



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 August 1993

Tuesday, 17 August 1993

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

DEATH OF DR HECTOR KINLOCH

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

That the Assembly expresses its deep regret at the death of Dr Hector Kinloch, a member of the First Legislative Assembly for the Australian Capital Territory, and tenders its profound sympathy to his widow and family in their bereavement.

Madam Speaker, I acknowledge the presence in the gallery of Mr Collaery and Mr DUBY, two former members of the Assembly.

Madam Speaker, Hector Kinloch was a member of the First ACT Legislative Assembly. His contribution in this capacity was significant, particularly for his recognition that with the new Assembly we were creating history. I think Hector realised that we had both the opportunity and the obligation to shape history by making the new Assembly work despite all the early difficulties. In addition to his contribution to the Territory as an elected representative, Dr Kinloch will always be remembered as an avid historian, a committed academic, and a highly spirited film buff. These were his consuming lifetime interests.

Hector was born in Boston, Massachusetts, in December 1927 to British parents. His family returned to Britain several years later. He spent much of his childhood in a Dr Barnardo's home in Belfast and then in various foster homes in London, Suffolk and Sussex. He was nevertheless a high achiever and in 1945 he graduated with first class honours in history from Christ's College at Cambridge University. Hector then spent three years in the US Army before taking a teaching position at Yale University from 1955 to 1960. During this time he also completed an MA and a PhD in history, becoming a specialist in eighteenth century history, especially of North England and England's North American colonies.

It was in 1960 that Hector moved to Australia and took up a posting as senior lecturer in history at the University of Adelaide until 1964. The following three years he spent as visiting Fulbright professor of US history at the University of Malaya in Kuala Lumpur. He then returned to Australia, remaining in a position with the ANU until 1988, including a period as a very popular Dean of Students. During this period he also served, though only for comparatively brief stints, at the universities of Hawaii, Swarthmore and Harvard.

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Dr Kinloch took a very great interest in the cultural life of his community. Indeed, extracurricular activities were an important part of his commitment to life. He was an avid film reviewer in all branches of the media - radio, television and print. Hector Kinloch also had a very strong religious commitment, having become a Quaker in the early 1970s. Through this commitment he became an adjunct member of the faculty at St Mark's Institute of Theology and a member of its council as well.

Hector campaigned very strongly on social issues which concerned him, most notably gambling, and he subsequently co-founded the National Association for Gambling Studies. Of course, many of us will also remember Hector's fervent opposition to the plans for a casino in our community. Indeed, this concern with social issues led Hector to joining the Residents Rally and standing as a candidate at the March 1989 election. It is a matter of history, of course, that the complex count meant that Hector was not finally declared elected as the seventeenth member of the First ACT Legislative Assembly for some two months.

As a Rally member and at one stage Deputy Leader, Hector served as Executive Deputy to the Minister for Education and the Arts in the Alliance Government from 1989 to 1991. During this time Dr Kinloch also served as chairman of the Standing Committee on Conservation, Heritage and Environment and the Select Committee on the Amalgamation of Tertiary Institutions. He was a member of the Standing Committee on Social Policy, the Select Committee on Cultural Activities and Facilities, and the Select Committee on Estimates.

Hector Kinloch will be remembered as a man with strongly held beliefs. His approach at times frustrated some colleagues. He was thoughtful and independent, however, and I believe that his approach indicated the depth of the academic's inquiring mind - always open, always ready to learn and always ready to share his knowledge. During the discussion of a matter of public importance raised by Dr Kinloch in the Assembly on 17 December 1991 he identified six challenges which he considered would face the Second Assembly in 1992. He identified them by category, and they were institutional, social economy, naturalness, education and research, a complex culture, and a place of pilgrimage. These challenges reflect, more than anything, the very passionate interest which Hector took in the life of our community.

Madam Speaker, Dr Kinloch was a respected member of the first parliament of the ACT, a parliament which gave a voice to the people of the ACT in matters affecting our community and our community's development. At the close of that First Assembly, on 17 December 1991, when all members gave their valedictory speeches, Hector's speech was also his swan song. He had chosen not to continue with local politics. His involvement in our First Assembly was a great thrill for Hector. He commented then that 50 years or 100 years from that day all members would be "cosily enclosed in some computer edition of the *Australian Dictionary of Biography*" or would have had streets named after them. I am sure that Hector's family will see that come to fruition.

Madam Speaker, Hector's participation in the First Assembly will always be a very special part of the Territory's history of self-government. For a man who was so passionate about his study of the course of human affairs to be so intimately involved in that slice of our history must have been very satisfying. I would like to pass on my sincere condolences to Hector's wife, Lucy, and their three children, Robert, Elizabeth and Eleanor. They can always be very proud of the contribution made by their father to the people of the ACT.

MR KAINE: I support this motion with great personal regret. I will not go to the length that the Chief Minister has. She outlined his life and his career very well, and there would be no point in my restating that; but there are a few things that I would like to say about Hector. He was, as has already been noted, a scholar, a soldier and an historian. He spent his early life in the United States and in the United Kingdom, but ultimately he became an Australian.

Hector, I remember, to coin a word, as a "wordsmith". I think that the speeches he made in this place showed that. Sometimes his speeches were perhaps even too scholarly to be really appreciated in this place. He added to the level of debate here something which I think was unique. He was an individual of strong opinions. Those of us who worked with Hector know that he sometimes marched to the beat of a different drum from that which the rest of us heard. I think that was part of his uniqueness.

He came into politics late and in fact was never a politician, in my view, in the sense that people understand politicians. He had a totally different view about politics and what it meant and what it should mean. I respected him for that, and I know that he was respected by the community for that. His experiences in the Alliance joint party room, I think, gave it a certain uniqueness, and I use the word advisedly. Hector and I did not always agree, but at the end of the day I had to respect his opinion. We had some fiery times in the joint party room.

I think that his definition of the challenges for this Assembly that the Chief Minister referred to reflected the fact that his view about politics, his view about this Assembly and where it was going, was quite different from that of the rest of us. The way he expressed his opinions, I suggest, was typical of the fact that he saw things differently, and he defined them differently. The Alliance was an experiment unique in Australian political history. Hector Kinloch was very much a part of that experiment and I believe that he will be remembered by all of us who knew him, if for nothing else, as a man of principle.

I too add my condolences to Lucy and the children. I finish as I began: I support this motion with great personal regret.

MR MOORE: I rise to support the motion. I would like to begin my speech, Madam Speaker, by quoting from Dr Kinloch's inaugural speech, as we prefer to call it, or maiden speech in this Assembly. He concluded it with these words:

Finally, I conclude on this note of thanks: one could thank many people, but may I personally say what an honour and joy it is to be a member of this Assembly at this stage in my life, and particularly in the company of so many good people on all sides of this Assembly. Let us, friends - and I am sure you will agree with this - grow old gracefully together.

Madam Speaker, it is with regret that it is Dr Kinloch who has left our ranks before anybody else. I would like to think of the very best times that I remember him. I remember him particularly for three speeches. The first was the speech that I have quoted from. It was in that speech that he drew on his own strength and his own knowledge. It was in that speech that he compared members of the Assembly to people from his historical background. Rather than going through those, because people can look at that speech on 24 May 1989 if they so wish,

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I will draw attention to what he eventually said about himself. He had spoken about Rosemary Follett, who apparently was not present at the time of the speech. There were some members that he did not refer to. He said:

Finally, I come to myself and I do ask friends, despite my advanced age and the initials "R.R.", -

he was referring to the Residents Rally -

not to refer to me as the Ronald Reagan of this house.

He was very keen not to be associated that way. He said:

If it is not too arrogant, I humbly accept the middle name, Jefferson.

Madam Speaker, I can imagine lots of reasons why that would be the case. In some ways I think back on Dr Kinloch much more as the Benjamin Franklin of the Assembly and of public life, not only for his involvement in politics but also for his contribution, as an educated man, to this Assembly.

The second speech that I remember well, Madam Speaker, was a speech he gave when the Bill dealing with restricting guns went through this Assembly. It was, I think, one of the best speeches ever delivered in the Assembly. He talked about the concept of the right to bear arms, not only in the sense of a Bill of Rights that could be considered for Australia. With reference to the American Constitution, he debunked in that speech the concept that Americans ought be able to interpret their Constitution in terms of a right to bear arms and then drew conclusions about applying that to Australia. On these occasions in particular, Madam Speaker, Dr Kinloch held the attention of the members of the Assembly and people in the gallery. In the first speech there was great humour and joy. On the occasion of the second speech we were attentive because of the message that Dr Kinloch was delivering, because of its importance.

His sense of humour, as I remember it, came through best of all, Madam Speaker, the last time that I dealt with Dr Kinloch publicly. That was in a debate - I think Mr Humphries was involved in it as well - on whether Canberra should be renamed "Sinberra". I had prepared very carefully. I knew that Dr Kinloch was going to make the first speech and I had prepared all the arguments to counter what he was going to say. Unfortunately it was going to make it a very serious situation. I had all the answers prepared and, as far as I was concerned, I had the advantage because my speech was going to be delivered well after his. Of course, in his usual style, he did the totally unexpected. He turned the whole thing into a laugh and went the opposite way from what was expected. He did it all with tongue in cheek and Mr Humphries and I simply threw away our speeches. There was simply no point in delivering the speeches we had prepared because Dr Kinloch, in his initial statement, had undermined everything we were going to do. It was that side of Hector that most of us admired. We saw it not only in public statements like that. Those of us who knew him personally saw that also in the way he dealt with people personally, giving advice with sincerity and a well-developed sense of humour.

Madam Speaker, it is with great regret that I support this motion on the death of Dr Kinloch, but at least we have this opportunity to reflect on the contributions that he made to our community.

MR HUMPHRIES: Madam Speaker, I also rise to support the motion moved by the Chief Minister. Dr Hector Kinloch was a man of many contradictions. He was, of course, an opponent of the ACT casino; yet he had been a gambler. He was a pacifist; yet he had been a soldier. He was an ardent critic of the school closure program of the Government of which he was a member; yet members of that Government will recall that it was he, in the joint party room in 1990, who moved for the closure of seven schools in the ACT. He was, as Mr Kaine has said, in politics but he was not a politician.

My educational association with Hector Kinloch began in 1982. At that time I was president of the Students Association of the Australian National University and he was the Dean of Students. He was an interesting person in that position because he at once wanted to empathise with the students whom he served or who were under his charge. He was the only academic that I can recall who bothered to visit the offices of the Students Association. People who visited the offices of the Students Association in those days were not anxious to return - they were not the most pleasant places in the world - but Hector Kinloch wanted to be at one with us and he came and he saw the students in their own place. That inclusive nature, that desire to be empathising with people that he had to deal with, was a pattern in his life.

Our relationship was renewed in 1989 when we both joined the Legislative Assembly as inaugural members. We were both educational spokesmen for our parties and in due course he became the Executive Deputy to me when I became Minister for Health, Education and the Arts. In that capacity, as in all the other things he did as a member of this Assembly, he worked extremely hard. I was told by someone that he found it galling to be playing second fiddle to someone who was much younger than he and who could have been his student in education, but he never said that to me and he fulfilled his duties and his responsibilities with great aplomb.

I think, Madam Speaker, that Hector Kinloch wanted to be in politics, as in other aspects of his life, all embracing. He hated to deliver rejection; yet politics is all about making and enforcing decisions and choices. It is about choosing between causes, between claims, between people; and that was, for Hector Kinloch, a special agony because he hated making those kinds of choices. He hated rejecting people in particular. He found it very difficult to turn away, for example, the school communities who came and put great pressure on him and his colleagues in the Residents Rally, and he wanted to be loyal simultaneously both to the Government of which he was a member and to the interests in the community that lobbied him on that question. There was, of course, tremendous pressure on him during that time.

He dealt with that pressure in a variety of ways. At one stage he resigned from his position in the Alliance Government, but not from the Government. He was a gentle person, but he was also capable of being extremely passionate, even hot tempered. He was deeply disturbed in many respects by the ways of this Assembly, and by rejecting the stock-in-trade of politics he, I think, marked himself not as a politician but as a man with other broader interests. He announced late in 1991 that he would not be contesting his seat in this Assembly again and he said so on the basis that he was not in good health. That was true, of course. It is almost certain that the great pressure he was under in this Assembly contributed to the decline of his health in the last two or so years of his life.

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Madam Speaker, as members have said, Dr Kinloch was a very passionate man. He was a very enthusiastic man. He was also a man with great courage. Members of that First Assembly will recall that he frequently came into this place and, in the middle of sometimes very heated debates on matters of enormous differences of view, irreconcilable differences of view, stood in his place and urged members of the Assembly to sink their differences, to somehow find a bridge between the two impossibly different positions.

I know that I, and I am sure other members of the Assembly, felt, at least on occasions, that he was being impossibly naive, even foolish. But I think we should also acknowledge that Hector Kinloch passionately believed that it was his duty as a Christian to attempt to reconcile people, even in the lions' den of politics. His imploring of people to make that leap of faith was, for him, a very important part of his life, even though it might have been considered by most people to be entirely vain. I think that kind of courage, Madam Speaker, is something that we can remember, particularly those who worked with him, and I hope that his example of passionate espousal of causes in this community will be a model that we can all use at various times for the better service of our community.

MS SZUTY: Madam Speaker, I wish to speak briefly to this condolence motion today marking the death of former Assembly member Dr Hector Kinloch. The Chief Minister referred to Hector as the seventeenth member elected to the First Assembly. As members would appreciate, I was the seventeenth member elected to this Assembly, so I feel that we have something in common from that point of view.

I should say at the outset that I did not know Hector well. The encounter I had with him occurred during the school closures debate of 1991 when he was the Executive Deputy to the Minister for Education and the Arts, Mr Humphries, in the Alliance Government, as Mr Humphries has mentioned. I remember it being suggested to me at the time that it would be a good idea to phone Hector and make my views on impending school closures known to him. I did so and I encountered a very flustered Hector at the end of the line. He was not able to offer me any constructive suggestion as to how the Alliance Government's program of school closures could be halted. Given his position in the Alliance Government at the time, perhaps that is not surprising.

Madam Speaker, I was pleased to be invited to Hector's Quaker funeral on Saturday and I found it to be a very different and moving experience. Many people who attended the funeral took the opportunity to speak about the Hector Kinloch they had known. I learnt much about Hector from listening to the people who spoke at the funeral on Saturday. Most importantly, Madam Speaker, I am speaking today because, although I did not know Hector well, I believe that it is important for us as members of this Assembly to acknowledge the contribution to the life of self-government made by members of the First Legislative Assembly. As has been mentioned today, Hector Kinloch was an integral member of the First Assembly. I believe that it is important for us to pay tribute to him on the occasion of his death. I was heartened to see many members of this Assembly present at the funeral on Saturday and to hear both the Chief Minister, Ms Follett, and Mr Humphries talk about the Hector they had known and the contribution he had made to self-government in the ACT.

In conclusion, Madam Speaker, I, along with other members of this Assembly who have already spoken, would also like to express my sympathy to Hector's widow, Lucy, and his three children in their loss.

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

PETITIONS

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

By **Ms Szuty**, from 1,439 residents, requesting that the Assembly prevent any residential development on the Tuggeranong Homestead and environs site and ensure that any other development is in strict accordance with heritage protection guidelines.

By **Ms Szuty**, from 121 residents, requesting that the Assembly legislate to deny bail to a person charged with an offence of violence against a woman or child where the person breaches a condition of bail for that offence.

By **Mr Berry**, from 12,571 residents, requesting that the Assembly pass legislation declaring that all enclosed indoor public environments must be tobacco smoke free.

By **Mr Cornwell**, from 14 residents, requesting that the Assembly prevent the dual occupancy development of 65 Duffy Street, Ainslie, so as to preserve the heritage of the area.

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

Tuggeranong Homestead

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 Tuggeranong Homestead and environs (Richardson Section 450) is of great historical, architectural, cultural and aesthetic significance, declared by the Australian Heritage Commission to be worth keeping for present and future generations.

Your petitioners therefore request the Assembly to: Prevent any residential development on the Tuggeranong Homestead and Environs site, and ensure that any other type of development is in strict accordance with heritage protection guidelines.

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Offences of Violence against Women and Children

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 Courts minimise the seriousness of offences of violence against women and children by giving undue leniency to accused persons who break conditions of their bail.

Your petitioners therefore request the Assembly to: introduce legislation to deny bail to a person charged with an offence of violence against a woman or child where the person breaches a condition of bail for that offence.

Tobacco Smoke

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 seventy percent of the population does not smoke tobacco, and that in January 1993, tobacco smoke was classified as a Grade A Carcinogen by the US Environmental Protection Agency, making it as dangerous an air polluting carcinogen as asbestos, and that passive smoking causes ten times more heart disease than cancer, and has been causally linked to asthma, cot deaths and leukemia.

Your petitioners therefore request the Assembly to: pass legislation which will protect the health of the public, in the Australian Capital Territory, by declaring that all enclosed indoor public environments must be tobacco smoke free.

Dual Occupancy Development

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 it is planned to construct an additional house under dual occupancy, on

65 Duffy Street Ainslie, which will impact unfavourably on surrounding residents due to increased noise and traffic levels, loss of privacy and is not in keeping with the Heritage listing for houses in this section.

Your petitioners therefore request the Assembly to: put a stop to the development to preserve the "Heritage" and living standards of the residents into the next century.

Petitions received.

PAPER

MR MOORE: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly nor contain a request.

Leave granted.

MR MOORE: I present an out-of-order petition from 139 residents concerning the draft variation to the Territory Plan to develop North Duffy-Holder sections 55, 56 and 58 and Holder sections 47 and 48.

QUESTIONS WITHOUT NOTICE

Hospice

MRS CARNELL: My question without notice is to the Minister for Health, Mr Berry. I refer the Minister to his comments this morning on ABC radio where he said, "I have never been convinced that a hospice ought to go at a major hospital". Why then, Minister, did you sign a ministerial statement in July 1989 based on the strategic plan of the Hon. Gordon Scholes - not a renowned Liberal, I must say - to establish a hospice at Calvary Hospital? Has it anything to do with blatant political opportunism, that you hate Catholics, or that you have a very selective memory, or is it all of the above?

Mr Berry: I think you ought to withdraw that one.

MADAM SPEAKER: I will take that on notice. Proceed, Mr Berry.

MR BERRY: From the arch populist, what a strange question! Here is somebody who has set about populism in the extreme. I said this morning what I have always believed. I have never been convinced that a hospice ought to be located at a hospital. All of the inquiries that I have read about and have seen have convinced me that my view on that subject is very true. Undoubtedly, in the discussion of the MPI this afternoon, more information will flow on this subject and Mrs Carnell will be more fully informed about where hospices ought and ought not be located. You can take it from me that my view has not changed. I have never been convinced that a hospice ought to be located near a hospital. There are many instances throughout the country where this is not the case and there are - - -

Mr Cornwell: Give me one.

MR BERRY: The Calvary hospice at Kogarah. That is just one. Madam Speaker, I think that is the view of many health professionals around the country. There is a group of people headed by the Liberals in the ACT campaigning for the hospice at Calvary. I wonder whether Mrs Carnell would campaign for a hospice to be sited at Woden Valley Hospital. I wonder why she has chosen one particular hospital on this particular occasion. One can speculate about that. One might never get to the answer if one waits on Mrs Carnell to provide it. It is not appropriate these days to build a hospice beside an active hospital, in my view. I believe, and I know that there are many people out there in the community who support me, that the proper place for a hospice is the Acton site, the site that has been identified by the National Capital Planning Authority, and that is where it will be built.

MRS CARNELL: I have a supplementary question, Madam Speaker. Minister, if you were never convinced that the hospice should go at a major hospital, why did you sign a ministerial statement that gave the commitment to provide all aspects of hospice care at "a free-standing unit within the grounds of Calvary Hospital"? The unit was to house all the services, including a 20-bed in-patient unit, a home based program, day care services, bereavement services, volunteer services, and education and research services. Why, Minister, have you changed your mind?

MR BERRY: I think I have answered the question. I have never been fully convinced that a hospice should be located beside a hospital, and it will not be.

Speeding Offences - Prosecutions

MR MOORE: Madam Speaker, my question is directed to Mr Connolly, the Attorney-General. Mr Connolly, this morning the *Canberra Times* reported a major bureaucratic oversight. It has done a series about the ability of the police to prosecute speeding motorists caught by radar. Do you accept that notification in the *Gazette* is your responsibility under the Westminster system and that the blame ought not be put on your department?

MR CONNOLLY: Madam Speaker, I thank Mr Moore for the question. I think I worked out one day that I am responsible for about 7,000 to 8,000 of the, roughly, 20,000 ACT Government employees. While I accept ministerial responsibility for all papers that flow across my desk and all documents that I sight or sign, I do have some difficulty in accepting ministerial responsibility for a piece of paper that did not get to me, although it should have. Mr Wood very kindly referred me this morning to a letter, which I neglected to bring into the Assembly with me, written to the *Canberra Times* by Sir Geoffrey Yeend earlier this year in relation to the controversy about pay TV. Sir Geoffrey, I think we would all accept, is one of the best arbiters of what is and what is not appropriate parliamentary and ministerial conduct, given his years of service as head of PM and C. He did point out that Ministers cannot be expected to be across every minutia of administration. While they have to accept the political consequences of an administrative stuff-up, it is not their personal responsibility.

What happened here is that documentation which ought to have been prepared for my signature was not prepared; or we think it was prepared by the police legal affairs unit, was sent to the Attorney-General's Department for checking, was subject to some changes and was sent back to the legal affairs area but not then sent on to me. The consequences of that are that certain criminal charges brought before courts may be suspect because the evidence of the speed detecting devices would not be valid because these machines were not gazetted.

The bulk of people who are detected speeding are given administrative notices under the infringement notice system, which is not a criminal conviction process, not a court process, and they pay those expiation notices administratively. The preliminary advice is that people who have paid would not have any action to recover, although we are checking that. The potential loss to revenue if that is not so, if this would undermine the on-the-spot notices, could range in the order of up to \$1m. I have asked my advisers to urgently present me with the range of options, which will include the possibility of the Government moving legislation in this Assembly to retrospectively validate these matters so that the Government does not potentially have to sign a lot of cheques and give away a lot of government money to people who were detected speeding through school zones, for example.

The issue goes to the evidential value of the radar. It may not actually impact upon people who paid on-the-spot fines, but we are having that checked. I will certainly be reporting to the Assembly what the consequences of the oversight have been as soon as I am advised.

Mr Humphries: So you will not resign?

MR CONNOLLY: No.

MR MOORE: I have a supplementary question, Madam Speaker. I thank the Minister for such a broad answer to my rather specific question. I wonder what you will do now to avoid similar situations occurring in the future.

MR CONNOLLY: Madam Speaker, as Mr Moore and members could imagine, I have expressed to senior departmental officials my less than pleasure at these circumstances. One would hope that it would be unlikely that this would occur again. This is not uncommon in Australian administration. I understand that a similar thing once happened in the ACT in relation to breathalysers. There was a failure to gazette. These sorts of things do happen. I do not think there is any point in taking drastic action against officers concerned - - -

Mr Kaine: Was that under your administration too?

MR CONNOLLY: No, under, I think, a previous Commonwealth administration. The individuals concerned will have to ensure that these things do not recur and, across a whole range of agencies, Ministers will have to ensure that people who are charged with the responsibility of preparing notices actually do that.

Government Service - Redundancy Payment

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. It is about the report of the inquiry into allegations concerning the granting of a redundancy payment in her department. I quote from a press release from Mr Harris, issued yesterday, which said:

The report did conclude that an officer involved should be counselled about the need to declare possible conflicts of interest.

I ask the Chief Minister: Was there a conflict of interest, and, if so, is counselling the usual manner of handling such breaches concerning conflicts of interest?

MS FOLLETT: I thank Mr De Domenico for the question, Madam Speaker. To refresh members' memories on the matter, the allegation that there was an inappropriate redundancy payment made to an officer or deceased officer within my department was fully and appropriately investigated under the provisions of the Public Service Act. The Head of Administration, who has legislative responsibility for these matters, has concluded his investigations, including having made all of the details available to the Director of Public Prosecutions. The upshot of those investigations and the DPP's opinion is that there was no evidence of criminal behaviour on the part of the deceased officer, or any other person, so the matter has been concluded, and concluded appropriately, in my view.

The report, as Mr De Domenico has said, did recommend that an officer involved should be counselled about the need to declare possible conflicts of interests. I stress the word "possible", Madam Speaker. That counselling has occurred. I have been briefed by the Head of Administration on the matter and I am satisfied that the whole episode has now been satisfactorily resolved. There is also the investigation that I have asked the Auditor-General to conduct into the more general question of the procedures for handling such payments and how those procedures might be improved. I will be referring to the Auditor-General the relevant parts of the investigation that Mr De Domenico has referred to. So, Madam Speaker, I think that the episode has been satisfactorily concluded. I repeat, in answer to Mr De Domenico's question, that the point at issue is that of possible conflicts of interest. There was no suggestion of an actual conflict of interest.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Chief Minister, seeing that there are also a number of other suggestions in this so-called report about how some of the guidelines and procedures used for handling such payments could be improved, will you now make copies of this report available to members of the Assembly, as you have obviously passed the report to the Auditor-General, to make sure that everything is perceived to be the way you suggest that it is?

MS FOLLETT: Madam Speaker, the report was conducted under the disciplinary provisions of the Public Service Act. It contains information that is personal to particular officers and allegations that are personal to particular officers. My view is that those officers, as officers of the ACT public service, are entitled to privacy and that it is not a good precedent to be airing in public the intimate details of such disciplinary procedures. Having said that, of course I am aware

that members are generally concerned that these issues are handled appropriately, and I am also concerned about that matter. I have, as I have said, asked the Auditor-General to review the broader picture, the procedures that are used for handling redundancies and other allowances and so forth within the public service. Parts of the report into this investigation - those parts that refer to the guidelines and procedures for such payments and how those matters can be improved - will also be brought to the attention of the Auditor-General in the course of that review that he is doing.

I repeat, Madam Speaker, that the report itself, I believe, should remain confidential. That is a view that I hold very strongly. The results of that report have been made public by the appropriate person, the Head of Administration. The wider implications of that report are being dealt with by the Auditor-General in the course of an inquiry which he has agreed to undertake; so, Madam Speaker, I believe that that settles the matter. Of course, if members wish to have further information made available I will certainly arrange a briefing for them, but I stress that that briefing will be in confidence. It relates to particular officers of the public service who have rights, including rights to privacy.

ACTTAB - Turnover

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. Could the Minister inform the Assembly on the level of turnover for ACTTAB for the 1992-93 financial year?

MR BERRY: I am pleased to announce that there has been a good performance from ACTTAB. The gambling industry in the ACT has come under increased competition lately due to the tougher economic climate and the opening of the Canberra casino. However, I am pleased to inform you, Madam Speaker, that ACTTAB has managed to excel in these tough times and has increased its turnover. ACTTAB turnover for the year 1992-93 was \$89,984,954, an increase of 4.84 per cent over the previous year's. The substantial increase in turnover benefits the punters, racing clubs and the ACT community.

Mr De Domenico: That is right. So why did you change it?

MR BERRY: To keep it safe. While 84 per cent of the turnover went to punters, the ACT Government received \$5.4m through the turnover tax and another \$3.8m was paid to the local industry. Those are strong arguments against the privatisation of the TAB. Betting on greyhound races, although still a minor part of the total market, increased by 19 per cent for the second year running. Betting on harness racing increased by 9.38 per cent and accounted for 7.77 per cent of the total market. The most popular form of betting remained thoroughbred racing, which increased by 3.96 per cent and accounted for 88.64 per cent of the total turnover.

So, Madam Speaker, ACTTAB continues to perform well and it will continue to perform well, under difficult circumstances, because there is the impact of the casino to consider. The introduction of casino betting has impacted in other places, but the effects of the casino have so far been limited. There are also the effects of the economy which can impact on the TAB as well. That, too, has been limited and I think the TAB, under Labor, has done well.

Small Business

MR WESTENDE: My question is directed to the Chief Minister. Does the Chief Minister agree with the Federal Treasurer that small business has a big part to play in leading and financing the economic recovery? If she agrees with her Federal Treasurer colleague, could she indicate to this house and briefly outline some incentives that she might consider to compensate for the various disincentives to small business, such as payroll tax, occupational health and safety requirements, high petrol charges, high rates, tip charges and various other licences and regulations?

MS FOLLETT: Madam Speaker, of course I agree with the Federal Treasurer's statement that small businesses have a leading role to play in economic recovery. That is certainly the case in the ACT, where small businesses comprise by far the major part of our private sector. Small business has been extremely significant in our relatively good employment figures in the Territory and they have also, I believe, played a significant part in the Territory's economic growth in recent times.

Mr Westende has asked me a very broad question, Madam Speaker, about what incentives I might offer to small business. I could go into a reiteration of matters which I have addressed the Assembly about on many previous occasions. They would relate to, for instance, our Business Services Centre, our business licence information service and a range of activities that have been undertaken in order to assist small business in the Territory. It would include, for instance, our two Business Incubation Centres, at Downer and now at Kingston, both of which are operating extremely well and are proving very effective in assisting small businesses to get under way, to stand on their own feet and to join in that economic recovery.

Madam Speaker, I think that what Mr Westende is probably looking for is some further statement by me about assistance to small business, and in doing so I think he is at risk of trying to pre-empt any statements that I might make, including in the budget sense. I would like to point out that Mr De Domenico has referred in particular to payroll tax. It is generally accepted that small businesses do not pay payroll tax. There is a threshold on payroll tax. The salaries bill has to be over \$500,000 before the business has liability for payroll tax, and most small businesses, truly small businesses, do not reach that threshold.

Mr Westende referred also to rates, Madam Speaker. It is also a fact that commercial rates in the Territory, in common with commercial rates in many other places in Australia, have actually declined during the period of the recession. In some cases in the Territory they have declined quite markedly. I think the fact that many landlords do not pass on that lowering of rates to their tenants is very much to be regretted, but I have no doubt that that is the case. So, Madam Speaker, I certainly do acknowledge the place that small business plays in the Territory's economy and in our continued recovery and our increasing strength, and I will be providing assistance to small business as and when I can. I believe that this Government has a very good record of providing such assistance to small business, and it is a record that I have reiterated many times. I will not take further time in question time to do so.

***Canberra Times* - Distribution**

MS SZUTY: Madam Speaker, my question without notice is also to the Chief Minister and Treasurer, Ms Follett, and concerns the pending distribution and circulation of the *Canberra Times* newspaper by the *Canberra Times*. I will let members know, Madam Speaker, that I let Ms Follett's office know earlier today that I would be asking this question today. I have received representations from a number of people expressing concern about the possible implications and ramifications of this decision, especially with regard to, firstly, the possible closure of a number of newsagencies, especially in local shopping centres; secondly, the possible closure of entire local shopping centres as a result of newsagency closures; thirdly, the implications of a reduction in the number of outlets where Lotto facilities are available, and consequently where the Government acquires revenue; and, fourthly and finally, the implications of a reduction in the number of outlets where people can pay ACT Government bills, given that a number of newsagencies are agents for the State Bank of New South Wales and have recently begun to receive payments. My question to the Chief Minister is: What action is the Government taking to address these concerns in the light of the imminent decision by the *Canberra Times* to distribute and circulate its own newspapers?

MS FOLLETT: I thank Ms Szuty for her question and also for giving me some notice of it. I am relying on advice which I have received on this matter. Madam Speaker, I have been informed that the *Canberra Times* did recently advertise for contractors to distribute its newspaper. Contractors will, in the next two months, commence distribution of the paper in competition with the service already offered by newsagents. I am advised, Madam Speaker, that the *Canberra Times* will deliver either for seven days or for the weekend - that is, there will be no odd day deliveries - and that they will require payment in advance. In addition, they will also be seeking to appoint additional retailers. Newsagents will continue home deliveries and they will be offered contracts guaranteeing certainty of supply. That offer will be in September of this year. Restrictions on commissions to subagents and on the home delivery fee will be lifted.

Madam Speaker, I am also advised that changes have recently been made in Victoria - deregulated retail selling but retaining exclusive home deliveries - and in Western Australia. Changes are expected also in New South Wales and Queensland and, of course, the ACT. These *Canberra Times* developments are broadly in line with those in other jurisdictions and the objective is to remove uncompetitive or monopoly elements from the present arrangements. I understand that the Trade Practices Commission is supportive of these sorts of developments. I would also like to say, Madam Speaker, that these days newsagencies in shopping centres are acknowledged to be quite complex businesses and the impact of a change affecting one of the many aspects of those complex businesses is difficult, at this stage, to judge. I have no specific information that would allow me to draw a conclusion that the consequences will be as significant as Ms Szuty has implied in her question.

It is very difficult to see a basis for the Government to intervene in these kinds of developments. In broad terms, Madam Speaker, we regularly see developments and increasing sophistication in retailing and in the provision of services to the community, and we must not overlook the fact that in most cases these changes almost invariably benefit the consumer. They would not be successful if that were not the case. Madam Speaker, I do understand that this adjustment could cause specific difficulties and if that is the case we will certainly try to be supportive wherever that is possible. If difficulties arise in issues such as payment of rates and so on we can address specific remedies to those specific issues, but the Government cannot take the position that whenever change is foreshadowed in an industry we immediately legislate or intervene in some way in order to preserve a status quo.

Kurrajong Hotel

MR KAINE: I would like to address a question to Mr Wood, the Minister for Education. Mr Wood, in about the middle of July there was a report in the local print media that the Government was negotiating to complete the purchase of the historic Kurrajong Hotel site from the Commonwealth at a price of just over \$1m. Can you inform us whether those negotiations are complete? Has the Commonwealth sold us the Kurrajong Hotel? If so, at what price? Finally, from which program in the ACT budget has the money come to pay for it?

