avoid duplication of like services. I also support the Government's initiative in ensuring ACT control of boxing contests by the development of codes of practice described at clause 16 of the Bill before us.

But why is the Government moving toward an outright ban on one particular form of boxing? New South Wales has not banned kick boxing, nor has any other State or Territory in Australia, although I have been informed that possibly some jurisdictions may wish to ban it. In Queensland there is no regulation whatsoever, South Australia seems to be rethinking its position, Western Australia treats it as a form of boxing, and the remaining States and the Northern Territory allow kick boxing after police approval. Despite the differing views on the need for regulation, I have not seen any evidence that warrants the singling out of this one form of boxing from others to be banned.

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I have been informed, especially by the Minister, that the sport is violent. However, we know that other sports are at times violent also and the Boxing Control Bill aims to regulate and control one of these, fist boxing, to limit its potential danger to contestants. We have rules in rugby league which attempt to limit dangerous practices such as headhigh tackles and spear tackling. In 1992 New South Wales boxing authorities attended six kick boxing competitions as official observers to take note of the injuries for boxing registration records. Unfortunately the material provided to me does not show how many events were on the card for each competition, but there were nine injuries, seven of which were head injuries, and the recommended treatment was a month's rest from boxing.

Debate interrupted.

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.

BOXING CONTROL BILL 1993 Detail Stage

Clause 3

Debate resumed.

MS SZUTY: Madam Speaker, on the rugby league field, concussions, as described in these injury reports, will see a player sent off, but if they regain consciousness before the final whistle they are often allowed back onto the playing field. For comparison, there were 24 fist boxing competitions that same year which resulted in 58 official injuries - 28 head injuries requiring a mandatory one-month rest from boxing, seven two-week lay-offs for eye lacerations, one two-month suspension for a ruptured eardrum and hand fracture, and four fighters were ordered to have full EEGs or neurological examinations before they could fight again. So which is the most violent sport? Kick boxing, which hosts few bouts a year, or fist boxing, which is practised often and appears to have a similar injury record? What would be the record if we did not control the sport of kick boxing? I would suggest that the rate of injury and the rate of boxers who fought too soon after injury would be much higher. I do not for one moment believe that the competitive side of the sport will cease; it will just become unofficial and unsupervised.

Another argument that has been put forward by the Minister tonight is that young audiences flock to existing bouts which have been described to me as "pit fights". It appears there is a strong following among young people of Jean-Claude Van Damme, as Mr De Domenico has described, and other kick boxing personalities to the extent that there is a television series based on the exploits of a kick boxer. If we ignore the fact that the sport is practised, which on all the available evidence has a good following, we risk allowing that aspect of kick boxing to become dominant. If young people are attracted to the sport, let them go and see well-organised controlled bouts of skill where they can admire the athleticism and skill of the combatants. I accept the reality that many spectators do want to see blood and injury, but I feel that the Government does not need to address the wants of these spectators but to meet the needs of the contestants. To me, those needs are adequate regulation and control of their sport and sufficient protection and medical supervision for contests.

I have been informed that the re-emergence of the boxing tent as a sideshow has also raised concern about kick boxing competitions in these environments. I agree that such environments are not appropriate if they lack supervision and control, and competitors should never be encouraged to participate from the ranks of the untrained and unskilled. By including kick boxing in the range of boxing contests covered by the Boxing Control Bill we prevent these contests from occurring in the ACT. If additional measures are deemed to be necessary to control such contests, the Minister can use his power under the Act to refuse any application to allow a boxing contest at an inappropriate venue or under inappropriate circumstances.

Madam Speaker, I have often, in the past, advocated regulation and control over and above prohibition as the way to ensure harm minimisation and monitoring of activities which have risk associated with them. From a philosophical point of view, I am convinced that in seeking to ban an activity completely we encourage entrepreneurial talents to be channelled into avoiding detection. The illegal and prohibited have a mystery about them, and I am sure, as many members of the Assembly have acknowledged in their voting on other subjects, that prohibition has not worked in many areas of human activity. For many centuries, and in diverse cultures, for example, governments have sought, to varying degrees, to ban prostitution. The fact is that overt activities which are banned become covert, and I am ideologically opposed to ignoring the existence of the sport of competitive kick boxing, burying our collective heads in the sand, rather than bringing it under the regulatory control of the Minister for Sport.

I am not concerned with arguments about the violence level of the sport. That and other concerns can be addressed by the Minister on the passage of this Bill with the amendment and deletion I have proposed. There is sufficient scope for the Minister to influence venues, conduct of the bouts, protective gear, medical practitioner attendances at contests, procedures and records kept in relation to contests, and which rules are to apply. Indeed, the scope for influencing the codes of practice that the proposed Act allows for is so wide that the Minister can use his discretion on almost any matter related to contests. That is moderated, Madam Speaker, by the scrutiny of codes of practice by this Assembly, which should act as a moderating force when the codes seem too lax or too restrictive. Therefore I feel that the Boxing Control Bill provides the perfect mechanism for ensuring that the concerns that have been raised with me about kick boxing are dealt with in a fair and professional manner.

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Madam Speaker, there is also an issue of civil rights encased in this debate. Why should not a person be allowed to compete in a sport that is currently legal? If a person fulfils the criteria for competing in a kick boxing contest, is aware of the dangers and abides by the rules laid down, why should their sport be singled out? As the figures presented earlier demonstrate, boxing produced more injuries. Rugby league, rugby union and Australian rules football all produce injury lists, but we are not asking that these sports be banned. There may be examples of banned sports that the Minister may wish to identify to back his case for the prohibition of kick boxing, and I will listen with interest to any justification he may be able to provide; but I state again that I have heard no real argument which leads me to believe that we would be better off banning kick boxing instead of regulating and controlling the sport.

Mr Deputy Speaker, in my speech at the in-principle stage of this debate I referred to New South Wales regulations which prescribe safety gear which is necessary to be worn before any competitor can enter a boxing ring. The regulations describe, among other things, the minimum weight of boxing gloves that are to be worn during a bout - at least 227 grams in weight, with the padding intact, and at least 114 grams of padding over the top part of the glove. Contestants are also allowed to have bandages under the gloves, up to 2.7 metres for each hand, and an additional two metres of adhesive tape. The gloves are inspected before the contest and in between rounds to ensure that they meet the guidelines, and they can be rejected. So what extensive protection does New South Wales demand for kick boxing? Foot pads and shin pads. All the other protective equipment, apart from pants for kick boxers and shorts for fist boxers, are common to both codes. As I have stated earlier, these foot and shin pads have not been thoroughly defined, as is the case with boxing gloves; so the practices which have developed have been deemed to have been unsatisfactory. (*Extension of time granted*)

The authorities interstate have informed me that because the regulations call for only foot pads and shin pads kick boxing promoters and competitors have developed the practice of using elasticised ankle braces and other such minimal cover. This goes against the spirit of the regulations, but has not been strongly opposed. Likewise, interstate authorities are under pressure to abolish this minimal protection and to allow the use of elbows and knees to strike an opponent. This has been described as the "mui Thai", or Thai boxing. Mr Deputy Speaker, industry pressure is just that - industry pressure. It does not mean that there is a need to meet those expectations or to allow practices which are overtly dangerous. There are regulations and, on my reading of the situation, these need toughening to bring the standards for protective wear in kick boxing up to those prescribed for fist boxing. I feel that the ACT can learn much from the New South Wales experience and ensure that the codes of practice developed under clause 16(e) of the Boxing Control Bill are much more prescriptive. Perhaps this could be the start of a burgeoning ACT manufacturing industry. But I am sure that adequate protective padding apparel is available; it is just not heavily used. We can do better than New South Wales has done in this instance.

Mr Deputy Speaker, it has been suggested to me that my image in the community could be tarnished by supporting such a violent sport as kick boxing. However, I feel that it is no more tarnished by this attempt to regulate an activity than it was when I supported moves to better regulate drug use and the prostitution industry, or when I sought to help the promotion of safe sex practices

and intravenous drug use in the Remand Centre. In fact, Mr Deputy Speaker, I am sure that my reputation will rest on my ability to deliver on the principles and policies I espoused during the election campaign, and my ability to sensibly and rationally address issues of concern to the Canberra community. Mr Deputy Speaker, in this instance I feel that the Canberra community is best served by bringing kick boxing under the same regulations which will cover fist boxing, to quote the Minister, as I feel that the measures outlined in his speech should be read in the context of allowing kick boxing to continue in the ACT.

The Minister stated that boxers would have to be registered with the New South Wales Boxing Authority. I quote:

This registration involves a medical card for all boxers. The card carries a complete history of each boxer's career and medical examinations before and after each bout. The card also carries details of any period for which a boxer is suspended from fighting for medical reasons ...

All bouts, amateur and professional, would require the approval of the Sports Minister or delegate, and approval would be given only where the appropriate rules, registration and medical conditions had been complied with. The Bill also requires that other industry participants, such as trainers, judges, managers and seconds, be registered. This ensures that, for the safety of the boxers themselves, the whole industry is appropriately controlled.

Mr Deputy Speaker, I think that eloquently states the case for the regulation and control of kick boxing, and I urge members to support this amendment and to vote against clause 20 of the Boxing Control Bill when it comes to a vote.

MR STEVENSON (9.40): Mr Deputy Speaker, I believe that the amendment to the boxing definition under the interpretation clause largely handles the definition problem that I referred to earlier. However, it does nothing about our connection with the New South Wales Act in the rest of that particular boxing definition and, as I mentioned before, I think that is a major problem. I do not think it need be. There are, no doubt, a number of ways we could solve - - -

Mr Berry: Yes, pay to set up our own.

MR STEVENSON: Mr Berry mentions one. It is to pay to set up our own boxing commission or fighting commission or kick boxing commission or whatever you might call it at the time.

However, there is perhaps a better idea that would not cost as much money that may have slipped by without being observed. We could state that we agree on this day with the currently prescribed regulations in New South Wales. You say, "But, look, they are going to change from time to time as the New South Wales Parliament brings in new regulations", and, indeed, they will.

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What we could do there is communicate with them and suggest that if they are going to bring in new regulations they let us know about it, and we can decide whether we feel that the ACT should also agree with those regulations. If we do and there is a problem about them coming in at different days, we could say, "Look, let us make it the first of next month", each of the times that we agree on regulations. It would appear that that would be a very simple method - there are no doubt others - of solving the problem, that problem being that the New South Wales Parliament could change ACT law.

The other point I would make once again is that, if there had been extensive consultation with the kick boxing and other industries associated with fighting, a lot of the problems that we have seen tonight and over the last couple of months would not have occurred.

MR MOORE (9.43): In attempting to defend his position on this Bill, Mr Deputy Speaker, the Minister has pointed to a number of people and said, "Yes, you are just going to go for violence and you are going to be advocates of violence". The shallowness of his understanding would be mind-boggling if it had not been demonstrated so many other times. The Minister then went on to argue, in response to my speech, that I simply advocate a free market in such things, which contrasts with my attitude to tobacco advertising. The only thing I could imagine that he was referring to - I have heard this sort of statement made before, incorrectly - was my stance in particular on illicit drugs. I would like to clarify this. I have never advocated a free market. On the contrary, I advocate a system of control because we do not have control at the moment.

Mr Berry: You are a bit sensitive. I did not say a word.

MR MOORE: I am leading to a point. If you concentrate for a short while you might be able to get a slightly more in-depth understanding. Mr Deputy Speaker, that is why I so strongly support restrictions on the most lethal of drugs that people use, tobacco. It is there that I supported restrictions in terms of advertising but not the full banning. It is the same here, Mr Deputy Speaker. For the good of the general public, recognising the violence of this sport, I support the Boxing Control Bill in everything other than clause 20. All the mechanisms that are in place are there to support it. It is mind-boggling that the Minister has such a shallow understanding of it. That understanding was demonstrated by his very example of using football and chasing a bladder up and down the field. If he wants to be consistent he would need to ban gridiron because in that sport, although the original goal is to get the ball down the field, the players concentrate on each other in order to stop the other player going through. That is the particular goal of the players other than the particular player with the ball.

