



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

16 December 1993

## Thursday, 16 December 1993

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**MADAM SPEAKER** (Ms McRae) took the chair at 10.30 am and read the prayer.

**ELECTORAL (AMENDMENT) BILL 1993**

**MS FOLLETT** (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Electoral (Amendment) Bill 1993.

Title read by Clerk.

**MS FOLLETT**: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill gives effect to the choice made by the people of the ACT to have the Hare-Clark electoral system - - -

Members interjected.

**Mr Berry**: I take a point of order, Madam Speaker. Of course the Opposition will be agitated because there are elements of this legislation which are - - -

**Mr Humphries**: I take a point of order, Madam Speaker.

**MADAM SPEAKER**: You do not interrupt a point of order. Mr Berry has raised a point of order.

**Mr Humphries**: Madam Speaker, he is not taking a point of order. He is wasting the time of the Assembly by making cheap shots at the Opposition.

**MADAM SPEAKER**: Order!

**Mr Berry**: It is a cheap old opposition, so why not a cheap shot?

**MADAM SPEAKER**: Mr Berry, you will come to your point of order.

**Mr Humphries**: Madam Speaker, I take a point of order.

**MADAM SPEAKER**: Mr Humphries, desist. I am listening to Mr Berry.

**Mr Berry**: Thank you, Madam Speaker. It would be nice to be able to hear the Chief Minister introduce this very important legislation. Would you ask them to be quiet for a moment?

**MADAM SPEAKER**: Thank you, Mr Berry.

**Mr Humphries**: Madam Speaker, speaking to my point of order, I would ask that the phrase "cheap opposition" be withdrawn by Mr Berry.

**MADAM SPEAKER**: That is not unparliamentary. Continue, Chief Minister.

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**MS FOLLETT:** Thank you, Madam Speaker. This Bill gives effect to the choice made by the people of the ACT to have the Hare-Clark electoral system with Robson rotation for elections for the Legislative Assembly. The Bill also ensures that elections will be conducted by an independent Electoral Commission, and the political process will be kept honest by a stringent scheme for disclosure of political donations and expenditure.

Members interjected.

**MADAM SPEAKER:** Order!

**Mr Moore:** I take a point of order, Madam Speaker. We would ask the Chief Minister, through you, to try to keep to the truth.

**Mr Berry:** I think there is an imputation drawn by Mr Moore. I would ask that that be withdrawn.

**Mr Kaine:** The Chief Minister herself used the word "honest". Are we not allowed to comment on that?

**Mr Humphries:** Speaking to the point of order - - -

**MADAM SPEAKER:** Order! I am speaking. Mr Moore, were you calling the Chief Minister a person who does not tell the truth, or were you referring in general to the matter at hand?

**Mr Moore:** Madam Speaker, I would ask the Chief Minister to keep to the truth.

**MADAM SPEAKER:** That is an imputation of an untruth on her part. I ask you to withdraw it.

**Mr Moore:** I think, Madam Speaker, that the - - -

**MADAM SPEAKER:** Mr Moore, I am asking you to withdraw. Please withdraw.

**Mr Moore:** Madam Speaker, I think that the facts were speaking for themselves.

**MADAM SPEAKER:** Have you withdrawn?

**Mr Moore:** In deference to you, Madam Speaker, I withdraw.

**Mr Humphries:** May I address you on the point of order, Madam Speaker?

**MADAM SPEAKER:** No.

**Mr Moore:** I withdraw.

**MADAM SPEAKER:** Thank you.

**Mr Humphries:** May I address you on the point of order?

**MADAM SPEAKER:** No. The point of order is over. He has withdrawn.

**MS FOLLETT:** Madam Speaker, members will recall that in 1992 the Commonwealth's self-government Act was amended to give the Legislative Assembly power to enact ACT electoral legislation. Due to the need to determine electoral boundaries as soon as possible, a two-stage process was adopted.

The first stage, achieved with the passage in December 1992 of the Electoral Act 1992, included the establishment of the ACT Electoral Commission and the mechanism for establishing electoral boundaries. The final stage of that process will be accomplished by passage of this Bill, which amends the Electoral Act 1992 to make detailed provision for the conduct of elections in the ACT.

The self-government Act sets out the parameters within which the ACT electoral legislation must operate. For example, the self-government Act requires an ACT electoral enactment to provide, among other things, for the times of general elections, for an ACT electoral roll, for compulsory enrolment of eligible residents, and for a redistribution of electorates at least every six years. This Bill will meet all the electoral requirements of the self-government Act.

Madam Speaker, the Government has given a commitment to implement the result of the referendum on choosing a voting system for the ACT held concurrently with the Legislative Assembly election on 15 February 1992. The referendum gave electors the choice of adopting the proportional representation Hare-Clark system or the single-member electorate system as the electoral system for the ACT Legislative Assembly.

Members interjected.