MR WOOD: Madam Speaker, there was an announcement in the press. Obviously there were some negotiations being done in some measure of confidence. They are not top secret or anything; but, when a reporter from the *Canberra Times* came across this information, obviously we provided it and thus the article was run. The process is not yet complete. The figure is \$1m. Obviously we are dealing with the Federal Government in that matter. We have yet to sign on the dotted line for that, although I should expect that that is not far away. It will be a capital acquisition, Mr Kaine, but I will provide you with more detail, I think, within a pretty short space of time when the matter is about to be signed. I might add that it is a competitive field. There is a group in South Australia moving in the same direction and we did not want to signal our punches to other bodies, that we were going to be a competitor. We are negotiating with international bodies concerning the relevant courses, to draw on what they do. There has been some measure, as I said, of some restriction in what we have been able to do publicly.

MR KAINE: I have a supplementary question, Madam Speaker. Minister, I would be interested to know from which part of the capital program the money is going to come, and I am sure you will tell me later. In the feasibility study that was done to determine whether this was a goer or not, was this capital cost included in the calculations or excluded from it?

MR WOOD: Yes, there has been a very extensive feasibility study, Mr Kaine. It has been costed in very great detail. The major factor was the potential for enrolments. It is a full fee-paying course. In that whole context the capital component is a relatively smaller part, but all factors, obviously, have been taken into account in that feasibility study.

Public Landscapes - Plant Species

MR LAMONT: My question is directed to the Minister for the Environment, Land and Planning. Minister, what is the ACT Government's attitude towards the selection of plant species for use in public landscapes in the Territory?

MR WOOD: Madam Speaker, generally there is a high priority for native species. Policies in this area have changed over a period. That priority has varied from time to time. Policies need to be reassessed, depending on the circumstances of the day. For example, in Gungahlin today there is a much greater incidence of medium to high density living. There are smaller allotments; so the suitability of trees can vary. I think the evidence in Canberra is that successful public landscaping requires, and has seen, a mix of both exotic and native species of trees and shrubs. The selection, and it comes across a number of departments, includes quite a range of criteria - environmental considerations, aesthetics, maintenance and public amenity. All are examined.

In Gungahlin the ratio of exotic to native plant species which will be planted is estimated at 30 per cent exotic and 70 per cent native. A considerable proportion of those native species will be native to the area. Bear in mind that there are some problems in respect of native species. Tree surgery costs are higher because they do tend to drop their limbs rather more frequently than other species, and their growth form is not always ideal and they have to be pruned, if I may use that word. It is also interesting to note that I get about one letter a week from residents asking me to remove eucalypts from their nature strip because - - -

Mr Kaine: Will you shift the two that have just been planted on my nature strip?

MR WOOD: Do you want to shift some? The residents consider either that they are a danger, with limbs dropping, or that they are blocking their access to sunlight. Eucalypts are not always universally favoured by local residents. In Gungahlin there will be a very careful process of ensuring that there are very good wildlife corridors along the hills, along the buffer zones. There will be ample linkage for wildlife through Gungahlin. It is clear that exotic species have their places, especially where the housing density is higher.

I am sure that members do not anticipate that we are going to rush to City Hill and knock down the exotics that are there, or move into Forrest, Red Hill, Deakin or almost any of the older parts of Canberra and change the treescapes that are there. Again I say that the Government has a great interest in native species. We are doing quite a deal with grasses. We are looking to exploit our native grasses. Mr Connolly and I, the other day, launched a water conscious project of native plantings. There will be one across the road here, between us and ACTEW, I think, before the end of the year, to demonstrate the benefits of native species and how that may cut down on water usage.

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

PAPER

MADAM SPEAKER: Members, for your information I present a report of my study trip to Brisbane which I undertook from 23 to 24 July 1993.

PERSONAL EXPLANATIONS

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I seek leave to make a personal explanation pursuant to standing order 46.

MADAM SPEAKER: Proceed, Mr Berry.

MR BERRY: Madam Speaker, during the course of question time the Leader of the Opposition posed an accusatory question about my relationships with Catholics. I thought it was completely uncalled for. I consider people within a whole range of religious groups to be my friends. My mum is a Catholic. The use of that sort of accusatory language in this place just lowers the tone of it. I do not consider wreckers to be amongst my friends and I would consider Mrs Carnell a wrecker; but, when it comes to grouping people in a sectarian way, I do not do that. I think it shows the breadth of the mind of Mrs Carnell if she accuses people of those sorts of likes and dislikes.

Mrs Carnell: Capitalists, employers, Liberals.

MR BERRY: Liberalism would hardly be described as a religion.

MADAM SPEAKER: Order! The Deputy Chief Minister may make only a personal explanation. Would you continue, please.

MR BERRY: I was a little sensitive about the issue because, as I said, I think it lowers the tone of the place and it was quite unnecessary. It is not the sort of language I would use; neither would anybody who had a reasonable approach to these things.

Mrs Carnell: This is not only a personal explanation.

MADAM SPEAKER: You are testing the limits of a personal explanation, Mr Berry.

MR HUMPHRIES: Madam Speaker, I also seek leave to make a statement under standing order 46.

MADAM SPEAKER: Okay. I caution you, as I did the Deputy Chief minister, to try to keep it to a personal explanation.

MR HUMPHRIES: Madam Speaker, this morning Mr Berry was on public radio, ABC radio, and in the course of a debate concerning the mooted hospice he made the allegation that I, as Minister in the Alliance Government, had made a decision concerning the location of the Canberra hospice, namely, the Calvary Hospital site; that I had instructed or otherwise briefed independent consultants of the

Government, who were to conduct a feasibility study and an examination of this question, that they should in some way find that the hospice should be appropriately located on the Calvary Hospital site. Madam Speaker, that statement is completely untrue.

Mr Berry: Why didn't you ring up?

Mr De Domenico: The lines were jammed because everybody else was ringing up.

Mr Cornwell: He could not. The lines were jammed.

MADAM SPEAKER: Could we have some order! Only Mr Humphries has leave to speak.

MR HUMPHRIES: The study to which Mr Berry referred was the report by Professor Maddocks and Dr Redpath. Prior to that report I had no particularly strong views about where the hospice ought to go. It was in light of the evidence of that report that I concluded that the best location for the hospice would be at Calvary. Members will recall that in fact the Alliance Government announced originally that it would put the hospice on the Acton Peninsula, and it changed its mind because of the report to which Mr Berry referred. There was no view on my part that it should go anywhere other than where the experts said it should go.

QUARTERLY FINANCIAL STATEMENT AND TREASURER'S ADVANCE Papers

MS FOLLETT (Chief Minister and Treasurer) (3.36): Madam Speaker, for the information of members, I present the following papers: The Treasurer's quarterly financial statement on the Territory public account for the period 1 April to 30 June 1993, statements and schedules which detail variations to appropriations and the transfer of funds for the year ended 30 June 1993 pursuant to section 49B of the Audit Act 1989, and a statement of expenditure from the Treasurer's Advance pursuant to subsection 47(2) of the Audit Act 1989 for 1992-93. I move:

That the Assembly takes note of the papers.

Madam Speaker, it has been the procedure in the Assembly to present the Treasurer's quarterly financial statement. The statement for the June quarter has more than usual significance as it reports on the overall 1992-93 budget outcome. It is therefore appropriate to link this with a number of other documents relating to the 1992-93 budget. The papers I have arranged for tabling today include the following: The Treasurer's quarterly financial statement on the Territory public account for the period 1 April to 30 June 1993; statements in accordance with section 49B of the Audit Act 1989 relating to transfers of funds between programs or internally between recurrent and capital items within programs, and variations to appropriations resulting from the on-passing of Commonwealth payments; and a statement in accordance with subsection 47(2) of the Audit Act 1989 relating to expenditures which were a final charge against the Treasurer's Advance in 1992-93.

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In addition, I have arranged for the tabling of a statement which provides a reconciliation by program between the original 1992-93 budget appropriations and the final outcome. Although not required under the Audit Act 1989, this statement responds to concerns expressed by the Public Accounts Committee and the 1992 Estimates Committee and reconciles, by program, all budget adjustments for 1992-93 in the statements I have tabled in the Assembly today and during 1992-93.

Madam Speaker, I would like, first, to make some comments on the 1992-93 budget outcome and I do so with some justifiable satisfaction in terms of this Government's record for financial management of the ACT. The 1992-93 Consolidated Fund budget anticipated a cash deficit of \$64m. The outcome as reflected in the attached papers was a cash deficit on the Consolidated Fund of only \$1.5m. This takes into account presentational issues raised by the Auditor-General in his audit report No. 5 relating to the treatment of provisions. The Consolidated Fund outcome comprised a recurrent surplus of \$59m which was available to finance the major part of the \$60.5m capital deficit. In accordance with uniform budget presentation standards, this outcome removes the previous transfer between recurrent and capital budgets. Final expenditures for the year were \$31.1m or 2.4 per cent less than the amounts provided for in the budget, and final recourse to the Treasurer's Advance was limited to \$8m compared to \$12m provided in the budget.

Recurrent revenues in the Consolidated Fund were \$12m or one per cent above budget estimates, primarily due to higher than expected receipts from stamp duties on shares and marketable securities and conveyancing. Capital revenues were \$19m or 14.7 per cent above budget estimates, primarily due to higher than expected returns from commutations of land rent and the timing of land sales and higher auction prices compared to budget estimates. No new borrowings were required in 1992-93 to fund the capital deficit. The benefits of this will accrue in future years as savings on debt servicing. Reserves in the Consolidated Fund available to meet future years' expenditure are \$40m greater than estimated at budget time. Again this result will assist in the financing of the 1993-94 and future budgets. Further details on the Consolidated Fund budget outcome will be provided in the 1993-94 budget papers.

Madam Speaker, the results achieved in 1992-93 provide an extremely strong base for the ACT to manage the major reductions in Commonwealth funding in 1993-94 and in future years. It is the third budget I have been responsible for which has achieved minimal or no borrowings. It represents a record of financial management, in the face of unprecedented reductions in Commonwealth funding and the effects of a national recession, which I do not believe has been matched by any government. It is a record which contrasts most remarkably with the record of the Alliance Government and the rhetoric of the Opposition. Madam Speaker, the budget outcome for 1992-93, I believe, speaks for itself in terms of the ability of my Government to combine the principles of sound financial management with social justice.

I would now like to make a few comments on the papers that I have arranged to be tabled today. Firstly, the Treasurer's quarterly financial statement relates to the public account of the ACT rather than simply the Consolidated Fund which is the focus of budget appropriations. The outcome for the total public account, however, reflects the strength of the outcome of the budget itself.

The statement indicates an overall surplus on the public account for 1992-93 of \$30.5m compared with the budget time estimate of a public account deficit of \$35.6m. This result is primarily explained by the strong performance of the Consolidated Fund budget itself and the reserves that have been accumulated within the public account to meet future superannuation liabilities.

I have also tabled today a statement in accordance with section 49B of the Audit Act 1989 relating to variations to appropriations. During the year the Executive approved a number of transfers between programs, to recognise emerging needs and to ensure responsible cash management. These transfers are subject to a limit of 3 per cent of funds appropriated to the relevant programs. The transfers enabled priority needs to be met without adding to total budget expenditures. Details on the basis of the transfers will be reported in relevant agency financial statements and in the documentation being prepared for the 1993-94 budget. I would like, however, to briefly explain the most significant of these transfers.

The most significant adjustment relates to the transfer of funds for the health program. These transfers provided funding for changes in the public-private patient mix and the impact of increased activity levels. A further significant adjustment relates to the transfer of funds to the government schooling program for the full-year effect of the costs of the changing teacher profile. The Government believed that it was appropriate to meet funding for these and other demands by reviewing priorities through the year. This enabled savings achieved within other programs to be utilised within the year to meet these needs without adding to total appropriations. Savings available during the year included expenditures which, for reasons such as availability of appropriate supplies and other timing issues, were deferred until 1993-94. I would like to emphasise that the favourable budget outcome this year ensures capacity to meet all deferred expenditures and these will be subject to consideration in the 1993-94 budget.

The statement on variations to appropriation I have tabled today also provides information on increased Commonwealth payments on-passed to programs during the year. Additional funding of \$650,000 was approved in accordance with directions under section 49A of the Audit Act 1989. The most significant of these funds were \$540,000 for non-government schooling and \$46,000 for budget adjustments under the Commonwealth-State disability agreement. These amounts were fully funded by the Commonwealth.

Madam Speaker, I have also tabled a statement on the final charges against the Treasurer's Advance in 1992-93 in accordance with section 47(2) of the Audit Act. The final charge against the advance was \$8m, compared to the \$12m provided in the 1992-93 Appropriation Act. Except for act of grace payments, expenditures are a final charge against the advance only once all other appropriated funds available to a program have been exhausted. Accordingly, there can be significant variation between approvals given for use of the advance within the year and final charges at the end of the year. The outcome for 1992-93 is, I believe, the lowest level of resort to the advance since self-government.

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The major final charges against the advance in 1992-93 related to unanticipated legal expenses, including settlement of civil and criminal injury claims in the legal services to government program; initial payments for the purchase of Macarthur House in the corporate development for DUS program; the impact on the environment and conservation program of changed ACTEW billing cycles, and higher grass mowing costs associated with an abnormal growing season this year; the impact on the health program of a number of unforeseen events at the end of the financial year, including the Commonwealth Bank strike and delayed reimbursements from the Commonwealth; and funding to the land program to facilitate the purchase of a lease for on-sale to the Commonwealth. Further details on final charges against the advance will be available in relevant 1993-94 budget documentation.

Madam Speaker, I have also arranged to table today a statement reconciling the 1992-93 budget appropriations and final outcome. This responds to matters raised by the Public Accounts Committee and the 1992 Estimates Committee. Further details and explanations will be provided in relevant agency financial statements for 1992-93 and in budget documentation being prepared for 1993-94.

Madam Speaker, the Government has, by careful management, been able to meet emerging needs during the year without adding to the budget other than expenditures which have been fully funded by the Commonwealth. It has met these needs whilst containing total expenditure to 2.4 per cent less than the budget time estimates. This achievement places the ACT in a strong position to meet the enormous pressures placed on the 1993-94 budget, which I have previously indicated to the Assembly will be the most difficult budget faced since self-government. I believe that the outcome reaffirms the Labor Government's responsible budget management. It also represents an excellent management effort by all programs under extremely difficult circumstances. The results achieved increase my confidence in the ACT's ability, under a responsible Labor Government, to continue to meet the challenges placed on us by the cutbacks in Commonwealth funding we have experienced and which we will face in 1993-94 and future years. This will require extremely difficult adjustments, but the Government has a proven track record of managing such adjustments in the long-term interests of the ACT.

MR KAINE (3.47): Madam Speaker, the ability of this Government to engage in political doublespeak to make even the worst figures look like a victory and good management absolutely confounds me. We are going into a new budget year and the Chief Minister is panicking on the fifth floor because she has a budget gap and she does not know how to fill it. She has just produced figures that show not that the Government has managed well but that it has managed badly, and she comes in here and talks about their successes.

I have seen these figures only during the time that the Chief Minister has been speaking and obviously we will subject them to an in-depth analysis. I presume that we will have an opportunity to examine some of these claims that the Government is making during the estimates process when the Chief Minister has to produce the aggregate accounts for fiscal 1991-92. We can deal with it in much more detail then. But I have had a look for a few short minutes at both what the Chief Minister said and the figures that she has tabled, and the first thing that strikes me, Madam Speaker, is that the Chief Minister is claiming this good management record.

Let us, on the basis of what she has just said, have a look at her good management record. She says that the Consolidated Fund outcome comprised a recurrent surplus of \$59m which was available to finance the major part of the \$60.5m capital deficit. It is pretty much like robbing Peter to pay Paul in order to come out with what she claims is a balanced budget. But, if you read further, she said:

Final expenditures for the year were \$31.1m or 2.4 per cent less than the amounts provided for in the budget ...

This Government underspent - - -

Mr Connolly: Oh, spend more, spend more.

MR KAINE: I am not saying, "Spend more", mate; I am saying, "Get your act together". This Government underspent, by their own admission, a net figure of \$31.1m. We know that in the health organisation the Minister overspent by something approaching \$10m. In fact that appears here and I will come to that in a minute. So there is a gross underexpenditure of at least \$40m to get to a net figure of \$31m. How many services budgeted for by the Government a year ago were not delivered because the Government could not spend the money? It is gross mismanagement. And the Chief Minister comes in here and says, "We managed so well that we saved \$30m". That money was budgeted to provide specific services to the community. It has not been spent, by the Chief Minister's own admission, and she says that that is great. I submit that the people who did not get the services that the money was budgeted for will not agree with you.

One of the areas where the money was underspent was the law and order area. We have had complaints about overexpenditure and we have had complaints about the Government being unable to meet the demands placed on it by the community; yet, according to the Chief Minister's own figures, at the end of the year they had underspent by \$2.5m. How can Mr Connolly come in here and complain about police services and not having enough money and argue with the police union about what they should be doing, when he cannot spend the money that he had budgeted? There is no explanation of why. Presumably somebody somewhere out there in the community was short-changed on law and order services, and that is just one item alone.

Mr Connolly: Frugal and effective government - something you could never cope with as Treasurer. Just spend it.

MR KAINE: Mr Connolly, the jack-in-the-box, is back. He is the one that talks about "spend more, spend more". You had money, Mr Connolly; you failed to spend it.

Mr Connolly: Put it back to the ratepayers. The ratepayers said, "Thank you very much, Mr Connolly. Don't just spend it".

MR KAINE: No, you did not give it back to any ratepayers. That money is still sitting in the Consolidated Fund and you did not spend it for the purpose for which you asked for it, Mr Connolly. A year ago you asked for it; it was appropriated; you did not spend it. That, he claims, is good management.

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While the Chief Minister is claiming to be such a good manager in that she failed to spend \$40m of appropriated funds, she also claims that she is a good manager because her revenues were more than she thought they would be. This is not from good management either; these are purely fortuitous circumstances. I quote the Chief Minister:

Recurrent revenues in the Consolidated Fund were \$12m ... above budget estimates, primarily due to higher than expected receipts from stamp duties on shares and marketable securities and conveyancing.

That was something that she could not foresee; things went better than she expected. She has \$12m and she claims that this is from good management. All I can say is, "Heaven help us if we are going to continue to be managed this well". We did not spend \$40m that we budgeted for. Somebody did not get \$40m worth of services. We got \$12m in the Consolidated Fund or in recurrent revenues but also in the capital fund we got \$19m more than we budgeted for. This again is good management created by "higher than expected returns from commutations of land rent and the timing of land sales and higher auction prices compared to budget estimates"! In other words, we screwed up the budget by \$20m on the capital side. I repeat, "If this is good management, heaven help us".

It is no wonder that we are in such a sorry state with our budget. It is no wonder that when the Chief Minister goes to the Premiers Conference and the Federal Government and holds her hand out and says, "Give me more money", they say, "Go away". She is managing so poorly that I would not give her 10c. Madam Speaker, I am talking about her own words here. She makes this statement on page 4 of her speech:

Reserves in the Consolidated Fund available to meet future years' expenditure are \$40m greater than estimated at budget time.

So what we did was take some of the money that should have been spent this year, stick it in a piggy bank and call it a reserve so that we can use it as a slush fund in future years - not necessarily because we needed it but because it happened to be there. So we will stick it in a slush fund and we will call it a reserve. But what the Chief Minister did not tell us, Madam Speaker, so that we could get some sense of whether this was an achievement or not, was: How much money did she bring into fiscal 1991-92 a year ago by way of reserves? Was that \$40m? If it was, you have not moved one inch in any direction.

Ms Follett: It is more than that. The \$40m is just this year.

MR Kaine: You claim that this is good management. You tell me how much you brought into your budget last year as reserves. These in fact are not reserves. If you call them what they really are, they are provisions, not reserves. They are two different things. The Chief Minister and Treasurer would not understand the difference. If you brought \$40m or anything close to it into your budget last year, to claim \$40m going out of the year is a fictitious claim, and I am sure that you know it as well as I do. So here we have just three statements alone from the Chief Minister - a demonstration that she is not managing her budget at all. It is managing itself. She got \$30m-odd more in revenue than she thought she was going to get, and \$40m that she budgeted for that she could not spend. This is good management? I ask you.

Madam Speaker, I could go through some of the detailed figures to see where we were underexpended and overexpended. I think that at this stage that would be pointless. I think I have made my point. This Chief Minister and Treasurer's claims to good management are empty claims. She has not demonstrated one ounce of management competence at all - and neither have Mr Berry, Mr Connolly and Mr Wood, while we are on it. They obviously have no idea of what is going on within their budget. We can see now why there is such a reluctance on the part of the Government to put financial statements like the quarterly health statement on the table so that we can see what is going on. There is no control being exercised at all; the outcome is purely fortuitous. To claim that that sort of fortuitous outcome is good management is hypocrisy in the extreme.

Madam Speaker, I indicated that when we have the aggregate statement of financial accounts for last year, which we understand will be available at the time that the estimates are being examined, we can shred out some of these things and find out really what went on there and where the \$40m that was not spent should have been spent. Maybe the Chief Minister will not be making such claims at the end of that process as she is at the moment.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.56): Madam Speaker, I find it impossible to resist entering into this debate. The Labor Party is under spirited attack from the Opposition for not spending money fast enough: "Go out and spend ratepayers' dollars, Government" - shock, horror! - "Government, you failed to spend \$40m of the ratepayers' money. You should be ashamed of yourself". What an extraordinary attack from the Liberal Party! It is a pity that tonight is the Federal budget night, because it would be great to see your speech reported widely to the ratepayers of Canberra in tomorrow's *Canberra Times*.

Madam Speaker, the reason I jumped was to make a very important point. Mr Kaine was mistaken when he said that we have underspent the police budget by \$1.5m. That is what the raw figures show, but they need to be explained. The raw figures show an ACT sourced expenditure reduced. That is because of the good management and good negotiation skills of this Government. Shortly before the last Federal election, which may have been coincidental, we were able to negotiate with the Commonwealth Government an additional \$2m of Commonwealth contribution to the cost of ACT policing. Senator Tate announced that the Commonwealth would pick up \$2m worth of additional policing expenditure, consistent with a view that this Government has put, and indeed the Opposition has put, that the Commonwealth should pick up a greater share of the burden of policing the ACT. Against that must be offset the additional expenditure where we made an additional appropriation to the Federal Police to cover the unanticipated cost of the transfer of the Winchester inquiry cost to the ACT and, I think, one of the VIP visits. There was some publicity over that earlier this year. That amounted to a bit under \$500,000.

So the reason why it appears that we have underspent on police by \$1.5m in fact is that we have successfully negotiated with the Commonwealth to get a \$2m pick-up by the Commonwealth of their burden of ACT policing. The actual dollars spent on the ground in ACT policing have not changed, but we have successfully negotiated with the Commonwealth. That, members would recall, was something in the nature of an election promise by the Commonwealth.

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It was announced in the context of an election campaign. Members will be delighted to see that here is the election promise delivered; there is actually a net reduction on calls on the ACT budget.

Mr De Domenico: You did not deliver on the abortion clinic.

MR CONNOLLY: Madam Speaker, I am looking forward to Mr De Domenico entering this debate and further congratulating me because he will see the recurrent expenditure on ACTION. While we were budgeting to spend some \$51.9m on ACTION's recurrent expenditure this year, which is a reduction from \$54.7m when Mr Kaine was Treasurer - it dropped to \$52.8m in the first year that I was responsible for it - in fact we spent \$51.56m. Apart from our expectation of reducing it from \$54.7m when Mr Kaine was Treasurer to \$51.9m this year - that is what I was budgeting for - through rigorous management and rigorous administration by this Labor Government we reduced it by a further \$300,000. No doubt, Mr Kaine, you are saying, "Shock, horror! The Government should have thrown more money at the problem and spent more ratepayers' dollars".

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

GOVERNMENT SERVICE - QUARTERLY STAFFING ANALYSIS Paper and Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present the ACT Government Service quarterly staffing analysis for June 1993. I ask for leave to make a short statement - a very short statement, I might add.

Leave granted.

MS FOLLETT: Madam Speaker, in its response to the report by the Estimates Committee on the Appropriation Bill 1992-93 the Government undertook to table ACT Government Service quarterly staffing analyses as they became available. The figures relating to the latest analysis for June 1993, which was pay period No. 26, are now available.

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 approvals, determinations, regulations and Supreme Court rules. I also present notices of commencement provisions for Acts.

The schedule read as follows:

Adoption Act -

Adoption Regulations - No. 31 of 1993 (S156, dated 30 July 1993).

Determination of fees - No. 75 of 1993 (S119, dated 30 June 1993).

Notice of commencement (31 July 1993) of remaining provisions (G28, dated 14 July 1993).

Adoption of Children Act - Determination of fees - No. 69 of 1993 (S119, dated 30 June 1993).

Architects Act - Determination of fees - No. 89 of 1993 (S127, dated 1 July 1993).

Associations Incorporation Act - Determination of fees - No. 65 of 1993 (S119, dated 30 June 1993).

Betting (Totalizator Administration) (Amendment) Act -

Notice of commencement (1 July 1993) of remaining provisions other than sections 7 and 8 (S133, dated 1 July 1993).

Notice of commencement (1 August 1993) of sections 7 and 8 (S133, dated 1 July 1993).

Bookmakers Act - Determination of fees - No. 100 of 1993 (S132, dated 1 July 1993).

Boxing Control Act -

Boxing Control Regulations - No. 26 of 1993 (S141, dated 9 July 1993).

Notice of commencement (17 June 1993) (S112, dated 17 June 1993).

Building Act - Determination of fees -

No. 87 of 1993 (S127, dated 1 July 1993).
No. 88 of 1993 (S127, dated 1 July 1993).

Buildings (Design and Siting) Act -

Determination of fees - No. 81 of 1993 (S124, dated 30 June 1993).

Determination of fees - No. 102 of 1993 (S134, dated 2 July 1993).

Buildings (Design and Siting) (Amendment) Act -

Notice of commencement (28 June 1993) of the provisions of the Act, with the exception of subparagraphs 4(b) and (c) (S120, dated 25 June 1993).

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Business Names Act - Determination of fees - No. 66 of 1993 (S119, dated 30 June 1993).

Cemeteries Act - Determination of fees - No. 77 of 1993 (S122, dated 30 June 1993).

Clinical Waste Act - Determination of fees - No. 86 of 1993 (S127, dated 1 July 1993).

Commissioner for the Environment Act - Notice of commencement (1 July 1993) of remaining provisions other than section 19 (S129, dated 30 June 1993).

Credit Act - Determination of fees -

No. 71 of 1993 (S119, dated 30 June 1993).
No. 73 of 1993 (S119, dated 30 June 1993).

Dangerous Goods Act - Determination of fees - No. 84 of 1993 (S127, dated 1 July 1993).

Gas Act - Determination of fees - No. 101 of 1993 (S134, dated 2 July 1993).

Hawkers Act - Determination of fees - No. 83 of 1993 (S127, dated 1 July 1993).

Health Act - Determination of fees and charges - No. 82 of 1993 (S125, dated 30 June 1993).

Housing Assistance Act - HomeBuyer Housing Assistance Program - Determination of fees - No. 105 of 1993 (G28, dated 14 July 1993).

Instruments Act - Determination of fees - No. 67 of 1993 (S119, dated 30 June 1993).

Land (Planning and Environment) Act -

Determination of criteria for direct grants of Crown leases - No. 107 of 1993 (G30, dated 28 July 1993).

Determination of Fees - No. 79 of 1993 (S124, dated 30 June 1993).

Land (Planning and Environment) Regulations (Amendment) - No. 29 of 1993 (S152, dated 28 July 1993).

Liquor Act - Determination of fees - No. 76 of 1993 (S119, dated 30 June 1993).

Long Service Leave (Building and Construction Industry) (Amendment) Act - Notice of commencement (1 July 1993) of remaining provisions (S151, dated 26 July 1993).

Lotteries Act - Determination of fees - No. 99 of 1993 (S132, dated 1 July 1993).

Machinery Act - Determination of fees - No. 62 of 1993 (S131, dated 1 July 1993).

Motor Omnibus Services Act - Revocation and determination of charges - Determination No. 78 of 1993 (S123, dated 30 June 1993).

Motor Traffic Act -

Determination of fees -

No. 93 of 1993 (S127, dated 1 July 1993).

No. 94 of 1993 (S127, dated 1 July 1993).

No. 95 of 1993 (S127, dated 1 July 1993).

No. 96 of 1993 (S127, dated 1 July 1993).

Motor Vehicle (Third Party Insurance) Regulations (Amendment) - No. 25 of 1993 (S128, dated 1 July 1993).

Motor Vehicles (Dimension and Mass) Act - Determination of fees - No. 91 of 1993 (S127, dated 1 July 1993).

Nature Conservation Act - Determination of fees - No. 56 of 1993 (S118, dated 28 June 1993).

Noise Control Act - Approval of amendment and amendment to the Noise Control Manual (S110, dated 17 June 1993).

Occupational Health and Safety Act - Instrument of approval of the ACT Demolition Code of Practice (Second Revised Edition) - No. 55 of 1993 (S117, dated 24 June 1993).

Ozone Protection Act - Determination of fees - No. 59 of 1993 (S118, dated 28 June 1993).

Plumbers Drainers and Gasfitters Board Act - Determination of fees - No. 90 of 1993 (S127, dated 1 July 1993).

Poisons and Drugs Act - Determination of fees - No. 108 of 1993 (S162, dated 12 August 1993).

Pounds Act - Determination of fees - No. 60 of 1993 (S118, dated 28 June 1993).

Public Health Act - Public Health (Infectious and Notifiable Diseases) Regulations (Amendment) - No. 27 of 1993 (S149, dated 21 July 1993).

Public Place Names Act - Determinations -

No. 103 of 1993 (G28, dated 14 July 1993).

No. 104 of 1993 (G28, dated 14 July 1993).

Rabbit Destruction Act - Determination of fees - No. 61 of 1993 (S118, dated 28 June 1993).

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Rates and Land Tax Act - Interest on Refund - Determination No. 106 of 1993 (S145, dated 16 July 1993).

Real Property Act - Determination of fees - No. 63 of 1993 (S119, dated 30 June 1993).

Registration of Births, Deaths and Marriages Act - Determination of fees - No. 64 of 1993 (S119, dated 30 June 1993).

Registration of Deeds Act - Determination of fees - No. 68 of 1993 (S119, dated 30 June 1993).

Roads and Public Places Act -

Determination of fees - No. 85 of 1993 (S127, dated 1 July 1993).

Determination of fees - No. 92 of 1993 (S127, dated 1 July 1993).

Sale of Motor Vehicles Act - Determination of fees - No. 72 of 1993 (S119, dated 30 June 1993).

Scaffolding and Lifts Act - Determination of fees - No. 97 of 1993 (S131, dated 1 July 1993).

Stock Act - Determination of fees - No. 57 of 1993 (S118, dated 28 June 1993).

Supreme Court Act -

Supreme Court Rules (Amendment) -

No. 28 of 1993 (S153, dated 29 July 1993).
No. 30 of 1993 (S155, dated 30 July 1993).

Supreme Court (Fees) Regulations (Amendment) - No. 13 of 1993 - Notice of commencement (1 July 1993) of regulation 6 (S130, dated 1 July 1993).

Taxation (Administration) Act - Interest on overpaid amounts - Determination No. 98 of 1993 (S132, dated 1 July 1993).

Trade Measurement Administration Act - Determination of fees - No. 70 of 1993 (S119, dated 30 June 1993).

Unit Titles Act - Determination of fees - No. 80 of 1993 (S124, dated 30 June 1993).

Unit Titles (Amendment) Act - Notice of commencement (3 August 1993) of remaining provisions (S157, dated 3 August 1993).

Water Pollution Act - Determination of fees - No. 58 of 1993 (S118, dated 28 June 1993).

Weapons Act - Determination of fees - No. 74 of 1993 (S119, dated 30 June 1993).

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

MR BERRY (Deputy Chief Minister): For the information of members, I present four determinations, dated 19 June and 17 August 1993, pursuant to the Legislative Assembly (Members' Staff) Act. I seek leave to make a short statement.

Leave granted.

MR BERRY: The determinations relate to the introduction of a new allowance in the nature of salary for staff employed under Parts II and III of the Legislative Assembly (Members' Staff) Act 1989. The first determinations apply only to senior officers and are designed to maintain remuneration relativities with ACTGS officers in lieu of performance based pay and reimbursement of work related expenses. This allowance was paid for the 1992-93 year as a lump sum after deducting work related expenses for this period that had already been claimed. The total allowance for the 1993-94 period will be paid through the regular salary system, effective from 1 July 1993. The subsequent determinations extend the allowance to include senior public affairs officers and public affairs officers grade 3, and allow for pro rata payments to be made to eligible officers who either work part time or are not in the position for a full year. This is consistent with the arrangements applying to ACT Government Service officers.

PAPER

MR BERRY (Deputy Chief Minister): For the information of members, I present a report on Mr Connolly's visit to the United States on the Australian Political Exchange Council program.

**LEGISLATION PROGRAM - BUDGET SITTINGS 1993
Paper and Ministerial Statement**

MR BERRY (Deputy Chief Minister): I seek leave of the Assembly to make a ministerial statement on the Government's legislative program for the 1993 budget sittings.

Leave granted.

MR BERRY: Madam Speaker, I table the legislative program. Having tabled the legislative program for the 1993 sittings, I will make the following comments. The program will provide members with an overview of the legislation proposals intended for introduction into the Assembly or for preparation during the budget sitting. As with the autumn sitting program, we have arranged the legislation

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proposals within each portfolio and in a two-tier priority order. The first priority category describes those legislation proposals which have been accorded the highest priority for drafting by the Government. The Government intends to introduce as many Bills classified as first priority as possible before the conclusion of the budget sitting. Members should be aware that proposals may be added to the program so as to accommodate emerging issues. Similarly, the priority classification of proposals may also be subject to change, and some second priority proposals may be introduced into the Assembly.

Members will note that the Public Sector Management Bill appears in the second priority category. This is not a reflection of the priority given by the Government to the development of a separate public service, which remains high; rather it is a recognition that, while the Government intends to introduce the Bill this year, it is not proposed for passage until 1994. Subject to progress by the Commonwealth with its legislative response to the High Court's Mabo decision and the implications of its final position for other jurisdictions, including the ACT, the Government also expects to introduce legislation relating to the land administration aspects of the Mabo decision during 1993.