Mr Deputy Speaker, the most appropriate thing for us to do is to support the amendments of Ms Szuty, and then to support this Bill as a whole, in order to protect our community in the best possible way from violence, instead of having such a shallow understanding as the Minister has demonstrated and increasing the violence, particularly the underground violence, in the community. That will be the result of what he is proposing.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (9.46): Mr Deputy Speaker, I am very pleased to see that Mr Moore has not again tried to defend his position by using lawn bowls as an injury prone sport that he could compare with kick boxing. It is pleasing to see. He will not convince people out there that he is in any way concerned about violence in the community, and that is the end of the matter. What I find surprising is the refusal of people opposite and to my left here to accept that boxing is a sport where people belt each other senseless. That is the aim of the sport.

Mr Kaine: Well, why don't you ban it?

MR BERRY: Mr Kaine asks, "Why don't you ban it?". If it were not an Olympic and Commonwealth Games sport it would be in a very different position than it is now right across Australia, including here. Boxing, if it were not an Olympic sport, would not be accepted across the community, because of the violence of the sport. The aim is to bash people's heads until they are senseless and can no longer stand up. When they fall on the floor they go down for the count.

Ms Follett: And the other one wins.

MR BERRY: And the other one wins. That is what boxing is about. If it were not for the fact - I repeat again - that it is an Olympic sport and a Commonwealth Games sport it would be gone, in my view. It is no longer acceptable; it is declining in popularity, and so it should.

Kick boxing has no similar status. It is not a Commonwealth Games sport; it is not an Olympic sport. I think that explains the very distinct differences between the two sports. When it comes to its effect on the community it is very clearly a promotion of violence. It is very clearly a promotion of violence, as is boxing, but it has a little appendage. Not only can you punch them around the head with eight- or 10-ounce gloves, to use the old measure; you can also rip the boot in as well. In Australia it has to be above the waist, but in other countries it extends to other areas of the body. There can be a bit of grappling and so on and so forth. So kick boxing is an extension on the violence which is committed against participants by each other. If you do not think that boxing generally promotes violence in the community you are kidding yourself, and if you do not think that kick boxing adds another dimension to that violence you are kidding yourself. The community out there will recognise you for it, I trust.

One of the good things with all of this has been that the move to prohibit kick boxing competitions in the Australian Capital Territory at least has diverted the attention of those opposite from the main thrust of the Bill. We did not see too much grandstanding on that score, so I am thankful for that.

Mr De Domenico: No, we would not, because we said that the rest of it was good legislation.

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MR BERRY: Forgive me when I say that I do not believe you. So the very important boxing regulation will go through, it seems, unscathed. It will be noted by the community that an opportunity has been lost. We will never recover the lost ground because there will be added promotion of violence as a result of your insistence that this sport continue. You will assist in the promotion of violence. It will not be very long before we will see Mr Humphries - he will be the first - screeching about violence out there in the community. Mrs Carnell will be talking about the danger to women and children on the streets, as she has done in the past, and she will be continuing to argue about the effects of violence on the community. That is right and proper if you are not helping to promote it. That is the awkward predicament you find yourself in.

Mr Moore argues that if we prohibit kick boxing there will be more of it. I can say to you that if we were to prohibit kick boxing contests in the ACT there would be none of them. Our damn fine police force would see to it. Madam Speaker, there we have it. We will lose an opportunity to reduce the impact of violence on the community and the expansion of violence in the community. We will lose an opportunity to prevent the promotion of a violent sport - one of many.

Mr Cornwell: Would you ban boxing?

MR BERRY: My view is that if boxing were not an Olympic sport and were not a Commonwealth Games sport you would have to have a close look at it. That is my view, and I think that is the view of many. The AMA would do it tomorrow because they have seen the results. They have seen the people with their mashed brains, punched - - -

Mr Humphries: And you agree with the AMA?

Mr De Domenico: Do you agree with the AMA?

MR BERRY: I do on this score, as I do on many other health issues. They have seen the results of people being punched in the head. They will now see not only the results of being punched in the head but also the results of being kicked in the head. The AMA and I are as one on this issue. That is a good one; you can write that one up. They recognise that this is a dangerous sport. Almost the overwhelming majority of the people of the ACT and, I believe, of the country recognise it as a very dangerous sport. If Dennis were to conduct one of his Dennis polls it would tell him that it is a dangerous sport and ought to be banned, but he will not do that.

Mr Stevenson: You are not a gambling man, are you?

MR BERRY: As a matter of fact, no, I am not. We are in a situation where we are just about to see an opportunity lost. Shame, Madam Speaker, shame!

Question put:

That the amendment (**Ms Szuty's**) be agreed to.

The Assembly voted -

AYES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Ms Szuty
Mr Westende

NOES, 8

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Wood

Question so resolved in the affirmative.

Clause, as amended, agreed to.

Clauses 4 to 19, by leave, taken together, and agreed to.

Clause 20

MS SZUTY (9.56): Madam Speaker, I wish to indicate to the Assembly that I will be opposing this particular clause, which has been the subject of our discussion tonight, prohibiting kick boxing.

MR MOORE (9.57): Madam Speaker, in some ways the debate this evening has been based on a very adversarial system. I think that it is an appropriate opportunity to quote from "Violence - Directions for Australia - National Committee on Violence" in the section on boxing. It is appropriate because I think that that committee had exactly the same problems as this Assembly did, with some of its members wishing to see a complete ban on boxing. That appears as a minority report in the back of this publication. The majority of them came down against that recommendation.

What is clear from a reading of this very informative document on violence in Australia, Madam Speaker, is that the issue is difficult. I think that the one thing that does come through tonight is that members are genuinely concerned - it seems that all members are genuinely concerned - about the reduction of violence, but some of us would go about it in a different way. Those of us who are voting against this clause and who voted previously for Ms Szuty's amendment are consistent with the majority report on boxing - not kick boxing, but boxing - in this document, and, I think, consistent with the spirit of this document. I note in it, Madam Speaker, that the World Medical Association in 1984 recommended the complete banning of boxing. Had Mr Berry actually had the courage of his own convictions that he has presented tonight, and had he been consistent, of course, he would have sought to ban boxing.

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For me to be consistent in my approach I would seek to support what he has set out to do in this Bill, which is to regulate and control and not to condone violence, and I do not condone violence at all. The report states:

Over the past century, the sport -

we are talking about boxing -

has changed somewhat in response to community concern about health risks.

You can apply that to kick boxing. It continues:

Boxers now wear gloves, and fight shorter bouts within specified weight divisions. Protective headgear is required for organised non-professional competition. However, in spite of these modifications, and the fact that boxing has provided an avenue of upward mobility for many Australians from disadvantaged backgrounds, most Committee members feel that because of the fundamental character of the sport, whose aim is to inflict harm on one's opponent, it cannot be condoned.

I think, Madam Speaker, that is agreed by all members here. It goes on:

As a result, several Committee members strongly favour a complete ban on boxing.

You could apply the same in regard to kick boxing. The report continues:

However, after lengthy discussion of this issue the majority of the Committee felt that it would not be appropriate to recommend an outright ban on boxing.

Madam Speaker, I think the same applies here with kick boxing. Perhaps the Minister would take the time to read this. I am sure that he can get a copy himself, but I would be prepared to lend him mine for a short while. If he did read it I think he would see that there is a very different approach to violence recommended by the National Committee on Violence than simply resolving the problems by banning. They seek solutions to the condoning of violence from - to use their term - the marketplace of ideas.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.01): I can see why Mr Moore is getting a bit sheepish on this subject. He tries to draw an inappropriate connection between the sport - - -

Mr Moore: I am trying to be consistent.

MR BERRY: You are not being consistent, because you are talking about boxing and a particular approach taken in that report. Boxing is not the subject of any interest in terms of banning it.

Mr Moore: It is called the Boxing Control Bill. You cannot even remember that.

MR BERRY: Mr Moore, I will repeat what I said: Boxing is not the subject of any interest in this Bill in relation to the banning of it. Do you understand that?

Mr Moore: That is right.

MR BERRY: Okay. Mr Moore also failed to mention, although he would have heard me say it earlier, as did the Liberals opposite, that we had an election commitment to regulate boxing - not to ban it; to regulate it - and we are standing by that commitment. That is consistent with the report that you are talking about, but there are questions, which you rightly raise, about boxing - - -

Mr Moore: What was your commitment about kick boxing? You did not even raise it in the election platform?

MR BERRY: In relation to kick boxing it is evident - - -

Mrs Carnell: It just flashed into his head one day.

MR BERRY: The mask is down, Mrs Carnell. The mask is down because you are now bearing the burden of somebody who supports the exhibition of violent activities in this sport. The mask has fallen away. The soft and cuddly image is out the window because you now have to wear the responsibility for supporting the exhibition of violent sports.

Mr Moore: That is a lie.

MR BERRY: I heard an interjection from Mr Moore that that was a lie. I require that that be withdrawn, Madam Speaker.

MADAM SPEAKER: Mr Moore, I would ask you to withdraw that, please.

Mr Moore: Madam Speaker, it has been explained again and again that we do not condone violence and the Minister continues repeating that that is what people want.

MADAM SPEAKER: Mr Moore, I am being very indulgent.

Mr Moore: In respect to the Chair, Madam Speaker, I shall withdraw the statement.

MR BERRY: Thank you, Madam Speaker. All of those opposite can take the responsibility once it becomes evident that their support for this amendment will promote a violent sport out there. It will, because the sport has promoters, and they will promote a violent sport out there because it is allowed under the legislation. That is the truth of the matter. You cannot deny that, Mr Moore.

Mr Moore: Oh, you bet I would. You watch.

MR BERRY: You can deny it all you like, old mate, but you are going to vote for it.

Mr Moore: You watch the method I will use in a minute.

MR BERRY: Here we go. It could be a censure motion. You would have people promote a violent sport out there in the community. That is why you are supporting this amendment. This is a sport where people flog each other to a standstill. Madam Speaker, we know where everybody is coming from on this score. It is regrettable, because I think a positive move was offered to the community in this Bill in its complete form. I will be sorry to see clause 20 go

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because I think it offered an opportunity to show a bit of leadership to the rest of the country on this matter. In any event, the Labor Party is very proud to have brought the Boxing Control Bill before this Assembly and, of course, we will all reap the benefits of that because of the regulation that will apply; but we could have reaped a lot more.

MR MOORE (10.05): Clause 20 was flawed in its conception and flawed in its execution. It seems to me that what Mr Berry is now trying to hide by his method of attack is simply that he has done such a bad job on it. What he is now trying to do is to put violence into our community. He is promoting more and more violence in our community by driving things underground, by making sure that there is no control system in this community. It is his children that he is exposing to this sort of violence. That man sitting over there with that smirk on his face does not even have the intelligence to understand the ramifications of what he is doing.

Mr Berry: Does he have a right to speak? Madam Speaker, I take a point of order. I think that Mr Moore has had a little speak.

MADAM SPEAKER: Thank you for bringing that to my attention.

MR MOORE: Madam Speaker, the - - -

MADAM SPEAKER: Just a minute, Mr Moore.

MR MOORE: May I ask him what standing order he is referring to?

MADAM SPEAKER: That is exactly what I was going to check, Mr Moore. You have already spoken to this amendment, have you not?

MR MOORE: Yes, that is right. I am entitled to speak twice to an amendment, of course.

MADAM SPEAKER: I am a bit weary, so I have lost track of it. That is what I thought. That is fine.

MR MOORE: If he could even learn his standing orders he would get somewhere.

MADAM SPEAKER: I was in error in that particular case, Mr Moore. Please continue.

MR MOORE: Madam Speaker, I certainly did not refer to you. Mr Berry was simply trying it on, Madam Speaker, and it seems to me - - -

Mr Berry: Give him a copy of my press release.

MADAM SPEAKER: Order!

MR MOORE: It seems that all we have seen here is a series of entirely inappropriate personal attacks. The rest of us are quite capable of doing exactly the same thing as Mr Berry, instead of arguing logically and rationally as indeed we have for this position. That has been the major contrast between the arguments put on this side of the house and the arguments put on that side.