**MADAM SPEAKER:** Order! Members of the Opposition and the Independents will have their chance to debate the Bill in time. Let us have a bit of order.

**MS FOLLETT:** Thank you, Madam Speaker. A majority of electors voted in favour of the proportional representation Hare-Clark system. The two referendum choices - - -

**Mr Moore:** I take a point of order, Madam Speaker. Standing order 58 talks about members digressing. I think in this case the Chief Minister is digressing from what was actually in the referendum.

**MADAM SPEAKER:** I think that is a spurious point of order. Continue, Chief Minister.

**MS FOLLETT:** The two referendum choices were described in the referendum options description sheet which was included in a schedule to the Commonwealth's Australian Capital Territory (Electoral) Act 1988. While the model proportional representation Hare-Clark system described in the description sheet gives a broad outline of the manner in which such a system would work, it did not seek to specify all matters that must be included in the electoral legislation.

Madam Speaker, as I have mentioned, the Electoral Act 1992 commenced the process of implementing the referendum result by providing for the drawing of electoral boundaries by an independent ACT Electoral Commission. In line with the referendum options description sheet, the Electoral Act 1992 provides that the ACT shall be divided into three separate electorates, with seven members of the Legislative Assembly being elected from one electorate and five members being elected from each of the other two electorates. Accordingly, the ACT was distributed into three electorates on 6 September 1993.

The Bill does not substantially change the existing provisions of the Electoral Act 1992 beyond providing that a redistribution is to commence two years before the next election falls due, instead of the existing requirement that redistributions must be made within 12 months after each general election. Madam Speaker, the change in the timing of redistributions is a minor change from the referendum options description sheet, but it is more appropriate for a redistribution to be conducted roughly halfway through the life of an Assembly rather than immediately after an election when the Electoral Commission is heavily involved in completing the election process.

The Bill gives effect to the remaining principles that underpin the model proportional representation Hare-Clark system spelt out in the Commonwealth's referendum options description sheet. The following elements of the referendum options description sheet are implemented in the Bill. The Bill provides for the Hare-Clark method of distributing preferences and for the Robson rotation method of printing candidates names on ballot-papers.

**Mr Humphries:** I raise a point of order, Madam Speaker. The Chief Minister is misleading the Assembly by suggesting that her Bill provides for the Hare-Clark Robson rotation system. It is clearly a very dangerous misleading of the Assembly and I would ask that she withdraw.

**MADAM SPEAKER:** You cannot make that allegation unless you do it on a substantive motion, Mr Humphries. That is a spurious point of order. Continue, Chief Minister.

**MS FOLLETT:** Madam Speaker, preferences must be indicated for at least as many candidates as there are vacancies in an electorate, with further preferences being optional. Casual vacancies in the Assembly are to be filled by a recount of the former member's ballot-papers. In addition to the variation in the timing of redistributions referred to earlier, the following additions to the referendum option are included in the Bill, which I believe improve on the system spelt out in the referendum option without detracting from the integrity of the Hare-Clark system. Madam Speaker, to give electors a greater freedom of choice, something that people opposite wish to deny them - - -

**Mr Moore:** I take a point of order, Madam Speaker. Mr Humphries raised the question of the Chief Minister misleading this house by the way she is presenting this material, and I think that he raised a very good point of order as far as that went. The misrepresentation that is presented by the Chief Minister here really requires some direction, I think, from the Chair telling her to actually come up with the truth.

**MADAM SPEAKER:** Mr Moore, you have been asked once before to withdraw an imputation that the Chief Minister was not telling the truth. I ask you to withdraw that final comment.

**Mr Moore:** I will withdraw the word "truth" and use instead "more accuracy".

**Mr Berry:** I do not think there is a point of order there, Madam Speaker. I have heard - - -

**Mr Kaine:** Well, sit down.

**MADAM SPEAKER:** I have already ruled that if you want to accuse the Chief Minister of misleading the Assembly you can do so under a substantive motion. The Chief Minister will proceed.

**MS FOLLETT:** Thank you, Madam Speaker. To cast a formal vote a voter will have the choice of either numbering preferences for at least as many candidates as there are vacancies in the electorate in the order of his or her choice, or adopting a party voting ticket.

**Mr Humphries:** I take a point of order. Madam Speaker, standing order 168 refers to the need for a Bill, when being presented, to conform with a notice which has been lodged with the Assembly on the day before indicating what the terms of that particular Bill might be. I would ask you, as Speaker of the Assembly: Has a notice of that kind been delivered pursuant to standing order 168, and did the terms of that notice clearly indicate that this was a deceitful piece of legislation designed to thwart the objectives of the referendum?

**MADAM SPEAKER:** That is completely out of order, Mr Humphries. You may not call it deceitful. I will get advice from the Clerk with reference to standing order 168, but I would caution you not to use emotive language when you are proceeding on a point of order.