Of the 62 first priority Bills listed in the autumn 1993 legislative program, tabled in February this year, some 41 Bills, including five exposure drafts, were introduced. During the course of the autumn sitting a further 17 legislation proposals were accorded first priority status by the Government and were introduced into the Assembly. All up, a total of 58 first priority Bills were introduced. Madam Speaker, making available the Government's legislation program is intrinsic to our commitment to open and accountable government. I trust that members and the public will find the document informative and useful. I table a copy of this statement. I move:

That the Assembly takes note of the papers.

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

Mr Lamont: Madam Speaker, I ask for leave to make a statement regarding a new inquiry by the Standing Committee on Planning, Development and Infrastructure.

MADAM SPEAKER: Mr Lamont, we were going to do that after the matter of public importance.

Mr Lamont: I thought we had finished the MPI.

MADAM SPEAKER: That is wishful thinking, Mr Lamont.

HOSPICE - ACTON PENINSULA
Discussion of Matter of Public Importance

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

The siting of the hospice on Acton Peninsula.

MR MOORE (4.06): It gives me pleasure to rise. I am delighted that I manage to squeeze in before Mr Lamont, although no doubt, Madam Speaker, the Assembly is going to be listening very attentively to the important words that he has to say with reference to his committee.

Madam Speaker, I think it is important today to air some of the issues surrounding the hospice on Acton Peninsula. I decided, in writing to you, to nominate as the matter for discussion today the siting of the hospice on Acton Peninsula in order that the discussion could be as broad as possible. I think it is appropriate to start with the political background to the siting of the hospice on Acton Peninsula. I want to go as far back as the last election, Madam Speaker. The reason I want to go back to the last election is that that is when people who are in this Assembly made their various commitments to the people of Canberra.

It seems to me, Madam Speaker, that a Labor commitment to provide a hospice on the Acton Peninsula is a commitment that clearly they must work to achieve. I also would like to draw attention to my own commitment and that of Ms Szuty, because we also supported the notion of health facilities and, specifically, a hospice on the Acton Peninsula site. The concept of health facilities on the Acton Peninsula from my perspective was as part of a preservation of those important buildings that constituted the Royal Canberra Hospital. I perceived, Mr Deputy Speaker, that the health facilities that would be needed on the Acton Peninsula were part of establishing that peninsula as a health facility site, or re-establishing it in that way.

One of the interesting things that we hear around the traps, Mr Deputy Speaker, is this: What are the influences that have brought about the notion that, yes, a hospice can go on the Acton Peninsula; it will have a nice new fresh site and we can have a nice new fresh building? Certainly there are a number of interest groups. From the public we hear of a series of lobby groups. The most notable recently, I think, is the Acton West Basin Community Consultative Committee. They lobby very heavily to ensure that health facilities are retained on Acton Peninsula, and expanded. They look at various options as well as a hospice. Then we have the left wing of the Labor Party, the right wing of the Labor Party, and those not committed to either the left wing or the right wing of the Labor Party. Then there is the left wing within the left wing of the Labor Party, and the right wing within the left wing of the Labor Party, and so on. The factions continue to break up. Other groups with some interest in the development on the Acton Peninsula are the NCPA and members of the Federal Government. We have heard statements on this issue by Mr Langmore, one of the local members of the House of Representatives. Developers have an interest in what happens on Acton Peninsula. Generally, as one goes around this community talking to people, I think all members will agree that there is a vital interest by individuals in what happens on the Acton Peninsula.

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That particular site on the Acton Peninsula has been the subject of a huge number of letters, which no doubt all members have received. I would like to draw attention to one letter that I received, a copy of a letter to the Minister from Professor G. Aitchison, dated 9 June. I note that I received it a very short while later. Professor Aitchison drew attention to the building of a hospice on the Acton Peninsula and to some of the difficulties in constructing a new building at a cost of \$3m. He wrote:

The erection of any new building on Acton Peninsula should not be undertaken at this stage because it would inevitably pre-empt any overall plan for the whole area.

I think that is a very important issue. He also said:

We recognise that Labor gave an election promise to establish a hospice; and this we applaud, for there is a real need for a hospice in Canberra.

I agree, Mr Deputy Speaker. I do not think there is any debate about that issue amongst members of this Assembly. In fact, I remember Mr Humphries making a similar commitment.

Mr Humphries: The first one.

MR MOORE: He interjects that he was the first one to do so - which is surprising, considering the letter that was quoted from by Mrs Carnell today about what Mr Berry had signed. Professor Aitchison's letter continued:

But we submit that that promise would be fulfilled, certainly in the spirit and we believe in the letter, by the provision of the hospice within an existing building - indeed, more so by using a satisfactory existing building than by constructing a new one on an eminently unsuitable site.

He gave the reasons why it is such an unsuitable site. He went on to conclude:

We strongly urge you to have the fence removed, abandon any thought of a new hospice building on the old car park site, and restore an existing building for a hospice. Even if this involves having to pay damages for breach of contract ...

The letter actually is jointly signed by Professor and Mrs Aitchison. I misrepresented that point. Mr Deputy Speaker, he is not the only person who has presented this point of view. As late as yesterday morning in the *Canberra Times*, Professor Douglas presented a similar view and a similar perspective.

I also happen to have in my possession something that was referred to, Mr Deputy Speaker, by Matthew Abraham in his program yesterday - a design study for ACT Public Works which was carried out by Munns Sly and others. It is known as Design Studies, Drawing No. 10. The brief that goes with it says:

The preferred option shown on Drawing No. 10 achieves the following important design features ...

So drawing No. 10 is the preferred option. It shows, Mr Deputy Speaker, H block or the isolation ward of the old Canberra Hospital. Remember that this had been refurbished one year prior to its being closed down; so it is in really good nick, unlike some other parts of the Canberra Hospital. It is an eminently suitable site. Why did they see it as the preferred option? A series of reasons is given. There are six or seven dot points there: There is a centrally placed nursing station to supervise all rooms; all rooms have aspect and views either towards the lake or northwards into the tranquil garden, a remnant of the existing premises; there is separate discreet circulation for removal of bodies from rooms to the service area without going past the front entrance. A series of quite logical reasons is given as to why that would be the preferred option before we even look at costs, Mr Deputy Speaker.

One thing not mentioned in here but which I think is apparent is another advantage in terms of a hospice. Many people who go to a hospice over the next few years will probably not have members of their family in Canberra. The Acton Peninsula site allows for support accommodation. That could be provided on the Acton Peninsula. There are many parts of the existing hospital which would allow that sort of accommodation. So there is an advantage there as well.

Mr Humphries: There is a 200-bed hostel at Calvary, unused.

MR MOORE: Mr Humphries interjects with a comment about a 200-bed hostel unused at Calvary Hospital. He will have the opportunity to present his view on this issue. I would like to emphasise the political parameters. The majority of people who are in the Assembly are committed to a hospice on the Acton Peninsula. Having set that parameter, it is appropriate for us to determine what is the best way to put a hospice there. Mr Berry has gone down the course of suggesting a new \$3m hospice to be built there. What I am arguing this afternoon, Mr Deputy Speaker, is that this is a project that ought now be reconsidered and that we ought look very carefully at the refurbished isolation ward as a much better way to spend our very tight money.

One issue that has rarely gone to the public domain, I think, is the environmental advantages of doing that, Mr Deputy Speaker. We often talk about the three Rs. We talk about reusing something before we recycle it. I think reusing is the important factor here. The isolation ward is ripe for reuse as a hospice and that would be a major advantage to the environment rather than a major cost to the environment. Think what it costs the environment to produce the heat to provide enough bricks to build a building such as the one we are talking about. That is just one small element of the importance of reusing, even before we start on a process of recycling.

That issue arises even before we look at the public consultation process. On a number of occasions I have heard Mr Berry say, "Look, we went to an election and we were voted in, clearly, on providing a hospice on the Acton Peninsula". I do not debate that because that is correct. Therefore public consultation should work within those parameters. I accept that as a background to what is being done here. Having made a commitment, and on this occasion keeping that commitment, is a very positive thing, Mr Deputy Speaker.

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But that commitment did not actually say that they would be building a new hospice or that we would be using the old buildings. My understanding at the time - I would say that the majority of people in Canberra had the same understanding - was that if you were going to use the Acton Peninsula for health facilities you were likely to use a very good building that is standing there, unused, at the moment.

Of course, the Acton West Basin Community Consultative Committee - there really is no very good acronym for that - also has been undertaking broad consultation to try to assess the best way to use that site. The NCPA also is looking at the best way to use that site. I think it is important that I go back and quote Professor and Mrs Aitchison. They said:

Better that than to have the hospice in the wrong place, and to ruin the whole of beautiful, historic and unique Acton Peninsula in the process.

Mr Berry, what is important here is that you reconsider; that you take into account the political realities and the parameters that I have set out and reconsider the position of the proposed hospice on the Acton Peninsula. It seems to me appropriate that we use the buildings that exist. From my discussions with people throughout Canberra on this issue it seems apparent to almost everybody that that is what one ought to do. I would argue that blind Freddy could see the advantages of using a recently refurbished building, but it seems too much of a strain for Wayne.

MR DEPUTY SPEAKER: I call the Minister for Health and hospices.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.20): Thank you, Mr Deputy Speaker. I am sure you know that that is a bit beyond my full title; but I will take credit for the new hospice when it is built at Acton, along with the rest of the matters. Mr Deputy Speaker, the negotiations for the establishment of a hospice service in the ACT began in the early 1980s, and in March 1990 the then Government announced its support for the development of a service in Canberra. The Alliance Government agreed in March 1990 to the establishment of hospice facilities as an adjunct to the public hospital redevelopment program. Earlier we heard Mr Humphries, in a personal explanation, complaining that he had an open mind about this issue, but I will read something to you from *Hansard*, Mr Deputy Speaker, and you can make up your own mind about whether he misled the house or not. This is what he said on 27 March 1990:

Subject to an agreement with the Commonwealth Government on funding, this centre could also make provision for the special needs of veterans. A birthing centre and hospice facilities will also be provided.

Now, wait for it:

These facilities will be collocated with the major public hospitals and will also be developed as part of the overall hospital program.

So Gary Humphries, quite contrary to what he said earlier, said in March 1990 that the hospice would be co-located with the major public hospitals. That is what Gary Humphries said. So I say to you, Mr Humphries - - -

Mr Connolly: Read that bit again.

MR BERRY: I will read that again:

These facilities will be collocated with the major public hospitals and will also be developed as part of the overall hospital program.

That is what you said. I suggest that you eat the words that you uttered earlier. There we have it, Mr Deputy Speaker. The Alliance Government announced in March 1990 that there was going to be a hospice beside a major hospital. Of course, any further investigations were done with that stated policy in mind. There is no question about it; the Government had a position - it is in *Hansard* - and people just move down the path of providing facilities in accordance with government policies. So you have been caught on that one, Mr Humphries, as you were on many other issues when you were Health Minister.

In 1990 ACT Health commissioned a report on likely future directions for palliative care from Dr Ruth Redpath and Professor Ian Maddocks. Both these people are specialist medical practitioners in the area of palliative medicine. Not surprisingly, their report has a strong medical flavour and an emphasis on the role of the medical director. Professor Maddocks is the director of a hospice that is co-located with a hospital. It is therefore not that surprising that he suggests that the ACT hospice should also be near a hospital. The report also recommended a hospice in the first instance on the Calvary site and a second hospice on the Woden campus.

Mrs Carnell: That is right; in the fullness of time.

MR BERRY: Now, wait for it. This recommendation would have involved the duplication not only of the hospice facility but also of the home-based palliative care service. That is what Gary Humphries intended to do. The Government's decision to locate the hospice at Acton was made after consideration of the published reports and it is interesting to note that in many cases the experts themselves cannot agree. A further report, Mr Deputy Speaker, by the Palliative Care Society was conducted as part of the hospital redevelopment project. This report recommended the establishment of a hospice within the grounds of Calvary Hospital and disagreed with the Maddocks report recommendation of a second hospice at Woden. Confusion reigned, but they were both acting in accordance with Mr Humphries's stated position; that is, that it would be built at a hospital, contrary to what he said to this Assembly earlier.

The Follett Government, in the aftermath of the decision by the Alliance Government to close Royal Canberra Hospital, made a commitment to the people of Canberra to retain Acton Peninsula for health facilities. After taking into consideration the need for a hospice facility to be acceptable to all members of the community, including the non-religious, and being firmly convinced that the hospice did not need to be located near a hospital, the Government made the

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decision to place the hospice on Acton Peninsula, co-located with other health facilities. That has been our clear position all the way along. I announced this decision in the Legislative Assembly in August 1991. It was reaffirmed in our election commitments in February 1992, and in 1992 the Government agreed in principle to the provision of \$3m for a hospice in the 1992-93 capital works program.

The Opposition has stated that patients will be disadvantaged by not being co-located with a hospital and that patients will require constant visits to acute facilities for various procedures. They are wrong yet again. The Government, in making the decision, considered the fact that a hospice is a specialised health facility that employs complex techniques for symptom control and pain management. The Calvary Hospice at Kogarah in Sydney is a freestanding facility and staff there have found that only a very small number of patients, less than 3 per cent, need to be transferred to an acute hospital for procedures. All treatments, such as blood transfusions, will be managed on the hospice premises. We can expect about 18 to 20 per cent of patients to require these interventions. The clinical nurse consultant at Mary Potter Hospice in Adelaide has stated that being adjacent to a hospital will dictate practice. That is an important statement in the context of delivering a hospice service. This statement is borne out by a swift analysis of the differences between the number of interventions taking place at facilities that are attached to or in the grounds of acute hospitals and those facilities that are freestanding. You should know that Mrs Carnell.

Palliative care workers suggest that acute care hospitals have a "cure" philosophy, and rightly they should have, and find it very difficult to allow a person to die with dignity and without acute intervention. It may sometimes be necessary for a home-based palliative care patient or a hospice patient to be transferred to the hospital for treatment, particularly for radiotherapy which can be used for stabilisation and pain control. Why then do you not argue for the hospice to be located at Woden Valley, where the radiotherapy facilities are? You did not argue that; no way. These transfers will be to Woden Valley Hospital regardless of where the hospice is located. The Daw Park Hospice in the grounds of a repatriation hospital in Adelaide transfers approximately 8 per cent of their patients to the hospital for radiotherapy treatment. That is a big transfer rate. Interestingly, at all the hospice facilities consulted, and there were over 20, whether they were in the grounds of, attached to or freestanding from a major hospital, all the people within those facilities agreed that a hospice did not need - did not need, I repeat - to be co-located with a hospital. They do not need to be co-located. It is for this reason - - -

Mr Humphries: It is better to be.

Mrs Carnell: No, it is just lots cheaper if you are.

MR BERRY: The Liberals say that it is cheaper; that we want cheap facilities in the ACT, not quality facilities.

Mr Humphries: At least we can pay for them.

MR BERRY: Of course, the rich can pay for them and they can have better quality than the poor. This is the sort of stuff that you people dredge up every time you get involved in a debate about any issue of social interest.

Mr Deputy Speaker, it is for this reason that the ACT Palliative Care and Hospice Society rejected the notion of a hospice in the grounds of the Woden Valley Hospital. It was for that very reason. It is also interesting to note that the great majority of people suffering terminal illness die in their own homes. The home-based palliative care service provides for an average of 30 patients at any one time. These patients are satisfactorily maintained at home, and I might add that home is where they want to die. The palliative care service was recently extended to enable people who are without carers to be maintained in their homes. It is these people without carers who have been forced either to remain in hospital or to be transferred to a hospital for their dying days. The hospice will be able to assist these people to spend their final days in surroundings that are peaceful and pain free.

At the same time, Mr Deputy Speaker, we have to think about the family of people who have chosen hospice treatment. We have to think about the carers who continually work with people who have decided to live out their final days in a hospice. You just cannot comprehend a situation where people would support the attachment of something requiring the sort of atmosphere that goes with a well-run hospice to a busy major hospital. It is absolute nonsense. Sure, in other places it has occurred; but, given the choice these days, people would choose to have it away from a major hospital. Experts would so choose.

It is true, Mr Deputy Speaker, that the capital cost of the construction of a hospice within the grounds of Calvary was in the vicinity of \$2.5m. However, this is a costing provided by Richard Glenn and Associates in 1991. The hospice will be commissioned in about August 1994 and the capital costs have been contained at about \$3m. Also, the facility at Calvary was based on seven single rooms and two four-bed rooms. These are facts that nobody wants to get out because the facts spoil a good story. The hospice at Acton will have 12 single rooms with en suites and only two double rooms. So they are different. Under Labor it will be better.

There has been considerable criticism directed at the Government for the construction of the hospice and the failure to pursue the use of existing buildings, from Bruce Hostel to the isolation block on Acton Peninsula. The hospice working party consisted of two oncology specialists, a GP, a community nurse, an assistant director of nursing from Woden Valley Hospital, the director of social work, a nominee from Calvary, the Hospice Society, two palliative care nurses, the AIDS Action Council, and ACT Public Works. What do you think they came up with? You have got it in one. They came up with a purpose built facility because they knew that this was the opportunity to provide something first class. This is the sort of facility that they came up with.

I have to say that in the early days - I said this to Mr Moore this morning - I had some sympathy for the use of the existing building because, at a glance, it looks like a robust, strong brick building which might be suitable for these sorts of uses. But the overwhelming recommendation of the committee and others was in favour of a purpose built facility and I have accepted that recommendation because what I am about in pursuit of this particular facility is providing something that is first class. I am told by the experts that this is the way you provide a first-class facility.

Mr Humphries: Some of the experts.

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MR BERRY: Build a purpose built facility. I heard somebody interject, "Some of the experts". Well, two oncology specialists, a GP, a community nurse, an assistant director of nursing, the director of social work, a nominee from Calvary, the Hospice Society, two palliative care nurses, the AIDS Action Council, and ACT Public Works. A former president of the Hospice Society wrote to the *Canberra Times* and said that it was a good idea too. I would think that they would know what they were talking about.

The Government has examined the possible use of existing facilities and will continue to do so in consideration of other health facilities being placed on the Acton Peninsula. However, in the case of the hospice, it is regarded as essential to provide a facility that is homelike and comforting for both the patients and their families, as I said earlier. The patients in a hospice are the most vulnerable in our community and it is important that we accord them the respect that they deserve - not by taking short cuts to the provision of a make-do facility, but by providing the best the community can offer in a facility dedicated to the special needs of the dying.

Mr Deputy Speaker, again, it has not been disputed by any of the facilities consulted throughout Australia that a purpose built facility is infinitely preferable to the refurbishment of existing space. We have an opportunity to build a first-class facility at Acton. I should say that there has been another campaign of misinformation bandied around in relation to the flood plain. Continually I have heard people say, "This facility is going to be threatened by the 100-year flood". It happens to be 1.7 metres above the 500-year floodline and it is between the 500-year and 10,000-year floodlines. That sort of misinformation by people campaigning for the hospice to be somewhere else is just a mischief. We do not need those sorts of comments about this facility. The Cottage Hospice in Western Australia commended the ACT Government on our plans for the hospice. The Cottage Hospice is a stand-alone facility and does not have operational problems. On the contrary, it promotes the palliative rather than the acute care model. The plans for the hospice are exciting, Mr Deputy Speaker, and forward thinking. I believe that the Government will be very proud to have this facility located in the ACT and that we will have a reputation for best practice in palliative care that will be unsurpassed in Australia. Mr Deputy Speaker, we made this election promise and we are proud to keep it.

MRS CARNELL (Leader of the Opposition) (4.36): Mr Berry was correct in saying that negotiations for the hospice began in the early 1980s, and they continued through all sorts of permutations and combinations of ACT Health before self-government. They had progressed to the stage where, on 12 June 1987, a Hospital Services Board memo recommended that, rather than set up a hospice facility at Woden Valley Hospital, the following action should be taken: Firstly, support the establishment of a 20-bed hospice facility at Calvary Hospital as a priority issue; and, secondly, provide equipment to assist in the care of the terminally ill patients and so on. This was all to do with setting up a hospice at Calvary Hospital. That was in 1987.

We progressed from there, as I mentioned earlier, in question time, to a number of memos while Mr Berry was Minister for Health, all still talking at length about the need to have a hospice at Calvary. There is no point in having the best facility in Australia, the best run, and all the best bells and whistles, if you cannot afford

to run it. All the way, through all of these memos, all of the people who looked at it came back to the idea that it needed to be at Calvary because if we are to provide a quality care facility the first thing we need to be able to do is to fund the thing.

Mr Berry made a number of comments, both this morning and in his speech, about the terms of reference that were given to Professor Ian Maddocks and Dr Ruth Redpath when Mr Humphries rightly decided to ask some people who actually knew something about it, some experts, some consultants, to have a look at it. The terms of reference that Mr Humphries gave these two consultants were as follows, and I quote directly from the report:

The consultants were asked to advise on:

Likely directions for palliative care services for the next decade

Management and structure of service provision

Preferred location of the hospice facility

Comments on design and size capability.

They were not asked whether it should be at Calvary or Woden, but where it would be best to put it. There were no preconceived ideas, just a clean slate. Interestingly, they then had discussions with representatives of the Hospice Society, the palliative care team, the Calvary Hospital executive, the director of community nursing, medical and nursing staff at Woden Valley Hospital, the palliative care services working party, the deputy director and executive officers of the hospital redevelopment project - and the list goes on and on.

Mr De Domenico: But not the ALP platform?

MRS CARNELL: No, not the ALP platform. They consulted widely and in all of these discussions the consultants were made aware, to quote them, of the long history of involvement of the Little Company of Mary in hospice work and the enthusiasm which the executive of Calvary Hospital and the Hospice Society had for the establishment of an in-patient hospice facility on the Calvary site. Apart from a lot of very interesting work that they did on the appropriate direction of palliative care generally, they said:

"Hospice" should be seen as a program rather than a place ... Each of the three focal points: Hospital, Home and Hospice is a necessary component of the Program, and each must involve the Palliative Care Team.

They went on to say that a hospice requires continuing access to hospital diagnostic and treatment facilities - that is, meals facilities, a pain clinic, pharmacy support, medical support and diagnostic facilities. The report recommended that the hospice service should be comprehensive, embracing the needs of patients facing terminal illness, wherever they are placed, in hospital, at home or in the hospice. They said:

This will be achieved by establishing a single network comprising the two major hospitals, the hospice and the community program served by a single team under one director.

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All these are exceedingly sensible things that we have actually adopted in many ways. They then went on to say:

The hospice should be located adjacent to an existing hospital. The Residency at Calvary could readily be modified to provide a very satisfactory unit ...

So, after an exceedingly detailed study of where we were heading - not just where we want to put some bricks and mortar for a hospice, but where we want to put a very important part of our health services to the people of the ACT, that is, our palliative care service - they say, right at the end, that the hospice should be located adjacent to an existing hospital and that the residency at Calvary would be appropriate. That seems fairly definite.

Mr Berry has made, I think, some very interesting comments about this wonderful group of people who, as he tried to indicate, suggested that the hospital should go on Acton Peninsula. One of the things we have to remember is that at about this time an Acton planning study was commissioned. Mr Berry actually quoted from it. This was in December 1991 and Richard Glenn and Associates were commissioned to do it. Mr Berry quoted very selectively from this. It was quite interesting. I will quote from it as well. Both reports talk about the Ian Maddocks and Ruth Redpath report, which I have already quoted from, and the palliative care working party, the group of wonderful professionals, ACT based, who supposedly know. Anyway, I quote Richard Glenn and Associates:

Both reports endorsed the provision of a Palliative Care Unit, both endorsed its provision adjacent to, but not within an acute hospital, each supported the unit being sited at Calvary Hospital, the Consultant's report recommended a 15 bed unit initially, -

and rightly, as Mr Berry said, and this is where he was very selective -

with the provision of a second unit ... whereas the Working Party recommended a single unit of twenty beds ...

Each recommended that home-based palliative care be integrated, and so on. So each of those reports, according to this paper that Mr Berry quoted from, suggested that it should be sited at Calvary Hospital. The report then goes on - and this is, I think, a very important bit:

Calvary Hospital recommended a fifteen bed hospice with an additional four beds for Pain Control.

In September 1991 the Government, Mr Berry, made a decision to proceed with the hospice project on the Acton site. This report is a consequence of that decision.

Mr De Domenico: That is right.

MRS CARNELL: No, no. After Mr Berry made the decision a working party was convened, and the working party consisted of all of the people that Mr Berry spoke of. So we find out that Mr Berry announced the Acton site and then set up the working party. It does not seem as though this working party really had the clean slate that Mr Humphries gave his consultants. Interestingly, this report

goes on to recommend almost exactly the same things that the consultants did for Mr Humphries. You have to find that fairly interesting. You also have to find it fairly interesting that Richard Glenn and Associates felt it necessary to preambule their report with the view that the Calvary Hospital site is the appropriate site; but, if Mr Berry feels that it has to be on Acton, well, so be it. May I have a short extension, please?

Mr Berry: Oh, I do not know.

Mr Lamont: We do not do it on MPIs.

MRS CARNELL: Okay. No, it is all right. It is an MPI.

Mr Berry: No, it is all right.

MR DEPUTY SPEAKER: Order! Is an extension being sought?

MRS CARNELL: No, it is all right. It is okay.

MR LAMONT (4.46): I can understand why Mrs Carnell would not want to continue to debate this issue. We were going to extend some largess and allow her to do so. I regarded that as a somewhat incredible speech by Mrs Carnell this afternoon. Some of the comments that have been coming out of the Liberals about the question of the hospice leave me somewhat bemused. I suppose you could expect nothing else, considering the way in which they have made money out of this issue.

Consider the intellectual rigour of Mr Stevenson in conducting his Dennis polls. Mr Stevenson picks up the phone, I presume here in his office, and quite legitimately contacts constituents within the ACT. He puts forward a question, or a series of questions, and gets their response. On that basis Mr Stevenson, quite rightfully in his view, comes to a relative position. That, to me, smacks of intellectual rigour in adopting an appropriate methodology as far as Mr Stevenson is concerned. But what do we have with the Liberals, Mr Deputy Speaker? No, that is not good enough, because they might not get the right answer if they phone up constituents at random in the ACT and talk about this question. What they do instead is hire a 0055 number, and lo and behold - - -

Mr De Domenico: I take a point of order, Mr Deputy Speaker. I want to let you know that Mr Lamont made an accusation before about the Liberal Party making some money out of this issue. He now goes on to quote about - - -

Mr Berry: Yes, that is not you.

Mr De Domenico: Just wait a minute and listen. You might learn something, know-all. He said that the Liberal Party had a 0055 number on the hospice issue. Mr Lamont is wrong, and I ask him to withdraw that allegation of the Liberal Party making any money.

MR LAMONT: What was the issue about then? Why did you have the 0055 number?

Mrs Carnell: It was the abortion clinic.

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MR LAMONT: I withdraw unreservedly, Mr Deputy Speaker. The Liberal Party did not make money out of this issue; they made money out of the issue of abortion.

Mr De Domenico: I raise a point of order, Mr Deputy Speaker.

MR DEPUTY SPEAKER: You withdrew unreservedly, Mr Lamont?

Mr De Domenico: Mr Deputy Speaker, for Mr Lamont's edification, the Liberal Party did not make any money out of the abortion issue either. We gave it to Bethel.

MR LAMONT: I also withdraw any imputation there, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Thank you for the clarification, Mr De Domenico.

MR LAMONT: The Liberal Party did not make any money for itself - one could understand that, given some of their policies - but it is understood that they did in fact make the money. There was then a hell of an outcry about it, so they decided to donate it to charity.

MR DEPUTY SPEAKER: Mr Lamont, I would remind you that we are discussing the hospice. Please be relevant to the subject matter.

MR LAMONT: It is relevant because I think that the attitude - - -

MR DEPUTY SPEAKER: It is not, actually.

MR LAMONT: I would suggest, with due respect, Mr Deputy Speaker, that if you allow me to develop the argument it will become quite obvious why it is relevant. The actions of the Liberal Party in pursuing any issue that they believe they can achieve one headline out of are indicative of the way they are treating this issue. Mr Berry says that in a process which included consultation and a report that they have quoted from extensively - - -

Mr De Domenico: Come on; no-one believes him, not even you.

MR LAMONT: Mr De Domenico, if for once, on the first day of this new session, you sit and listen you may - although the possibility, I know, is remote - learn something. That would be a great change from what has happened in this Assembly over the last 18 months. Madam Speaker, the Liberal Party should be resoundingly condemned for the way they have attempted to misrepresent this issue. Mr Berry indicates that consultation includes getting advice which may be different from that on which you ultimately determine the position. They say that if you do not take notice of that contrary advice you have not been involved in a proper consultation process.

Mrs Carnell: No, he decided it himself.

MR LAMONT: Mrs Carnell believes that the advice that a Minister or member gets is the advice that he or she should unilaterally act upon. That is an absolute nonsense. It is not the proposition that fundamentally underpins a consultative process. What it means, Madam Speaker, is that, quite clearly, there are contrary views as to where a hospice should be located. Mrs Carnell is absolutely wrong

when she indicates that it is only the view of the Minister. The simple fact of life, Mrs Carnell, is that the majority of members of this Assembly agree on where this hospice should be located. You might not like that. It is a simple fact, Mrs Carnell, that you have failed to come to grips with when you have considered this issue.

I do sincerely withdraw the comment that you made money out of your 0055 phone number on the hospice site; it was about abortion and when we raised a stink about it you decided to give it to charity. I do understand. One would presume that you can probably - - -

Mr Moore: What was the size of the donation?

Mr De Domenico: It was \$280.

MR LAMONT: It was \$280. As I said earlier, they did it this way because they did not want to have people who may not give the right answer phone in. Nevertheless, the fact that underpins this argument, I think, has been very eloquently put by Mr Moore and by Mr Berry. Firstly, there is a majority view of this Assembly that the hospice should be located on Acton Peninsula. That is the first thing. The second thing is that a range of consultations and a range of reports were produced. Some of those quite clearly had contrary views. But on balance, taking into account all of those, the Government, Mr Berry, has quite rightfully decided the methodology that should be adopted.

People on the other side are carping - that is a word that we will probably hear more and more of as the next 18 months go by - in relation to this issue without in reality contributing one iota of informed debate.

Mr De Domenico: Ha, ha!

MR LAMONT: I can understand why Mr De Domenico would laugh when people talk about informed debate; he has never been involved in one in his life. It probably would be a novelty for him to start now.

Mr Cornwell: Certainly not from your side in this place.

MR LAMONT: Mr Cornwell has now woken up and is contributing to the debate as well.

Madam Speaker, I regard it as somewhat hypocritical for either the Deputy Leader or the Leader of the Opposition, in public, on radio or here in this Assembly, to stand up with some sanctimonious view about what should now happen to the hospice, saying that these issues should be taken into account and trying to identify specific one-liners that are contrary to the position that has been adopted by the majority of members of this Assembly. It is pretty typical of the way things have gone since the revolving door was put into the Liberal Party after the last election. Mrs Carnell believes that it is now the only way that she can hold onto her seat and keep Mr De Domenico in the seat next to her.

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MR HUMPHRIES (4.55): I do not know about Mr De Domenico, but I certainly learn something every time Mr Lamont rises in his place to make a speech on an MPI. I learn how to make a 10-minute speech without having done any research on the topic on which I am speaking. That is what I learnt from Mr Lamont's speech. Mr Lamont again has made an interesting contribution in terms of rhetoric and political grandstanding. He has made no contribution in terms of the substance of this debate.

Mr Berry's contribution has been of slightly more substance; but it has not greatly enlightened the Assembly, notwithstanding that fact. There are, of course, benefits, Mr Berry, in being firm. People admire politicians who are firm and who are resolute. Mr Berry unfortunately goes one step further. Mr Berry is stubborn. Mr Berry will see an avalanche of facts and figures coming towards him, he will see the overwhelming weight of opinion, informed public opinion, and he still will stand his ground. Mr Berry will not change his mind no matter what. Mr Berry is a man of strong principles. Well, Madam Speaker, Mr Berry's strong principles are going to cost this Territory and the taxpayers of this Territory through the nose.

Madam Speaker, Mr Berry was given the chance on radio this morning. Let me say, first of all, that Mr Berry corrects me and says that in fact the Alliance Government did not announce that the hospice was going on Acton Peninsula; it announced that it was going next to a major public hospital. If that is the case, and I have not seen the papers he quoted from - I am sure he is not misquoting *Hansard* - I accept his advice and I apologise for having suggested that that was otherwise. However, I certainly did not say at that time that it was going next to Calvary Hospital. I certainly had an open mind about where it should go. The Alliance Government had considerable debate about where that hospice should go and its decision at that time was not fixed in concrete, to use that expression. I sincerely doubt whether the same flexibility of mind that applied then applies now to the decision that you have made on the location of the hospice.

To prove that fact I cite the extraordinary spectacle we had on radio today of Mr Berry being repeatedly invited by Matthew Abraham to indicate whether or not he had dictated terms of reference concerning the location of the hospice to the working party that was debating that hospice decision which was the subject of that radio interview. He was invited at least three times to indicate whether or not he actually dictated the terms of reference in terms of location. Did you or did you not indicate that you wanted the hospice to be on Acton Peninsula?

Mr Berry: We promised that it would be there.

MR HUMPHRIES: You did not want it to be at Calvary Hospital. Did you or did you not indicate that? Madam Speaker, Mr Berry has not answered that question straight in the Assembly today. He has not answered that question today on the radio. Mr Berry cannot answer that question because he is embarrassed. I can look the constituents of this Territory in the eye and say that I was prepared to accept the best advice available to me in the best interests of the use of the taxpayers' money of this Territory. Mr Berry cannot.

Madam Speaker, the myth - I will not use any stronger language than that - has been pushed by Mr Berry in this place that the community or certain informed parts of the community supported the idea of the hospice being located on Acton Peninsula. Madam Speaker, all I can say is that I do not know what he is talking about, because the list of people I have, and the information I have from those people, those informed sections of the community, is very different. First of all, let me quote a letter from the ACT Hospice Society to the Chief Minister of the ACT, dated 3 March 1992 and received on 6 March 1992 with a stamp marked "Deputy Chief Minister". I do not know why it went to the Deputy Chief Minister rather than the Chief Minister; nonetheless, in this letter from John Ballard, president of the ACT Hospice Society, we have this paragraph:

We submit that the provision of a hospice by grant aid to Calvary would be preferable -

I repeat, preferable -

to the provision through a fully Government owned/managed facility. We believe it would also be significantly cheaper to the tax payer.