In fact, one of the things most notable about tonight is that Mr Connolly, who has the ability to argue almost anything and make it sound plausible, stood up and gave some fairly limp arguments about the quality of this particular clause and was entirely unconvincing. It was probably the least convincing I have ever heard Mr Connolly because his heart was not in it. There is no doubt about it. Now that I have stirred him it is quite possible that he will stand up and argue his way out of a paper bag. The truth of the matter is that the only reason Mr Berry goes in for the personal attack is that he does not have a leg to stand on.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Ms Szuty
Mr Westende

Question so resolved in the negative.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Legislative Assembly Anniversary : Schools

MS FOLLETT (Chief Minister and Treasurer) (10.10): Madam Speaker, Mr Humphries drew attention earlier today to the fact that today is the fourth anniversary of the first sitting of this Assembly and thus this is the fourth anniversary of self-government. It is also the fourth anniversary of my election as Chief Minister - a position that, as it turned out, I was to be elected to three times in rather less than three years. I would like to again express my thanks to the Assembly for the great honour that they have done me.

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In the four years since 11 May 1989 I consider that the Assembly has achieved a great deal and that there are many things that we can all be proud of in contributing to the well-being of the community that we serve. There are two particular issues that stand out still in my mind. They are the occupational health and safety legislation, the first legislation passed through this Assembly - a very long overdue piece of legislation to protect the health and safety of the workers in this Territory - and, of course, the anti-discrimination legislation which was passed some time later. It was, again, Labor legislation and, again, legislation which was very much overdue. When it was passed it was in fact groundbreaking in its scope, and I believe that it has been very well implemented as well. I think the Assembly also has a good record on a number of other matters; for example, the working of the committees in which all members, I think with the exception of Mr Stevenson, take part. We have also consistently sought to place this Territory on a sound footing financially. We have made very good progress indeed on that score.

However, there is one matter of enormous heartache, enormous concern, in our community, and it is also a matter on which the Opposition still seek to pursue their own ideological agenda, which has nothing to do with the well-being of the community. I speak of our neighbourhood schools and the Opposition agenda to close some of those schools. Madam Speaker, in my very first speech to this Assembly I did commit the Labor Government to the retention of our schools, and I have since reaffirmed that position many times. It is clearly a position that the community agrees with; yet the Liberals, still to this day, persist with an agenda that is aimed at closing numbers of Canberra schools. Mr Cornwell, who was, let us face it, a staff member throughout the first term of the Assembly, simply cannot be unaware of the anguish that was caused by Mr Humphries's attack on ACT government schools; yet it is still Mr Cornwell who openly canvasses the closure of schools. He will name them for you on the radio and, as well, he has taken to visiting ACT schools - I presume, the ones that are on his hit list.

Mr Cornwell clearly is trying to reduce the confidence of parents in the future of those schools, to the point where they may consider moving their children to another school. We know the effect that these kinds of whispering campaigns have. Mr Cornwell is adding to that kind of campaign. He is trying still to close schools from a position of opposition and largely by stealth. Madam Speaker, I would like to call upon Mr Cornwell to stop sowing these seeds of doubt and uncertainty in the community over the future of their schools; to stop frightening the parents, the teachers and the children involved in their schools; and to take school closures, once and for all, off the agenda. I would call on Mr Cornwell, as the education spokesman for the Liberals, to give a commitment that it is the quality of education, the educational future of the children of this Territory, that would guide him in his approach to this part of his shadow portfolio.

Legislative Assembly Anniversary : Schools

MR KAINE (10.15): I would like also to note the fact that today is the fourth anniversary of self-government. There are still two people in the Assembly who have had the honour of being Chief Minister, and I happen to be the other one.

Mr Connolly: And it is unlikely to change.

MR KAINE: Of course, things have been downhill a bit since then, but it has been a good roller-coaster ride which, perhaps, is not over yet. I think it is worth noting the progress that has been made in the Territory in the four years since self-government. The Chief Minister refers to some differences between the policies of the major parties. She has focused on one issue and I will make some comment about that in a minute. I think that the four years have been characterised to some degree by a great deal of agreement and unanimity between the two major parties in this Assembly on in which direction we should be going as a Territory. I think that it can be said with some pride that this Assembly has progressed a long way from where it was four years ago when 17 people sat in this room with some doubts about where we were going and what we were here for. We had a different view, some of us, about whether we should be here or not. There has been an enormous advance since then.

I think that those of us who have been around over that four-year period have seen some very significant changes, not only in the confidence of this institution as to what we are here for and what our objectives are but also in the attitude of the general public out there about this place. There is still some residual opposition to the concept of self-government and there is, in fairness, some debate about what form it should take, but I think that we have already made some ground down a certain road and I do not believe that there is any scope for us to change direction. I just do not believe that.

We had a debate this afternoon about the Grants Commission and we alluded to the Premiers Conference and the like. If we were to become a city council tomorrow, who would represent us in the Premiers Conference? Who would put the case for the people of Canberra when it comes to dividing up the big cake over there? A mayor or a lord mayor would not be admitted to the Premiers Conference. So let us be clear; there are some major issues. If we are going to change direction there are some major issues that have to be addressed.

I would just like also to refer to the schools question. It is very interesting that in four years of self-government the Liberals, in a coalition government, closed five schools. The Labor Party has closed one-fifth that number, despite their assertion that no schools would close in their first term. Let us just question who has some conviction about this issue and who has not. The Labor Party, despite standing on the moral high ground, has not said anything about what is going to happen after February 1995. Suddenly, in February 1995, the Labor Party is going to be struck by lightning and see a new vision about education for Canberra and we can suddenly start closing some schools.

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Mr Lamont: Your leader has been struck with a new vision and it is going to be a shire council. You have just knocked it back.

MR KAINÉ: I made the point that there are some different views about where we should be going. Of course there are.

Mr Lamont: You are saying that we should not go to a council.

MR KAINÉ: I did not say that at all. I said that there are some major difficulties if we change route. One of them is the question, as I said, of who represents us at forums at the Federal level. If we are going to change direction there are major issues that have to be determined. That is the point that I made and I stand by that. I do not resile from it one bit. But when it comes down to doing what is right for the Territory - - -

Mr Lamont: "I have almost retrieved the position".

MR KAINÉ: I am prepared to put my money where my mouth is. Why do you not do the same? Why do you not put your money where your mouth is when it comes to closing a few schools? You have a major problem with your education budget, but you are still standing on the moral high ground saying, "We will not close any schools". You have closed one already, let us be clear, and I have no doubt that when the pressure is really on and you have to really find the money in your education budget you will suddenly come around to the realisation that a few schools have to go. That is why the Auditor-General is starting to look at the school system. That will give you the justification for changing your mind. So do not stand on the moral high ground with me about closing schools. I do not accept your arguments. You are taking a very equivocal position. We can debate this at some length, but I do not have the time to do it now.

Legislative Assembly Anniversary

MR STEVENSON (10.20): I felt it important that I stand on this anniversary of 11 May 1989 because, if I do not do it, who will put the position? I think the Bill that has just gone through is perhaps an indication, a microcosm, of a lot of what has happened since the Assembly came into being. It started the way many Bills start, with no consultation with the people that are being affected by it. Indeed, what a marvellous parallel for self-government itself! It also involved greater control of the population, telling people what they can do and what they cannot do. Indeed, what an interesting parallel over this four years! There was a lot of division, a lot of quite heavy name-calling. There was a great deal of time spent and, in the end, we sort of maintained the status quo. In other words, if we had not been here nothing would have happened anyway; but because we were here this was all done at great cost and concern to the people of Canberra.

Schools

MR CORNWELL (10.22): It is a pity that the Chief Minister is not here to at least listen to my response to her Parthian shot, I suppose I could term it. Let us get a few things straight here, Madam Speaker. At no time in any of the interviews that I have conducted over this issue of surplus spaces in schools - let us be quite clear on this matter; it is surplus spaces in schools, not school closures - have I ever mentioned any school. In fact, one or two of the media asked me in relation to particular schools, and I said, "No, I will not name any school". I do know that a couple of members of the media who had the information - it went out in my media release - did quote some schools. That is their affair; it is not mine. It is certainly not the Liberal Party's. I might point out, Madam Speaker, that this information about the 9,072 surplus spaces in ACT government schools was not provided in the official census that was published. It had to be obtained by me by putting a question on the notice paper. Let us get that quite clear. So there is an obvious cover-up from this Labor Government. At no time have I named any schools. It is outrageous for the Chief Minister to suggest that I have a hit list of schools, or that I am attempting to close schools by stealth from opposition. Goodness gracious, you give me more credit than I deserve.

But I notice the sensitivity of the Chief Minister on this very matter, and why, because she has been caught out. She has been caught out on an unequivocal guarantee that she made before the last election that no school would close in the first term of her Government. What happened at Griffith Primary? Griffith Primary closed. It had less than 50 people. It ended up at about 34, as I recall, but it had less than 50 and it had three teachers. Furthermore, this Government provided it with a deputy principal over and above what was needed at that school. How dare the Chief Minister speak about quality of education in the government school system, because the provision of three teachers for less than 50 students, and a deputy principal, means that the money to be provided for those extra staff is taken from elsewhere in the government system. Let the parents, let the teachers and let the students of the ACT government school system know that. We do not hear that from the Government, do we?

This is the issue, and Ms Follett talks of quality of education. It seems to me that she protests far too much. This is very, very sensitive for Ms Follett. She is obviously very unhappy about what this side of the Assembly is simply pointing out to the people of Canberra; that it is not possible to have 9,072 surplus spaces in ACT government schools and to continue to provide the quality of education to which the people of this Territory and their children are entitled. This is the issue that obviously is concerning Ms Follett, apart from the fact, of course, that she has been caught out on this undertaking that she gave before the last election.

So do not talk to me about me naming schools or having a hit list, or approaching these problems with stealth from opposition, because it simply is not true. All I am doing is drawing the attention of the people to the situation that is applying here and the fact that we have an \$18m overfunding identified by the Grants Commission in education alone. What you are going to do about it is up to your Government. You have three options, as I have said repeatedly. You can increase charges, or reduce services, or borrow. They are your problems, and I suggest that you address them with a bit of courage. I suggest that your Chief Minister take off her white gloves and start getting her hands dirty on these issues.

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Legislative Assembly Anniversary : Schools

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.27): Madam Speaker, as one of the eight members who stood in this place four years ago - I think on that occasion I was where Mr Cornwell is - it is appropriate that I join this debate. It is also appropriate that the debate on this adjournment motion focuses on school closures because there probably would be no more persistent debate during those four years than that one. It was certainly a destructive debate for the members now opposite, or some of those members now opposite, because it was the straw that broke the Alliance's back.

Mr Cornwell made some comment about Griffith Primary School. The fact of the matter is, as he well knows, that the school effectively closed itself. Regrettably, the community left the school. It came down to a small number of students and you cannot, Mr Cornwell, ascribe three teachers and a deputy to the staffing 34 because the situation was in very considerable downward movement and that staff was about to be taken elsewhere. It was about to be staffed, as the school well knew, in terms of whatever the number of students would generate. Mr Cornwell, I am sure, would realise that. It has been an interesting four years. Those of us who have been here for that period have seen many things change. We have had many arguments across the chamber. I enjoy argument; I think we all do. That is one of the reasons we are in the political arena. I am looking forward to the next four years and beyond.

I was quite intrigued by Mr Kaine's speech, which I saw, as my colleagues did and I am sure as any objective listener would, as a clear repudiation of all the claims of the last few days by the new Liberal leader. He is saying emphatically, "This Assembly is on the right course. Mrs Carnell is wrong to suggest that we should take a different course". Mr Kaine is right. Indeed, this is the unique and, I think, purpose built Assembly that the ACT needs and that Mrs Carnell suggests that we ought to be looking for.

Mr Humphries: Say that out in public. See what they think about it.

MR WOOD: I have, many times.

Mr Humphries: You have not been agreed with, I reckon.

MR WOOD: I know. I freely acknowledge that we have not won 100 per cent or right up to that level of the ACT community, but the fact is that this Assembly - I am telling you what you know - is both local government and State government. It is the sort of regional collection that many people are saying Australia should move to - a coalescence of regional and State government.

We have it, and in one chamber thankfully, without a second chamber, and with it a pretty good committee system. Most people who comment on the political scene around Australia would say that that is ideal. We have it here and I think it is working better and better. Why would it not, of course, with the Government it has at the moment? But I do acknowledge that, with the ups and downs, all members in the Assembly have made their contribution over the four years. I have found it an interesting and rewarding time, and I am sure that all my colleagues have, in varying degrees, Mr Kaine, with the ups and downs. They have found it the same as I have. Just as I sit down, the winner was the caption from Mrs Carnell, "It's only that long".

Question resolved in the affirmative.

Assembly adjourned at 10.32 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH

**LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 518**

Hospice

Mrs Carnell - asked the Minister for Health:

- (1) What were the relative costs of siting the hospice at Acton and at Calvary utilising Building C.
- (2) Are there any operational difficulties in siting the hospice at Acton rather than adjacent to a hospital.
- (3) What will these operational difficulties cost, both in capital and in recurrent terms.
- (4) Did the Board of Health notify the Minister of these difficulties.
- (5) Which experts in the field of palliative care recommended the Acton site rather than Calvary.
- (6) How are the extra costs associated with the Acton site justified.
- (7) When will the hospice be completed.
- (8) Will the hospice house the expanded integrated Palliative Care Service that has been promised.

Mr Berry - the answer to Mrs Carnells question is:

- (1) Prior to the decision to site the hospice at Acton, cost estimates were prepared for the Calvary Building C option by Richard Glenn and Associates. An inspection of Building C confirmed that the brief for the hospice facility could not be accommodated within the existing floor space for Residence C.

Two further options were costed: a) the construction of a new stand alone 15 bed hospice facility on a greenfields site at Calvary Hospital and;

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- b) the construction of a new building housing the 15 bed hospice facility adjoining Residence C, together with the renovation of Residence C to accommodate the required ancillary facilities.

The cost estimates included renovations to Residence B to accommodate the RMOs relocated from Residence C.

The estimate for the construction of the stand alone facility was for \$2.5 million and for the construction of a hospice adjacent to Residence C, \$2.1 million.

The building works for the facility to be located at Acton were estimated by Richard Glenn and Associates at \$2.4 million.

- (2) The original intention was to co locate the hospice with other health facilities on Acton Peninsula and to provide support services from a common source.

As this is not possible in the short term, operational areas that have been identified as needing consideration include the catering, laundry and engineering services. The stand alone facility also requires the construction of a kitchen and laundry which were not included in the original estimates.

A number of other issues which need to be considered in the context of the long term development of Acton Peninsula include security, parking and transport to acute hospital services.

Preliminary design plans have indicated that the hospice facility can be completed within the original budget.

- (3) The community model of service provision chosen for the hospice will enable recurrent costs to be kept within an acceptable level.

(4) No correspondence has been received from the Board of Health however, the Chief Executive of ACT Health has kept me informed of issues arising in relation to the construction of the hospice.

(5) A hospice is a specialised health facility, employing complex medical and nursing techniques for symptom control and family support. Care in a discrete facility, purpose built to meet special needs will be complemented by access to hospital diagnostic and treatment facilities as required.

A number of members of the Working Party and Steering Committee for the hospice have inspected facilities interstate and the construction of a positive, homely environment in a tranquil setting on Acton will meet the special needs of the hospice clientele.

(6) The construction of the hospice on Acton Peninsula will provide a much needed new and appropriately located service to people of the Canberra region. The costs involved will be kept to an acceptable level..

(7) ACT Public Works have indicated a March 1994 building completion with commissioning by May 1994. Construction is expected to commence by the end of June 1993.

(8) The hospice will house an enhanced and integrated Palliative Care Service.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No. 557**

Housing Trust Properties - Value

MR CORNWELL - Asked the Minister for Housing and Community Services - What is the value of Housing Trust Stock, listed by suburb, throughout the ACT.

MR CONNOLLY - The answer to the Members question is as provided in the following schedule. The schedule shows the value of housing stock at 1 July 1990 and any acquisitions since that date at cost.

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Value of ACT rental housing stock as at 30 June 1992
(excludes vacant land)

SUBURB VALUE

AINSLIE 69,578,415
ARANDA 3, 281, 569
BANKS 1,007,350
BARTON 7,173, 626
BELCONNEN 30,816,710
BONYTHON 3, 325, 639
BRADDON 41,71 1,997
BRUCE 3, 617, 838
CALOMEL 1,774,634
CAMPBELL 3, 738, 030
CANBERRA CENTRAL 1,109, 559
CHAPMAN 657,972
CHARWOOD 24,278,145
CHIEFLY 5, 693, 659
CHISHOLM 13,892,310
CONDER 430, 290
COOK 8,569,449
CURTIN 8,351,980
DEAKIN 14,369, 670
DICKSON 14,424,136
DOWNER 16,496, 506
DUFFY 9, 51 1,093
EVAN 15,715,805
FARRER 3, 621,147
FISHER 3, 378,072
FLOREY 27,960,735
FLYNN 7,251,315
FORREST 2,125,295
FRASER 3,447,176
FYSHWICK 561,029
GARRAN 4,961,275
GILMORE 10,167,943
GIRALANG 7,458,053
GOWRIE 7,979,075
GREENWAY 2, 340,167
GRIFFITH 41,245,489
HACKETT 8,887,803
HAWKER 4,969,471
HIGGINS 8,713,746

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HOLDER 2,759,961
HOLT 16, 553, 289
HUGHES 6, 882, 77 5
ISAACS 3,021,121
ISABELLA PLAINS 2,757,418
KALEEN 15, 857, 316
KAMBAH 60,845,620
KINGSTON 22,255,755
LATHAM 9,899,259
LYNEHAM 32,443,1 15
LYONS 25,215,608
MACARTHUR 216,142
MACGREGOR 9,942,432
MACQUARIE 13,494, 396
MAWSON . 13,307,203
MCKELLAR 9,603,859
MELBA 7, 938,168
MONASH 3,815,850
NARRABUNDAH 56,020,723
OCONNOR 46,005,883
OAKS ESTATE 3,426,096
OXLEY 9, 631, 579
PAGE 7,769,859
PEARCE 2,955, 527
PHILLIP 2,463, 863
RED HILL 19,993,578
REID 30,395,950
RICHARDSON 17,354,105
RIVETT 12,373,991
SCULLIN 13,055,991
SPENCE 12,389,313
STIRLING 6,823,327
SYMONSTON 1,107, 350
THEORDORE 5,518,468
TORRENS 5,733,609
TURNER 37,218,247
WANNIASSA 32,756,263
WARAMANGA 10,326,038
WATSON 15,179,177
WESTON 6, 910, 319
YARRALUMLA 2 9, 2 29, 9 54
RURAL 5, 581,165
TOTAL 1,091,623,834

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 568

Mental Health Services

Mr Moore - asked the Minister for Health:

- (1) How many people in the ACT, suffering mental illness and who have been assisted by Mental Health Services, have subsequently been brought into the criminal justice system in (a) 1990; (b) 1991 and (c) 1992.
- (2) How many of those in the ACT suffering mental illness and who have been assisted by Mental Health Services were: (a) under 18 years of age; (b) between 18 and 25 years of age and (c) 25 years of age and over, at the time they first appeared before the Courts.
- (3) How many people in the ACT who have suffered mental illness and had been assisted by Mental Health Services, were placed under the supervision of the Director of Mental Health Services following Court appearances in (a) 1990; (b) 1991 and (c) 1992.
- (4) Since 1989, how many of those (in question (4)) have received treatment by the Mental Health Services within: (a) 6 months after a Court appearance and (b) 12 months after a Court appearance.
- (5) What data is used to identify service demands and plan future service delivery by Mental Health Services.
- (6) How many ACT residents requiring mental health services under assisted accommodation arrangements, were sent interstate.
- (7) On what basis was the decision made not to provide for these people (in (6)) in the ACT.
- (8) In 1984, the Federal Minister for Health and the Capital Territory Health Commission had indicated that the ACT required a facility to provide services and accommodation not supplied anywhere else in the ACT (a) was Hennessy House constructed to cater for this perceived demand; (b) if not, for what purpose was Hennessy House constructed; (c) if so, what was the planned capacity of Hennessy House and (d) what is the capacity of Hennessy House today.
- (9) What is the occupancy rate in Hennessy House in (a) 1989; (b) 1990; (c) 1991; (d) 1992 and (e) currently.

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- (10) How many beds were vacant and how many staff were employed in (a) 1989; (b) 1990; (c) 1991; (d) 1992 and (e) currently.
- (11) What was the establishment cost of Hennessy House.
- (12) What was the running cost of Hennessy House by salaries and other costs in (a) 1989; (b) 1990; (c) 1991 and (d) 1992.
- (13) On what criteria are patients admitted to Hennessy House.
- (14) On what criteria are patients sent for services interstate.

Mr Berry - the answer to Mr Moores question is:

- (1) Statistics are not collected on the number of people in the ACT suffering a mental illness who have been assisted by Mental Health Services and subsequently have been brought before the Criminal Justice system.
- (2) The above comments also apply to this question.
- (3) The Courts do not place people under the supervision of the Director of Mental Health Services.

The Court occasionally makes it a condition of a persons Probation Order that they seek counselling. This does not necessarily mean counselling with mental Health Services or if it does, Mental Health Services would not necessarily be provided with a copy of the Probation Order which is made on the person and not on the Service.

- (4) The above comments also apply to this question.
- (5) The following data is used to identify service demands and future planning needs: occasions of outpatient services; number of admissions; bed occupancies; average length of stay; age; gender; and diagnosis.

Other information collected includes: place of residence, ethnicity, language and employment status. Comparisons are made with service provision elsewhere, especially in New South Wales and Victoria.

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(6) Statistics from Kenmore Hospital were sought for the years 1989-1992 but only the following were available:

1991: 11

1992: 7

Psychiatric patients from the Psychiatry Unit, Woden Valley Hospital, are sent to Kenmore Psychiatric Hospital for medium to long-term psychiatric hospitalisation when appropriate services are not available in the ACT. An understanding exists between Kenmore Hospital and the Psychiatry Unit, Woden Valley Hospital, that ACT patients may be sent to Kenmore, and patients from the South-East Region of NSW may be sent to the Psychiatry Unit, Woden Valley Hospital, for treatment when this is the best option. Some additional patients attend NSW services by their own choice.

(7) The ACT does not have a psychiatric hospital. NSW provides this support through Kenmore Hospital while the ACT provides general psychiatric services for the South-East Region. The usual reason for transfer of ACT patients to Kenmore Hospital is when a person has very disturbed behaviour and whose length of treatment would exceed the capacity for the psychiatry Unit, Woden Valley Hospital.

All general hospitals in Australia need, from time to time, to transfer a small percentage of their admissions to psychiatric hospitals. The proportion of admissions to Kenmore Psychiatric Hospital is no greater than a Sydney hospital transferring a number of patients to a Sydney psychiatric hospital.

(8) (a) Hennessy House was constructed to provide accommodation for medium to long-term psychiatric patients.

(b) All ACT patients resident in Kenmore Hospital were returned to the ACT with the exception of:

those who preferred to remain at Kenmore Hospital;

those whose family was then resident in NSW; and

those whose behaviour falls into the category which requires specialised facilities in a psychiatric hospital.

(c) Hennessy House was planned to open at 20 beds but was also built to accommodate a projected increase in demand over the next decade.

(d) Hennessy House currently operates at 20 beds.

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(9) The occupancy rates for Hennessy House for the periods specified were:

July-December 1990 - 97.0%

1991 - 93.7%

1992 - 96.6%

As occupancy rates for Hennessy House have only been formally collected since July 1990, data for the period before July 1990 is not available.

(10) When beds do become vacant, they are seldom vacant for more than a day.

The staff employed at Hennessy House for the above period have remained constant at 20 staff.

(11) The Capital Territory Health Commission Proposed Forward New Capital Works Program for 1983/84 - 1986/87 estimated the cost of establishing such a hostel at \$1.6m. An exhaustive file search has failed to reveal a final establishment cost. A change of staffing and overall responsibility for the project over a number of years is likely to be the reason for the unavailability of this detail.