Obviously, that "Government owned/managed facility" he was referring to was a facility on Acton Peninsula. That was the view of the Hospice Society. Did you not tell us before, Minister, that the Hospice Society backed up your decision?

Mr Berry: The former president did, in writing in the *Canberra Times*, and he was on the working party.

MR HUMPHRIES: You have not misled the Assembly, by any chance, have you, Minister? Did you not say that the Hospice Society supported your view? Apparently it does not. What about the chairman of the Board of Health? What is his view on this matter? Did you suggest that he was supportive of your point of view? This letter from him to you, which is dated 20 August 1991, says:

There is widespread commendation for your decision to proceed with a hospice. However there are significant issues in both operational and cost terms about locating it at Acton. I will review these with you at your meeting on 3 September.

What did Mr Service think, I wonder. He obviously did not see it the same way you do, Minister. He did not see this as being a great swell of public support in favour of your wonderful election promise to locate it on the Acton Peninsula. What about the Council on the Ageing? Do you think that they are experts, Minister? The Council on the Ageing represent the elderly of our community. What about them? We do not hear any answers from the Minister, as usual. I have a letter from them, dated 10 June 1993, to, in this case, the Minister for the Environment, Land and Planning, Mr Wood, and in this letter they ask a series of questions. I will read some of those questions:

1. A planning committee was appointed by the government but prior to its recommendations being finalised, plans for the site have been announced and construction of the hospice commenced. Why?

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2. As access to the Acton Peninsula is difficult by public transport, why are there plans for the hospice, and possibly, the convalescent unit and rehabilitation and aged care units to be sited there?
3. Why isn't consideration being given to siting the hospice and convalescent unit close to facilities such as a shopping centre, rather than in isolation on Acton Peninsula.
4. Why is the Rehabilitation and Aged Care Unit being moved from Woden Valley Hospital to Acton Peninsula where there are no medical support facilities and no easy access for clients and their carers.

Madam Speaker, why indeed? The answer, Madam Speaker, I think, is this: Mr Berry wants to expiate his guilt. Mr Berry feels that he has, in some way, gotten into the same boat as those pernicious Liberals in deciding to confirm the decision to close the Royal Canberra Hospital. Mr Berry wants to prove that, despite the fact that he was forced to close the hospital - that dearly beloved hospital, to the people of the ACT - in reality he sympathises with continued use of that site for medical purposes. Therefore, Mr Berry is going to struggle against the facts, to struggle against the overwhelming indications, the overwhelming proof and views of experts in this field, and put the hospice on a site that nobody, apart from himself and a couple of others, seems to want - that is, the Acton Peninsula.

Mr Kaine: Even John Langmore has deserted him.

MR HUMPHRIES: Even John Langmore, a left member of the Federal Parliament.

Mr De Domenico: But a different left faction.

MR HUMPHRIES: Obviously, a different left faction member. Even he could not come at that decision. Community consultation that has been undertaken indicates that the ACT Hospice Society is against the plan; the Cancer Society of the ACT is against the plan; the Australian Medical Association, Canberra branch, is against the plan; the former Board of Health is against the plan; the ACT Council on the Ageing is against the plan; the Women's Electoral Lobby is against the plan; and Mr John Langmore, MP, a left member of the Federal Labor Caucus, is against the plan. How much more evidence do you need, Mr Berry, to realise that you are wrong? You are completely and utterly wrong and, for the sake of this Territory and the future of our health facilities, you should withdraw that plan.

MADAM SPEAKER: This discussion has concluded.

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

MRS GRASSBY (5.04): I present reports Nos 12 and 13 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I move:

That the Assembly takes note of the reports.

Report No. 12 of 1993, which I have just presented, was circulated when the Assembly was not sitting, on 6 July 1993, pursuant to the resolution of appointment of 27 March 1992. Report No. 13 of 1993 contains the committee's comments on 64 pieces of subordinate legislation and one government response. May I say on this, Madam Speaker, that there were very many mistakes, and I am sure that members will note in the report some very humorous comments made by Professor Whalan. I would have thought that by this stage we would not be having the problems we are having with subordinate legislation. I will be taking this matter up with the Attorney-General. As these reports are being noted, I am sure that he will want to speak on it later. I understand that there are other members of the committee who would also like to speak on report No. 13.

As chairman of the committee, I am looking at having a seminar at some time in the future, so that we can explain to people in the area of drawing up subordinate legislation and Bills exactly what the committee would like fixed. Middle management in particular does not seem to be able to come to grips with some of the problems we are identifying. I commend the reports to the Assembly, Madam Speaker.

MS SZUTY (5.06): Madam Speaker, I wish to draw the attention of Assembly members to report No. 13 of the Scrutiny of Bills and Subordinate Legislation Committee. As Mrs Grassby has already said, recently there have been a quite significant number of mistakes with the various pieces of subordinate legislation and determinations, and I think it is important to raise the issue at this time. Members will appreciate that it is generally customary that the chair of the committee, Mrs Grassby, present reports to the Assembly and speak to them on occasions. However, it is unusual for either Mr Humphries or me, the remaining members of the committee, to raise particular issues. However, I believe on this occasion that additional comment is warranted. I wish specifically to refer to this report on our recent considerations.

The reports that we had prepared for us by Professor Whalan listed some 59 subordinate laws and determinations which were considered by the committee. In 29 instances, no comment was offered by the legal adviser, Professor Whalan, indicating that all was well; but in 30 instances comment was offered. We are talking here about over 50 per cent of occasions when subordinate laws and determinations came to our committee to review. I would like to give members some examples of the comments which were made. Regarding eight pieces of delegated legislation, the report comments that reference to the revoked determination as well as the relevant *Gazette* would have been helpful. In another instance it states that reference to the number of the revoked determination in the determination as well as the relevant *Gazette* would have been helpful, even if the explanatory statement does mention the relevant revoked determination. In another five instances there is comment that no references were made to either the revoked determination or the relevant *Gazette*.

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In a further instance reference to the number of the revoked determination would have been helpful and may have avoided a mistake. In two further examples there were unhelpful revocations, inaccurate or incomplete explanatory statements and an error repeated. In a further instance the report asks whether anyone has been overcharged during the year in regard to a particular matter. In a further instance it asks whether something odd happened on the way to publication in the *Gazette*. Further, the report states that a determination was made under a possibly non-existent Act - not an insignificant matter, I would suggest. On a further two occasions, it states, there were potential problems with an old Act and a new Act. Further, it states that a more detailed explanatory statement would have been helpful in one particular instance. These are just some examples of the comment that was made to our committee by Professor Whalan with respect to our recent consideration of matters.

I would suggest, Madam Speaker, that this situation is not good enough, given that self-government is now four years old in the Territory and government departments have presumably acquired some experience and expertise in preparing these instruments. Mrs Grassby has mentioned a seminar that the Scrutiny of Bills Committee intends to hold later in the year for people who are involved in the preparation of these instruments. Action has already been taken by the Attorney-General's Department also to prepare a paper on the preparation of disallowable instruments, and by the Department of the Environment, Land and Planning, which has developed an internal memo to provide guides to officers on how to go about their tasks with regard to these matters. These will be, and are, helpful initiatives.

However, I believe that it is also appropriate for me on this occasion to draw the Government's attention to the unsatisfactory situation regarding the preparation of these instruments at the present time and to ask the Government to address the issue. It basically means, Madam Speaker, that, if officers are neglecting to do their duties well in response to these matters, the Scrutiny of Bills and Subordinate Legislation Committee has to spend a lot of time actually going through the material and identifying errors so that we can then present a report on our activities and findings to the Assembly.

MR HUMPHRIES (5.11): Madam Speaker, I will speak briefly to support the comments made by Ms Szuty and to confirm the comments made by Mrs Grassby concerning the Scrutiny of Bills Committee's report. We do express concern. We are concerned about the many problems we identified in the most recent batch of subordinate legislation considered by the committee. It is not just a question of being pedantic. The issues that have been raised in many cases are issues about which concerns have been expressed by the committee in very similar terms on previous occasions, often as much as a year ago.

It is edifying to see that things that are raised from time to time by the committee are picked up by those people responsible for dealing with those problems, but when we make recommendations about particular areas where change needs to occur in pieces of legislation it is mortifying to find that precisely the same mistakes are again made in successive years in respect of the same legislation - for example, delegated legislation with respect to fee making. The problems are serious; they are not merely ones that can be just fixed up with a flick of a ministerial determination. It is easy sometimes to go back and do it again and to apologise for, or make some reference to, the fact that there was a difficulty which caused certain problems to arise.

Let me just remind members of the Assembly that today in question time we have heard about a change in the law concerning hand-held radar in the ACT, a problem which has caused the ACT potentially to have lost perhaps up to \$1m in revenue.

Mr Kaine: This is a repeat. They had already done it once with breathalysers.

MR HUMPHRIES: Arguably that is so. We cannot look at these sorts of mistakes lightly. They may cost the Territory large sums of money or necessitate the Assembly taking the rather brutal path of retrospectively legislating away a particular legal position that people have enjoyed previous to that particular piece of legislation. Neither of those things makes any of us very comfortable.

Madam Speaker, I think it is appropriate for members of the Assembly to rise to make comment on this latest report and to urge the Government perhaps to think about altering the pace of legislation in such a way as to make it possible to deal with these sorts of issues that are being raised. I hesitate to say this because I know that my friend across the chamber, Mr Connolly, will immediately say, "Quick, quick; slow, slow", as is his wont in these circumstances. But perhaps, Madam Speaker, it is the case that the Government is rushing legislation at some levels. We had the Minister tell us with great gusto - in fact, I think he put out a press release about it - that he had introduced 17 Bills in the Assembly in just 19 minutes. That is a wonderful achievement, but unfortunately sometimes things can go wrong when that pace is being matched by a number of members of the administration who are also trying to keep up with this prolific Minister. So I suggest, Madam Speaker, that care is required, and I hope that this report is useful for the Government and its servants in ensuring that this indeed is the case henceforth.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.14): I will quickly respond to this report on behalf of the Government. It obviously makes some important points. It is clearly unsatisfactory when fully 50 per cent of the subordinate instruments brought before the Assembly are incorrect. What has been happening over successive administrations is that, while legislation is centralised, the drafting of subordinate legislation has been decentralised. Most of the subordinate legislation is drafted within the agencies. There has been a response to that which Mr Humphries referred to. My department is preparing guidelines and the Department of the Environment, Land and Planning is running its own internal training course, but that is clearly not producing the goods at the moment.

The alternative would be to centralise the function of drafting all subordinate legislation in my department so that trained lawyers would be doing it. That would add to cost. At the moment often quite junior officers have the task of preparing the instrument, often a simple task which a junior officer can perform, but they can often fall into the trap of failing to quote the earlier determination number or what have you. They are not major errors, not errors that create problems on their face; but they are sloppy. I will look at the practicality - and whether such a move would make more sense - of putting this function back and having all this at least checked by trained lawyers within my department; but, of course, there would be a cost to the administration as a whole in doing that. On the other hand, there is clearly a cost if we get half of our subordinate legislation wrong.

Question resolved in the affirmative.

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

MR LAMONT: Madam Speaker, I ask for leave to make a statement regarding a new inquiry by the Standing Committee on Planning, Development and Infrastructure.

Leave granted.

MR LAMONT: Madam Speaker, I wish to inform the Assembly that on 18 June 1993 the Standing Committee on Planning, Development and Infrastructure resolved to inquire into, and report on, possible changes to the planning legislation in the ACT, taking into account the comments contained in the Todd report and an undertaking by the Legislative Assembly to review the planning legislation once it had been in operation for some time and noting also that the committee's report on the draft Territory Plan made reference to the need for a review of planning legislation. Madam Speaker, the committee aims to complete its report by early 1994.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Draft Variation to the Territory Plan**

MR LAMONT (5.17): I present report No. 15 of the Standing Committee on Planning, Development and Infrastructure on a variation to the Territory Plan to amend formal errors, together with a copy of the extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 13 August 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, this variation corrects either omissions from, or errors in, the quite weighty document that was submitted to the Assembly as the Territory Plan. As you would appreciate and as the Assembly would appreciate, from time to time some errors will slip through. We are able on this occasion, as on most occasions, to correct those before the expiration of the disallowance period for the Territory Plan.

MS SZUTY (5.18): I will speak briefly to this matter, Madam Speaker, because it is relevant to the matters that I raised in the Assembly just a few minutes ago about the preparation of material for the Scrutiny of Bills Committee. In this instance, even though formal errors were detected by the Planning Authority with regard to the Territory Plan, the material which the Planning Committee subsequently received was also faulty. We had to make a number of changes to that information prior to its tabling in this Assembly. Again, it is a cost in our time as members if we continually have to go through material of this kind and check it for its accuracy, given that the Planning Authority have a lot more people at their disposal to do that task.

MR KAINÉ (5.18): I will speak only briefly. The document that came to the Planning Committee from the Territory Planning Authority on this matter was a very comprehensive one - quite detailed, several pages of it - and it was clear that the Territory Planning Authority staff had gone through the Territory Plan in some detail to detect these errors. I was not particularly concerned that there were a few errors in what came to us. I think that the Planning Committee is clearly part of the checks and balances of government. We have a responsibility to double-check everything that comes to us. We would be most remiss if we just read everything as it came and accepted it without question.

I was not particularly perturbed that there were a very small number of errors in the large mass of detail that came to us. I think that that is to be expected. I do not think that it in any way puts a question mark on the competence or the efficiency and effectiveness of the Planning Authority staff. It is human error. There will be odd mistakes from time to time. It needs to be put in the context of the mass of information that came to us. Personally, I would not want the staff of the Planning Authority to believe that I, for one, as a member of this committee, was being critical of what they do. I think that would be a wrong impression.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Draft Variation to the Territory Plan**

MR LAMONT (5.20): Madam Speaker, I present report No. 14 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan - Holt, section 89, block 5, Belconnen golf course - together with a copy of the extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 16 July 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

Sitting suspended from 5.21 to 8.00 pm

MR LAMONT: Madam Speaker, the variation which was tabled prior to dinner affects the area which is known as the Belconnen golf course. The variation is unique, to the extent that it proposes to allow development within an existing golf course environment. As you know, Madam Speaker, the Government has released a number of sites in the ACT over the last four years to provide for the joint development of housing estates and golf courses. In addition to that, there is also the Harcourt Hill proposal, which talks about an extended use of a golf course facility in Gungahlin to include resort-type development as well as housing.

This is a unique proposal, Madam Speaker. The committee was concerned to rigorously test the processes which led to the variation coming before it. I will go through in some detail that proposal and in fact the action we undertook, for I have a concern that there is a misunderstanding, deliberately engineered or otherwise, of the processes which are applied when a variation such as this is dealt with by the ACT Planning Authority and then penultimately by this committee.

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Madam Speaker, the draft variation in respect of Holt, section 89, block 5, was considered by the committee at its meeting on Friday, 11 June. The committee resolved to hold a public hearing on the draft variation and to place advertisements in the local press inviting public comment. The advertisement appeared in the *Canberra Times* on Wednesday, 16 June; the *Chronicle* on Tuesday, 22 June; and the *Valley View* on Wednesday, 23 June. The committee instructed the secretary of the committee to contact each of the persons who made a submission to the ACT Planning Authority on the draft variation for the Belconnen golf course. Seventeen submissions were received by the Planning Authority and were made publicly available in the normal course of the authority's consultation process. The committee examined these submissions in the course of its inquiry.

At its meeting on Friday, 18 June, the committee was briefed on the draft variation by the Chief Planner and officials of the Land Division of the Department of the Environment, Land and Planning. The committee requested the officials to provide further documentation on several aspects of the proposal and also to appear at the forthcoming public hearing so that their evidence could be placed on the public record.

Madam Speaker, a wide range of individuals and organisations contacted the committee in response to the press advertisements. At the public hearing on Friday, 25 June 1993, the following persons appeared: Mr Keith Minto, for the West Belconnen Residents Action Group and the Conservation Council of the South-East Region and Canberra (Inc.); Dr Chris Watson, for the Belconnen Community Council; Mr G. Handley, for the Belconnen Community Council; Mr B. Brocklebank, a member of the Belconnen Golf Club; Messrs Hill and Howarth, for the Belconnen Action Group; Mr M. Lawrence, a member of the golf club; Mr R. Bell, for Ron Bell and Associates; Messrs J. Dawson, D. Maiuto and G. Mosely, all officials of Ron Bell and Associates; Mr K. Rudd, president of the Belconnen Golf Club; Mr B. Fitzroy, secretary-manager of the Belconnen Golf Club; Mr N. Wilson, a director of the Belconnen Golf Centre; Mr P. O'Brien, acting assistant secretary of the ACT Planning Authority; Mr P. Harris, acting manager of the Community Relations Section, ACT Planning Authority; and Mr Peter Guild and Mr M. Pearson, of the Land Division, Department of the Environment, Land and Planning.

Madam Speaker, the reason why I have taken some time to place on record here in the Assembly the persons who appeared before this committee is to dispel the belief that the Planning Committee does not take enough time to investigate variations that come before it or that we undertake a cursory re-examination of the processes required to be followed under the planning Act. That in fact is not the case. Indeed, this committee is quite rigorous in its examination not only of the ACT Planning Authority and its officers but also of the community groups and/or individuals who appear before it.

I was quite distressed during the public hearings when a witness appearing before us raised, either knowingly or unknowingly, a question of impropriety. It was not a question of impropriety directed at any particular officer or official of the Government. It was not a question of impropriety levelled at any of the political operators within the Australian Labor Party who are members of the Government. It was not a question that was directed to Ron Bell and Associates.

It was not a question that was directed to the Belconnen Golf Club. Nevertheless, there was this question of some impropriety, as if there were something untoward about this whole process.

Madam Speaker, that comment was resoundingly rejected by all members of the committee. We are not prepared to accept from anybody who appears before us unsubstantiated allegations and/or innuendo being used to try to denigrate the quite proper processes and actions of government officials and/or individuals, particularly the government officials who are conducting themselves pursuant to the planning Act in the ACT. Madam Speaker, I want to place on record here in this Assembly that we as an Assembly committee are not prepared to countenance such misuse, in my view, of the Assembly processes and particularly the public hearing committee processes.

Madam Speaker, great attention was given to detail by all members of the committee. The recommendation by the committee that this variation be endorsed was unanimous. That is a cross-party committee of this Assembly. But in making our recommendation, Madam Speaker, we drew attention to two particular areas that we wished the Government and the developer to address. The first of those is outlined at paragraph 13 of the document I have tabled. Paragraph 13 states:

The committee endorses the proposed variation but, in doing so, recommends:

- (a) the Government require the following matters to be part of the development conditions, with all resultant costs to be borne by the proponent.

We recommended that roundabouts be constructed at the intersection of Spofforth Street and Messenger Street and at the intersection of Stockdill Drive and Drake Brockman Drive. We also recommended that, as part of the development conditions, the building height of the proposed development be limited to two storeys in accordance with the proponent's clearly stated intention at the public hearing, and that the Government monitor traffic problems in the streets surrounding and leading up to this development. In addition we recommended:

The government negotiate with the proponent to reach an agreement on how any additional cost deriving from the long-term maintenance of the proposed street furniture is to be met.

The proponent is suggesting that, given the nature of the development, some street furniture - street poles, streetlighting, street signage, the way footpaths are constructed, et cetera - will be different from the general suburban form in the ACT. We acknowledged that there had been some reluctance on the part of the Department of Urban Services, which would have long-term responsibility for maintenance of such facilities, to ask the general population of the ACT to meet the resultant costs of this unique style of street furniture. If additional repair and maintenance costs are identified, then they should be borne by the residents of this area. That should be an up-front issue which they are aware of when purchasing or seeking to purchase houses in this area. Madam Speaker, we went

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on to say that we, as a committee, following our investigations of developments around Australia, believe that it is appropriate that this type of variation in street furniture and street furniture form be encouraged in the ACT, to lend diversity to particular areas within the ACT.

We also noted on the public record and in our decision a range of undertakings which were made by the developer, the proponent, during the public hearings. Again, I take the opportunity to read those into the transcript here this evening:

The committee notes the following undertakings made by the proponent during the public hearing:

- . that the construction of the new nine holes will be substantially concluded prior to the construction of residential dwellings
- . that tree plantings on the edges of the new fairways will be graded in maturity, in order to facilitate the use of the new holes by golfers
- . that the driving range facilities will be available throughout the construction period

What that will mean, Madam Speaker, is that the proponent will be required to actually build a new high-tech driving range prior to work commencing on the area where the existing driving range is situated. The committee also noted the following undertakings by the proponent:

- . that adequate traffic safety standards will be maintained during all stages of construction and that pedestrians and golfers have right of way at all times
- . that the Belconnen Golf Course will continue to be a public golf course
- . that the proponent will confirm in writing (to the Belconnen Golf Club) its future as a tenant of the club house or as an owner of the entire course in the longer term
- . that the proponent will provide paving of the barbecue area, provide covered pergolas and upgrade kitchen facilities in the club house, and
- . the building covenants will be developed for individual owners and builders so as to ensure a high quality integration of urban design and landscape setting.

The last of those points, Madam Speaker, is, in our view, of critical importance. What it means is that this developer will be required to develop building covenants that prospective home owners and prospective builders will be required to comply with, to ensure the architectural integrity of this entire development. That is a requirement which has applied to some previous developments in the ACT. This is the first time that we have had a developer

prepared to place on the public record, in unequivocal terms, that it is his responsibility to ensure, firstly, that such covenants are developed and, secondly, that they are implemented and enforced. The committee was extremely grateful for the proponent's quite clear and unequivocal statements in that regard.

Madam Speaker, I believe that the decision that the committee has made is the right and proper decision - indeed, the only decision that could have been made, given the facts and circumstances in relation to this variation. I have much pleasure in tabling the report on the variation this evening.

MR KAINÉ (8.14): Madam Speaker, it is well known to the members of this house that there are a number of major housing development projects, either ongoing or planned, at the moment, and that there is a great deal of public concern in respect of some of them. They include West Belconnen, North Watson, North Duffy-Holder, the old Tuggeranong Homestead, and the Belconnen golf course. Concern has been expressed - and it culminated in a meeting only on Sunday - about the process and, let us be clear, about the way the Government is dealing with such developments. Whether that concern is justified or not remains to be seen. The result of the public protests has not yet been seen, but I think the Government should listen very carefully to what the community is saying and satisfy itself that it is dealing appropriately with these matters. This particular project, along with the others, was the subject of some publicly expressed community concern about what was proposed and what was being done in the Belconnen golf course.

Madam Speaker, I hope that the community groups in other locations that have concerns about the process can be reassured by the outcome of this particular project culminating, up to this point, in this committee's report. The committee was well aware that community groups and individuals - not only those living adjacent to the Belconnen golf course and some members of the golf club but also some community groups with broader views - had some concerns about what was being proposed and they were concerned that their interests and the interests of the community at large be preserved.

I think that the processes that the committee has gone through should reassure people that, no matter what happens elsewhere in the process, at the point at which a variation comes to the Planning Committee those people will be given another chance to express their view, to be heard in public hearing and to have their views tested by the committee. I think that we satisfactorily demonstrated that in this case. Mr Lamont has mentioned the 17 witnesses that came before the committee. About half of those people came to the committee expressing their concerns either that their own interests as members of the golf club were being impinged upon or that the community interest was being impinged upon.

We listened to their evidence and we required the public officials of the Planning Authority and the Land Division to justify their position - to affirm that they understood the nature of what the members of the community were saying and that they had taken those views into account properly and weighed them up in arriving at the final decision as to what should occur there. For example, concern was expressed that the development site was too close to the Belconnen tip; that toxic material would have its impact on people residing in this estate once it was finished. We put that to the authorities, the government officials, and they were able to demonstrate quite clearly that the location is well outside the parameters established by national standards - not local standards, national standards.

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So we were able to satisfy ourselves, and, I hope, satisfy the people who expressed the concern, that there is no danger of people who will live in this estate being affected in any way.

Some people expressed concern at the external effects of this development - traffic flows in the immediate vicinity of the Belconnen golf course. Anybody who reads our report will note that we have made recommendations that the developer be responsible for correcting any adverse effects of that traffic flow by putting in roundabouts at certain places and by generally satisfying us and the Government that they are taking a responsible approach to this development and are aware of and take account of the community concerns on this matter.

I believe that this proposal is a good one. I satisfied myself that the interests of the Belconnen Golf Club were being preserved, that the interests of the members of the golf club were being preserved, that the interests of the community at large were being preserved. That last point includes, for example, the fact that betterment will be paid in respect of this development. There is an argument going on about whether 50 per cent betterment is enough or whether 100 per cent is enough, but betterment will be paid in accordance with the present formula which is embedded in the law. I am satisfied that the return in this case will be adequate, bearing in mind that no government money will be spent on this. Unlike all the other developments - unlike West Belconnen, North Watson, North Duffy-Holder and the like, which I understand will be generally government sponsored developments - this one is a privately sponsored project. We made sure that the community was not going to have to pick up even the incidental consequences of taking care of the traffic flows and the like.

I satisfied myself, and I think that the community ought to be assured, that this project has been given a thorough investigation by the committee. The recommendations, in my view, will stand any scrutiny by people who may still be dissatisfied with what we are recommending to the Government. Of course, in the final analysis, after this recommendation is dealt with by this Assembly it will go back to the Executive, and the Executive will have to make up its mind whether to go ahead and, if so, whether to adopt the recommendations that the committee is making.

Mr Wood: It has already done so.

MR KAINE: You might be anticipating a little bit, Minister. Other community groups have concerns of one kind or another - many of them similar to the ones that were put to us about the Belconnen Golf Club development; some of them unique - and I have no doubt that they will be dealt with in their time. This committee will certainly make sure, if all else fails, that such groups have an opportunity to present their case. I hope that this case reassures them that the system does allow a number of places in the process where their views can be put. They can put them to the Planning Authority; they can put them to this committee; and they can put them to the Government at different stages of the process if they are not happy with the outcome up to those points.

Of course, at the end of the day the decision is made by the Government and there may well still be people who are not satisfied with the outcome. Their only recourse at that point is to get into a dialogue with the Government, if they can find a Minister to talk to - and that seems to be one of their complaints.

I think that this exercise and the other ones that are coming down the track are perhaps focusing the attention of this Assembly, of the Government, of the Planning Authority and of the other public officials who are involved in the process.

We are all, I think, becoming more aware of the fact that the community does have expectations. They do not expect to be told by government what is going to happen. They expect to be consulted; they expect to have their views taken into account. Perhaps that has not been so apparent in the past. In recent months there have been other developments similar to the Belconnen golf course. There is the one on the roundabout at Narrabundah, where a sod has not been turned yet. Projects have gone through the process and come out the other end, and something is now happening in connection with them. Indeed, some modifications were made to the proposal in lower Narrabundah as a result of our considerations. I think we are beginning to show that there is an increasing awareness of the public's desire to be involved, and we are making sure that they have an opportunity to be heard; so perhaps this will lessen their concern and increase their awareness that some people are in fact listening to what they have to say.

Having said that, Madam Speaker, I support this recommendation. Members will note that there was not even a dissenting report on this. The report was endorsed by all the members of the committee. I am sure that the other members will want to speak for themselves, but I am quite satisfied that the process has been effective in this case. I commend this report and its recommendation to the Assembly.

MS SZUTY (8.24): I would like to add my comments on this draft variation to those which have already been made by Mr Lamont and Mr Kaine. I also would like to say that the Belconnen golf course draft variation was examined at length by members of the Planning Committee. I would like to outline a few of the steps in that process which were fairly important from my point of view. The variation was first considered at the Planning Committee meeting on 11 June, which Mr Lamont referred to, when the committee resolved to hold a public hearing into the variation. We decided that at the very first meeting that we had on the matter.

We held the public hearing, in part because of the fact that 17 respondents had taken the opportunity to write to the ACT Planning Authority about the variation. The responses received by the Planning Authority raised a number of issues, including the consultation process, the impact on the surrounding environment, planning and design processes, defined land, traffic, environmental concerns, the payment of betterment and the question of equity. A number of people in fact took the opportunity to appear at the public hearing. I will not go into details about that because Mr Lamont has already outlined who those people were.

A point that Mr Lamont did not make was that, prior to the holding of the public hearing, the committee took the opportunity to inspect the site. That was on the Wednesday before the public hearing was held. In fact, we spent a good couple of hours going over the site in a couple of vehicles to satisfy ourselves that the proposed development was something that we could in fact support.

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Madam Speaker, it is also worth pointing out to members of the Assembly that the committee spent some time considering the draft variation and, when the recommendations included in the report were decided upon, took into account many issues that community members had raised. Again Mr Lamont has outlined those fairly specifically, so I will not go into details. However, I would like to turn to two other issues and comment on those specifically.

The first of these is the issue of betterment payable for the change of land use for the site. This matter was raised by members of the Belconnen Community Council in particular during the public hearing and subsequently in the media once the report on the draft variation had been presented to you, Madam Speaker. I and, I am sure, all committee members took considerable time to establish in our own minds whether proper procedures were in fact followed in relation to the assessment of betterment for the site. I was satisfied, Madam Speaker, that they were and I am sure that my fellow members of the Planning Committee would agree with me on that score.

However, this does not mean that the wider issue of betterment charges per se should not be addressed. We know that the Minister for the Environment, Land and Planning, Mr Wood, has indicated that he is preparing a paper for government on the issue at the moment. We also know that the Planning Committee will be reviewing our planning legislation, as Mr Lamont outlined at an earlier time this afternoon. Part of that review will necessarily require members of the committee giving due regard to the question of betterment and how it is assessed and applied in the ACT. I believe, Madam Speaker, that it is more appropriate to consider the question of betterment in these contexts than with specific reference to the Belconnen golf course variation, although on future occasions the betterment paid for this site could be referred to as an example of how it has been applied to date.

The second matter which I wish to raise is the consultative process which was undertaken with Belconnen Golf Club members about the proposed residential development on the site. I did note, Madam Speaker, that a member of the golf club at the public hearing indicated his dissatisfaction with the process which had been followed, suggesting that a letter should have been sent to all members informing them of an information evening about the proposed development. I agree with his view. However, it is noted that many members of the golf club attended the information evening and became aware in subsequent weeks of what was being proposed due to the extensive displays that the proponent had available at the Belconnen Golf Club for people to view.

In conclusion, Madam Speaker, it is important to note that this report was adopted unanimously by members of the Planning Committee, as Mr Kaine has said. I am satisfied that the variation is worthy of support. I believe that over time the proposed residential development will improve the amenity of the course and will ensure Belconnen golf course's viability as a public golf course in the longer term.

MS ELLIS (8.28): As a member of the committee I would like very briefly to endorse the comments made by the three previous speakers and to take just a couple of moments to put on record the importance, from my perspective, of the consultation process that our committee public hearings allows. I think it is incumbent on us as members of this Assembly to take yet another opportunity to assure the members of the community that the consultation process in which

those committees participate - particularly the PDI Committee, which seems to have so many of the consultations going on all of the time - is sincere. Some people coming to a public hearing for the first time tend to approach it in a fairly cynical, tongue-in-cheek fashion and take a bit of convincing before they realise, understand and accept that we are not sitting there to rubber-stamp things but are in fact interested in hearing their comments. Their comments are taken note of, and in many cases their comments end up as part of our recommendations on the variation. I think it is important to take this opportunity to put that on record.

In relation to this particular variation, I would like to add to what Ms Szuty has said about the process. That includes the visits that we undertook to the golf course, the briefings that we received from the golf club committee members, from those involved at the club and from the developer. It also includes the time that was taken by the planning authorities in that process as well. Along with Mr Kaine, Ms Szuty, Mr Lamont and the other member of the committee, Mr De Domenico, I have every confidence that this report was in fact a very good result following an exhaustive process in which all of the concerns that were put by people were fairly heard, fairly balanced and considered very carefully by the committee. Along with the others, I join in commending this variation.

MR DE DOMENICO (8.30): I will be even briefer still, Madam Speaker, because everything that needs to be said has been said. I just want to say that the process that the PDI Committee goes through is perhaps a living example that we ought to be organising our government affairs a little bit more than we are now. That would prevent us from standing up in this house and attacking one another across the floor and playing politics. A lot of the people who presented evidence to this committee attempted to play politics. It is refreshing that members of all political parties realised that and said, "It is not going to work this time because we are here to make a logical decision based on fact and evidence, not to play politics".

I endorse what Mr Lamont said about people who at certain times make accusations about things that may or may not happen.

Mr Wood: We still hear them.

MR DE DOMENICO: Mr Wood quite rightly says that we still hear them on this and other developments. If people have some concrete evidence to put forward to any committee or any member of this Assembly, they ought to do that - in the words of the old idiom, they ought to put the old Bugs Bunny where their mouth is. But, if people persist in making accusations on hearsay and wasting the time of members of committees, I, for one, will not tolerate it. It has been said from time to time that perhaps I am slightly intolerant and a bit rude to people who appear before committees and say certain things, but people must realise that consultation does not necessarily mean agreement. It means consultation. No-one can say honestly that in this case, or in other cases before the PDI Committee, the community has not had adequate consultation. What happens after that is the Government's affair. Whether people have access to Ministers or not is something the Government has to look at; but, as far as committee members are concerned, the people have had adequate consultation.

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I would like also to endorse the comments made by Mr Kaine. Usually when Mr Kaine gets up on his feet he makes a lot of sense. He says that there is concern out there in the community about all sorts of issues relating to planning. There is no doubt about that. People get together and compare notes. Once again, I say that people should realise that if governments, oppositions or members of this Assembly do not happen to agree with them it does not mean that we are doing something wrong. As long as they are satisfied that the consultation process exists and is fair, I think that governments ought to go ahead and make decisions that need to be made.