(12) The running costs of Hennessy House by salaries and other costs in (a) 1989; (b) 1990; (c) 1991; and (d) 1992 were as follows:

	FAY	Salaries	Other Costs	Revenue	Net Deficit
	\$000	\$000	\$000	\$000	\$000
88/89	725.8	206.0	71.0	931.8	
89/90	782.2	156.6	77.4	938.8	
90/91	828.2	155.2	107.5	983.4	
91/92	894.6	159.1	118.7	1053.7	

(13) Admission criteria for Hennessy House:

(a) a person who has a psychiatric illness with priority given to a person with a psychotic illness; and

(b) either:

a person who has rehabilitation needs which can be assisted by admission to Hennessy House; or
a person who has a level of continuing disability which requires 24 hour care; and

(c) a persons behaviour is not likely to present a risk of serious harm to other residents or staff, ie can be managed within staffing and physical resources.

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(14) If the question relates to Hennessy House patients, patients are not sent to Kenmore Hospital from Hennessy House. Rather a patient may request to receive treatment at Kenmore Hospital or another facility in NSW.

If the question relates to patients at the Psychiatry Unit, Woden Valley Hospital, Question (6) refers.

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

Question No 569

Commonwealth Specific Purpose Payments

MR KAINE- Asked the Chief Minister upon notice on 23 February 1993:

For each Specific Purpose Payment (SPP) received by the ACT, will the Chief Minister provide information on

- (1) The purpose for which the payments are made and whether the funds are tied or untied.
- (2) The agreements under which the payments are received, specifically (a) are the agreements current for 1992-93; (b) the expiry date of multi-year agreements; (c) the audit requirements for each agreement and (d) the extent of incomplete or unsatisfied audit requirements.
- (3) The amount of the agreed grants for 1992-93.
- (4) The amount received to date.

CHIEF MINISTER - The answer to the members question is as follows:

- (1) The details of Specific Purpose Payments to the ACT in 1992-93, including the purposes for which the payments are made, are provided in Chapter 9 of 1992-93 ACT Budget Paper No 2, Budget Overview.

Specific Purpose Payments by their very nature are tied payments, subject to conditions on expenditure. These conditions range from general requirements to detailed conditions on the operation of joint expenditure programs including program or project approval, matching arrangements and information requirements.

Those Specific Purpose Payments to the ACT which have only general conditions rather than specific detailed conditions are: Hospital Funding Grant; Financial Assistance - Local Government (including the former Local Government Roads component of funding under the Australian Transport Development Program); ACT National Capital Influences (Local Government); and Assistance for Water and Sewerage.

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(2) The currency, expiry dates, financial reporting requirements (including audit requirements) and the extent of incomplete or unsatisfied audit responsibilities for all Specific Purpose Payments payable to the ACT in 1992-93 are outlined in the Attachment.

(3) The Attachment also identifies 1992-93 Revised Budget Estimates for all SPPs

payable to the ACT. These estimates vary from the original published Budget estimates due to known program revisions by the Commonwealth since the Budget.

(4) The Attachment shows actual payments received to the end of March 1993.

Further information on Commonwealth Specific Purpose Payments can be found in the "Catalogue of Specific Purpose Payments to the States and Territories 1992-93", released by the Commonwealth-State Relations Secretariat of the Department of the Prime Minister and Cabinet in February

1993.

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Attachment

COMMONWEALTH SPECIFIC PURPOSE PAYMENTS TO THE ACT, 1992-93

1992-93 1992-93 Revised Actual Estimate Receipts to Details of Arrangements End March

Specific Purpose Payments from the Commonwealth

Recurrent

Technical & Further Education 6 587 2 778 Calendar year agreement. Annual audited certificate required to be forwarded to the Commonwealth.

(1992 audit to be completed by 30 September 1993.)

No other outstanding requirements.

General Government Schools 13 662 11 140 Annual multiple year agreement. Annual financial Grant accountability certificate signed by authorised person.

All requirements met to date.

Non Government Schools 32 386 32 088 Annual multiple year agreement. Annual financial accountability certificate signed by authorised person.

All requirements met to date.

Other Schools Payments - Joint 4 815 3 284 Annual multiple year agreement. Annual financial Schools accountability certificate signed by authorised person.

All requirements met to date.

Aboriginal Education (AESIP) 349 264 Triennial agreement expiring 1993. Acquittals are provided annually. All requirements met to date.

Health Program Grant 4 471 3 726 Term depends on life of an approved health service.

Audited financial acquittance certificate required to be provided to the Commonwealth. All requirements met to date.

Hospital Funding Grant 52 601 39 273 Expires 1997-98. Acquittal of expenditure annually.

All requirements met to date.

Hospital Access 671 647 Includes a number of components negotiated under the Medicare Agreement which expires 30 June 1998. No requirements outstanding.

Nurse Education 460 357 Expires 31 December 1993. Quarterly acquittals are provided to the Commonwealth. All requirements met to date.

High Cost Drugs 481 60 Annual agreement. Acquittals are provided by 30 November annually. All requirements met to date.

Age Care Assessment 235 156 Annual agreement. Acquittal of expenditure annually within five months of end of financial year. All requirements met to date.

National Better Health 109 27 Expires 30 June 1993. Acquittal of expenditure annually. All requirements met to date.

Youth Health Services 38 31 Expires 1995. A statement of expenditure and a certificate of compliance required to be forwarded to the Commonwealth by 31 August each year. All requirements met to date.

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- Other Health Advancement 158 107 Two components to the program
Womens Health - quarterly and annual returns
all requirements met .
Alternative Birthing- annual acquittal statement all requirements met.
- Other Health Care Access 909 501 Two components to the program:
Early Detection of Breast Cancer - 30 June 1994
Cervical Cancer Screening - 30 June 1995
Acquittals are provided annually. All requirements met to date.
- Funds to Combat AIDS 602 308 Expires 30 June 1993. Further funding is subject to
program evaluation. Acquittal of expenditure
annually. All requirements met to date.
- Drug Education Campaigns 354 316 Expires 30 June 1997. Acquittal of expenditure
annually within-six months of end of financial year.
All requirements met to date.
- Blood Transfusion Services 550 495 Annual agreement. Acquittal of expenditure annually
within five months of end of financial year. All requirements met to date.
- Home and Community Care 3 254 2 419 No expiry date. Acquittal of expenditure annually
within five months of end of financial year. All requirements met to date.
- Commonwealth States 2 749 2 749 Expires 30 June 1996. Commonwealth and the ACT
Disability Agreement are required to provide each with an audited statement
within nine months of the end of a financial year. All requirements met to date.
- Childrens Services 137 10 Expires in 1996. Annual audit certificate required.
All requirements met to date.
- Mortgage and Rent Relief 510 385 Expires 30 June 1999 (ten year CSHA Agreement).
ACT Housing Trust audited annually pursuant to Section 38(3) of the Housing Assistance Act
1989 (Commonwealth). All requirements met to date.
- Supported Accommodation 3 116 2 302 Expires 30 June 1994. No specific financial reporting
Assistance Program requirements.
- Assistance for Water and 7 380 5 610 No specific reporting requirements.
Sewerage
- Urban Flood Mitigation 38 0 Annual agreement. Annual audit certificate required
detailing expenditure by project All requirements met to date.
- Interstate Road Transport 84 40 Annual payment from a trust account.
- Bovine Bruscellosis & 17 16 Agreement expired December 1992. New three year
Tuberculosis Eradication agreement under negotiation. Acquittal of expenditure
annually and the Commonwealth conducts periodic audits. All requirements met to date.
- Soil Conservation 154 120 Determined annually. Acquittals are provided to the
Commonwealth upon request. All requirements met to date.
- National Industry Extension 261 109 Expires 30 June 1995. Annual audit report required to
Service be forwarded to the Commonwealth. All requirements met to date.

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Entry Level Training 1 055 205 Four components to program

Pre-vocational courses;

Monitoring resource grants for the Australian

Traineeship Program

Trades Women on the Move; and

Womens preparatory courses.

Differing requirements. All requirements met to date.

Legal Aid 2 045 2 045 Standing agreement. ACT Attorney-General to

provide audited statements to the Commonwealth

annually. All requirements met to date.

Aboriginal Deaths in Custody 6 6 Expires 30 June 1993. No specific reporting requirements.

Financial Assistance - Local 22 885 17 400 No specific reporting requirements. Government

National Capital Influences - 18 354 13 952 No specific reporting requirements. Local Government

Asbestos Removal 18 386 13 817 Program currently terminates in 1993-94. Audit statement to Commonwealth within 6 months of end of financial year. All requirements met to date.

Total Recurrent 198 857 156 068

Capital

Technical and Further 50 - Calendar year agreement. Annual audited certificate Education required to be forwarded to the Commonwealth.

(1992 audit to be completed by 30 September 1993.) No other outstanding requirements.

Government Schools 5 001 2 017 Annual multiple year agreement. Annual financial accountability certificate signed by authorised person. All requirements met to date.

Non Government Schools 2 435 1 861 Annual multiple year agreement. Annual financial accountability certificate signed by authorised person. All requirements met to date.

Hospital Access 28 0 Expires in 1997-98 in context of new Medicare Agreement.

Blood Transfusion Services 1 459 1 141 Annual agreement. Acquittal of expenditure annually within five months of end of financial year. All requirements met to date.

Childrens Services 84 - Expires in 1996. Annual audited statement required to be forwarded to the Commonwealth.

Crisis Accommodation Program 655 - Expires 30 June 1999 (ten year agreement - CSHA).

ACT Housing Trust audited annually pursuant to Section 38(3) of the Housing Assistance Act 1989 (Commonwealth). All requirements met to date.

Pensioner Housing Grants 523 387 Expires 30 June 1999 (ten year agreement-CSHA).

ACT Housing Trust audited annually pursuant to Section 38(3) of the Housing Assistance Act 1989 (Commonwealth). All requirements met to date.

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Community Housing Program 801 - Expires 30 June 1999 (ten year agreement-CSHA).

ACT Housing Trust audited annually pursuant to
Section 38(3) of the Housing Assistance Act 1989
(Commonwealth). All requirements met to date.

CSHA Block Assistance for 15 681 11 754 Expires 30 June 1999 (ten year agreement-CSHA).

Housing ACT Housing Trust audited annually pursuant to
Section 38(3) of the Housing Assistance Act 1989
(Commonwealth). All requirements met to date.

National Estate 107 107 Annual agreement. Acquittals provided annually. All
requirements met to date.

Roads - (ALTD) 8 255 5 744 Program includes a number of components including:

Urban Public Transport

Black Spots

Program expires on 30 June 1993. Annual audited
statement required to be forwarded to the
Commonwealth. All requirements met to date.

Total Capital 35 111 24 058

Total Specific Purpose 233 968 180 126

Payments

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 573**

School Based Management

MR CORNWELL - asked the Minister for Education and Training on notice on 24 February 1993:

Further to your reply of 12 May 1992 to Question on Notice No. 13 that "The School Based Management Working Party has presented its report to me. I am examining the report and a response will be provided when this examination is concluded." and your subsequent reply of February 12, 1993 (Question on Notice No. 479) that "The Department of Education and Training is working through the details of implementation of a trial school based management program. Until the details are finalised, the trial, as mentioned in the Annual Management Report, will not go ahead in 1993 as planned."

- (1) Why was a response not provided, as promised, following your examination of the Report of the School Based Management Working Party.
- (2) Why did the Department of Education and Training Annual Management Report 1991-92, page 40, state that "...schoolbased management is being trialed in a small number of ACT schools-." if in fact it was not being trialed then.
- (3) What details of implementation need to be worked through.
- (4) As the trial is over 12 months are we to assume it will not take place until at least 1994.

MR WOOD - the answer to Mr Cornwells question is:

- (1) With the implementation of the National Project on the Quality of Teaching and Learning (NPQTL) and the inclusion of school board management as an item of the project I decided it was inappropriate to answer before the NPQTL has reported on the issues.
- (2) At 30 Jun? 1992, considerable work had been completed under the auspices of the NPQTL to allow the actual trials to commence. Participating schools had been identified, detailed trial arrangements had been developed and documented and proposed budget= finalised. Negotiation: with relevant unions were in train.

Departmental officers :interpreted this activity as forming part of the trial process. However, the actual trials had not commenced.

- (3) Implementation arrangements have been completed. However, the support of one union was ultimately not forthcoming and
- (4) the trials, as NPQTL projects, have not progressed. The matter continues to receive consideration by my Department as part of the normal management process.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 598**

Housing Trust - Waiting Lists

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the priority and regular waiting lists for public housing

(1) How many applicants are in the age groups (a) under 18; (b) 18 and under 21; (c) 21 and under 25; (d) 25 and under 30; (e) 30 and under 40; (f) 40 and under 60; and (g) 60 and over.

(2) For each age group how many applications are for (a) single accommodation and (b) family or group accommodation.

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

(1) (a) and (b) 1355; (c) 2572; (d) 1437; (e) 972; (f) 1339;

(g) 474 - as at February 1993.

(2) The information as at February 1993 is not available under the age groups you requested. However, the following is provided:

SINGLE GROUP TOTAL

<20 yrs 854 288 1 142

20-24 yrs 15 9 8 764 2 3 6 2

25-29 yrs 587 740 1327

30-34 yrs 347 645 992

35-59 yrs 718 1039 1757

60> yrs 366 203 569

TOTAL 4470 3679 8149

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

Question No 601

**Youth Services - Short Cuts Information and
Advocacy Service**

MR MOORE - Asked the Chief Minister on notice on 23 March 1993:

- (1) Can the Chief Minister explain why the previous Management Committee of Short Cuts resigned in November 1992.
- (2) Following the return of funds by the current Management Committee of Short Cuts how many staff members were retrenched.
- (3) Can the Chief Minister explain the reasons why young people in the ACT are denied access to an adequate information and referral service in the present climate of unprecedented demand for such services.
- (4) Can the Chief Minister explain why the Short Cuts Management Committee returned funds to the Youth Affairs Unit, thus forcing the closure of this service.
- (5) Can the Minister explain how the Citizens Advice Bureau will provide a comprehensive information and advisory service tailored to the specific needs of young people, given that they are not a designated youth service, do not receive Youth Affairs funding, and are not in the position to meet the wide range of needs of young people in the ACT.
- (6) Is the Citizens Advice Bureau receiving funds from the Youth Affairs Unit; if so, for what services.

MS FOLLETT - The answer to the Members question follows:

- (1) I understand that the cause of the resignation of the previous Management Committee of Short Cuts was an inability to resolve an ongoing conflict between the Management Committee and staff members.
- (2) No funds have been returned to my Department by Short Cuts. Late in February 1993, Short Cuts Management Committee and my Department mutually agreed to terminate their Youth Services Grant agreement. This resulted in the termination of the contracts of three employees by the Management Committee

- (3) During the period since the closure of Short Cuts, my Government and the Short Cuts Management Committee have made arrangements for basic information and referral services to continue. Youth specific support services are being provided by the Civic Youth Centre, augmented by information services provided by the Citizens Advice Bureau. This utilises the expertise of both bodies to ensure the continuity of basic information and referral services to young people in the ACT. Advertisements were placed on Saturday 6 March calling for expressions of interest from groups or organisations prepared to undertake the functions previously performed by Short Cuts. An announcement on the successful body will be made within six weeks.
- (4) No funds have been returned to my Department by the Short Cuts Management Committee at this time. The closure of the service in its previous form resulted from concerns by the Management Committee about its ability to comply with the funding agreement.
- (5) The interim service delivery arrangements with the Citizens Advice Bureau were made on the understanding that they would provide young people with prompt access to information. The Bureau maintains a comprehensive data base of Government and community services and is well placed to provide accurate information to young people.
- (6) The Youth Affairs Unit has recently provided the Citizens Advice Bureau with a one off payment of \$750 to meet the costs of updating Short Cuts information card for young people and other information sheets normally available to youth services.

11 May 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 605**

Housing Trust Properties - Water Rates

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

- (1) On ACT Housing Trust properties who pays (a) water rates and (b) excess water rates.
- (2) If the Trust pays, how much was paid in each category in (a) 1990-91 and (b) 1991-92.

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

- (1) (a) and (b) ACT Housing Trust. See answer (3) to Question on Notice No. 575 regarding recovery of excess water rates from tenants, which advised that tenants are required to meet the costs of excess water accounts for amounts over \$25.00.

(2) (a) Water and sewerage: \$4,770,454;
Excess water: \$250,750;
1990-1991.

(b) Water and sewerage: \$5,045,541;
Excess water: \$291,566;
1991-1992

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 606

Woden Valley Hospital - Entrances

Mr Cornwell -asked the Minister for Health:

- (1) How many entrances are there to Woden Valley Hospital and on what streets are they located.
 - (2) Have estimates been taken of the volume of traffic using these entrances and if so, what is the figure in each case.
 - (3) Are there proposals to close any of these entrances when rebuilding at the hospital is complete, and if so, what entrances will be closed.
 - (4) Does Woden Valley Hospital have a main entrance, and if so which entrance is it.
- Mr Berry - the answer to Mr Cornwells Question is:

- (1) There are currently 5 (five) entrances to Woden Valley Hospital.

The location of these entrances are as follows:

Yamba drive
Palmer street
Gilmore crescent north
Gilmore crescent central
Gilmore crescent south

- (2) Motor traffic volume studies were conducted in 1991. The results of these studies indicate the following usage patterns;

Arrivals % Departures %

Yamba drive entrances 62 63
Gilmore crescent north 31 27
Gilmore crescent central 5 7
Palmer street 2 2

- (3) Current plans are to close the Gilmore Crescent south entrance, opposite Garran primary school in late 1995.

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(4) Woden Valley Hospital has two primary entrances, Yamba drive and Gilmore crescent central.

Redevelopment design plans provide an internal traffic loop serviced by the two primary entrances.

Anticipated traffic flow following redevelopment will direct most vehicular traffic to and from the Yamba drive access road. Such traffic will include emergency, visitor, staff and service vehicles. Traffic accessing Woden Valley Hospital from the Gilmore crescent entrance will primarily be those utilising the put down/collection parking bays adjoining the hospitals main reception area.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 616**

Griffith Primary School - Closure

MR CORNWELL - asked the Minister for Education and Training on notice on 23 March 1993:

In relation to the closure of Griffith Primary School

- (1) Have positions in other schools been found for all teachers and support staff.
- (2) To which school(s) have the remaining 34 students been transferred and in what numbers to each school.
- (3) To where are the resources of the school, ie library, sporting equipment etc. being transferred.

MR WOOD - the answer to Mr Cornwells question is:

- (1) Yes. Teachers were placed at Mount Rogers (one) and Narrabundah campus (two - 4/5 class, support role). The teachers were placed in accordance with their preferences.
- (2) 31 children to Narrabundah/Griffith 3 children to Forrest
- (3) Disposition of school resources was:

. Library - packed and in storage.

Some library resources to Narrabundah campus. An inventory of these resources is maintained and tagged on computer system.

. Sporting Equipment

Some to Narrabundah campus - inventory kept.

Remainder in s storage. .

. Musical Instruments

As .for sporting equipment.

. 1 television and computers were placed on temporary transfer to Narrabundah campus by Department Officer (Assets Control).

. All remaining electrical equipment in storage..

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 625**

**International Year of the Worlds
Indigenous Peoples - Narrabundah-Griffith
Primary School**

MR CORNWELL - asked the Minister for Education and Training on notice on 23 March 1993:

In relation to the February 1993 issue of Feedback, the newsletter of the ACT Council of Parents and Citizens Associations Inc. and the comments (p. 3) that:

If the Governments social justice policy and its support for the International Year of Indigenous Peoples (IYIP) is to mean anything but mere rhetoric then Griffith school. is the exemplary case for such action in the ACT."

- (1) What relevance does the IYIP have to the closure of Griffith Primary School.
- (2) How many children of Aboriginal descent were enrolled at Griffith Primary School in 1993.
- (3) Was Griffith Primary School running special or additional programs pertaining to indigenous peoples and/or receiving special funding or resources for that purpose.
- (4) Where will these children now attend school following Griffith Primary School closure.

MR WOOD - the answer to Mr Cornwells question is:

- (1) The relevance for Narrabundah/Griffith Primary School is that the school may establish an Aboriginal Cultural Centre with a focus on aboriginal studies within its curriculum. Sources of funding are currently being investigated. The closure of Griffith campus has placed this issue high on the schools agenda.
- (2) 21 Aboriginal students in 1993.
- (3) 1992

Aboriginal mentor - 18 hours per week at Griffith.

Full time aboriginal education assistant based at Griffith.

Full time aboriginal education assistant at

Narrabundah.

1993

The Griffith and Narrabundah campuses shared an aboriginal education assistant with Red Hill and Forrest Primary Schools:

3 days to Griffith/Narrabundah 1 day to Red Hill 1 day to Forrest

Special funding is provided through Student Services Section of the Department.

Aboriginal Studies (part of the Social Education Program) was taught at both campuses.

(4) Narrabundah (17), Forrest (3), and Yarralumla (1).

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11 May 1993

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

Question No 629

Government Service - Fraud Control

MR DE DOMENICO - Asked the Chief Minister upon notice on 24 March 1993:

In relation to the decisions taken by the Hawke Government in 1988 concerning fraud in the public sector -

- (1) Has the ACT Government implemented similar methods.
- (2) What was the staffing of the Investigations Unit in (a) January 1990 and (b) March 1993.
- (3) Why was the Investigations Unit absorbed into another work area.
- (4) Is there a general policy to downgrade the investigation of fraud mismanagement in the ACT Government Service, and if so, (a) what policy and (b) when was this policy announced.

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

- (1) Prior to self-government commencing in the ACT in 1989, the decisions of the Hawke Government in respect of fraud control were implemented by the then ACT Administration. The key steps taken were the conduct of fraud risk assessments in areas of the Administration considered at a high risk of fraud, some training in fraud control issues for senior managers, and the establishment of the Investigations Unit, staffed with appropriately trained officers, to assist managers in the prevention, detection and investigation of fraud-related malpractice.

With self-government, the obligatory nature of the decisions of the Commonwealth Government has, of course, lapsed. However, the pre1989 arrangements for fraud control have continued. The Investigations Unit has provided assistance to Agency management by way of advice on overcoming systemic weaknesses, the conduct of training for staff, especially in public contact areas, and the investigation or referral to the AFP of the more serious allegations of malpractice. These investigations have led to the identification of offenders who have been dealt with before the courts, or through the discipline processes, as well as the results providing a basis on which Agencies can review systems and procedures seen to be vulnerable to fraud.

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- (2) (a) Funding provided for 7 officers (1 x SOG B, 4 x SOG C, 1 x ASO 6, 1 x ASO 4) and these positions were staffed.
- (b) Seven positions are funded (1 x SOG B, 2 x SOG C, 3 x ASO 6 (one funded by the Housing Trust), 1 x ASO 4). The occupant of the SOG B position has recently transferred to a Commonwealth agency and action is in hand to temporarily fill the position while substantive recruitment action takes place. Recruitment action is proceeding to fill two vacant ASO 6 positions, and the classification of the third is under review. The occupant of the ASO 4 position recently applied for and was granted permission to work part-time. Additional resources to assist in policy development work are used from the workforce policy area of Employment Policy Branch.
- (3) A review of the fraud control function in late 1992 concluded that the ACTGS-wide fraud control activity be strongly linked to overall management improvement initiatives through a central unit in the agency responsible for public sector management and reform. Hence the Unit has been retained in OPSM. It has, however, been integrated with another area to provide an opportunity for fraud control policy development to be carried out by officers skilled in policy formulation, whilst the conduct of investigations can be undertaken by officers appropriately trained and experienced. In this way it is intended to achieve a better use of resources and a closer working relationship with broader workforce policy and management improvement initiatives.
- (4) There is no policy to downgrade the investigation of fraud and mismanagement in the ACTGS. One of the purposes of the review conducted in late 1992 was to raise the importance of fraud control with senior agency management and to ensure that the most appropriate arrangements were in place given the resources available. The Government Services Board subsequently reaffirmed that the ACTGS would continue to be well served by a central Investigations Unit responsive to the fraud prevention, detection and investigation needs of Agencies. During 1992, both the DPP and the Privacy Commissioner examined the operations of the Investigations Unit and generally commented favourably on the manner in which the Unit carried out its duties.