The Belconnen Golf Club development - and I will finish with these remarks - is a most sensible development that has been the subject of most stringent consultation. I would like to congratulate the developer, because the developer has gone out of his way to make sure that everything is hunky-dory, that everything is done above board and that all planning and siting requirements have been adhered to. In fact, I think he has gone a step further in the way he has consulted with the members of the committee and given them quality information. He has bent over backwards. People who say anything against the consultation process on the development do not know what they are talking about. They have had adequate consultation. It is a very fine development, and I endorse the comments made by fellow members of the committee.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY
PLAN
Papers and Ministerial Statement**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, having considered the matter passed to me by the Planning, Development and Infrastructure Committee, and the Government having considered it
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Mr Kaine: This is very quick consideration, Minister.

MR WOOD: We have had it for a little time. For the information of members, I present an approval of a variation to the Territory Plan for Holt, section 98, block 5, Belconnen golf course, and a variation to the Territory Plan to amend formal errors, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I seek leave to make a statement.

Leave granted.

MR WOOD: Madam Speaker, at the outset let me thank Mr Kaine and Mr Lamont for the specific remarks they made. Mr Kaine, in commenting on the document correcting some of the errors in the Territory Plan, indicated that the planners really went through the plan in great detail, very meticulously looking for any errors. Bear in mind that the plan was completed under enormous pressure to meet deadlines. I thank Mr Kaine for recognising that and for

acknowledging the work of the planners. Mr Lamont indicated the integrity of the system and defended the planners against some unwarranted remarks here and there - and that is all it is - about the people in the system. I thank each of those members.

This is probably a fairly appropriate time for me to table this approval and for the Assembly to have this debate. I do not think it was anticipated. I do not normally do any more in these circumstances than get up and table the documents. There is a deal of concern in the community about planning issues. I would ask the question: When does any planning change in Canberra not create some noise? That is the history of our city. No matter how small the proposal may be - - -

Mr Lamont: The smaller, the louder.

MR WOOD: I do not know about that. It will create some problems.

Mr Kaine: Only if it is around Reid.

MR WOOD: No, not just Reid. Reid certainly, but other parts as well. In the comments tonight, which I endorse, members have said that the system is working. Let me applaud the way the committee is working. It is a very good exercise in cohesion, cooperation and good sense.

Mr Kaine: Collegiate government at its best.

MR WOOD: Mr Kaine, it is a very effective utilisation of the way that this Assembly is structured. The process is good. I see the committee, as this Assembly does, working in the interests of Canberra. West Belconnen was a variation that created a lot of noise - and it is not surprising that it should. The committee examined this Belconnen variation earnestly and came up with very sensible proposals. We accepted those, and I can indicate that we have accepted the recommendations of the PDI Committee. The documents I have tabled will incorporate those. I believe that the committee has also found that the process itself is working quite well.

It might have been a good thing if all those concerned people in the community - and I do not think there are vast numbers, but certainly in two or three areas people are concerned - were in here tonight to hear the verification of the system. In a short space of time the PDI Committee will be discussing North Watson. The Government has made a decision on that, and do not be surprised at what may finish up under the committee's consideration. I am sure that when you go through that proposal you will find the same meticulous attention to detail that you found in respect of the Belconnen golf course. If you do not, that is a good thing because it is a further check in the system. Further down the track Tuggeranong Homestead or North Duffy may also emerge. I do not know what is going to happen to those. I am not in a position to indicate at this stage. I am sure you will find again that this system is one of integrity, that the process is meticulous and that everything has been considered. The North Watson proposal is so large and comprehensive that you may find some need for refinement or some areas that are capable of some adjustment. I will welcome that. I am sure that the committee is doing a good job. I see the committee as working well. I see it as a good bonus in the system that we have.

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It was suggested that there was concern in the community and that maybe I should be talking to people more. Today upstairs I met some people from one of the three groups expressing concern and had the comment made to me that I have never been inaccessible but have always been available to them. That is not always said around the town, because certain campaigns are associated with those matters. But that comment was made to me today.

Here tonight comment was made about betterment. I was hoping that someone from the opposite side of the house would ask me a question about betterment today, because the Government has been conducting a review of betterment. It is not a high profile review, for very obvious reasons, but it is under way. That is known, and we will be bringing something into this Assembly fairly soon. We obviously have to look at whether it should be 50 per cent or 100 per cent, but more importantly we have to look at the way it is determined and whether we consider the potential that is built into the previous value. But that is a debate for another day. The debate tonight has been a useful debate, and maybe at some time in the near future it would not hurt if this Assembly had a broad non-partisan debate about development proposals.

POSTPONEMENT OF ORDER OF THE DAY

MS FOLLETT (Chief Minister and Treasurer) (8.42): Pursuant to standing order 150, I move:

That order of the day No. 1, executive business, relating to the presentation of the final report on Canberra in the Year 2020 Study, be postponed until 26 August 1993.

Madam Speaker, I will speak briefly to the motion I have put to the Assembly. It involves only a short delay in the tabling of the final report on Canberra in the Year 2020. Members will recall that it was on the initiative of the Assembly that the study into Canberra in the Year 2020 got under way just on a year ago, and it has reported pretty well on time in each of its three phases to date. The final report is slightly delayed, and I hope that members will accept this delay. The main reason is that there has been a large amount of community interest and participation, particularly in the final stages of the study. I suspect that the knowledge about this study, and interest in it, has built up over the year it has been going on, resulting in quite an upsurge in activity in these late stages of the study.

The reference group for the Canberra in the Year 2020 study who have been responsible for community consultation have received many requests to speak with community organisations and to accept written submissions, and I would not want to constrain them in their consultation. Meeting the 17 August deadline - that is today - which was originally set for the final report would have curtailed the time available for the group to conclude those consultations and to consider the information they have got throughout the consultation process. The chair of the reference group, Dr Peter Ellyard, has therefore put to me a request for a short extension of time to consider all of those comments and views.

I also point out that the Assembly has not yet debated the third report of the 2020 study, although we are due to do so. The final report on the study will be tabled on 26 August, and I certainly look forward to seeing at that time the results of what has been a great deal of work, a great deal of participation by the community, and an enormous burden on the reference group, who I think have performed superbly. I ask that members agree with this short extension.

MS SZUTY (8.45): I will not take too much of the Assembly's time. I would like to support the Chief Minister's motion for the extension of time for this study. As the original proposer of the motion which the Assembly accepted, I always felt that it was a very tough timetable for the reference group to meet, and I have no difficulty whatsoever in a delay of a week before the final report is presented.

Question resolved in the affirmative.

UNBECOMING LANGUAGE

MADAM SPEAKER: Members, during question time I took on notice a point as to whether a question by the Leader of the Opposition included unbecoming language, under standing order 117(g). I do not consider that the language of the question by the Leader of the Opposition was unbecoming. The Deputy Chief Minister has already discussed the content of the question, including the language which is the subject of the point of order, in his answer and in his personal explanation. In conclusion, while I have not ruled the language of the question by the Leader of the Opposition as unbecoming, I would nevertheless encourage members to have regard to the impact on the tone and image of the Assembly of the language members use in the chamber and the way they phrase their questions.

INTERPRETATION (AMENDMENT) BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Connolly:**

That this Bill be agreed to in principle.

MR HUMPHRIES (8.46): I indicate that the Opposition will be supporting the Interpretation (Amendment) Bill 1993. Unfortunately for this and some other Bills brought into the house late in the last sitting, it was not possible, for reasons of time, for the Minister to read his speech into *Hansard*. It appears, I gather, in the reprinted version of *Hansard*, but we missed the edifying spectacle of his speeches.

Mr Connolly: I can read them in reply.

MR HUMPHRIES: No, we can do without that. I would rather take the best bits and use them myself, if you do not mind. There is a presumption that an Act of this parliament, or indeed of any other parliament, in the Westminster system should be read as a whole; that is, it is designed by the legislature as an integrated plan which is supposed to stand or fall as a whole, as a complete body.

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As the Minister pointed out in his presentation speech:

This presumption has inconvenient consequences in a federal system, such as Australia's, where legislative power is divided between the Commonwealth, the States and the self-governing Territories.

One of the inconvenient consequences of this provision is that from time to time courts strike down legislation or parts of legislation, and this presumption operates to bring the rest of the legislation crashing down with the particular provision that might have been found invalid by a court. One example of this quite recently for the ACT was the High Court decision in *Capital Duplicators v. the ACT*, in which the High Court invalidated an ACT law, or at least part of a law, declaring that the Business Franchise ("X" Videos) Act 1990 was an excise and therefore ultra vires the ACT Legislative Assembly. In cases such as this it is obviously undesirable that schemes which are capable of independent operation, apart from particular provisions which are identified by the court as being for various reasons unable to stand, should themselves collapse for the same reason.

This Bill will provide that an assumption should be created that an invalid provision of a Bill should be excised from that Bill. It should not be necessary for a whole Bill to collapse if a part which is bad can be removed from it without destroying the integrity of the rest of the Bill. It is inconvenient, obviously, for Acts of the Assembly to be struck down in this way and thus perhaps putting us in a position where, for example, legislation has been invalidly passed and requiring us to consider retrospective legislation, which we all abhor. This Bill allows for that excision.

It is necessary, however, I would submit, for the Government to review legislation very carefully, as quickly as possible after it has come under the scrutiny of a court which might have ruled a particular part of it to be invalid. Obviously, it will be up to the court to decide whether the particular provisions can be excised or not. That might be a process which leaves the Government in an inconvenient position. We should therefore make sure that we quickly examine legislation after such scrutiny by courts to see whether it should be rejigged, that is, through amendments or passage in a different form, so that we have the legislation in the form which is intended by the Assembly, not what is intended by a court which may have looked at it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.50), in reply: I thank the Opposition for their support for this measure. We actually did some delving into the annals to try to find why the ACT did not have this provision in its original Interpretation Act. It has been a feature of the Commonwealth Interpretation Act from 1901 and it has been a feature of every State Interpretation Act. The law in relation to severability is a standard part of a constitutional law course in every Australian university. Every law student is taught about severability and the importance of severability provisions, and nobody could recall why a severability provision was not inserted in the original ACT Interpretation Act. It seemed to have been a policy oversight when self-government was being established. It is an important provision to have in.

The provision will lie in wait for a time in the future when a provision of an Act of this Assembly may be struck down, in order to save so much of the law that this Assembly passed as is capable of being saved. It is an important provision to allow the will of the Assembly to have as much validity as it can have. In the absence of this provision, as Mr Humphries noted, the common law position would be that the Assembly intends its creatures, its Acts, to stand in their entirety, and if any one part of a statute is struck down by a court the entire statute would collapse. It seems to have been a policy oversight on self-government not to include this in the original Interpretation Act.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT)
BILL 1993**

Debate resumed from 13 May 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.52): Madam Speaker, this Bill corrects what could be described as a legal anomaly in ACT law. It is only relatively recently in the history of our legal system that it has been possible to bring actions in our courts for nervous shock. This is a relatively recent invention and, as such, it has had a slightly different course of development from some other sorts of actions which have had a longer pedigree. The Minister said in his presentation speech that this particular branch of the law has an interesting history. As I said before, unfortunately we did not get to hear it *viva voce*, but the Minister did go through some of the pertinent law as it developed. He mentioned, for example, the very interesting case of *Donohue v. Stevenson*, one of my personal favourite cases involving a woman who partly consumed a bottle of ginger beer, only to discover that the unconsumed part contained the remains of a decomposed snail. This was an important case in the development of this branch of the law.

For some reason, in the ACT it has been necessary for actions for nervous shock to be brought in the Supreme Court only. It is an action whose commencement is reserved for that court alone. Today the jurisdiction of our Magistrates Court is quite extensive, and it seems to be the policy of successive governments to expand the jurisdiction of the Magistrates Court because that court is obviously a lower court and therefore it is cheaper for actions to be run in that court. Today the jurisdiction of that court in the ACT is \$50,000, and one is capable of conducting a quite extensive action for nervous shock in a court with that jurisdiction.

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This Bill will allow actions to be brought in the Magistrates Court if that is the wish of the person bringing the action. Obviously, many actions will not necessarily be brought in the Magistrates Court merely because it is now possible. Many people commencing actions of what I might describe as an amorphous kind will bring them in a superior court and claim a much larger sum of money so that the jurisdiction is sufficiently large to make a large award possible, if that is the anticipated outcome, or at least the possible outcome from the point of view of the plaintiff. However, some people will be bringing relatively modest actions, or for other reasons will desire a court where the overall cost structure is lower. It is important to be able to bring them in a court where the costs are lower, and for that reason this is a desirable kind of development. Even if only a few actions of this kind are brought, I think it will be a valuable reform, and the Opposition therefore gives it our support.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.55), in reply: I thank the Opposition for their support for this legislation. This does make the law slightly more accessible. A process of simplifying and easing access to the law in Australia is not going to happen in one fell swoop; it will be a process of incremental change. This is one part of that change. Up until now, actions for nervous shock had to be brought in the Supreme Court, even though they may have fallen within the monetary limit of the Magistrates Court. Actions are cheaper and easier to bring in the Magistrates Court.

The reason, to the extent that we can find a reason, for the limitation of this type of action to the Supreme Court is probably that, when the original ordinance was introduced in the 1950s, nervous shock actions were still regarded as fairly unusual. While it is true that it was the snail in the bottle case that first established that type of action, and indeed established the general grounds for negligence, nervous shock actions were fairly rare and fairly unique. I suspect that in the 1950s there was a perception that such matters ought to be brought only before the better legally trained persons on the Supreme Court, given that then the Magistrates Court was a pretty small jurisdiction in the ACT. Now that the Magistrates Court has the highest monetary limit in Australia for general actions and in many ways operates as an intermediate court - in many ways it parallels a district court - it seems inappropriate to continue that bar.

I would, in closing, thank the Law Society of the ACT. This was a sensible suggestion that came from the Law Society. They approached the Government and said, "This would seem to be a way by which you could quickly make access to justice that little bit easier and allow some people to litigate in a slightly cheaper way". The Government looked at the Law Society's initiative, agreed that it did make sense, and brought it before the Assembly, where it seems to have support from all members, which is very pleasing.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CANBERRA IN THE YEAR 2020 STUDY
Ministerial Statement and Papers

Debate resumed from 20 May 1993, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MS SZUTY (8.58): Madam Speaker, it is with delight that I respond to this third stage of the task set for the Government on 20 August 1992 to inquire into and report on a strategic plan which will take Canberra through to the year 2020. My only regret is that we did not have time to debate the third stage of this very important process during the last Assembly sitting in June. I was not so confident when the issues papers of stage two were presented to the Assembly in February of this year. However, since the appointment of the reference group and its adoption of the task, I am more confident of a positive outcome.

I am very pleased with the progress being made by the reference group, which seems to have brought momentum to the task at hand. I know that the members of the reference group are working exceedingly hard to achieve the goal set for them, as Ms Follett mentioned earlier this evening, and I am sure that all Canberrans will benefit from their endeavours. I am also delighted with the promotion and support that the 2020 vision study has gained from the local media. It has had considerable coverage in the *Canberra Times*, and local ABC presenter Matthew Abraham devoted a week of programming to receiving community views on how the vision should progress. Support such as this will ensure that the widest coverage is accorded to the task. While that may have increased the workload for Peter Ellyard and his team, the end result can then better reflect the ACT community's views and its hopes and aspirations.

It is pleasing to hear the enthusiasm of those people who have taken part in the ABC discussions and the ease with which they have adopted the future history tense, speaking of 1993 as the past and 2020 as the present. This adds to the sense of fun the exercise has engendered, making the inquiry more universally appealing. It also lends an air of reality to the discussions. We are not talking about what may be, but immersing ourselves in the future, allowing ourselves to discover that time when we will all be 30 years older, without focusing on pensions and retirement benefits.

The discussion has included activities and interests similar to those we currently engage in and made it easier to see a potential future as we would like it to be. I congratulate Dr Peter Ellyard on his insistence that the present tense be used for 2020, a move that I feel has been truly effective. I am also impressed with the outline provided by the reference group, which divides the task into two distinct parts - the probable future of the year 2003 and the preferred future of 2020. By marking these two important milestones, there is a reference point, a marker which relates this far distant date, 2020, to the here and now. The year 2003 is just 10 years away - as far away from us as 1983 is at this time. We can look back and realistically make assessments of what the ACT will be like in 10 years' time. I am quite interested, therefore, in the computer program *Creating Our Future*, which is being used as one of the tools of the reference group. As a non-computer literate person, I find it fascinating that such modelling can be done through the medium of a computer. I visited the reference group at the University of Canberra some weeks ago to observe this process.

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The reference group, in working towards the goal of outlining a preferred future, is personally very pleasing. I would not have wanted to see this task degenerate into a list of optional components, with no discernible action plans to bring them to fruition. Instead, the chair of the reference group, and I assume the group members as well, have taken on the larger task of committing themselves to producing an actual view of 2020, a place where we can see the social, environmental, community and economic landscape. I acknowledge that the vision may not be totally realised and that other, more exciting options may present themselves, or that we may be affected by factors outside the ACT. I look forward next week to seeing the preferred future produced by this process.

I also hope that, following its tabling in the Assembly, the report of the 2020 reference group will lie on the table for a period to allow the Canberra community, which after all is going to be asked to work towards this preferred future, to fully comprehend the nature and scope of the vision. I accept that there has been much community consultation in the reference group's methodology. This has been welcomed by me and many people who have contributed to the process. However, if we feel that it is worth while asking for opinions as to how Canberra should progress towards 2020, we should also ask for opinions on the final proposal. I am sure that the Government has in mind some mechanism to allow such a function to continue after the report is delivered. I look forward to hearing, I expect when the final report is delivered, how the Government will become the keeper of the 2020 vision and how it will be incorporated into existing government processes. Madam Speaker, as I said at the outset, I am delighted at the way the task is being undertaken. I have no more to say, other than thank you to the reference group members for their undoubtedly tireless efforts on behalf of the current and future residents of the ACT.

MR WESTENDE (9.03): Madam Speaker, I will be brief, but I could not let an opportunity like this slip by. I am a pragmatist, and for us to look 30 years in advance is probably more than we can absorb. I have said on previous occasions that it is great to sit around and dream about what things will be like in 30 years' time. I can see merit in this exercise; but, at the risk of being repetitive, I must say that I fail to see how a government that fails dismally to come to grips with things as they are can come to terms with something that is 30 years hence.

The future has a heck of a lot to do with what we do now, not what we are going to do. To this extent, I must say that I am very sceptical about this Canberra in the Year 2020 study, full stop. If we allow unemployment levels to continue, what the future holds is misery and hopelessness for a great many people - people, not things. I am not talking about 30 years hence. I notice that the Government has not approached the 2020 study with 20:20 vision. The Opposition is not represented on the reference group, so the question of balance in the outcome is doubtful. We could say that 28 of the next 30 years will be governed by the Liberals and, as such, there will be different ideologies influencing the thinking. There will be greater freedom of thought and greater incentives for individual achievement.

What I am saying is that all we can do is set very special objectives for the future 30 years away. For instance, the computer world can hardly keep up with the developments that occur now, let alone contemplate what is going to happen five years from now. All these kinds of developments will have a lot of bearing on our work, our lifestyles, our freedom, our mobility, et cetera.

When you contemplate what we see now - our buildings, our transport, our lifestyle - everything we do could be completely different in 30 years' time. In addition, we could have many options open to us. The whole world will be a different place. We will probably become even more a part of the world community, which in turn will present challenges never thought of.

As I said earlier, it is an intriguing subject. However, I believe that this is a subject for academics to ponder and postulate on. Let us see how we are going to handle the next five years, or even just the next year, and when we have those answers maybe we can look further. If we lived under a dictatorship, there could be a lot of predictability about the future, but then we would forgo our greatest possession, our freedom. We need only to read through this latest report to see that its lack of substance and its floundering, bear out my point that this whole exercise is just a bit of indulgence and a distraction from tackling the great and pressing problems of today. The unemployed do not want to know about 30 years down the road. They are thinking about tomorrow. I would be very interested to know about the cost of the 2020 study and how that money could be better spent on employment.

This Government loves to get involved in reports because it sounds like they are really doing something, but I would like to predict that in two or three years from now this report will all sound rather irrelevant. Then again, we could always conduct another study to analyse the comparison between what was predicted and what actually happened, to work out the shortcomings of the exercise. This is a cynical response to the report, but if I believed that the Government had some grasp of the present I might be more inclined to respond more positively, or at least be more tolerant of its prognostications.

Question resolved in the affirmative.

INTERPRETATION (AMENDMENT) BILL (NO. 2) 1993

[COGNATE BILL:

ACTS REVISION (POSITION OF CROWN) BILL 1993]

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Acts Revision (Position of Crown) Bill 1993? There being no objection, that course will be followed. I remind members that, in debating the Interpretation (Amendment) Bill (No. 2), they may also address their remarks to the Acts Revision (Position of Crown) Bill.

MR HUMPHRIES (9.09): Madam Speaker, these two Bills deal with the position of the Crown. Let us be clear at the outset that we mean here by the Crown not any notion to do with the monarchy so much as the Executive, in this case the ACT Executive. This is an issue of the liability of the ACT Executive within the operation of ACT laws. It also to some extent touches on the question of the liability of the Commonwealth Executive and the Executives of other State governments and the Northern Territory Government.

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The first of these two Bills establishes the principles upon which the Government now wishes to proceed for the binding of the Crown to the Acts of the ACT parliament. The second of the two Bills, the Acts Revision (Position of Crown) Bill, tidies up the various Acts of the ACT to ensure compliance with the new principles enunciated in the Interpretation (Amendment) Bill (No. 2). Until now, the presumption has been that the Crown is not bound by an Act unless it is expressly stated in the Act concerned that it is so bound. Thus, absence of any description of the position of the Crown in an Act up until now has created the presumption that that Act does not bind the Crown.

You would often see, in the early part of Bills of this Assembly, the phrase "this Act binds the Crown", because otherwise the presumption would be that it does not. With the passage of these two Bills the presumption is reversed, so that Acts will have to say, if they intend them not to bind the Crown, as in the past, something like "this Act does not bind the Crown". If the Government wishes there to be certain exemptions from immunity, it will have to specify what they might be.

The law, according to the Attorney-General, was thrown into some doubt by Bropho's case in the High Court. That case made rather more complex the test of what functions of government are immune from laws and what ones are not. The simple test of whether the legislature says or does not say that particular Acts bind the Crown, from that case onwards at least, did not apply. These Bills are designed to obviate that doubt and put it beyond any question that, unless another assumption is caused to arise, a particular Act does bind the Crown.

These two Bills work on the premise that the Executive is bound by laws of the Territory - the laws it is responsible for administering and enforcing. To quote from the Minister's presentation speech:

The Government believes that it should be a "model citizen" ... The Crown and its servants and agents should not gain an unfair advantage over others by not being bound by legislation. Where government instrumentalities, Territory owned corporations, or other relatively independent government bodies are involved in the provision of commercial services, there would need to be very good reason to give them immunity from the law.

As far as that is concerned, I think that phrasing of the presumption is a worthy one. I think the Assembly would be able to support that general provision. There are a great many Acts referred to in the schedule and otherwise in the Acts Revision (Position of Crown) Bill which are affected accordingly. I have not examined those in detail, but I believe that it is appropriate for that review to have taken place. It is very important that we make sure that we establish our position now that the assumption is reversed. Obviously, in a case where there was silence in the past, creating the presumption that the Act did not bind the Crown, you would need to make sure that, if it was desired for that immunity to continue, provisions were built into one of these two Bills to make sure that that situation was maintained.

I do raise, perhaps in an academic sense, a concern about the issue of the criminal liability of the Crown. I do not propose any amendments arising out of this concern, but I believe that it is appropriate to raise the issues and put them before the Assembly for its consideration. The Government cites a couple of reasons why the Crown should not be bound in criminal law. The Minister's presentation speech states:

It is a constitutional nonsense for the Crown to prosecute the Crown ... if an agent acts with lawful authority as expressed by statute or statutory instrument, then criminal liability should not attach to the person for acting in that way.

There seem to be two reasons being cited here. One is that it is a nonsense to talk about the Crown prosecuting the Crown, and the other is that a person who acts for the Crown as a servant or an agent and who acts with lawful authority should not be liable criminally for the acts that he or she commits.

If I can take the second of those two first, I would not suggest that a person should be personally liable for an act which they have undertaken with lawful authority. That would damage the general principles of the carer's responsibility that we have developed in our system of law. However, I question the assumption that in those circumstances the entity for whom the servant or agent acts should not be liable even in criminal law. If some level of government - let us say that it is a duly authorised SES officer or a departmental head, or even a Minister, for that matter - were to duly authorise an illegal act to occur, a criminal act, why should not criminal liability be created on the part of that particular officer in the entity for which he or she acts?

The response to that might be that you cannot attribute actions of a particular public servant or Minister to the actions of the Government itself; you would have to separate those two things; that, if a Minister or a public servant acts illegally, he or she must have been acting outside the authority, outside the intention, of the Government. That notion is something of a myth. We have had countless examples through political history recently, ranging from Watergate through to the Rex Jackson affair, and many other examples that might spring to mind, where various senior members of Executives have acted not only illegally and criminally but with illegal or criminal intent.

You can in turn say, "How can you fine or imprison the government or the Executive for the duly authorised actions which are taken by its servants?". There are difficulties with that concept. It is impossible, or it should be impossible, I think, to imprison a member of the Executive for an action which has been authorised, even if it is a criminal action. Although the temptation to have a Minister hauled away in the event of some stuff-up in the department is a very tempting one, I do not think we would go quite that far. Similarly, there is a problem with fining the Government. After all, the Government actually receives the fines; Consolidated Revenue actually receives the fines that are levied. So the idea of Caesar fining Caesar is something of a nonsense.

That to one side, there is still the principle. We are living now in an age where government is being more open, where government is being more accountable and more accessible. At least that is the jargon, the rhetoric, we are all espousing these days. We accept the principle - and this is the principle that underlies these two Bills tonight - that government should be liable for its actions, it should be responsible for its actions, under the laws that it is responsible for administering.

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If we accept that principle in the case of less serious laws - civil laws, if you like - why should we not accept the same principle in respect of criminal laws? At least in theory, why should it not be possible for a court to find that a government has committed a criminal offence? That might be as far as it goes; it might simply be a declaration to that effect. But why in principle should that not be able to happen?

The other argument put forward in the Minister's speeches was that the Crown versus the Crown is a nonsense. You cannot have the Crown prosecuting the Crown. There is no reason, if one thinks about it very carefully, why criminal proceedings need to be taken in the name of the Crown. That is merely a convention, a stylistic matter which has ensued for some hundreds of years but which is not immutable. In fact, in the United States, I understand, there are a number of jurisdictions where people are prosecuted not in the name of the Executive but in the name of the people - the People v. Smith, the People v. Jones. That kind of thing is perfectly possible in the ACT context if we make constitutional changes to that effect. That is a development, I would suggest, that goes hand in hand with the concept of open government, accountable and accessible government, which stands in the same position with respect to the law as do ordinary citizens.

This will wake up Mrs Grassby, who obviously wants to go to bed. The question becomes even more pertinent in the unlikely event that Australia becomes a republic. Madam Speaker, you may wish to say that I am speaking hypothetically here because Australia may never become a republic. You may wish to strike me down on that basis; but, assuming that you do not so strike me down, let me say that in that event we will need to rephrase our terminology anyway. No longer, presumably, will the Crown be conducting prosecutions within a republic. If we change the terminology, it is quite possible to think about different terminology that might make more apparent the different status we should perhaps be conferring on criminal proceedings.

There is one other issue I want to raise in this respect, and that is the question of whether the ACT Executive can be equated in the ACT context with the Crown. The four Ministers who sit opposite here, alone amongst Ministers in this country, are not, as my understanding goes, Ministers of the Crown. Mr Connolly, Mr Berry and Mr Wood are not appointed by the Crown; they are appointed by the Chief Minister. The Chief Minister is not appointed by the Crown; the Chief Minister is elected by a vote of this Assembly. There seems to me to be, at least in principle, a question as to whether or not you can strictly make the assumption that the ACT Executive is immediately equatable with the Crown. We have chosen to assume in our laws that the ACT Executive will assume all the prerogatives and powers of the Crown, and that is obviously a necessary thing for the functioning of government. But we need not assume that everything which accrues to the Crown in other places should necessarily accrue to the Crown in the ACT. We might need to rethink that particular concept.

I do not suggest any amendments, because changes of this kind would be quite massive, and I must confess that I am not necessarily convinced that these arguments should be followed through to the extent that we do make the Crown liable for criminal prosecutions. I certainly would not suggest that acts of

individuals within the Government should be more open to criminal prosecution than they are now. That would clearly create a more difficult environment in which those decisions that are necessarily part of government would be made. But I do raise these issues and I think they deserve to be seriously considered.

I make one last comment on these two Bills. The Minister in his presentation speech - perhaps it was a slightly Freudian slip - said about the Bropho decision:

The effect of the decision is that there is no way of knowing for sure whether a particular Act will bind the Crown at common law. In other words, a government cannot remain silent on the question of whether the Crown is bound by a statute and then expect a court to hold that it is not bound.

I am sure that the Minister meant to say "a legislature cannot remain silent on the question of whether the Crown is bound by a statute". It is not the Government that speaks through statutes; at least in principle, it is the legislature. I hope that that was an isolated and not-to-be-repeated slip in the way the Minister spoke. I am sure that if he had said it live he would have said something different.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.23), in reply: Mr Humphries's last point is well taken. Particularly in a situation where we enjoy the wonders of minority government, it is never the Government that is speaking through legislation; it is always the will of a temporary majority in the Assembly.

I thank the Opposition for their support for the principle. In the concluding passage in the speech that was tabled, rather than presented, I said that this was a quite bold step for the Assembly to be taking. While the Bropho decision is now a year or more old and while governments around Australia have indicated that they will move in this direction to make government instrumentalities more accountable, we have gone further than any other government in Australia. Only South Australia has moved to partially implement the Bropho decision; we have gone a lot further. It is probably a factor of this being a new parliament and a new body politic that some of the entrenched opposition to doing away with the shield of the Crown is not really established in the ACT. There is a sort of mysticism in some States that the shield of the Crown is terribly vital and that government instrumentalities would be subject to all sorts of disadvantages if they were not able to hide behind the shield of the Crown. This Assembly, unanimously it would seem, thinks that is nonsense and is prepared to make the Government more accountable.

Mr Humphries's point about criminal liability is a valid one. I think we will probably see some erudite academic writing on this subject over the coming years as the Bropho decision gets implemented. The point of the constitutional problem of the Crown prosecuting the Crown probably has some validity when applied to central agencies of government. It would be difficult to imagine Treasury being prosecuted. However, where we have established arm's length agencies, which once enjoyed full immunity of the Crown - ACTEW, for example - my preliminary advice is that ACTEW, now that we have removed the shield of the Crown, now that ACTEW is not the Crown but is merely a trading statutory authority, probably would be subject to a prosecution under one of Mr Wood's environmental laws if it were found to be criminally and wantonly polluting the environment. I am sure most members would say, "So it should be".

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A trading arm of government like ACTEW could well be made criminally liable now as a result of our removing its Crown status. The Act does not say that you cannot have any government body subject to criminal liability. It merely says that criminal liability is not imposed on the Crown by reason only that the Act binds the Crown.

The question then is: What is the Crown? The likely effect of our amendments to the Electricity Act, which are consequent in the second Bill, would be that ACTEW would no longer be the Crown. It raises the general issue of what is the Crown in the ACT, and Mr Humphries raised the question whether ACT Ministers are Ministers of the Crown. The body politic which is created by the self-government Act is, of course, a body politic under the Crown and, to the extent that we exercise governmental powers, they are probably sourced through to the Crown in right of the Commonwealth, the Crown being one and indivisible but in a federation having many hats. It is a difficult constitutional quandary.

I would recommend to Mr Humphries, if he has not seen it already, a very good paper prepared by Geoff Lindell of the Australian National University and published in the *Federal Law Review* a year or so ago. I have a copy in my office, Mr Humphries, and I will send it down to you. It discusses the peculiar nature of the ACT, which he describes as Australia's first republican style of government in that there is not a Crown representative. The full powers of the Crown are vested in the Executive. But, until such time as the inevitable referendum is passed creating an Australian republic, we do remain a body politic under the Crown. I thank the Opposition for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ACTS REVISION (POSITION OF CROWN) BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATION

MRS GRASSBY: I seek leave under standing order 46 to make a personal explanation.

MADAM SPEAKER: Leave is granted.

MRS GRASSBY: Thank you. Madam Speaker, on 29 July 1993 the first environmentally friendly ACT Young Liberal president, Stephen Forshaw, said on ABC radio:

I think perhaps that Mrs Grassby is not exactly the most appropriate person to be addressing a conference of lawyers.

The conference Mr Forshaw referred to was the first Australasian Conference on the Scrutiny of Bills. It was not, as Mr Forshaw incorrectly asserts, a conference of lawyers. It was a committee of parliamentarians who sit on scrutiny committees, which do not require as a matter of course legal qualifications. However, ours does have a member with legal qualifications - Mr Humphries. The other two members of the committee, Ms Szuty and I, who attended that conference, do not have legal qualifications.

It infuriates me that a political hack has the audacity to reflect on the decisions of this Assembly. At the very least, my qualifications are that I have been elected to this Assembly. I have also been elected to the chair of the Scrutiny of Bills and Subordinate Legislation Committee. Furthermore, it was duly resolved by the committee to send two members to attend the conference, Mr Humphries being away on his honeymoon. If Mr Forshaw is as keen to put his name forward to run next time around as he is to practise being reduced, reused and recycled within the Liberal Party, then supporters of the monarchy might have a reduced male version of Bronwyn Bishop in the ACT Assembly.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 9.30 pm

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ANSWERS TO QUESTIONS

**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 514**

Hospitals - Bed Closures

Mrs Carnell - asked the Minister for Health:

- (1) How many beds were closed at Woden Valley Hospital and Calvary Hospital for the 92/93 Christmas New Year shutdown.
- (2) What is the major purpose of the shutdown.
- (3) What were the actual dates of the 92/93 shutdown.
- (4) How much money does ACT Health estimate it saved by the 92/93 Christmas New Year shutdown.
- (5) Was the out-patient services affected in any way by the shutdown.
- (6) How many hospital staff took annual leave during this period. What percentage is this of the total staff numbers.
- (7) Were any staff encouraged to take leave without pay during this period.
- (8) What is the estimated effect of the shutdown on the hospitals waiting lists.
- (9) What was the date of the 91/92 Christmas New Year shutdown.
- (10) What was the effect on waiting lists of the 91/92 shutdown.
- (11) What savings were made through the 91/92 shutdown.
- (12) How many beds were closed during the 91/92 shutdown.