11 May 1993

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

Question No. 631

Campbell Childcare Centre

MRS CARNELL - Asked the Chief Minister upon notice on 31 March 1993 - in relation to the Campbell Childcare Centre:

- (1) How much money has the ACT Government Service spent on the refurbishment of the Campbell Childcare Centre.
- (2) How many childcare places have been created.
- (3) How many of those places are currently filled.
- (4) How many places are filled by children of ACT Government employees.

What fees are charged to ACT Government employees.

What fees are charged to the general community.

(7) What rent is the Young Womens Christian Association paying to the ACT Government for the Campbell Childcare Centre and grounds.

(8) Was a survey done of ACT Government employees to assess the need for childcare in the Campbell area before it was decided to provide employer supported childcare at Campbell Childcare Centre.

(9) Where do the parents of the children using the centre reside.

CHIEF MINISTER - The answer to the members question is as follows:

(1) The building costs for extension and refurbishment of the Campbell Childcare Centre totalled \$406,561. In addition to this, a fee for consultants design and supervision totalled \$43,795, making a total of \$450,356.

The Campbell Childcare Centre is located on the site of the former Campbell Pre-School. The building was extended in order to accommodate 55 children at the Centre.

(2) The Centre is licensed to accommodate 55 children.

Priority of access to the Campbell Childcare Centre is for employees of the ACT Government Service, Territory Owned Corporations and Statutory Authorities; employees of the Commonwealth or a Commonwealth

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statutory body who are performing duties for or on behalf of the Territory; and members of Legislative Assembly. Any remaining childcare places are offered in the first instance to employees of those Commonwealth Government Departments which have agreed to pay an access fee of \$1,500.00. If vacancies still exist these are available to members of the community and serve to meet the broader community need.

(3) The Centre opened on 8 February 1993 and there are currently 40 children attending the Centre; 16 full time places and 24 part time places. In addition, 25 children attend the Centre on an occasional care basis.

(4) Of the 55 places at the Centre, 15 are occupied by children of ACT Government employees. An additional 20 children of ACT Government employees will commence at the Centre over the next three months.

(5) ACT Government employees pay \$136.00 per week for full time childcare. Pro rata fees are charged for part time care.

(6) Members of the community accessing the Childcare Centre pay the same fees as ACT Government employees and employees of Commonwealth Government Departments that is \$136.00 per week for full time care, and pro rata fees for part time care.

(7) The YWCA, the management organisation of the Campbell Childcare Centre, does not pay rent on the premises. The YWCA is a non profit organisation and was selected through a tender process to manage the Campbell Childcare Centre on behalf of the ACT Government. All other expenses including insurance, telephone, electricity and water charges are paid by the YWCA.

(8) A survey was undertaken in April 1992 to determine the immediate and future needs for childcare of ACT Government Service employees. One of the survey questions related to the preferred location of the childcare centre. 48.8 per cent of respondents indicated a preference for childcare located near work, and 37.6 per cent indicated preference for a location close to home. With this information in mind, and in line with the Governments commitment to provide childcare in suitable surplus ACT Government owned properties, the Campbell site was chosen as a suitable site.

(9) Families accessing the Campbell Childcare Centre reside in various Canberra suburbs as follows: 5 families from Canberras northern suburbs; 6 families from Canberras southern suburbs; 17 families from Canberras inner city suburbs; and 5 families from the surrounding New South Wales region.

11 May 1993

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

Question No. 632

Acton Early Childhood Centre

MRS CARNELL - Asked the Chief Minister upon notice on 31 March 1993 - In relation to Acton Childcare Centre:

- (1) How much money has the ACT Government Service spent on the refurbishment of the Acton Childcare Centre.
- (2) How many childcare places have been created.
- (3) How many of those places are currently filled.
- (4) How many places are filled by children of ACT Government employees.
- (5) What fees are charged to ACT Government employees.
- (6) What fees are charged to the general community.
- (7) What rent is the Southside Community Service paying to the ACT Government for the Acton Childcare Centre and grounds.
- (8) Was a survey done of ACT Government employees to assess the need for childcare in the Acton area before it was decided to provide employer supported childcare at Acton Childcare Centre.
- (9) Where do the parents of the children using the centre live.

CHIEF MINISTER - The answer to the members question is as follows:

- (1) The building cost for refurbishment of the Acton Early Childhood Centre totalled \$112,397. In addition to this, a fee for consultants design and supervision totalled \$12,066, making a total cost of \$124,463.

The Acton Early Childhood Centre previously operated as a childcare centre for children of employees of Royal Canberra Hospital.

- (2) The Centre is licensed to accommodate 49 children. Priority of access to the Acton Early Childhood Centre is for employees of the ACT Government Service, Territory Owned Corporations and Statutory Authorities; employees of the Commonwealth or a Commonwealth statutory body who are performing duties

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for or on behalf of the Territory; and members of the Legislative Assembly. Any remaining childcare places are offered in the first instance to employees of those Commonwealth Government Departments which have agreed to pay an access fee of \$1,500.00. If vacancies still exist these are available to members of the community and serve to meet the broader community need.

(3) The Centre opened on 28 October 1992 and is operating at full capacity.

(4) Of the 49 places at the Centre, 28 are occupied by children of ACT Government employees. The remaining places are occupied by members of the community.

(5) ACT Government employees pay \$136.00 per week for full time childcare. Pro rata fees are charged for part time care.

(6) Members of the community accessing the Childcare Centre pay the same fees as ACT Government employees that is \$136.00 per week for full time care, and pro rata fees for part time care.

(7) Southside Community Service, the management organisation of the Acton Early Childhood Centre does not pay rent on the premises. The Southside Community Service is a non profit organisation and was selected through a tender process to manage the Acton Early Childhood Centre on behalf of the ACT Government. All other expenses including insurance, telephone, electricity and water charges are paid by the Southside Community Service.

(8) A survey was undertaken in April 1992 to determine the immediate and future needs for childcare of ACT Government Service employees. One of the survey questions related to the preferred location of the childcare centre. 48.8 per cent of respondents indicated a preference for childcare located near work, and 37.6 per cent indicated preference for a location close to home. With this information in mind, and in line with the Governments commitment to provide childcare in suitable surplus ACT Government owned properties, the Acton site was chosen as a suitable site.

(9) Families accessing the Acton Early Childhood Centre reside in various Canberra suburbs as follows: 23 families reside in Canberras southern suburbs; 19 families reside in Canberras northern suburbs; and 5 families reside in the surrounding New South Wales region.

11 May 1993

**Chief Minister for the Australian Capital Territory
Legislative Assembly Question**

Question No. 634

Tobacco Product Sales

Mrs Carnell - Asked the Treasurer upon notice on 24 March 1993:

- (1) How many tobacco retailers are licensed in the ACT?
- (2) Are the physical locations of these retailers known?
- (3) What methods) is used to police the sale of tobacco products to persons under 18 years of age?
- (4) How many people are employed by the relevant Department to ensure legal compliance is adhered to?
- (5) How often are routine checks on retail outlets made?
- (6) Were there any convictions in 1992 for the sale of tobacco products to persons under 18 years of age; if so how many?
- (7) Were there any cases in 1992 of tobacco products being sold without a valid licence; if so how many?

Ms Follett - the answer to the Members question is as follows:

- (1) 766.
- (2) Yes.
- (3) Implementation of the ACT Tobacco (Amendment) Act 1990 is monitored by ACT Health. When the provisions prohibiting the sale of tobacco products to persons under the age of 18 years came into effect, tobacco retailers were provided with information on their obligations. This included a leaflet detailing the Acts provisions and level of penalties for violations, together with signs to be voluntarily displayed reminding customers that the sale of tobacco products to under-18 s is illegal. Following the distribution of this information, ACT Health has provided information to retailers and the public on request. A system to provide tobacco retailers regularly with updated information is also being developed. Members of the community report possible breaches to officers of ACT Health, who investigate these matters and take appropriate action.

As is the case with other legal requirements to which businesses are subject, compliance, rather than violation, is expected. However, in light of community

concern and the seriousness with which the Government views breaches of the provisions prohibiting under-age sales of tobacco products, plans are under way to establish a Monitoring Committee to develop a systematic approach to promoting compliance with the legislative requirements.

(4) The Tobacco (Amendment) Act 1990 makes no specific provision for enforcement procedures in relation to illegal tobacco sales. Until December 1991, an officer of ACT Health followed up complaints and queries and assisted proprietors in achieving compliance with the Act. In late 1992, a Senior Officer was appointed in the Alcohol and Drug Service of ACT Health to develop policy advice on tobacco issues and to oversee implementation arrangements for new and proposed legislation. This officer will be responsible for working with the Monitoring Committee in developing and reviewing protocols for the implementation of tobacco legislation. This review will involve collaboration between agencies including ACT Health, Treasury, Attorney-Generals Department, and the Australian Federal Police (ACT Region).

(5) Routine compliance checks of tobacco retailers are not undertaken, and such checks have not, to the Governments knowledge, been undertaken as normal practice by government agencies in other jurisdictions where similar legislative provisions apply. A responsive rather than pro-active approach has been used in the ACT, as elsewhere.

(6) There have been no prosecutions or convictions for the sale of tobacco products to persons under 18 years of age in the ACT. In the past 12 months, prosecutions have been mounted in two States, Western Australia and New South Wales. The fines levied by the magistrates ranged from \$10 to \$250. The relative leniency afforded to offenders by the Courts, together with the resource requirements of mounting successful cases, has contributed to a reliance on public education and on the provision of information and assistance to retailers.

(7) Yes; one

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 636

Animal Welfare

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

In relation to the undertaking by the Minister during the debate in the Assembly on 13 August 1992 on the Animal Welfare Bill 1992 that the Animal Welfare Act 1992 would not come into full force until the Codes of Practice had been developed

- (1) Why was the Act therefore commenced before the the Codes have been finalised.
- (2) Who are the Inspectors under the Act and have they had experience in dealing with these matters.
- (3) Are these Inspectors completely independent.
- (4) Do any of the Inspectors have any affiliations with animal liberation organisations.
- (5) How were the Inspectors appointed.
- (6) To whom do the Inspectors answer.
- (7) If the Codes of Practice are not in place, on what basis do the Inspectors determine any breaches of the Act.
- (8) What is the membership of the Animal Welfare Committee and on what basis were they appointed.
- (9) How many members of the Animal Welfare Committee have affiliations with the animal liberation movement.
- (10) Is it intended to place restrictions on horse racing and egg production through Codes of Practice.
- (11) Will there be any public consultation in determining Codes of Practice.

Mr Wood - the answer to the Member's question is as follows:

- (1) The Act contained the usual commencement section. As no determination has been made commencing provisions other than Section 2, the Act came into effect automatically six months after notification in the Gazette-of 1 September 1992. The Animal Welfare Advisory Committee is finalising proposed Codes of Practice for the three industries to which I asked priority to be given, namely horse racing, poultry and pet shops. I expect recommendations from the Committee in the near future. In the meantime, it is important that the Animal Welfare Act is in effect because the legislation is a major step forward for protecting the welfare of animals in the ACT.
- (2) The inspectors appointed under the Act-are the two ACT Government Veterinarians, Dr Will Andrew and Dr Kaz Zimny, and three RSPCA inspectors, Mr Neil Turner (Director), Mr Eamonn O'Rourke and Mr Peter Inglis. All the appointed Inspectors have considerable experience in dealing with animal welfare matters.
- (3) The Inspectors are empowered to take action to-enforce the Act and are expected to use their knowledge and expertise to make independent decisions regarding enforcement.
- (4) The Inspectors were appointed because they have expertise in the area of animal welfare matters. I am not aware of any affiliation with animal liberation organisations.
- (5) The Inspectors were appointed on the basis of the veterinarian qualifications and related experience.
- (6) The Inspectors answer to the Animal Welfare Authority (who appoints them,. The current appointee is Mr John Thwaite, General Manager,-Parks and Conservation, Department of the Environment, Land and Planning.
- (7) 'In the absence of Codes of Practice, the Inspectors determine breaches of the Act on the basis of their expert knowledge of animal welfare requirements and acceptable standards and the general provisions contained in the Act.
- (8) The membership of the Animal Welfare Advisory Committee and the interests represented are as follows:
Denis Daly (Chairperson)
Geoff Wells (Agriculture and Landcare Section, Department of the Environment, Land and Planning)
Marion Lewis (RSPCA ACT)
Rebecca Palmer (Australian Veterinary Association)
Richard Blackman (ACT Rural Lessees Association)
Jenny Macdougall (Animal Liberation) .
Pat Treacy (ACT Wildlife Foundation)
Colin Bates (a pet shop owner, commercial interests)
Beth Stone (ACT Equestrian Association)
Max Martin (Canberra Kennel Association)
Diane Garrod (Conservation and Wildlife Section, Department of the Environment, Land and Planning)

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Kathryn Maxwell (community representative) Simon Bain (Research and Teaching)

The membership is in line with the Policy Statement on Animal Welfare. The organisations suggested in the Statement for representation on the Committee were asked for nominations from which the most suitable was selected. Account was also

- taken of the need to meet the Government's policy in relation to an equal gender representation. With regard to a representative of the Pet Shop Industry and Research and* Teaching, active and experienced people were selected.