Mr Berry - the answer to Mrs Carnells question is:

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QUESTION 1992-93 1991-92
NUMBER

WVH: WVH
184 beds 210 beds

21/12/92 to 3/1/93 23/12/91 to 12/1/92
161 beds 162 beds
4/1/93 to 17/1/93 13/1/92 to 27/1/92

37 beds
18/1/93 to 24/1/93

Calvary Public Hospital Calvary Public Hospital
50 beds 50 beds
21/12/92 to 18/1/93 20/12/91 to 20/1/92

(8), (10) At WVH, waiting list numbers decreased by 1.9% from November to December 1992 and increased by 7.3% from December 1992 to January 1993. At WVH, waiting list numbers increased by 14.9% from November to December 1991 and decreased by 10.7% from December 1991 to January 1992.

At Calvary Public Hospital, waiting list numbers increased by 24.8% from November to December 1992 and decreased by 2.1% from December 1992 to January 1993. At Calvary Public Hospital, waiting list number decreased by 14% from November to December 1991 and increased by 1.2% from December 1991 to January 1992.

Note: Royal Canberra Hospital closed in November 1991 resulting in a re-allocation of services between Woden Valley and Calvary Public Hospitals. Consequently, direct comparisons between years are not valid.

(4), (11) (i) For 1992-93, an estimate of savings for WVH is approximately \$1150 000. For 1991-92 an estimate of savings for WVH is approximately \$1072 500.

(4), (11) (ii) Calvary Public Hospital has a fixed term contract with ACT Health and any anticipated savings are factored into that agreement.

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1992-93

(2)

The major purpose is to ensure maximum efficiency of resource utilisation given the normal Australian holiday period for both staff and patients.

(5)

At WVH, outpatient occasions of service reduced by 25% from November to December 1992 and by 8.5% from December 1992 to January 1993.

At Calvary Public Hospital, outpatient occasions of service reduced by 13% from November to December 1992 and by 12.1% from December 1992 to January 1993.

At WVH in December 1992, 657 staff received pre-payments, which equates to 13.44690 of total staff numbers. In January 1993, 484 staff received pre-payments which equates to 9.92% of total staff numbers.

At Calvary Public Hospital, based on the pays for 20 December, 27 December and 10 January, 182 people received annual leave payments. This represents 27% of salaried staff.

No.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 641.

Government-Service - Home-Garaged Vehicles

Mr Kaine - asked the Minister for Urban Services: In relation to passenger carrying .
vehicles with ACT Government number plates as at 28 February 1993 -

- (1) How many vehicles were so registered, in total by type.
- (2) How many of those vehicles were home garaged (a) with supervisors .
authorisation and (b) otherwise. -
- (3) What was the address at which each vehicle was home garaged.
- (4) Who was the approved driver of each home garaged vehicle.
- (5) What was the approved drivers occupation and ACT Government position.

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

- (1) Small Sedan/Hatchback 1.6l 536
Compact Sedan 2.0l, _ 31
Medium Sedan >2.4L 26
Small S/Wagon 1.6L 13
Compact S/Wagon 2.0l 95
Medium S/Wagon >2.4L 59 ,,
Bus 8 Seat 20
4Cy14VM S/Wagon 25
6 Cyl Utility 35

TOTAL 840

- (2). (a) 643 (b). Nil

With respect to. parts (3), (4) and (5) of the question I am not prepared to authorise the use
of the very considerable resources that would be involved in providing the detailed
information required to answer the Members question. .

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION No 689

ACT Administration Centre Building

Mr Cornwell: asked the Minister for Urban Services: In relation to the ACT Administration Centre, currently housing the Legislative Assembly -

- (1) Who constructed the building.
- (2) Who were the architects.
- (3) Who currently owns the building.
- (4) When was it constructed.
- (5) Why does rain enter the first floor rooms of the London Circuit and Nangari Street frontages.
- (6) Is there a potential health problem from stagnant water in rooms at (5).
- (7) What legal, recourse exists against potential health risks arising from (5).
- (8) What steps are being taken to correct water leaks at (5).

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

- (1) White Developments Holding Company)
. White Industries (Builder) .
- (2) Philip Cox and Partners Ltd. .
- (3) Commonwealth Bank Officers Superannuation Corporation.
- (4) Building was constructed during 1985-1986.;
Certificate of occupancy was issued October -1986.
- (5) With age and building movement the membrane material around some windows in the complex has separated affecting the waterproofing;.
- (6) Advice is that there is no potential health problem associated with the water entering the building.
When water has entered rooms the affected areas have been dried and cleaned immediately preventing water collecting in the areas.
When necessary the carpet and underfelt have been replaced.
- (7) The maintenance of the building fabric is the responsibility of the building owner.
Any legal action by the ACT Government Service would initially be taken under terms and conditions of the lease agreement.
- (8) The building owner has undertaken temporary repair of the membranes to ensure they are waterproof.
This, action was taken until a permanent solution could be undertaken. This work is to commence shortly to ensure a long term solution. Government is unable to influence other leaks from the Liberal Party offices.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION.

QUESTION NO 692

Griffith Primary School - Closure

MR CORNWELL - asked the Minister for Education and Training on notice on 11 May 1993:

In relation to the closure of Griffith Primary School and your comment (Hansard, 24 March, page 718):

"There was some obvious long term decline as the population changed, but for reasons that I am still assessing, the community decided that it did not want to enrol its children at that school any more."

- (1) When do you expect to complete this assessment.
- (2) Will copies be made available to interested people, including myself.

MR WOOD - the answer to Mr Cornwells question is:

- (1) There was a comprehensive review of difficulties

& encountered at the school in 1992. Items considered (2) included:

problems in playground; some instances of racist behaviour; erosion of peer group; insufficient access to senior staff; reduced curriculum options; and extensive-composite classes

My comments in the Assembly, to which Mr Cornwell refers, did not imply any further formal assessment. Because I was much involved in the process, I was establishing my view on the circumstances that created the further difficulty early in 1993 that led to the suspension of operations at the Griffith campus.

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Question No. 710

**Legislative Assembly Members and Staff -
Interstate Travel**

MRS CARNELL: To ask the Speaker - Have any Members of the Assembly, or members of staff of the Assembly, made any interstate trips at cost to the taxpayer since 1 July 1992; if so, (a) who made the trip(s); (b) when and for what duration; (c) for what purpose(s); (d) at what cost and (e) where was the destination(s).

The answer to Mrs Carnells question is as follows:

MEMBERS

- (a) Mrs Carnell, MLA.
- (b) 5-11 July 1992.
- (c) Attend conference associated with the Select Committee on Drugs: "Drugs Trends and Strategies".
- (d) \$1608.00.
- (e). Brisbane.

- (a) Mr De Domenico, MLA.
- (b) (i) 1-3 September 1992.
- (u) 27-29 May 1993.
- (iii) 20-23 July 1993.

- (c) (i) Discussions with South-East Region Shire officials and tourism

operators on matters associated with the inquiry by the Standing Committee on Tourism and ACT Promotion into ACr and Region Tourism.

- (ii) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites in Brisbane and Gold Coast including sites being developed for urban villages.
- (iii) Travel associated with the Standing Committee on Planning, Development and Infrastructure = visit sites for urban development in Adelaide and Melbourne.

- (d) (i) \$290.00.

- (ii) \$1020.00.
- (iii) \$1261.00.

- (e) Jindabyne. Perisher Valley, Thredbo, Bega, Eden, Merrimbula, Narooma and Batemans Bay. (ii) Brisbane and Gold Coast. Adelaide and Melbourne
- (a) MS Ellis, MLA.

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- (b) (i) 5 April 1993.
- (ii) 27-29 May 1993.
- (iii) 20-23 July 1993.

- (c) (i) Discussions with Shire and Victorian Government officials in connection with the inquiry by the Standing Committee on Conservation, Heritage, and Environment into feral animals and pest plants.
- (ii) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites in Brisbane and Gold Coast including sites being developed for urban villages.
- (iii) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites for urban development in Adelaide and Melbourne.

- (d) (i) \$367.00.
- (ii) \$1020.00.
- (iii) \$1261.00.

- (e) (i) Melbourne and Sherbrooke Shire.
- (ii) Brisbane and Gold Coast.
- (iii) Adelaide and Melbourne.

(a) Mrs Grassby, MLA.

- (b) (i) 24-27 May 1993.
- (ii) 27-30 July 1993.

(c) (i) Travel associated with the Standing Committee on Scrutiny of Bills and Subordinate Legislation: visit to Northern Territory Subordinate Legislation and Tabled Papers Committee and Queensland Committee of Subordinate Legislation.

- (ii) Travel associated with the Standing Committee on Scrutiny of Bills and Subordinate Legislation to attend 4th Australian and Pacific Conference on Delegated Legislation and 1st Australian and Pacific Conference on Scrutiny of Bills.

- (d) (i) \$2245.00.
- (ii) \$937.00.

- (e) (i) Darwin and Brisbane.
- (ii) Melbourne.

(a) Mr Humphries, MLA.

- (b) (i) 19 November 1992.
- (ii) 24-27 May 1993.

- (c) (i) Study trip - Attend National Conference on Community Safety and Crime Prevention as part of the ACT delegation, with the Minister for Police and Justice, Mr Connolly.
- (ii) Travel associated with the Standing Committee on Scrutiny of Bills and Subordinate Legislation: visit to Northern Territory Subordinate Legislation and Tabled Papers Committee and Queensland Committee of Subordinate Legislation together with meetings in Darwin

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associated with the Standing Committee on Legal Affairs inquiry into "Access to Justice in the ACT".

(d) (i) \$386.00.

(ii) \$2276.00.

(e) (i) Melbourne.,

(ii) Darwin and Brisbane.

(a) Mr Kaine, MLA.

(b) (i) 5-6 November 1992.

(ii) 28-31 March 1993.

(iii) 4-10 July 1993.

(iv) 20-23 July 1993.

(c) (i) Attend a national forum conducted by the Royal Institute of Public Administration Australia (RIPAA) on financial reporting for the Australian Public Sector. The subject matter of this conference is relevant to the Standing Committee on Public Accounts terms of reference.

(ii) Attend the 8th Biennial Conference of Australasian Public Accounts Committees hosted by the Tasmanian Public Accounts Committee.

(iii) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites in Brisbane and Gold Coast including sites being developed for urban villages.

(iv) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites for urban development in Adelaide and Melbourne.

(d) (i) \$523.00.

(ii) \$1302.00.

(iii) \$950.00.

(iv) \$1261.00.

(e) (i) Sydney.

(ii) Hobart.

(iii) Brisbane and Gold Coast.

(iv) Adelaide and Melbourne.

(a) Mr Lamont, MLA.

(b) (i) 25-27 September 1992.

(ii) 4-5 February 1993.

(iii) 15 April 1993.

(iv) 25-27 May 1993.

(v) 27-29 May 1993.

(vi) 20-23 July 1993.

(c) (i) Study trip - Discussions with ACr Racing Club and interested parties in Lightning Ridge on the sporting development issues.

(ii) Study trip - Inspect and be briefed on the Environment Education Centre.

(iii) Discussions with Shire officials and tourism operators in connection with the inquiry into ACT and Region Tourism by the Standing Committee on Tourism and A.C.T. Promotion. 2333

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- (iv) Travel associated with the Standing Committee on Legal Affairs as part of the inquiry "Access to Justice in the ACT" plus transit to Brisbane.
- (v) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites in Brisbane and Gold Coast including sites being developed for urban villages.
- (vi) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites for urban development in Adelaide and Melbourne.

- (d) (i) \$580.00.
- (ii) \$230.00.
- (iii) NIL..
- (iv) \$1766.00.
- (v) \$700.00.
- (vi) \$1071.00.

- (e) (i) Lightning Ridge.
- (ii) Kemps Creek (West of Sydney).
- (iii) Cooma, Perisher Valley and Berridale.
- (iv) Darwin and Brisbane.
- (v) Brisbane and Gold Coast.
- (vi) Adelaide and Melbourne.

(a) Mr Moore, MLA.

- (b) (i) 5-6 April 1993.
- (ii) 24-27 May 1993.
- (c) (i) Discussions with Shire and Victorian Government officials in connection with the inquiry by the Standing Committee on Conservation, Heritage, and Environment into feral animals and pest plants.

(ii) Study trip concerning drugs and euthanasia.

- (d) (i) \$557.00.
- (ii) \$1281.00.
- (e) (i) Melbourne and Sherbrooke Shire.
- (ii) Melbourne and Hobart.

(a) Ms McRae, OAM, MLA.

- (i) 21-23 July 1992.
- (ii) 18-19 March 1993.
- (iii) 21-23 July 1993.
- (iv) 23-31 July 1993.
- (c) (i) Meet Tasmanian Presiding Officers & Clerks re. Parliamentary facilities and electoral matters.
- (ii) Study trip - Attend symposium "Australia's Uncertainty: What should the public sector be doing in the 1990s" organised by the Public Sector Research Centre.
- (iii) Study trip - Brisbane.
- (iv) Attend 24th Conference of Presiding Officers and Clerics in Vanuatu.

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- (d) (i) \$1239.00.
- (ii) \$562.00.
- (iii) \$600.00.
- (iv) \$3094.00.
- (e) (i) Hobart.
- (ii) Sydney
- (iii) Brisbane
- (iv) Vanuatu.

(a) Mr Stevenson, MLA.

- (b) 4-7 October 1992.
- (c) Study trip - Attend conference titled "Constitutional Change in the 1990s.
- (d) \$900.00.
- (e) Darwin.

(a) Ms Szuty, MLA.

- (b) (i) 1-3 September 1992.
- (ii) 15-16 April 1993.
- (iii) 24-26 May 1993.
- (iv) 27-29 May 1993.
- (v) 20-23 July 1993.
- (vi) 27-30 July 1993.

(c) (i) Discussions with South-East region Shire officials and tourism operators on matters associated with the inquiry by the Standing Committee on Tourism and ACT Promotion into ACT and Region Tourism.

(ii) Discussions with Shire officials and tourism operators in connection with the inquiry into ACT and Region Tourism by the Standing Committee on Tourism and A.C.T. Promotion.

(iii) Travel associated with the Standing Committee on Scrutiny of Bills and Subordinate Legislation: visit to Northern Territory Legislative Assembly and Queensland Legislative Assembly together with meetings in Darwin associated with the Standing Committee on Legal Affairs inquiry into "Access to Justice in the ACT".

(iv) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites in Brisbane and Gold Coast including sites being developed for urban villages.

(v) Travel associated with the Standing Committee on Planning, Development and Infrastructure - visit sites for urban development in Adelaide and Melbourne.

(vi) Travel associated with the Standing Committee on Scrutiny of Bills and Subordinate Legislation to attend 4th Australian and Pacific Conference on Delegated Legislation and 1st Australian and Pacific Conference on Scrutiny of Bills.

- (d) (i) \$290.00.
- (ii) \$145.00.
- (iii) \$1956.00.
- (iv) \$700.00.

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(v) \$1261.00.

(vi) \$937.00.

(e) (i) Jindabyne, Perisher Valley, Thredbo, Bega, Eden, Merrimbula, Narooma and Batemans Bay.

(ii) Cooma, Perisher Valley, Berridale, Tumut and Yass.

(iii) Darwin and Brisbane.

(iv) Brisbane and Gold Coast.

(v) Adelaide and Melbourne.

(vi) Melbourne.

(a) Mr Westende, MLA.

(b) (i) 5-6 April 1993.

(ii) 15-16 April 1993.

(c) (i) Discussions with Shire and Victorian Government officials in connection with the inquiry by the Standing Committee on Conservation, Heritage, and Environment into feral animals and pest plants.

(ii) Discussions with Shire officials and tourism operators in connection with the inquiry into ACT and Region Tourism by the Standing Committee on Tourism and ACT Promotion.

(d) (i) \$557.00.

(ii) \$145.00.

(e) (i) Melbourne and Sherbrooke Shire.

(ii) Cooma, Perisher Valley, Berridale, Tumut and Yass.

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(a) Mr Fallick.

(b) (i) 8-10 July 1992.

(ii) 21-23 July 1992.

(c) (i) Attend 21st Conference of Economists.

(ii) Meet Tasmanian Presiding Officers - re. parliamentary facilities/entitlements (accompanying Speaker).

(d) (i) \$844.00.

(ii) \$1003.00.

(e) (i) Melbourne University, Melbourne.

(ii) Hobart, Tasmania.

(a) Ms Nicholson.

(b) 23 June 1993.

(c) Attend seminar entitled "Smarter Data use, conducted by the Australian Bureau of Statistics.

(d) \$305.00.

(e) Sydney

(a) Ms Van Raay.

(b) 3-11 July 1993.

(c) Attend Australian Institute of Criminology Conference on Law, Medicine and Criminal Justice in Surfers Paradise 6-8 July and visit to a nursing home in Brisbane on 9 July.

(d) \$1306.00.

(e) Surfers Paradise and Brisbane.

In answering Mrs Carnells question all travel undertaken since 1 July 1992 has been included. The answer does not include the cost of travel completed prior to 1 July 1992 but paid for after that date. Also, the answer is confined to travel undertaken by non-Executive Assembly Members and their staff.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION.

QUESTION No 727

Acton Peninsula Buildings

Mrs Carnell: .asked the Minister for Urban Services:

- (1) Are any buildings on Acton Peninsula under the control of your Department, or any authorities under your control, contaminated by asbestos; if so, which ones,
- (2) . To what extent is the contamination a possible danger to public health.
- (3) was the cost of sealing asbestos; (a) :when was this undertaken; and (b) how satisfactory are the results of this sealing.
- (4) Has say analysis of the, cost of removing any asbestos been-undertaken; If so, . what would the cost be; if not, why not
- (5) What buildings on Acton Peninsula are not being used; (a) what is the total area not being used; and (b) why is this aces not being used:
- (6) Of the area not being used, how much is because it- is in seed of refurbishment
- (7) Of the area not being used how much is because it is contaminated with (a) . asbestos, or (b) any other substance.
- (8). What areas would attract higher rental incomes if they were refurbished. , v
- (9) Has any assessment of costs been undertaken to refurbish She buildings at Acton; if not; why not; if so; what costs did the. assessment indicate.

Mr Connolly - the answer to the Members question is as follows: . .

- (1) Asbestos is present in the former Royal Canberra Hospital. The buildings are: Main boiler room and flues; Main Block plant rooms 14 and 15; and Labour Ward; Bennett House; electrical switchboards.
- (2) A Public Works and Services Technical Report vindicates. there is no danger to public health.
- (3). The records regarding the cost of sealing/previous removal of asbestos are head by the Commonwealth: .
 - . (a) the sealing/previous removal occurred prior to self government;
 - (b) the sealing/previous removal was cleared as satisfactory by a building
- (4) The total cost of removing the remaining asbestos is \$1,073,000 as at September 1990. .
- (5) The buildings not being used are Isolation Ward, H. Block and N Block: (a) the total area not being used is 29,450 sq m; (b) the Isolation Ward, H Block and North Block are reserved by the Department of Health for non acute health services; vacant area in the Tower Block is unsuitable for alternative uses without refurbishment.
- (6) All vacant areas are unused because they would need refurbishing to be effectively occupied.
- (7) No areas are vacant because of asbestos or other contamination.
- (8) Bennett House .and the Tower Block.
- (9) A proposal to refurbish the tower block for office use was costed at \$13.5 million.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 728**

Bruce Hostel Buildings

MRS CARNELL: Asked the Minister for Housing and Community Services -

- (1) Has any study been conducted into future use of the former Bruce Hostel; if not, why not.
- (2) What options have been costed or analysed.

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

- (1) Yes.
- (2) The capital costs for the acquisition of replacement housing for residents of the former Bruce Hostel were met by the ACT Housing Trust, with the agreement of ACT Treasury that the costs were to be recouped or offset from the disposal of the Bruce property.

A consultant was appointed and a study reported on the following options for the site:

Sale of the property;

Upgrade the complex and sell the facility in an as new condition;

Demolish buildings, subdivide and service the block and sell off serviced land packages that would be suitable for a mix of standard or medium density blocks;

- (iv) Comprehensively redevelop and sell. Rather than sale of serviced land as outlined above, this option considers the development of some of the existing buildings on site, and to progressively sell off a variety of land and building- packages- to the market; and

Participate in a comprehensive redevelopment of the serviced land on this site, and the adjoining Block 4, in a joint land development proposal with the* Department of the Environment, Land and Planning.

The study provided the basis for a decision to proceed with option (iii) the demolition of the buildings and the sale of land as this provided the greatest return to the Housing Trust.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 729**

Bruce Hostel Buildings

Mrs Carnell - asked the Minister for Health:

- (1) Has a feasibility study been conducted into using the former Bruce Hostel premises as a Convalescent Care Unit if not, why not
- (2) Are the facilities at the former Bruce Hostel site suitable for use as a Convalescent Care Unit; if not, why not

Mr Berry - the answer to Mrs Carnells question is:

- (1) No feasibility study has been conducted by ACT Health into using the former Bruce Hostel The Government is committed to placing convalescent facilities on Acton Peninsula.
- (Z) The matter was discussed in the development of a report conducted for the Minister for Housing and Community Services into the possible future uses of Bruce Hostel. The site was found to be not suitable.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 730**

Hospice - Acton Peninsula

Mrs Carnell - asked the Minister for Health:

- (1) What are the projected costs of design and construction of the proposed hospice on Acton Peninsula.
- (2) What are the projected annual awning costs of the facility.
- (3) Has any cost analysis been undertaken on a hospice facility to be located at Calvary Hospital; if not, why not
- (4) If so, what were the projected costs of design and construction of a facility at Calvary Hospital and what were the projected annual running costs of the facility.

Mr Berry - the answer to Mrs Carnells question is:

- (1) The Building Works for the hospice on Acton Peninsula amount to \$2.4 million.
- (2) The projected annual running costs of the facility is \$2 million dollars
- (3) 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 farther options were costed: a) the construction of a new stand alone 15 bed hospice facility on a greenfields sine at Calvary Hospital and;

- 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.

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

(4) 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 on.

No recurrent costing has been undertaken in relation to siting the hospice at Calvary Hospital

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 733

Health Promotion Fund

Mr Cornwell - asked the Minister for Health:

1. How much money has been available for use by the Health Promotion Fund in (a) its first year of operation and (b) 1991/92.
2. How much money has been used by the Health Promotion Fund for (a) the Arts; (b) Sport and (c) administration in (i) its first year of operation and (ii) 1991/92.

Mr Berry - the answer to Mr Cornwells question is:

1.

(a) 1989-90 \$660 000 (Part Year Effect)

1990-91 \$900 000 (Full Year Effect)

\$600 000 (rollover)

\$ 3 500

\$1 503 500

(b) 1991-92 \$900 000

\$550 000 (rollover)

\$ 9 200 (interest)

\$1 459 200

2.

(i) 1989-90 (a) Arts \$20 000 33.4%

(b) Sport \$30 000 50.0/0

(c) Admin \$ 6 200 10.3%

(ii) 1991-92 (a) Arts \$101735 7.6%*

(b) Sport \$494 548 37.00*.

(c) Admin \$200 950 15.0%*

*See response to Question No 748.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 734**

Housing Trust Properties - Kingston

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

What is the, future of Block 27, Kingston?

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

The Housing Trust has relocated all but seven of the tenants living at Block 27 Kingston and twenty-four of the original twenty-six properties still stand on the site. Once tenant relocation is completed, demolition of the remaining properties will proceed in readiness for redevelopment.

ACT Public Works engaged the architectural consultants Daryl Jackson and Alistair Swaine on behalf of the Housing Trust to undertake feasibility studies for development of the site. Question on Notice Number 639 of 24 March 1993 advised that the purpose of this study 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.

Once the consultants report is finalised the Housing Trust will assess the planning, physical development and management options for the site.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE N0.735**

Primary Schools - Sport

MR CORNWELL - asked the Minister for Education and Training on notice on 15/06/93

In relation to the recent Australian Sport Commissions annual survey of the AUSSIE SPORT program in primary schools which indicated ACT primary school children receive, on average, up to 25 per cent less sport and physical activity than elsewhere in Australia - Is this claim correct; if so, (a) why is this so; and (b) if so, what steps are being taken to correct this deficiency and if no action is being taken; why not.

MR WOOD - the answer to Mr Cornwells question is that the claim made in the annual AUSSIE SPORT survey that ACT primary school children receive, on average, up to 25 per cent less sport and physical activity than elsewhere in Australia is not correct. This survey is not widely representative and certainly does not accurately reflect the amount of time devoted to physical education and sport in ACT primary schools. In many schools this amount of time is greatly increased by lunchtime sporting activities, training and matches against other schools. This boosts the total time spent on physical education and sport in many primary schools to well over four hours per week.

A more extensive survey is currently being conducted by my Departments physical education and sport curriculum officer. This survey has found that ACT primary schools are, on average, devoting at least two and a half hours a week within school time to physical education and sport. This compares very favourably with other states.

This initial survey will be extended during Term 3 1993 to include all ACT government schools. It will address not only the time allocated to physical education and sport but also the all important content and quality of programs being provided for students. Other key issues such as teacher professional development, facilities, resources and equipment will also be included in the survey.

The results of this survey will underpin the development of a strategic plan for the provision of high quality physical education and sport programs for all students in ACT government schools. This strategic planning is being undertaken by the Departments Physical Education and Sport Consultative Committee.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 736**

Teachers - Enterprise Agreement

MR CORNWELL - asked the Minister for Education and Training on notice on 15 June 1993:

- (1) Can the Minister provide details of the enterprise agreement entered into by the Government with the Australian Teachers Union (ACT Branch) in January 1993.
- (2) Will the agreement affect the level of financial redundancy payments to ACT Government school teachers and; if so, what would be the percentage change in such a payment between 1992 and 1993.

MR WOOD - the answer to Mr Cornwell s question is:

- 1) The enterprise agreement between the ACT Government and Australian Teachers Union (ACT Branch) mirrors that of the is sector and ensures that an integrated public service is ained.

It is a closed agreement which will operate for two years and covers teachers employed in ACT Government schools and the Canberra Institute of Technology.

The objectives of the agreement are to:

improve productivity and efficiency in the ACTTS; maintain the essential features of a single ACT Teaching Service with scope for local adaptation of pay and classification structures and for more flexible employment conditions where this is consistent with the continuation of an integrated, merit based career service conducive to staff mobility; facilitate greater decentralisation and flexibility through local productivity based agreements; promote better jobs and secure employment; develop and pursue changes on a co-operative continuing basis by using a consultative approach; maintain essential standards of employment conditions such as hours of work, public holidays, recreation, sick and long service leave, parental leave and redeployment and redundancy arrangements; ensure that the gains from improved productivity and changes in the workplace culture are shared by staff, agencies and their clients and the Government on the tax-payers behalf; and

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provide certainty, stability and equity in relation to overall sector-wide pay and conditions arrangements for the period of the Agreement by maintaining awards complemented by appropriate certified agreements. Agreed reforms include:

greater use of Joint Selection Committees in a manner which increases the commonality of approach between the sectors; monitoring and refining the currently agreed Permanent Part Time (PPT) work arrangements, giving particular attention to developing policies which will provide officers with enhanced access to PPT work when returning from parenting leave; strategies to address absenteeism; improved handling of inefficiency; continued support for the development and implementation of agreed national competency standards for the teaching profession in the Education, Training and Vocational Education and Training industries; job security and redeployment; and award rationalisation and other award matters through the consolidation of conditions contained in awards and agreements including the deletion of obsolete provisions without increasing the cost associated with the application of those provisions.

Other conditions of service matters contained in the enterprise agreement include:

anti discrimination, equal employment opportunity and industrial democracy; parental, adoption and maternity leave; right of entry by authorised officers of unions; and agency level dispute avoidance and settlement procedures.

(2) The Department and the Institute will continue to have primary responsibility for the redeployment of any officers declared excess. In some excess staff situations, redeployment and redundancy will be coordinated through the processes of the existing ACT Governments Staff Placements Task Force.

Formal offers of voluntary retrenchment will be in accordance with the provisions of the Australian Government Statutory Authorities Redeployment and Retirement (Redundancy) Award 1988.

The agreement will not affect the level of financial redundancy payments to ACT Government school teachers.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO 737**

School Based Management

MR CORNWELL - asked the Minister for Education and Training on notice on 15 June 1993

In relation to the Ministers reply to question on notice No. 573 concerning the implementation of the National Project on the Quality of Teaching and Learning (NPQTL), what was (a) the name of the union whose support for the trials was not forthcoming and (b) what reasons were given by the union for this opposition?

MR WOOD - the answer to Mr Cornwells question is:

- (a) The ACT Branch of the Public Sector Union (PSU - ACT Branch) did not support the trial of School Based -- Management under the National Project on the Quality of Teaching and Learning (NPQTL).
- (b) The union advised that its agreement to implementation of the proposals would be contingent upon a commitment by the Department of Education and Training for full resourcing in terms of additional staffing and provision of training, and a commensurate increase in pay rates to those staff responsible for implementation. The Department was unable to agree with this requirement.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO 738

School Performance Review and Development

MR CORNWELL - asked the Minister for Education and Training on notice on 15 June 1993:

In relation to School Performance Review and Development (SPRAD) questionnaires

(1) Were these forms designed in the ACT for use in ACT schools.

(2) If so, who designed them and when.

(3) If not, where were they designed, when and by whom.-

(4) How many schools have undergone "SPRADing" to 1 Hay ...993 and when will the process be completed.

(5) Will a report be prepared on the process, the information gained and recommendations arising and will such a report be available to interested persons including myself.

MR WOOD - the answer to Mr Cornwells question is:

(1) Yes

(2) The first generation of Planning for the Future questionnaires was written in late 1989 by officers of the School Performance Review and Development Section of the Department in preparation for the introduction of the school review program in 1990. Improvements were made to the original questionnaires in the latter part of 1991 and new versions developed for the introduction of college review and special school review in 1992.

Quality of School Life questionnaires were developed by SPRAD Section from an Australian Council for Educational Research instrument written by Dr Margaret Batten. These questionnaires have been substantially modified during the past three years to suit the needs of the ACT school system.

(3) The question is not applicable.

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- (4) By 1 May 1993 5 secondary colleges, 12 high schools, 39 primary schools and 4 special schools had completed the school review process. On 1 May a further 3 colleges, 2 high schools and 13 primary schools were in the first stages of school review. Specially designed review processes are also in progress at Birrigai Outdoor School and the Hospital School.

By the end of the 1994 school year, every school in the ACT school system will have completed school review.

- (5) A Report to Schools has been prepared and is available to any interested person

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 739

Government Service - Trade Waste Removal

MR CORNWELL - Asked the Treasurer upon notice on 15 June 1993:

In relation to trade waste removal from Government bodies (such as purchase reference ZZZ 4013 for such removal from the Canberra Institute of Technology) how will the cost of such removal be affected by the introduction of tip charges and how will the extra cost, if an increase occurs, of removal be incorporated into the budgets of Government bodies in these times of restraints and cuts.

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

The Canberra Institute of Technology (CIT) tendered for the collection of the ir trade waste and three companies tendered for the contract. Each company structured their tender to make provision for the introduction of tip fees. CIT accepted a two year contract with Cleanaway as of 1 January 1993, Purchase Reference ZZZ 4013. The contract with Cleanaway provided that if tip fees were introduced in the ACT these fees would be additional to the charges contained in the contract.

When introducing tip fees, the Government decided that relevant ministers could take up with the Minister for Urban Services, the issue of gaining exemptions from tip charges for agencies under their jurisdiction. Any Government agencies not exempt from tip charges were required to absorb the 1992-93 impacts, with any base funding issues to be addressed in the 1993-94 Budget context.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 740**

Housing Trust Properties - Management Problems

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

What percentage of ACT Housing Trust stock presents difficult management problems due to (a) physical design; (b) tenants; and (c) age of dwelling.

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

It is not possible to provide precise information. Many of the Housing Trusts properties were built in the period 1950-1970. As these dwellings age there is an increasing need for repairs and maintenance to be undertaken to maintain the standard and amenity of the property.

There is a substantial annual maintenance and upgrading program to address . problems arising from the ageing of the housing stock. The attitude of tenants to physical design problems is essentially a matter of individual perceptions. There are some housing designs that some tenants dislike, yet others find the same dwellings to be acceptable and comfortable housing.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO. 741**

Housing Trust - Rental Rebates and Rent Relief

MR CORNWELL: Asked the Minister for Housing and Community Services - Has any comparison been made as to the cost and benefits of the rental rebate in ACT Housing Trust properties as opposed to rent relief in private accommodation and; if so, what was the result; if not, why not.

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

The comparative cost of rental rebate in ACT Housing Trust properties as compared to the subsidy paid to those on rent relief in private accommodation at June 1993 was:

Average Rental Rebate: \$72.00 pm

Average Rent Relief: \$49.90 pm

ACT Housing Trust tenants are rebated to 20% of their income as rent up to half of ACT Average Weekly Earnings (AWE) and 23% for each dollar over half of ACT AWE, while rent relief recipients receive a subsidy of up to \$50 plus \$10 per dependent per week and are required to pay at least 30% of their income as rent.

A study into market impacts and cost effectiveness of housing allowances commissioned by the Commonwealths National Housing Policy Review in 1989 and undertaken by Econsult (Australia) Pty Ltd concluded that in terms of cost effectiveness in providing poverty relief, public housing emerges as the lowest cost long term strategy. The study found that the greater the commitment of resources to public housing the more rapidly will Governments bring the cost of addressing housing poverty under control.

2354

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO. 742**

Teachers - Recruitment

MR CORNWELL - asked the Minister for Education and Training on notice on 15 June 1993:

- (1) Does the ACT Government give priority in ACT Government schools to teachers graduating from ACT tertiary institutions?
- (2) Is this procedure of giving priority for work to local teacher graduates followed in other states?
- (3) If the reply to (1) is negative, why is this so?

MR WOOD - the answer to Mr Cornwells question is:

- (1) The ACT Government does not give priority in ACT Government schools to teachers graduating from ACT tertiary institutions.
- (2) This procedure of giving priority for work to local teacher graduates is followed in the Northern Territory. In Tasmania, residents of Tasmania are given priority for work. No other states do this.
- (3) It is not followed in the ACT because:
 - (a) the ACT Government uses merit selection procedures in selecting new staff including teaching staff. Such procedures preclude restricting employment to locally trained teachers. Legal advice is that such restriction would be discriminatory; and
 - (b) teachers who train locally are not necessarily local people.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 743**

Housing Trust Properties - Heating Stoves

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

- (1) How many ACT Housing Trust properties have (a) coal or coke burning stoves; and (b) wood burning stoves for heating.
- (2) Is it the intention to replace these heating stoves and, if so, when is it anticipated the replacement program will be completed.

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

- (1) The information sought is not available. The installation of solid fuel heaters terminated in the mid 1970s.
- (2) Solid fuel heaters are replaced with electric or gas heating as part of an ongoing program when:
 - (a) the solid fuel heater becomes uneconomical to repair, or a tenant requests replacement because of difficulties in obtaining fuel.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 748

Health Promotion Fund

Mr Cornwell . asked the Minister for Health:

In relation to the Health Promotion Fund

1. What percentage of the ACT Tobacco Franchise Fee was allocated to this Fund in (a) 1991-92 and (b) 1 July 1992 to 31 May 1993.
2. How much did this percentage translate into money terms in each of those years.
3. What percentage of the Health Promotion Fund was allocated in (a) 1991-92 and (b) 1 July 1992 to 31 May 1993 to- (i) the arts; (ii) health; (iii) sport; (iv) administration and (v) other.
4. How much did this percentage translate into in money terms in each category in each of these years.

Mr Berry - the answer to Mr Cornwells question is:

1. (a) The allocation to the Health Promotion Fund is not hypothecated from

the ACT Tobacco Franchise Fee but is raised through general appropriation. The establishment of the Fund in 1989-90 was based on three percentage points of tobacco licence fee receipts (35% tax). Since then the changes in the appropriation have been due to full year effect and indexation. In 1991-92 the appropriation was \$1450 000 including \$550 000 rolled over from the previous year of this \$1336 000 was spent

- (b) In 1992-93 the allocation was \$918 000 plus \$114 000 rollover and

\$200 000 special allocation for Stop Smoking projects.

2. Answered above.

3&4.

(a) 1991.92 % \$s
Arts 7.6 101.735
Health 30.8 411839
Sport 37.0 494548
Admin. 15.0 200 950
Other* 9.6 128 453

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(b) 1992-93 % \$s
Arts 9.0 93 058
Health 26.4 273 298
Sport 32.2 332 699
Admin. 17.3 178 492
Other* 15.1 156 411

*Other includes Sponsorship Support and Research.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 750

Health Promotion Fund

Mr Cornwell - asked the Minister for Health:

In relation to the Health Promotion Fund -

- (1) Why was \$114 000 unspent in 1991-92 and has it been spent in 1992-93?
- (2) If it has been spent how; and if not, why not?
- (3) What was the \$200 000 one-off appropriation for in 1992-93 and has it been spent?

Mr Berry - the answer to Mr Cornwells questions are:

- (1) The Health Promotion Fund has the capacity w roll over unspent funds and make commitments for future years. The \$114 000 was rolled over from the previous year and has subsequently been spent.
- (2) The surplus funds have been spent across the program areas of the Health Promotion Fund
- (3) The one-off allocation of \$200 000 in 1992-93 was for stop smoking programs. All of the monies are not yet spent but have been allocated to projects. The grants were launched on World No-Tobacco Day, 31 May 1993.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 752

School of Music - Carparks

Mr Cornwell - asked the Minister for Urban Services:

- (1) Who is responsible for the unsealed carparks around the School of Music.
- (2) If it is the ACT Government is there any intention to seal these carparks and, if so, when.
- (3) What would be the approximate cost of such sealing.

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

- (1) There are two unsealed carparks located close to the School of Music.

The unsealed carpark directly outside the School of Art is currently owned by the ACT Government. However, it is part of a parcel of land to be given to the Australian National University (ANU) by the ACT Government in return for land at the other end of Childers Street (in the ROCKS area). At present, responsibility for the carpark is with the ANU, under a licence agreement between the ACT-Government and the ANU.

The carpark opposite the School of Music on Marcus Clarke Street (Carpark 14) is only partially unsealed. This carpark is partly National land (ie Block 11 Section 61) with the remainder being owned by the ACT Government. The ACT Government owns all of the unsealed portion and has responsibility for the entire area.

- (2) (3) The ACT Government does not intend to seal the remaining area of Carpark 14, as no provision has been made in any future capital works program for such an upgrade, and the location of the site would make it attractive for redevelopment in the future.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 753**

**Health Promotion Fund
Advisory Committee**

Mr Cornwall - asked the Minister for Health:

In relation to the Health Promotion Fund -

- (1) Who are the members of the Advisory Committee, by name, and what is their expertise for being a member of the Committee?
- (2) What is the Committees terms of reference and how often does the Committee meet?
- (3) When is funding allocated?
- (4) How is funding decided?

Mr Bevy - the answer to Mr Cornwalls question is:

- (1) See attachment A.
- (2) The Committee operates from the ACT Health Promotion Fund Advisory Committee Charter. See attachment B.

The Committee meets as required, approximately 6 times per year.

- (3) Funding is allocated in January and July each year.
- (4) Funding is decided as a result of a Committee process. Sport, Health and Arts

Sub Committees make recommendations to the Advisory Committee who in tern advise the Minister.

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Attachment A

ACT HEALTH PROMOTION FUND
ADVISORY COMMITTEE MEMBERS

Sir Richard Kingsland*
Chairperson

Mr Brian Livermore*
Business/Management/Law

Mr Jerry Lee*
Sport

Mr Bob Hitchcock*
Sport

Dr John Donovan*
Health

Ms Helen Musa
Arts

Ms Susan Whitbread
Advertising/Media/Communications

Ms Sabina Waken;nan
Health

Ms Kate Lundy
Trades & Labour Representative

Dr Cathy Mead
ACT Health

*These members terms expire on 28 May 1993. The vacancies have been advertised and appointments will be made shortly. Members are eligible to reapply for a further term on the Committee.

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Attachment B

ACT HEALTH PROMOTION FUND ADVISORY COMMITTEE CHARTER

1. Title

The Committee shall be known as the ACT Health Promotion Fund Advisory Committee ("the Committee).

2. Composition of the Committee

The Committee shall consist of ten members, of whom all shall be appointed by the Minister responsible for Health in the ACT ("the Minister"). A Chair and Deputy Chair shall be appointed by the Minister from these Members.

Membership will include persons who practise, or have practised in one or more of health, sport, recreation, the arts, management (business, law), marketing (media, advertising, communications) and union sectors.

In selecting Members, the Minister will consider the following criteria: range and depth of experience relevant to the position on the Committee; knowledge of and involvement in health promotion or health issues;

ability to contribute to policy development and decision making across all areas of the Committees activities.

ability to meet the needs demands of membership.

When vacancies in membership arise, the Fund Secretariat shall advertise for nominations and then advise the Minister on the applications received.

Members of the Committee hold their office at the Ministers discretion. members will be appointed for three years initially, and may be reappointed for a further term at the Ministers discretion.

The Committee may create sub-Committees to facilitate its work.

Membership of sub-Committees shall be determined by the Committee. Each subcommittee will be chaired by a Committee Member appointed for that purpose by the Committee.

Terms and conditions of membership, including voting rights for sub-Committee Members who are not also Committee Members, will be determined by the Committee.

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3. Terms of Reference

The Committee shall advise the Minister, either upon request, or on its own motion, in the following matters:

the funding of activities related to the promotion of good health, safety or the prevention and early detection of disease;

increasing awareness of programs which promote good health in the community through the sponsorship of sports and recreation, the arts and culture;

encouraging healthy lifestyles in the community and supporting activities involving participants in healthy pursuits; the funding of research and development activities in support of the above objectives; policies for health promotion in the ACT; other assistance for health promotion; and any other matters and any other bodies or individuals in relation to health promotion.

Rules of Procedure

a) Chair and Deputy Chair

i) The Chair, and in his or her absence the Deputy Chair, shall preside at all meetings of the Committee.

ii) The Chair and Deputy Chair may resign their office in writing addressed to the Minister.

iii) The Chair of any meeting of the Committee shall not have a deliberative vote on any motion. If the number of votes cast for and against a motion is equal, then the Chair shall have the casting vote.

b) Members

i) Members may resign their office in writing to the Minister.

c) Meetings of the Committee

i) The Committee shall meet on dates agreed to by the Committee and the Secretariat.

iii) A special meeting shall be convened by the Chair upon receiving a written request from the Minister. iii) Five Members of the Committee shall constitute a quorum.

iv) Public statements by the Committee members must first be approved by the Committee and discussed with the Ministers Office, and can only be made by the Chair, Deputy Chair or a Member agreed to by the Committee.

v) Meetings of the Committee shall not be open to the public unless otherwise determined by resolution of the Committee.

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- iv) The agenda for each meeting shall be circulated where possible seven days beforehand.
- vii) Non-attendance at three consecutive meetings without leave of absence will result in termination of a Member's appointment by the Minister. Resolutions and Minutes
- i) All Committee meetings will be minuted, and recommendations by the Committee on grants, sponsorships or major changes in policy will be forwarded directly to the Minister for final approval.
- ii) The Office of the Committee shall be within the ACT Government Service.
- e) Report by the Committee

The Committee shall, before the end of March each year, furnish a report to the Minister on its activities and any related matters in the ACT during the preceding financial year.

f) Conflict of Interest

Members shall declare any conflict of interest at the beginning of each Committee meeting, and shall leave the meeting when the matter in which they have a conflicting interest is discussed.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 754**

Housing Trust Properties - Management Costs

MR CORNWELL Asked the Minister for Housing and Community Services - What is the average cost, excluding repairs and maintenance, of management of ACT Housing Trust properties.

MR CONNOLLY: The answer to the Members question is as follows
The response to this question is quite complex.

Management of Housing Trust properties has been interpreted as the management of Trust tenants and existing stock but excluding capital acquisition of new stock, repairs and maintenance and associated overheads pertaining to the delivery of these programs. - .

Also excluded is the Supported Accommodation Assistance Program, Crisis Accommodation Program, Mortgage and Rent Relief program and Community Housing Programs as these are providing grants to outside community groups and individuals and overheads pertaining to the delivery of these programs.

Costs included in the calculation are salaries, administrative overheads and operational costs which relate to Trust tenants and existing stock.

On this basis the annual cost of managing 12,357 Housing Trust properties (as at 30 June 1993) is \$8.17m or an annual average cost of \$661 per unit of stock. This represents 9.4% of average gross market rent. This compares well with the normal 10% charged by real estate agents for management of rental properties.

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**SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE
NO 755**

Speaker - Media Monitoring expenditure

MR HUMPHRIES: To ask the Speaker -

- (1) How much did the Speakers office spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Speakers office spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

MADAM SPEAKER:

The answer to Mr Humphries question is as follows:

Parts (1) and (3) of the question have been answered so as to be consistent with the information supplied to answer parts (2) and (4). Therefore it is assumed that parts (1) and (3) request information about the total cost of written transcripts, audio cassettes and video cassettes.

(1) In the period 1 December 1991 to 30 June 1992 \$301 worth of transcripts, audio cassettes and videos were ordered by the Speakers Office. Relevant records were maintained on behalf of the Speaker and Members by the Chief Ministers Department in financial year 1991-92. Records are available only from 1 December 1991. Those kept prior to this date do not contain sufficient detail to allow a meaningful response.

(b) 2. (c) 1.

(3) \$1,049. \$741 of the costs of these items were paid from Program 3 administered by the Chief Ministers Department and \$309 were paid from Program 1 administered by the ACT Legislative Assembly. This was because the costs of the media monitoring service were devolved to all Government agencies, including the ACT Legislative Assembly, during the 1992-93 financial year.

(b) 6. (c) 1.

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

Question Number. 756

Wastewatch Hotline

MR HUMPHRIES - Asked the Chief Minister upon notice on 15 June 1993:

- (1) On how many occasions since its inception have advertisements for the so-called Wastewatch Hotline been placed in (a) The Canberra Times; (b) The Tuggeranong Valley View; (c) The Belconnen Chronicle; (d) The Northside Chronicle (e) The Southside Chronicle (f) The Tuggeranong Chronicle and (g) The Community Times.
- (2) What has been the total expenditure on the placement of advertisements since the inception of the so-called Wastewatch Hotline in respect of (a) The Canberra Times; (b) The Tuggeranong Valley View; (c) The Belconnen Chronicle; (d) The Northside Chronicle (e) The Southside Chronicle (f) The Tuggeranong Chronicle and (g) The Community Times; (h) radio and (i) television.
- (3) What has been the cost of the 008 telephone service to which people make calls to the so-called Wastewatch Hotline; how is this broken down, ie line rental, call charges etc.
- (4) On what date was the so-called Wastewatch Hotline launched.
- (5) How many calls have been received by the so-called Wastewatch Hotline since its inception.
- (6) What Government procedures or policies have been changed as a result of calls made to this service.
- (7) Is any estimate of cost savings or benefits as a result of calls to this service readily available; if so, what is the estimate.

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

- (1) The Wastewatch Hotline has been advertised in local newspapers as follows: (a) The Canberra Times - 17 placements; (b) The Tuggeranong Valley View - 40 placements; (c) The Belconnen Chronicle - 47 placements; (d) The Northside Chronicle - 47 placements; (e) The Southside Chronicle - 47 placements (f) The Tuggeranong Chronicle - 47 placements and (g) The Community Times - nil.
- (2) The total expenditure of advertisement placements since the inception of the Wastewatch Hotline is as follows: (a) The Canberra Times - \$6026; (b) The Tuggeranong Valley View - \$6941; (c) The Belconnen Chronicle \$1825; (d) The Northside Chronicle - \$1825 (e) The Southside Chronicle - \$1825; (f) The Tuggeranong Chronicle - \$1825 and (g) The Community Times - nil; (h) radio - nil and (i) television - nil.
- (3) The cost of the 008 telephone service to 20.4.93 has been \$1100.87. This is broken down into:
Installation \$160.00 Calls \$518.42 (charged at an hourly rate, not per call) Service & Equipment \$42245
- (4) Wastewatch Hotline was launched on 11 March 1992
- (5) Wastewatch Hotline has received 702 calls (as at 30.6.93) since its inception.
- (6) Of the 702 calls received during the period, 56 specific concerns were raised that related to matters that either instigated or upheld a change in managerial or operational practice. A significant proportion of the other calls received, still under consideration, could also result in changed practice.
- (7) While information on actual savings is not available, the benefits to result from calls received relating to changed practice can be summarised in terms of the major types of improvements identified:
 - .improvements to the management and use of Government vehicles in regards to security, appropriate use, and maintenance. The improvements are also supported by raising the awareness of ACTGS officers responsibilities whilst driving a government vehicle. These procedures are expected to provide fuel and maintenance savings, and a reduction in accidents and damage to government vehicles ;
 - .improvements to the management of buildings and other assets through the more timely identification of faults. This action enables more timely response to faults, improves usage and may minimise the cost of repair;

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- .improvements in the pattern of usage of electricity in public buildings and in public places reduces the long term cost of operation, assists in achieving energy conservation goals and serves as an example to the community;
- .improved response rate to flooding taps, sprinkler systems, and leaking public toilets through prompt advice to the relevant agencies. This action enables an immediate response to faults therefore reducing the potential for water damage and reduces the demand on the ACT water supply. and drainage;
- .improvements in the range and nature of the services delivered by the ACT Government Service shop fronts which leads to increased usage of the shop fronts, and potentially to improved awareness of and accessibility to these services.

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

Question No 757

Minister for Sport - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Minister for Sport upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the Member is referred to the response to Question No 762.

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

Question No 758

Chief Minister - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Chief Minister upon notice on 15 June 1993:

- (1) How much did the Chief Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Chief Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Records to answer the Members question are maintained on behalf of all Ministers by the Chief Ministers Department, and are available only from 1 December 1991. Records kept prior to this date do not contain sufficient detail to allow a meaningful response.

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister.

Parts (1) and (3) of the question have been answered so as to be consistent with the information supplied to answer parts (2) and (4). Therefore it is assumed that parts (1) and (3) request information about the total cost of written transcripts, audio cassettes and video cassettes.

(1) In the period 1 December 1991 to 30 June 1992 - \$248

(2) (a) 1 (b) 3 (c)

(3) \$2088

(4) (a) 16 (b) 5 (c) 1

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

Question No 759

Attorney-General - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Attorney-General upon notice on 15 June 1993:

- (1) How much did the Attorney-General spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Attorney-General spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Records to answer the Members question are maintained on behalf of all Ministers by the Chief Ministers Department, and are available only from 1 December 1991. Records kept prior to this date do not contain sufficient detail to allow a meaningful response.

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister.

Parts (1) and (3) of the question have been answered so as to be consistent with the information supplied to answer parts (2) and (4). Therefore it is assumed that parts (1) and (3) request information about the total cost of written transcripts, audio cassettes and video cassettes.

(1) In the period 1 December 1991 to 30 June 1992 - \$1527

(2) (a) 1 (b) 5 (c) 1

(3) \$164

(b) 3

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

Question No 760

Minister for Education and Training - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Minister for Education and Training upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and, (c) video cassettes.

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

Records to answer the Members question are maintained on behalf of all Ministers by the Chief Ministers Department, and are available only from 1 December 1991. Records kept prior to this date do not contain sufficient detail to allow a meaningful response.

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister.

Parts (1) and (3) of the question have been answered so as to be consistent with the information supplied to answer parts (2) and (4). Therefore it is assumed that parts (1) and (3) request information about the total cost of written transcripts, audio cassettes and video cassettes.

(1) In the period 1 December 1991 to 30 June 1992 - \$66

(2) 1

(3) \$411

(4) (a) 5

(b) 3

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**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 761**

Prosecution Statistics

Mr Humphries: Asked the Attorney General upon notice on 5 June 1993
- In relation to the following ACTS

- (a) Animal Welfare Act 1992
- (b) Consumer Affairs (Amendment) Act 1992
- (c) Crimes (Amendment) Act (No 2) 1992
- (d) Fair Trading Act 1992
- (e) Food Act 1992
- (f) Listening Devices Act 1992
- (g) Motor Traffic (Amendment) Act (No 2) 1992
- and (h) Prostitution Act 1992
- (i) How many prosecutions have been launched?
- (ii) How many prosecutions have been dealt with by the courts?
- (iii) How many (A) individuals, and (B) companies or incorporated associations have been prosecuted?

MR CONNOLLY: The answer to the Member,s question is as follows:

The Office of the Director of Public Prosecutions advised that their computer data base cannot presently segregate the requested information. To obtain the information it would be necessary for a manual review to be conducted and this would take some time. I am not prepared to utilise resources on this task. To their knowledge, no prosecutions have been launched or dealt with in regard to (a), (b), (d) , (e) , (f) and (h) .

With regard to (g) the amendment refers to matters such as child restraint, radar detection and slip lanes. These matters are usually dealt with by way of on-the-spot fines and do not proceed to prosecution.

Under (c) there have been persons prosecuted for fighting in public but the numbers cannot be ascertained without an extensive manual search. Because it was intended that self-defence be available as a defence, a significant level of acquittals have resulted.

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

Question No 762

Minister for Health - Media Monitoring Expenditure

MR HUMPHRIES - Asked- the Minister for Health upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

MR BERRY - The answer to the members question is as follows:

Records to answer the Members question are maintained on behalf of all ministers by the Chief Ministers Department, and are available only from 1 December 1991. Records kept prior to this date do not contain sufficient detail to allow a meaningful response.

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister.

Parts (1) and (3) of the question have been answered so as to be consistent with the information supplied to answer parts (2) and (4). Therefore it is assumed that parts (1) and (3) request information about the total cost of written transcripts, audio cassettes and video cassettes.

(1) In the period 1 December 1991 to 30 June 1992 - \$608

(2) (a) 4 (b) 6 (c) 1

(3) \$1793

(4) (a) 10 (b) 11 (c) 1

2376

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

**Question No 763
Minister for Industrial Relations - Media
Monitoring Expenditure**

MR HUMPHRIES - Asked the Minister for Industrial Relations upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the Member is referred to the response to Question No 762.

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17 August 1993

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

Question No 764

Treasurer - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Treasurer upon notice on 15 June 1993:

- (1) How much did the Treasurer spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (-b) audio cassettes and (c) video cassettes.
- (3) How much did the Treasurer spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is not available to allow the separation of individual Ministerial portfolio responsibilities. The questions have been answered in respect of one of each Ministers portfolio responsibilities and the member is referred to the response to Question No 758.

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

Question No 765

Minister for Urban Services - Media Monitoring Expenditure

MR HUMPHRIES -Asked the Minister for Urban Services upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the Member is referred to the response to Question No 759.

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

Question No 766

Minister for Housing and Community Services - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Minister for Housing and Community Services upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the member is referred to the response to Question No 759.

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

Question No 767

Minister for the Arts - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Minister for the Arts upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.

How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the Member is referred to the response to Question No 760.

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

Question No 768

Minister for the Environment, Land and Planning - Media Monitoring Expenditure

MR HUMPHRIES - Asked the Minister for the Environment, Land and Planning upon notice on 15 June 1993:

- (1) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1991 to 30 June 1992.
- (2) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.
- (3) How much did the Minister spend on obtaining transcripts or copies of media interviews during the period 1 July 1992 to 31 May 1993.
- (4) How many items were ordered during that period for (a) written transcripts; (b) audio cassettes and (c) video cassettes.

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

Information is maintained in respect of each Ministers combined portfolio responsibilities and not in respect of the separate elements of the portfolios. Accordingly, the questions have been answered at whole of portfolio level for each Minister and the Member is referred to the response to Question No 760.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 769**

Housing Trust Properties - Fire Damage

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

- (1) How many ACT Housing Trust properties by type, eg house, flat etc., were damaged or destroyed; by fire in (a)1992 and (b) to 1june 1993.
- (2) What were the causes of each of these fires.
- (3) What was the monetary cost of this damage or destruction.
- (4) What is the average cost of a smoke detector.

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

- (1) Accurate information is not available, however approximately twenty dwellings have been damaged by fire in the last two financial years.
- (2) Not available.
- (3) Information is not readily available. Expenditure from storms, fires and replacement of broken windows was \$0.2m in 1992/93.
- (4) \$150 is the estimated cost to fit a mains wired, interconnected unit with a battery back-up, the total cost being about \$4m to install alarms in all dwellings with an annual servicing cost estimated at \$0.4m.

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MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 772

**Office of Sport and Recreation -
Office Accommodation**

Mr Cornwell - asked the Minister for Sport - In relation to the-proposed transfer of the Office of Sport and Recreation from rented premises in Tuggeranong to ACT Government-owned . premises (Macarthur House) onyNorthbourne Avenue

- (1) Is it true that the move has again-been postponed or cancelled.
- (2) If so, is the postponement or cancellation due to procrastination on the part of officers of the office of. Sport and Recreation in accepting and.getting ready for the move.
- (3) If not, what is,the reason for the..postponement or cancellation of the move.
- (4) Has the area in Macarthur House which was intended for use by the Office of Sport and Recreation now been allocated to another department or office.
- (5) What would.the move of the Office of Sport and Recreation from Tuggeranong to Macarthur House have cost, .
- (6) How much rent per annum is;paid for-the offices current accommodation-in Tuggeranong.,
- (7) Is a transfer of the Office of Sport and Recreation out of rented premises into Government owned premises still being considered; if so, what other premises-,are being. considered for-this move;. if not, why not.

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

- (1) Yes. . .
- (2) No. .
- (3-7) The Office of Sport and-Recreation currently occupies space at Centrepoint and Homeworld buildings in Tuggeranong at a rental cost of \$186,000 per annum.

Any move of the Office will be considered against the background availability/suitability of space throughout ACT Government accommodation both owned and leased. . Cost of removal will be a site dependant consideration. However, no costings on removal have been done at this stage. The relocation of .the office of Sport and Pecreation remains. under consideration.

**Legislative Assembly
Question No. 777**

Housing Trust Properties - Burnie Court

Mr Cornwell: To ask the Minister for Housing and Community Services - In relation to my question on notice No. 585 concerning crime rates and a permanent police presence at Burnie Court, Lyons and your reply "I do not believe it is in the public interest to provide the information sought by Mr Cornwell"

- (1) Why is it not in the public interest to provide this information.
- (2) Is it normal practice for the Follett Labor Government to deny an elected Member such information; and if so, what areas of responsibility should be avoided by elected Members to prevent a repetition of this response.
- (3) Is this impeding a Member in his duties.
- (4) Does the Government have something to hide in relation to crime rates at Burnie Court, Lyons.

If the reply to (4) is negative, will the Minister now answer, question on notice No. 585.

Mr Connolly: the answer to Mr Cornwells question is as follows:

- (1) & (2) It is not in the public interest to release such information as it may result in unwarranted stigma being attached to ACT Housing Trust complexes and their residents. Furthermore, unnecessary fear may be generated amongst residents and the neighbouring community. Therefore, the Government believes that the release of such information would serve no genuine purpose and may only result in the situation being distorted. I am satisfied that all Australian governments would adopt such an approach in the circumstances.
- (3) No.
- (4) No.
- (5). No.

2385

17 August 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 782**

Housing Trust Properties - Special Allocations

MR. CORNWELL - Asked the Minister for Housing and Community

Services - In relation to the disposition of ACT Housing Trust properties, how many properties have been allocated and to whom apart from (a) 64 dwellings to refugees; (b) 144 to community groups and (c) 7 flats to diplomats in Light Street Griffith.

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

As at 1 July 1993:

(a) 64 dwellings were set aside/leased to refugees under the

Community Refugee Settlement Scheme.

(b) 133 houses and 46 flats were allocated to community groups, and

(c) 4 houses and 8 flats currently accommodate foreign embassy personnel.

2386

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO: 785**

Housing Trust Properties - Burnie Court

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to your reply to my question on notice No. 584 that a survey was being conducted at Burnie Court, Lyons and results would be available by the end of April 1993 -

(1) Will a copy now be provided to me.

(2) If not, why not.

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

(1) Yes. A copy of the report will be provided to you as soon as it is available for release; collation of the statistical data has only recently been completed. Analysis of the responses is now proceeding.

(2) Not applicable.

2387

17 August 1993

Legislative Assembly Question No. 786

Tuggeranong - Crime Statistics

Mr De Domenico: To ask the Minister for Urban Services

- (1) How many cars have been stolen in the Tuggeranong district since 26 May 1993.
- (2) How many assaults have been reported in Tuggeranong since 26 May 1993.
- (3) How many residential burglaries have been reported in Tuggeranong during the same period.
- (4) What is the breakdown by suburb.
- (5) Have police had complaints about underage drinking in the Tuggeranong Town Centre in the past few weeks; if so, has anyone been charged.
- (6) Have there been reports of car damage in the Tuggeranong Town Centre.
- (7) How do the above figures compare with figures for the same time last year.
- (8) Is it true that off-duty police offered to be in the Tuggeranong Town Centre on the weekend from Friday, 4 June 1993 - knowing that there may be trouble.
- (9) Why wasn't the media and the public informed of the trouble in Tuggeranong on Friday, 4 June 1993.

Mr Connolly: the answer to Mr De Domenico's question is as follows:

Note: the figures listed below have been taken from the Australian Federal Police COPS (Computerised On-line Police System) database, as at 18 June 1993, and are based on incidents reported to or attended by police. Incidents relate to a request for police attendance and do not necessarily mean that an offence or a crime has been committed. It cannot be determined if an incident involves an offence, or a crime, until investigating officers have attended the location and had the chance to assess the situation.

(1) Stolen Motor Vehicle Incidents

26 May - 15 June

Suburb 1992 1993

Calwell - 2

Chisholm 1 1

Fadden - 2

Gowrie - 1

Greenway 2 4

Kambah - 6

Richardson 1

Wanniassa - 3

4 19

2388

(2) Assault/Assault with Injury Incidents

26 May - 15 June

Suburb 1992 1993

Fadden 1 _

Gowrie - 1

Greenway - 1

Isabella Plains - 1

Kambah 3 3

Monash 1 _

Oxley 1 _

Richardson - 2

Theodore 1 -

Wanniassa - 2

7 10

(3) Burglary Incidents (not necessarily residential)

26 May - 15 June

Suburb 1992 1993

Banks 1 -

Bonython 1 3

Calwell 3 2

Chisholm 5 2

Fadden _ 1 6

Gilmore 2 _

Gordon -. 3

Gee 5 3

Greenway 4 _

Isabella Plains 3 4

Kambah 9 22

Monash 5 4

Oxley - 3

Richardson 3 2

Wanniassa 7 19

49 73

(4) See above.

(5) The Chief Police Officer has advised me that between 26 May - 15 June 1993,

police responded to or attended several incidents which involved persons allegedly consuming alcohol. As a result of police attendance, four persons have been cautioned for under-age drinking.

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17 August 1993

(6) Criminal Damage Incidents (to vehicles)

26 May - 15 June

Suburb 1992 1993

Greenway - 4

(n See above.

(8) The Chief Police Officer has advised me that the Officer in Charge, Tuggeranong, was not approached by off-duty police offering to be in the Tuggeranong Town Centre on the weekend from Friday, 4 June 1993.

(9) I understand that police did not consider the incident to be of sufficient gravity to

warrant a media release.

2390

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 787**

Separate Public Service

MR DE DOMENICO - Asked the Chief Minister upon notice on 17 June 1993:

- (1) Who are the officers in the Chief Ministers office who are working on the public service transition.
- (2) Who heads this investigation.
- (3) When will formal negotiations with the Commonwealth commence (date, time); (a) who will be present from the Commonwealth; and (b) who will be present from the ACT Government.
- (4) When was the symposium of values and principles for the new public service-held.
- (5) Who was invited and who attended (exact guest list).
- (6) When will the symposiums report be available.
- (7) If already available could a copy be supplied.
- (8) Who (name and position) is dealing with the enterprise bargaining issue of the public service transition.
- (9) Who are the members of the separate service task force by (a) name and organisation and (b) position.
- (10) What were the threshold issues that the Chief Minister has sought and gained agreement on with the Prime Minister.
- (11) How was the amount of \$460,000 for an establishment grant calculated; how much has been spent to date and on what and how are ACT Government Service-wide associated activities by all areas of the service (eg discussions within/between Agencies, etc) being costed to determine the real cost of this exercise.

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

- (1) The staff of my Office deal with matters concerning the separate Service in the normal course of their work. There is no staff member in my Office with particular responsibility for the separate Service.
- (2) There is no investigation. A Separate Service Taskforce has been established within the Office of Public Sector Management in my Department to progress the separate Service project.

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17 August 1993

(3) Formal negotiations with the Commonwealth commenced on 25 May 1993 when the ACT

Minister for Industrial Relations, Mr Berry, met with Mr Brereton, the Federal Minister for Industrial Relations and Minister Assisting the Prime Minister on Public Service Matters. Union participants in the meeting were Mr Peter Moylan of the ACTU and Mr Charles McDonald of the ACT Trades and Labour Council, accompanied by local union representatives of the Australian Teachers Union; the Australian Nurses Federation; the Transport Workers Union; and the Public Sector Union. Officials from the Commonwealth and ACT Governments were also present in a supporting role.

(4) The Symposium on Values and Principles for a Separate ACT Public Service was held on 29 April 1993.

(5) Representatives from a range of community bodies and other organisations were invited, including Aboriginal, multicultural representatives, business, academics, the Institute of Public Administration and unions. The following representatives were able to attend:

Adcock, Rev Neil ACT Council of Churches
Aitkin, Prof Don University of Canberra
Anforth, Alan ACTCOSS
Bastek, Maria EEO Officer, Department of Education and Training
Batho, Shirley Department of Health
Birtles, Prof Terry University of Canberra
Bourke, Kath Consumer Forum for the Aged -
Bradley, Jennifer ACT Womens Advisory Council
Burnett, Peter Office of Public Sector Management
Doobov, Sue ACT Council on the Ageing
Follett, Rosemary Chief Minister
Freeland, Collin South-East Economic Development Council
Gaskill, Glen Fire and Emergency Services
George, Caz Trades and Labour Council
Grayson, Lynne ACT Corrective Services
Hale, Peter ACT Audit Office
Hall, Winsome Public Sector Union
Harper, Greg ACT Treasury
Harris, Bill Secretary, Chief Ministers Department
Haynes, Moiya Department of the Environment, Land and Planning
Henderson, Margaret Office of Public Sector Management
IANson, Brian Disability Services Advisory Committee
Lothian, Cristine ACT Government Service EEO Advisor
McDonald, Charles ACT Trades and Labour Council
McRae, Mark Clerk of the ACT Legislative Assembly
Minns, Bob Observer, Public Service Commission
Norris, Lesley Office of Public Sector Management
Pagonis, Julie Public Sector Union
Parkinson, John ACT Auditor-General
Pearce, Bettye Department of Education and Training
Peedom, Michael Attorney-Generals Department
Petherbridge, Sally ACT239Human Rights Office

Rees, Jacqui ACT Conservation Council
Reeson, Rev Ronald ACT Council of Churches
Sadler, Phil ACT Corporate Services Bureau
Stals, Dr John NSW Chamber of Commerce
Staniforth, Chris ACT Legal Aid Commission
Stankevicius, Adam ACT Youth Advisory Council
Webb, Linda Office of Public Sector Management
Wilson, John ACT Trades and Labour Council

- (6) The report of the Symposium will be available in the near future.
- (7) I have asked my Department to provide Mr De Domenico with a copy when it is distributed to participants.
- (8) There is no enterprise bargaining issue directly associated with the public service transition. As I have said in my statements to the Assembly on this issue in December and May, terms and conditions will not be adversely affected by this exercise.
- (9) The Separate Service Taskforce is headed by an Assistant Secretary in my Department, Mr Peter Burnett. Mr Burnett has been seconded from his normal position of Assistant Secretary, Management Improvement. The other staff of the Taskforce are two Senior Officer Grade Bs; a Senior Officer Grade C; and an Administrative Service Officers Grade 6 and 3 respectively. In addition, staff at the following levels have been seconded during July to the Taskforce from agencies to help draft Public Sector Management Standards, which in essence will be the ACT equivalent of the Commonwealths Personnel Management Manual: a Senior Officer Grade C from the Department of Health; an Administrative Service Officer Grade 6 from the Corporate Services Bureau; a Teacher Level 2 from the Department of Education and Training; and an acting Administrative Service Officer Grade 6 from ACTION. It is not necessary to name these officers.
- (10) I refer Mr De Domenico to my stet to the Assembly on 17 December 1992, which is reproduced in full in Hansard.
- (11) The establishment grant of \$460,000 was calculated as per Attachment A. Expenditure to 30 June 1993 from the grant is set out at Attachment B. Indirect costs, such as the costs of discussions between Agencies on the separate service have not been costed separately. This is consistent with normal practice in relation to activities involving more than one Agency, such as the preparation of the Budget.