(9) One member of the Animal Welfare Advisory Committee represents Animal Liberation (ACT).

(10) The Animal Welfare Advisory Committee will make recommendations to me on appropriate requirements for horse racing and egg production. I will consider the advice when it is received.

(11) Each Code of Practice will be subject to appropriate consultation. Relevant industry representatives will be consulted during development of their specific Codes of Practice, as has already taken place with the Poultry Code, the Pet Shop Code and the Horse Racing Code. Codes which have a greater impact on the public, such as care and control of pets, may be released for public comment. Once Codes are approved by me, they are available to the public and are tabled in the ACT Legislative Assembly and subject to disallowance.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 639**

Housing Trust - Kingston Redevelopment Study Contract

MR DE DOMENICO: Asked the Minister for Housing and Community Services -

Can the Minister provide details of the contract organised between the ACT Government and Daryl Jackson Alastair Kingston ACT regarding the Kingston Section 27, Market Research and Feasibility Studies.

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

The contract was issued by ACT Public Works acting as agent for the ACT Housing Trust. The brief relates to possible future development options of an area owned by the Housing Trust known as Section 27 Kingston.

A summary of the brief follows:

Kingston Section 27
Joint Venture Redevelopment Study

The purpose of this brief is to:

- examine ACT Planning Authority(ACTPA) Development Conditions and National Capital Planning Authority (NCPA) requirements;
- carry out research to determine commercially appropriate forms of medium density redevelopment for the site;
- prepare feasibility studies showing potential yields for various options;
- provide a site analysis including geotechnical and environmental considerations,
- provide market research findings for appropriate redevelopment options for the site.

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MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 640

Sportsground Floodlighting Contract

Mr De Domenico -asked the Minister for Sport -

- (1) Can the Minister supply details about the contract arranged between Southern Lighting Pty Ltd, Ingleburn, New South Wales and the ACT Government to provide various areas sportsground floodlighting.
- (2) Which sportsgrounds will be floodlit. .
- (3) What components make up the total cost of \$107,180.
- (4) How many tenders were submitted.
- (5) Were any tenders from Canberra companies; if so why were local companies rejected.

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

- (1) The contract was a standard supply contract with a resulting order placed on Southern Lighting Pty Ltd by Building Services Section of ACT Public Works.
- (2) [i] Part of Aranda district playing fields
Block 1 Section 1 Aranda
- [ii] Part of Wanniasa district playing fields.
Block 1 Section 202 Wanniasa
- [iii] Griffith Oval
Block 11 Section 42 Griffith
- (3) The amount covers supply and installation of 20 metre steel columns, lighting units, cabling, switching and controls plus removal of redundant poles.
- (4) Four tenders were submitted.
- (5) The other tenderers included ACT Electricity and Water and two Canberra contractors, one of whom is incorporated in New South Wales: Southern Lighting Pty Ltd submitted a significantly lower price and as they were considered an effective contractor they were selected as the successful tenderer.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 645**

Housing Trust - Property Management Staff

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the claim (p11) "...the ACT Housing Trust is an efficient organisation. It has one staff member for 55 public dwellings..." -

- (1) How many Trust staff are directly engaged in (a) inspections of Trust properties and (b) chasing outstanding rents.
- (2) How often are Trust properties inspected.
- (3) What is the private sector ratio of staff to direct (a) property inspection and (b) rent recovery.

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

- (1) (a) There are twelve Housing Inspectors engaged by the Housing Trust to inspect dwellings.
- (b) The recovery of rent arrears is undertaken as part of the general management of housing tenants.
- (2) There are periodic inspections of housing properties:
 - when a tenant vacates a dwelling, and,
 - as part of the technical audit to assess the condition of housing stock.
- (3) A direct comparison of public and private sector property management is not possible given that public sector staff are engaged in a broader range of tasks (eg. income testing and review, rental rebates). Real Estate Agents generally charge between 8-10% of total rent receivable to cover property management costs.

11 May 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 647**

Housing Trust - Tenant Behaviour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement (p19) that "The amount of land and number of adjoining blocks owned by the Trust in the inner areas provides opportunities for joint ventures with the private sector. This will achieve the goals of reducing the stigma of public housing..."

- (1) What stigmatises public housing apart from behaviour of tenants and damage to the property.
- (2) How will joint ventures with the private sector prevent such anti-social behaviour taking place and thus again stigmatising the property(s).
- (3) If joint ventures will reduce the problem, why cannot the Trust do so now.

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

The housing policies of the ACT Labor Government aim to promote the principles of social justice and preserve opportunities for lower income households to live in areas close to community, and other support services.

I do not accept the criticism of public housing tenants which is implied in the question and believe that the vast majority of public housing tenants are valued and responsible members of the Canberra community. The integration of public housing with private sector development is an aim of the strategy pursued by the ACT Housing Trust. This strategy avoids the problem of large scale public housing estates evident in other states.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 652**

Housing Trust Properties - Sale to Tenants

MR CORNWELL: Asked the Minister for Housing and Community Services In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement (p13) (Attachment One) that in relation to Sale to Tenant:

"The value to the Trust of these sale programs is that they provide an avenue to turn over stock, especially stock in poor condition, badly located or of poor or of inappropriate design"

(1) Does this statement infer that good quality stock will not be sold to tenants and, if not, what does the statement mean.

(2) Does this statement support the increasing qualifications against tenants purchasing their government house and if not, why not.

(3) Why would tenants purchase stock in poor condition and how would they do so, given the inference that as tenants they probably caused the deterioration.

(4) Has legal advice been sought in respect of the Trusts right as enunciated by this statement, to sell such properties to tenants.

(5) Has legal advice been sought that the Trust is not in breach of the Discrimination Act 1991 in respect of its policy of sales, as enunciated by this statement.

MR CONNOLLY: The answer to the Members question is as follows

(1) The statement quoted follows a description of two quite separate sales programs; "market" sales of vacant houses, and sales to tenants. Houses that are assessed for sale by auction because they are "in poor condition, badly located or of poor or inappropriate design" are vacant when sold. Tenants are not involved.

(2) No. There has been no increase in the conditions governing the sale of dwellings to tenants. The only qualifications about the kind of house a tenant may buy are those listed on pages 12 and 13 of the document referred to.

(3), (4)& (5) See (1) above.

11 May 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 653**

Housing Trust - Socially Disadvantaged Tenants

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the question and response at page 14 (Attachment One) that "The nature of tenants in terms of social disadvantage obviously require higher tenancy management efforts."

- (1) What steps are taken to provide these higher tenancy management efforts.
- (2) What percentage of Trust households would be in the social disadvantaged category.
- (3) What is the additional cost of this higher tenancy management effort.

MR CONNOLLY: The answer to the Members question is as follows

- (1) The purpose of the ACT Housing Trust is to assist individuals who are disadvantaged in the housing market and the majority of activities of the organisation in providing housing assistance are directed towards this purpose. The operation of income tests, waiting lists, priority housing processes, emergency housing and supported accommodation, rental rebate processes are all activities which "require higher tenancy management efforts" than
- (2) At the point of entry into housing assistance programs (both public housing and rent assistance) all recipients of assistance are disadvantaged. If income is taken as a measure of social disadvantage, then all recipients of rent relief are disadvantaged and about 85% of public housing tenants are currently disadvantaged.
- (3) See (1) above; it is not possible to separately identify costs at this level of detail.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 655**

Housing Trust - Tenant Transfers to Private Housing

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and ineligibility to rent Trust properties due to increase in income (Attachment One, page 19)

- (1) How is the rebate reduction, because of increase in a tenants income, established.
- (2) What percentage of tenants do not return the six months assessment form and what action is taken against them.
- (3) How many tenants ineligible to transfer to other Trust property because of improved income levels moved into private housing in (a) 1990-91 and (b) 1991-92.
- (4) How many tenants in circumstances at (3) did not move into private accommodation in those years.
- (5) In relation to tenants at (4), did they then move to the top level of rent and if so, what is that top level of rent for each type of Trust property.

MR CONNOLLY: The answer to the Members question is as follows

- (1) to (5) The Labor Government is committed to the principle of security of tenure for public housing tenants and will continue to meet these obligations which are contained within the Commonwealth State Housing Agreement. The government rejects the philosophy that tenants are ineligible "to rent Housing Trust properties due to increase in income".

The "market" rent charged by the ACT Housing Trust is related to comparable properties in the private market and varies according to location and amenities provided. The full rent is charged for the property unless the tenant cannot meet these rent levels and applies for a rebate. The application requires the tenant to declare all sources of income and this forms the basis for the calculation of the rebate. The tenant is required to advise the Housing Trust of changes in circumstances. The tenant is periodically required to reapply for the rebate. If the application is not completed the rent rebate is terminated and the full rent is charged. Under these arrangements security of tenure is guaranteed and subsidies in the form of rent rebates are provided only for the period when tenants are unable to afford the full rent.

11 May 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 657**

Housing Trust - Rental Income

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the claim at Rental Housing (Attachment One, p21) that "Rental arrears as at 31 December 1992 were \$5.23 million compared to \$186.78 million rent receivable..." -

- (1) What is the purpose of quoting a rent receivable figure when 84.4% of tenants were receiving rebates.
- (2) At 31 December 1992, what was the actual (rebated) amount that the Trust could receive.
- (3) How is the figure of \$186.78 million arrived at when, in a statement published in The Canberra Times, 5 February 1993, the acting Minister for Housing, Mr Wood revealed that the total possible income from the Trusts approximately 12,500 properties was only \$82.7 million.

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

- (1) The Industry Commission Inquiry into Public Housing asked for information to be provided on this basis. It is the most appropriate measure to assess the overall performance of housing authorities. It enables the extent of housing assistance provided to public housing tenants to be readily identified.
- (2 & 3) The 1992/93 Budget estimated that the level of rent receivable was \$86.78 million and that \$44.62 million would be provided as rent rebates

**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 659**

**Woden Valley Hospital - Racist Remarks
Allegations**

Mr Cornwell - asked the Minister for Health:

In relation to allegations of racist remarks by a nurse at Woden Valley Hospital (Community Times, March 18)

- (1) What were the findings of the investigation into the incident?
- (2) Has disciplinary action been taken and, if so, what action has been taken?
- (3) Has the patient concerned received an apology and if not, why not?

Mr Berry - the answer to Mr Cornwells question is:

- (1) There is strong evidence from several independent sources that only three words were spoken by the nurse. Those words were spoken in an angry and abrupt manner.

There is absolutely no evidence of racial or cultural discrimination on the part of the nurse or other staff on the ward involved in this incident.

- (2) The nurse in question has been counselled appropriately about her manner and has apologised.
- (3) In accordance with Woden Valley Hospitals Complaints Policy, a letter from the

General Manager was mailed to the complainant on 31 March 1993 giving a factual account of the results of the investigation and apologising for the distress caused to the patient by the nurses manner.