17 August 1993

BUDGET SEPARATE SERVICE TASKFORCE

ESTABLISHMENT GRANT

5

Salaries 3 Allowances (estimate) 26,000

Other Operating Costs 195,000

Capital Nil

GRAND TOTAL 460,000

2394

EXPENDITURE SEPARATE T 2 SF-AVIICc TASKFORCE

Salaries & Allowances:

Other Operating Costs

Car Hire (SES) 3,500

Consultants 1,200

Meal Allowance 200

Other Office Req 3,000

Travel 1,000

Training 2,000

Cab Charge 100

Senior Officer Benefits 2,000 ,

Total 13,000

Office Machinery 10,000

TOTAL 118,000

2395

17 August 1993

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

Question No. 788

Government Service - Compensation Payments

MR DE DOMENICO -Asked the Chief Minister upon notice on 17 June 1993

How many ACT Government employees receive compensation payments which are not included in any Comcare arrangements and what was the total value for such payments during the last financial year.

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

The ACT TAB have their employees covered for compensation purposes by a private insurer, rather than by Comcare.

The ACT TAB has advised that for 1991-92 their compensation premium was \$15,417 and one employee received compensation payments.

2396

**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 789

**Stamp Duty - Qantas Acquisition of
Australian Airlines**

MR HUMPHRIES - Asked the Treasurer upon notice on 17 June 1993:

- (1) Did the Government receive any payment of stamp duty from QANTAS Airways Limited upon its acquisition of Australian Airlines Limited.
- (2) If so, how much and when was the payment received.

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

- (1) I am unable to answer the members question as I am not privy to the taxation records of individual taxpayers-because of the secrecy provisions of Section 97 of the Taxation (Administration) Act 1987.

2397

17 August 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 190**

Housing Trust Properties - East Bonython

MR CORNWELL- Asked the Minister for Housing and Community Services - In relation to the new total concept development at East Bonython

- (1) How many ACT Housing Trust (a) houses; (b) townhouses and (c) units will be included in the development.
- (2) Will such Trust properties be scattered throughout the development or grouped in the mufti storey sections.
- (3) When will these premises be ready for occupation.

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

- (1) Under a Deed of Agreement process, two medium density residential sites will be handed back by the private developer to the ACT Government, for purchase by the ACT Housing Trust. One site will be suitable for twenty, two storey units and the other will be suitable for twenty four flats in three storey buildings.
- (2) These properties will be grouped in two distinct mufti-storey sites, bordered by private mufti-storey residential developments. The Housing Trust, like any other developer in the area, will build in sympathy with Landcos park estate concept.
- (3) Building for the private development is expected to begin in September, however the Housing Trust is yet to purchase the land and commencement of building is not expected until after 1993194.

2398

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 794

Government Buildings - Building Code Exemptions

Mr Cornwell - asked the Minister for Urban Services:

- (1) Is it regular practice for Government constructions to be exempted from certain clauses of the Building Code; if so, why is this considered necessary.
- (2) Is exemption usually sought for buildings to be used mostly by Government workers, eg office blocks.
- (3) Why has it been necessary for an Exemption (No.51 of 1993) to be issued for the Tuggeranong Indoor Swimming Centre.
- (4) Is it regular practice for buildings intended for use by the public (including recreational use) to be exempted from clauses and tables of the Building Code.
- (5) What other buildings in the ACT, constructed from 1989 onwards, have been exempted from clauses and tables of the Building Code and in what ways have they not complied with the Building Code.

Mr Connolly the answer to the members question is as follows

- (1) It is not regular practice. Each case is taken on its merits and in the spirit and intent of the Building Code exemptions can and may be sought and granted within the provisions of the Building Act.
- (2) No. Each building in the Governments Capital Works Program is subject to examination for compliance with the Building Code of Australia. Where this cannot be satisfied for technical or operational reasons, the established procedure for the granting of an exemption is followed.
- (3) To reflect the particular configuration and needs of the Tuggeranong Indoor Swimming Centre which are not specifically referred to in the Building Code, as set out in the response to question number 801 (8).
- (4) No, Each case is taken on its merits, as they refer to particular building types and uses not specifically defined in the Building Code.

17 August 1993

(5) Government buildings which have been exempted from clauses and tables of the Building Code of Australia since 1989 and to the time of asking of the question are as follows:

Woden Valley Hospital

- Building no. 1 and link walkways.
- Building no. 3 extension of Radiation and Oncology.
- Building no. 12 the proposed Diagnostic and Treatment Building.
- Tuggeranong Indoor Swimming Centre.

Attached separately (attachments 1 to 4 inclusive) are copies of the explanatory statements which accompanied each exemption determination. These explanatory statements provide a brief description of the work covered by the exemption and the specific clauses in the Building Code of Australia from which the exemption is sought. --

2400

ATTACHMENT 1

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

EXEMPTION

NO 108 of 1991

EXPLANATORY STATEMENT

This Instrument exempts ACT PUBLIC WORKS AND SERVICES, being a government agency, from the application of the provision of the Building code specified in the Schedule in respect of the building works as part of the ACT Public Hospitals Redevelopment, Building 1, Woden Valley Hospital.

The hospital is being redeveloped and this involves the construction of significant new facilities together with substantial internal refurbishment and renovation work to the existing hospital buildings. The principal buildings affected by the upgrading process are Buildings 1, 2 and 3.

It is a requirement of the ACT Building Act that all work undertaken at Woden Valley Hospital shall be in accordance with the Building Code of Australia.

A number of surveys and investigations and interim refurbishment work undertaken in Building 1 have shown that there are deficiencies in the existing building built in the early 1970s with respect to compliance with this Code. Complete compliance with the Code in all respects is not feasible or considered appropriate for the building to perform to accepted levels of safety.

To determine what exemptions would be appropriate while still achieving the required level of the amenity and fire safety, Philip Chun and Associates were engaged as consultants to examine the existing Building 1. This Consultant reported in a report titled ACT Public Hospital Redevelopment Project Royal

. Canberra Hospital (South) Building 1. The findings of this

study have been examined in detail by Public Works and Services, the Fire Brigade and the ACT Building Controller.

This process has resulted in a recommendation that twenty-three modifications be made to the requirements of the Building Code of Australia which together require the Schedule of Exemptions set out in the Instrument.

2401

17 August 1993

A summary of these modifications and the specific clauses of the Building Code of Australia which are affected is as follows:

MODIFICATIONS TO THE BUILDING CODE REGULATIONS

Item 1

To permit the separation between Building 1 and the link walkway north to Building 10 at Level 1, to be by means of a glazed screen wall, similar to the existing, instead of a fire wall with an FRL of 120/120/120, to provide the required fire compartmentation.

Exemptions from the requirements of the following clauses are necessary: C2.5(d), C3.5(c), C3.14, Clause 2 of Specification-C3.4, C3.5, C3.5(a), C3.5(b), C3.15, C3.15(a), C3.15(b), C3.15(c), C3.15(d), C3.15(f), C3.15(g).

Item 2

To permit the separation between Building 1 and the link bridge at Level 3, to be by means of a glazed screen wall similar to the existing, instead of a fire wall with an FRL of 120/120/120, to provide the required fire compartmentation.

Exemptions from the requirements of the following clauses are necessary: C2.5(d), C3.5(c), C3.14, Clause 2 of Specification C3.4, C3.5, C3.5(a), C3.5(b), C3.15, C3.15(a) C3.15(b), C3.15(c), C3.15(d), C3.15(f), C3.15(g).

Item 3

To permit the compartmentation of Levels 1 to be by means of existing walls constructed of 110mm clay bricks, in lieu of fire walls having an FRL of 120/120/120, wherein they will provide the fire separation to the fire compartments.

Exemptions from the requirements of the following clauses are necessary: C2.5, C3.5, C3.6, C3.14, Specification A2.3, Specification C1.1, C2.5(a), C3.5(a), C3.5(b), C3.5(c) C3.15, C3.15(a), C3.15(b), C3.15(c), C3.15(d), C3.15(f), C3.15(g), Clause 3.1 and table 3 of Specification C1.1:

2402

Item 4

- a) To permit the compartmentation of the patient care areas, in Level 2 to be by means of existing walls constructed of 110mm clay bricks, in lieu of fire walls having an FRL of 120/120/120, wherein they will provide the fire separation to the fire compartments.
- b) To permit there to be only principal fire compartments, on this floor, having maximum areas of approximately 1000m², without the need to provide the secondary fire compartments.
- c) To permit some openings in these walls not to be protected by 120/120/30 fire doors.
- d) To permit the areas of the smoke compartments to be approximately 500m² instead of the maximum permitted 425m².

Exemptions from the requirements of the following clauses are necessary: C2.5, C3.5, Specification A2.3, Specification C1.1, C2.5(b), C2.5(c), C3.14, C3.15, C3.15(a), C3.15(b), C3.15(c), C3.15(d), C3.15(f), C3.15(g), Clause 3.1 and table 3 of Specification C1.1.

Item 5

- a) To permit the compartmentation of the patient care areas, in Levels 3 to 10 inclusive, to be by means of existing walls constructed of 110mm clay bricks, in lieu of fire walls having an FRL of 120/120/120 wherein they will provide the fire separation to the required fire compartments.
- b) To permit there to be only principal fire compartments on these floors, having maximum areas of approximately .
1000m², without the need to provide the secondary fire compartments.
- c) To permit some openings in these walls not to be protected by 120/120/30 fire doors.
- d) To permit the areas of the smoke compartments to be approximately 500m² instead of the maximum permitted 425m².

Exemptions from the requirements of the following clauses are necessary: C2.5, C3.5, Specification A2.3, Specification C1.1, C2.5(b), C2.5(c), C3.14, C3.15, C3.15(a), C3.15(b), C3.15(c), C3.15(d), C3.15(f), C3.15(g), Clause 3.1 and table 3 of Specification C1.1. 2403

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Item

if a) To permit Stair 3 to remain as constructed wherein the

walls and doors enclosing the stairway are constructed of wired glass in metal frames in lieu of walls having an FRL to 120/120/120 and 60/60/30 fire doors.

b) To permit Stair 3 to discharge into the main entrance lobby at Level 2 instead of directly or via a fireisolated passageway to a road or open space, and

c) To permit service pipes to remain where they penetrate the concrete walls at the top of the stair shaft.

Exemptions from the requirements of the following-clauses are necessary: C3.8, C3.9, D1.3, D1.7, D2.2, Specification A2.3,-. Specification C1.1, C3.9(a), C3.9(b), C3.9(c), D1.3(b), D1.7(b).

Item 7

To permit the electrical wiring, compressed air piping and hot water piping to remain where it passes through the ceiling of the fire-isolated transfer passage way between Stairs 2 and 2A.

Exemptions from the requirements of the following clauses are necessary: C3.9, C3.9(a), C3.9(b), C3.9(c)

Item 8

To permit the doors protecting the doorways to the lift shafts to remain where they do not comply with AS 1735.11 and it cannot be established that they are 60/60/- fire doors.

Exemptions from the requirements of the following clauses are necessary: C3.10, C3.10(a).

Item 9

To permit the structure of the existing building to remain wherein it was not specifically designed for the load prescribed in AS 1170.1., AS 1170.2 and AS 2121 nor in accordance with the Australian Standards listed in B1.3

Exemptions from the requirements of the following clauses are necessary: B1.1, B1.2, B1.3, B1.1(a), B1.1(b). 2404

Item 10

To permit existing materials to remain where they may not comply with the indices limitations prescribed in Specification C1.10.

Exemptions from the requirements of the following clauses are necessary: 01.10, specification 01.10

Item 11

To permit the firemains and water supply services to be upgraded wherein water storage tanks, with sufficient capacity will not be provided.

Exemption from the requirements of the following clauses are necessary: E1.2, Specification E1.2, E1.2(a), E1.2(b), E1.2(c), E1.2(d), E1.2(e), E1.2(f)

Item 12

To permit the hose reels to remain wherein they may not be located as required and may not comply in all respects with AS 1221 and AS 2441.

Exemptions from the requirements of the following clauses are necessary: E1.4, E1.4(a), E1.4(b), E1.4(c), E1.4(e)

Item 13

To permit the existing hydrants to remain as located and the installation of an additional hydrant, adjacent to Stair 3, on all levels, to the satisfaction of the Fire Brigade, wherein all hydrants will not be located not more than 4m from a required exit and all areas will not be within a 6m spray of water, from the nozzle end, of a fully extended 30m length of hose.

Exemptions from the requirements of the following clauses are necessary: E1.3 (c)

2405

17 August 1993

Item 14

To permit existing signs and directional signs to remain wherein they may not comply or be in complete compliance with AS 2293.1.

Exemptions from the requirements of the following clauses are necessary:

E4.8, E4.8(a), E4.8(b).

Item 15

To permit each principal fire compartment in the patient care areas, to be provided with at least one exit in lieu of an exit being provided from each required smoke compartment.

Exemption from the requirements of the following clauses are necessary: D1.2(e)

Item 16

To permit the maximum distances of travel from small areas on most floors to exceed those prescribed.

Exemption from the requirements of the following clauses are necessary: D1.4, D1.4(c), D1.4(d)

Item 17

To permit the existing exits to remain in their present location on Level 2 to 10 where the maximum distance between them, of 45m, as prescribed for patient care areas, is exceeded.

Exemptions from the requirements of the following clauses are necessary: D1.5, D1.5(a), D1.5(b)

Item 18

To permit existing corridors and passageways to remain wherein they are paths of travel to exits and have widths of less than 2m.

Exemptions from the requirements of the following clauses are necessary: D1.6(b)

2406

Item 19

To permit the width of doorways in patient care areas to vary depending upon their use as recommended by "HOSPLAN" in lieu of all doors having a minimum width of 1.6m.

Exemptions from the requirements of the following clauses are necessary: D1.6(f)

Item 20

To permit Stairs 1 and 2 to remain as constructed where their landings do not have a clear width of 1.61m and a clear length of 2.7m.

Exemptions from the requirements of the following clauses are necessary: D2.14(b)

Item 21

To permit the facilities to remain wherein there will not be one island type plunge bath on each storey containing patient care areas.

Exemptions from the requirements of the following clauses are necessary: F2.3(a), Table F2.3

Item 22

To permit the existing facilities for people with disabilities to remain wherein the construction and layout of the sanitary compartments may not be in complete compliance with AS 1428.1.

Exemptions from the requirements of the following clauses are necessary: F2.4, F2.4(b), F2.4(a)

Item 23

To permit the existing ventilation to rooms to remain wherein the air quantity, in some rooms, do not appear to comply with the increased requirements of AS 1668.2-1990.

Exemptions from the requirements of the following clauses are necessary: F4.5(b)

2407

17 August 1993

ATTACHMENT 2

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

EXEMPTION

No 7 of 1992

EXPLANATORY STATEMENT

This Instrument exempts ACT PUBLIC WORKS AND SERVICES, being a government agency, from the application of the provision of the Building Code specified in the Schedule in respect of the Redevelopment, Building 12, the Proposed Diagnostic and Treatment Building, Woden Valley Hospital

The Diagnostic and Treatment Building is to be the single largest building constructed as part of the hospital redevelopment. It is generally a free standing building with linking structures at levels one, two and three to Building One (the existing Tower Block).

It is a requirement of the ACT Building Act that all work undertaken at Woden Valley Hospital shall be in accordance with the Building Code of Australia.

As a result of the scale and complexity of the Diagnostic and Treatment Building, complete compliance with the Building Code is not considered appropriate nor necessary for the building to perform at accepted levels of safety.

To determine what exemptions would be appropriate while still achieving the required level of the amenity and fire safety, Philip Chun and Associates were engaged as consultants to examine the design for Building 12. This Consultant after assessing the design has proposed four (4) modifications to the B.C.A. A short report with supportive documentation has been examined by Public Works and Services, the ACT Fire Brigade and the ACT Building Controller.

This process has resulted in a recommendation that 4

modifications be made to the requirements of the Building Code of Australia which together require the Schedule of Exemptions set out in the Instrument.

A summary of these modifications and the specific Clauses of the Building Code of Australia which are affected is as follows:

2408

MODIFICATIONS TO THE BUILDING CODE REGULATIONS

Item 1

To permit the width of doorways in patient care areas to vary, depending upon their use and the room types served by the doorways, as recommended by "HOSPLAN", in lieu of all doors having a minimum width of 1.6m.

Exemption from the requirements of the following clause is necessary D1. 6 (f) (i) .

Item 2

To permit the width of some corridors and passageways in patient care areas to be less than 2m.

Exemption from the requirements of the following clause is necessary D1.6(b)(ii)

Item 3

To permit the number of horizontal exits to exceed the maximum permissible 50 per cent of the total number required exits in order to ensure that the maximum distance of travel requirements comply with the regulations.

Exemption from the requirements of the following clause is necessary D1.11(b).

Item 4

To permit some openings located above other openings in external walls not to be separated by construction extending 600mm above the upper surface of the intervening floor and having an RFL of 60/60/60 as required.

Exemption from the requirements of the following clause is necessary C2.6(a).

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17 August 1993

ATTACHMENT 3

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

EXEMPTION

NO 165 of 1992

EXPLANATORY STATEMENT

This instrument exempts ACT PUBLIC WORKS AND SERVICES, being a government.

agency, from the application of the provision of the Building Code specified in the Schedule in respect of the building works as part of the ACT Public Hospitals Redevelopment, Building 1, Woden Valley Hospital.

The hospital is being redeveloped and this involves the construction of significant new facilities together with substantial internal refurbishment and renovations to existing hospital buildings. The principal building affected by the upgrading process is Building 1.

The ACT Building Act 1972 (as amended) requires ACT Government agencies to comply with the requirements of the Building Code of Australia. Government agencies may seek exemption from various sections or all of the Code via a Disallowable Instrument.

It is therefore desirable that all building work undertaken under the auspices of the ACT Public Hospitals Redevelopment Project be in accordance with the current Building Code of Australia, formal modifications to the Code, the allied ACT appendix, relevant Australian Standards, ACT legislation and the requirements of particular statutory authorities.

However, as a result of the constraints imposed by the existing building elements and necessary operational requirements, complete compliance with the Building Code of Australia is not possible. Complete compliance is not considered necessary for the building to perform within acceptable safety standards.

2410

In order to professionally and cohesively determine what exemptions from the Building Code of Australia were appropriate and within acceptable levels of fire safety, Philip Chun and Associates were engaged by the Project Manager as consultants to examine the Final Sketch Plan Design for the new level 5 Paediatrics and new level two link between Building 1 and Buildings 10 and 11. The consultants function was to recommend what works were necessary to ensure that fire safety requirements of the Building Code of Australia were met and/or Code objectives achieved and/or what exemptions from the Code were appropriate.

The consultant after assessing the problem has proposed two (2) modifications to the standards of the B.C.A. A report with supportive documentation has been examined by Public Works Services, the ACT Fire Brigade, the ACT Building Controller and the Project Director with the ACT Public Hospitals Redevelopment Project.

A summary of these modifications and the particular clauses of the Building Code of Australia in question are as follows:

MODIFICATIONS TO THE BUILDING CODE REGULATIONS

Item 1

1. Clause C 1.1(a) Type of Construction.

To permit the proposed additional link bridge between Building 1 and Buildings 10 and 11 to be constructed of unprotected steel in lieu of Type A fire-resisting construction.

Item 2

2. Clause D 1.6(b) Dimensions of Exits

To permit the width of a corridor in Paediatric isolation on level 5 of Building 1 in a patient care area to be less than two metres.

2411

17 August 1993

ATTACHMENT 4

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

EXEMPTION

NO 51 OF 1992

This Instrument revokes Determination No 166 of 1992 made under Section 27(1) of the Building Act 1972 as published in the Australian Capital Territory Gazette No S231 on 24 November 1992 and. exempts ACT Public Works and Services, being a government agency, from the application of the provision of the Building Code specified in the Schedule in respect of the building works known as Tuggeranong Indoor Swimming Centre.

It is a requirement of the Building Act 1972 that all work undertaken on the project shall be in accordance with the Building Code of Australia (BCA).

To determine which exemptions would be appropriate while still achieving the required level of amenity, fire safety and design efficiency the Design Manager (Daryl Jackson Alastair Swayn Pty Ltd) has tested the requirements of the BCA against provisions at other pools within Australia, requirements of the Health Department of NSW and various international standards. The Design Manager after assessing the problem has recommended five (5) exemptions to the requirements of the BCA.

The proposed exemptions have been examined by ACT Public Works and Services and circulated for comment and endorsement to the ACT Fire Brigade, ACT Office of Sport and Recreation and the ACT Building Controller. All of these organisations have supported the exemptions to the BCA.

This process has resulted in a recommendation that five (5) exemptions be made to the requirements of the Building Code of Australia, as listed in the Schedule of Exemptions set out in the Instrument.

A summary of these modifications and the specific Clauses of the Building Code of Australia which are affected is as follows:

Item 1

To permit a reduction in the number of toilet facilities in the complex;

Exemption from the requirements of the following; Clause D 1.13, Table D 1.13 and Clause F2.3, Table F2.3 Class 9b Buildings.

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Item 2

To permit a relaxing of the maximum gradients applying to the floors of the pool;

Exemption from the requirements of the following; Clause ACT G1.1(d) (i).

Item 3

To permit the deletion of a mechanical smoke ventilation system;

Exemption from the requirements of the following; Clause E2.1, Table E2.1.

Item 4

To permit the deletion of thermal and smoke detectors over the water areas;

Exemption from the requirements of the following; Clause ACT E1.7.

Item 5

To permit the deletion of the requirement for testing of slip resistance of paving in public areas;

Exemption from the requirements of the following; Clause ACT D2.103.

2413

17 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 796

Cotter Dam - Recreational Fishing

Mr Cornwell - asked the Minister for Urban Services:

(1) Has consideration been given to opening the Cotter Dam for recreational fishing; if so, what decision was reached and why was this decision so reached.

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

(1) Consideration has been given to opening the Cotter Dam for recreational fishing. Taken into consideration were:

the need to protect endangered and other threatened populations of native fish species; the poor quality of the area as a recreational trout fishery;

the detrimental impact that fishing activities would have on water quality of the Reservoir which is part of Canberras potable water supply;

health problems associated with contamination from the inevitable increases in the faecal and garbage loads within the catchment;

the threat to life, safety and the ACTs substantial economic investment in timber plantations in the area from increased risk of fire in an area which has limited access;

safety problems posed by steep banks which slope into extremely cold and deep water;

the high cost of managing the fishery and increasing the enforcement of angling restrictions; providing and maintaining facilities and access to the area; and management of the increased visitation to the area.

After consultation with relevant members of the public and ACT Government Service agencies the Government decided that the Cotter Reservoir should not be opened for recreational fishing.

The Government recognises the importance of fishing both as a recreational pastime for members of the Canberra community and as a potential generator of tourism. On this note, the Government will continue to promote recreational fishing and many of the waters in the ACT will continue to be managed as mixed recreational fisheries for all anglers.

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

Question No 797

Ecotourism

MR CORNWELL - Asked the Chief Minister upon notice on 17 June 1993:

- (1) What has been done to date to promote eco-tourism in the ACT?
- (2) Are future steps planned and, if so, what is proposed to further promote ecotourism?

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

(1) To date, eco-tourism in the ACT has focussed on the theme of "Canberra -the Natural Capital". Promotion using this theme has reflected the importance of protecting the Territorys natural resources as a tourism asset. This has included:

- the production and publication of videos and brochures with the aim of increasing the awareness of visitors to the natural beauty of Canberras parklands and outdoor activities;
- using the theme of eco-tourism as the principal focus for displays at major consumer and trade shows, and for developing itineraries for school groups in the natural environment of the ACT;
- eco-tourism familiarisations for visiting travel journalists as part of the Australian Tourism Exchange (ATE), which has a broad international exposure;
- ACT Tourism Commission participation in "Eco-Tourism" and "Outdoor Australia" theme tours organised through the Australian Tourist Commissions Visiting Journalists Program; and

ACT Tourism Commission sponsorship of domestic journalist? visits to Canberra to collect material on eco-tourism activities.

(2) The Commissions Advisory Board, with assistance from the Department of the Environment, Land and Planning, is investigating the feasibility of a range of suitably sensitive tourism development options within and adjacent to Namadgi National Park.

2415

17 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 798

Tuggeranong Swimming Centre

Mr Cornwell - asked-the Minister for Urban Services: In relation to the Tuggeranong . Indoor Swimming Centre

- (1) Did the Budding Controller approve the building plans and specifications, and subsequently issue a Building Permit.
- (2) Did the ACT Fire Brigade issue a building report. .
- (3) Have the recommendations of such a Fire Brigade report been complied with.
- (4) What Class licence was held by the builder at the-time of the granting of the .
.contract.

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

- (1) No. Under the Building Act 1972 this is not required.
- (2) Yes. The ACT Fire Brigade met with the designers of the Tuggeranong Indoor Swimming Centre and agreed on the fire requirements.. The ACT Fire Brigade also inspected the facility before handover and observed the building services in fire-mode and they were satisfied. The ACT. Fire Brigade issued reports at both times
- (3) All ACT Fire Brigade recommendations have been met.
- (4) Class "A"

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 802**

**Ainslie Property - Purchase by Co-operative
Housing Organisation**

MR CORNWELL - Asked the Minister for Housing and Community Services upon notice on 17 June 1993:

- (1) Is it a fact that a house at section 6, block 4, Ainslie has been purchased by a group or co-operative; if so, what is the name of this group or co-operative.
- (2) Was public money made available for this purchase.
- (3) If public money was made available, how much was provided and what was the total purchase price of the property.
- (4) Is the lease in the name of the Government, the co-operative or group, or in private names.

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

- (1) A co-operative housing organisation has purchased a house at this location to provide secure, affordable, tenant managed housing for low income earners. Because all tenants and residents in the ACT have the right of confidentiality; the name of the organisation will not be revealed.
- (2) Yes
- (3) \$228,300 was provided as a Commonwealth Government capital grant to the organisation to fund the purchase of the property. The total purchase price of the property including settlement fees was \$228,180.
- (4) The lease for the property is in the name of the co-operative housing organisation due to the nature of the grant.

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17 August 1993

**MINISTER FOR SPORT
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 803.

Academy of Sport - Overseas Travel by Executive Officer

Mr Cornwell - asked the Minister for Sport

- (1) Did a senior executive of the ACT Academy of Sport travel overseas with spouse in 1992 and if so, for how long.
- (2) Was this executive "on call" for the duration of the overseas trip and therefore on full pay
- (3) If on full pay, how much did this amount to for the duration of the trip.
- (4) What countries were visited during the overseas trip
- (5) What does "on call" mean and how does it effectively operate when overseas.

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

- (1) The Executive Officer of the Academy accompanied her spouse for a period of 24 weeks, from 12 February to 29 July 1992
- (2) No. The Executive Officer of the Academy was on leave without pay or recreation leave except for a period of three weeks for which she had prior approval to be recalled to duty to attend a conference and visit institutions directly related to her work at the Academy. The officer was on full pay for this three week period.
- (3) The officer was on full pay for only three weeks while overseas at an estimated cost of \$2318. .
- (4) The countries visited during the period of recall to duty were USA, Canada and England.
- (5) The term "on call" is not relevant to this situation. The correct terminology for an officer returning to duty whilst on approved leave is "recall to duty". *An officer is on "recall to duty" when prior approval has been given to undertake work related . . . duties, such as attending conferences or meetings and visiting institutions, which

- will be beneficial to the Department.

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**MINISTER FOR SPORT
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 804

Academy of Sport - Swimming Program

Mr Cornwell - asked the Minister for Sport - In relation to your reply to question on notice No. 718 concerning ACT swimmers and the ACT Academy of Sport

- (1) Is it not a fact that the Intensive Training Centres or High Performance Centres at (2) of your response have not operated for two years and therefore are not relevant to . your reply which was concerned with 1993.
- (2) If these centres have not operated for two years, why were they mentioned in the reply which was concerned with 1993.
- (3) Is it a fact that there are no associate scholarships at the Australian Institute of Sport and, if so, why is it claimed there are in (3) of your response.
- (t) In, relation to your response at (3) "ACT swimmers do have equal opportunity to be supported by the Academy provided they. have achieved the necessary standards", how can this be if ACT resident swimmers are ineligible because there is no separate and independently registered ACT Association.

Mr Berry - the answer to the Members question is as follows: . _.

- (1) No. The Intensive Training Centre (ITC) and High Performance Centres which were established in 1989-90 by the Federal Government are still operating and will continue to operate until at least the end of the current Federal funding period in 1995-96. They are very relevant to my reply.

The Intensive Training Centre Program was introduced as part of the "Next Step" Federal sports funding program from 1989-90 to 1992-93. The program aims "to develop a full-time professional coaching system in partnership with National Sporting Organisations and State Institutes". It also aims to identify and develop athletes throughout Australia in various sports, including swimming.

- (2) Refer to Question (1). The ITC and High Performance Centres are still operational.
- (3) Until the end of 1992, those athletes not holding full scholarships but receiving support from the Australian Institute of Sport program were referred to as "associate scholarship holders". The Australian Sports Commission (ASC) has now advised that the current terminology for scholarships held by non full scholarship holders at the Australian Institute of Sport is a "visiting scholarship".

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In (3) of my response, my reference to associate scholarships was the correct terminology during the period the athletes referred to were receiving support. I did not say that the current 1993 ACT swimmers in the ASC programs were on full or associate scholarships.

4) Any athlete who is registered with, or who is a member of an ACT club that is affiliated with an ACT sporting body, is eligible for support from the Academy of Sport. Although ACT Swimming does not have separate statehood, as is also the situation with ACT Rowing and until recently with ACT Cycling, athletes from these sports who meet the published application criteria are eligible to apply for support.

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MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 805

Academy of Sport

Mr: Cornwell. - asked the Minister for Sport -

- (1) Who are the members, by name; of the Board of the ACT Academy of Sport. .
- (2) What are the qualifications for membership, of each member:
- (3) What sports are administered by the Academy.
- (4) What is the annual budget of the Academy for (a) 1991-92 and (b) 1992-93.
- (5) Does the Academy publish an Annual Report and, if not, why not. . .

Mr Berry - the answer to the Members question is as follows: -.

- (1) The current members of the Board of the ACT Academy of Sport by name are:

Dr Alan Roberts Chairperson _ ,
Mr Lawrie Woodman .
Ms Robin Duff
Mr Steve Whan . .
Mr. Tim Sheens

Ms Sue Hobson (due to join board July 1993)
Mrs Heather McKay (resigned June 1993)
. Dr John Gross (Co-opted)
. . Ms Dale Inabinet (Ex-Officio)

- (2), The qualifications for each member are: . . ::

. Dr Alan Roberts: Previous Adviser to Federal, Victorian and ACT .
Governments on Sport and Recreation
Associate Professor, Centre for Sports.. Studies

. .
University of Canberra . ,
Former Chairperson of ACT Sport and Recreation Committee

Mr Lawrie Woodman: Director Australian Coaching Council
Ms Robin Duff: . Former ACT and Australian representative in Softball
and . . and ACT representative in Hockey Sports Administrator. at the Australian Sports
Commission

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Mr Steve Whan: Adviser to the Federal Minister for Sport

Active player and President ACT Water Polo Association

Mr Tim Sheens: Head Coach, Canberra Raiders Rugby League

Ms Sue Hobson: Current ACT and Australian track and field representative

Mrs Heather McKay: Previous long term World Squash Champion

Part time coach, Australian Institute of Sport, Brisbane

Dr John Gross: Head, Centre for Sports Studies, University of Canberra

Ms Dale Inabinet: A/g Manager, Sport and Recreation Programs, ACT

Office of Sport and Recreation

(3) The sports which have athletes currently receiving support from the ACT Academy

of Sport are:

Team/ Squads:

Mens Hockey

Womens Hockey

Mens Basketball

. Womens Basketball -- -

Mens Volleyball

Womens Volleyball

Netball

Soccer

Individual Athlete Program:

Barefoot Waterskiing Rowing

Boardsailing Swimming

Cross Country Skiing Table Tennis

Cycling Track and Field

Gymnastics

Modern Pentathlon

Orienteering

(4) The Academy budget operates on a calendar year. The base operating budget provided by the ACT Government for 1992 was approximately \$260,000 and for 1993 is \$267,000. This is supplemented for specific programs from elsewhere within the Sport and Recreation Program budget allocation.

(5) No. The ACT Academy of Sport is part of the Sport and Recreation Programs section of the ACT Office of Sport and Recreation. In this regard the Academy contributes to the Annual Report of the Environment, Culture and Sport Division of the Department of the Environment, Land and Planning.

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