**Mr Humphries:** It is an emotive issue, Madam Speaker.

**Mrs Carnell:** It is also a total sham.

**Mr Berry:** That is right; it is all emotions because you have been shown up for what you are.

**Mr Humphries:** You must be ashamed.

**MADAM SPEAKER:** Order! Members, I am standing. Let us have some order! The Clerk has pointed out to me that the notice was in accordance with standing order 168. The Chief Minister will proceed.

**MS FOLLETT:** Thank you, Madam Speaker. In the event that it is not possible to fill a casual vacancy by the recount method, where no candidates are available to contest the recount, the Assembly will choose a person to fill the casual vacancy in substantially the same manner as is currently set out in section 68 of the self-government Act. Madam Speaker, the right to be grouped on the ballot-paper is unclear in the referendum options description sheet.

**Mr De Domenico:** To whom?

**MS FOLLETT:** Madam Speaker, if members had read it, they would know that. To ensure that the registration process for parties is effective, only candidates from registered political parties can be grouped on the ballot-paper. Consequently, only registered political parties will be able to lodge a party voting ticket.

Madam Speaker, I turn now to those other features of the Bill which were not covered by the referendum options description sheet. Members will appreciate that the Hare-Clark system is but a small part of the matters dealt with in this Bill.

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To avoid confusion with Commonwealth elections and to build on the ACT's familiarity with Commonwealth electoral procedures, the Bill generally follows Commonwealth practice for the other electoral provisions. The Bill proposes four-yearly fixed term elections following the next election due on 18 February 1995. The four-year term is a variation from the current three-year Assembly term, and will bring the Assembly into line with the Northern Territory and all States except Queensland.

**Mr Cornwell:** Except the one Labor State. Fascinating!

**MS FOLLETT:** So vote against it. Madam Speaker, other key elements of the Bill include joint Commonwealth and Territory electoral rolls, common Commonwealth and Territory franchise, compulsory enrolment and voting, controls on misuse of personal electoral roll information, public disclosure of political donations and expenditure, public funding of election campaigns and registration of political parties. In keeping with the adoption of Commonwealth practice, this Bill does not seek to ban how-to-vote cards. I believe that electors should have the freedom - - -

**Mr Kaine:** What has Commonwealth practice to do with it? Have a look at the Tasmanian system.

**MADAM SPEAKER:** Order!

**Mr Humphries:** Make sure Wayne Berry gets elected with those how-to-vote cards.

**MADAM SPEAKER:** Order! Mr Humphries, order!

**MS FOLLETT:** I believe that electors should have the freedom to have access to how-to-vote cards - - -

**Mr Moore:** So that they know to vote above the line. Protect Wayne Berry. Berrymander.

**MADAM SPEAKER:** Members, order! Members, the level of interruption - - -

**Mr Berry:** You come and stand in Belconnen and I will stand against you. I will tell you who will win, and it will not be you.

**MADAM SPEAKER:** Order!

**Mr Cornwell:** The way you have rigged it, I am not surprised.

**MADAM SPEAKER:** Order! The level of interruption is too high. The Chief Minister cannot be heard. I am calling for order.

**MS FOLLETT:** Thank you, Madam Speaker. I believe that electors should have the freedom to have access to how-to-vote cards and that the dissemination of how-to-vote cards is a proper part of the political process.

**Mr Moore:** Because of your shonk on the how-to-vote card, that is why. Because of your shonk.

**MADAM SPEAKER:** Order!

**Mr Berry:** I take a point of order. I think "shonk" is a little bit over the top.

**MADAM SPEAKER:** Yes, Mr Berry. I have asked for "shonky" to be withdrawn before and I ask for it to be withdrawn now.

**Mr Moore:** Come on; it is clearly a shonk.

**MADAM SPEAKER:** It is a word that I have asked to be withdrawn before.

**Mr Humphries:** Madam Speaker, may I address you on this question?

**MADAM SPEAKER:** Yes, Mr Humphries.

**Mr Humphries:** Madam Speaker, clearly, by using the word "shonk", Mr Moore is describing the process - - -

**MADAM SPEAKER:** Mr Humphries, I believe that I have previously asked for "shonky" to be withdrawn. If I have not, we will desist with this useless discussion; we will suspend this action until I check my own rulings.

**Mr Humphries:** Could we do so and not have that withdrawn in the meantime, Madam Speaker?

**MADAM SPEAKER:** Yes, I am happy to proceed in that way.

**MS FOLLETT:** Madam Speaker, a particularly important element of the Bill is the expanded role given to the ACT Electoral Commission, which includes conducting elections for the Legislative Assembly and conducting public education and information programs. The Electoral Commission - -

**Mrs Carnell:** Trying to explain your stupid system.

**MADAM SPEAKER:** Order! The Leader of the Opposition will have her opportunity to debate this issue later. I call for order.

**MS FOLLETT:** The Electoral Commission will remain an independent statutory authority with autonomy appropriate to this independent status. Under the provisions already enacted in the Electoral Act 1992, the members of the commission are to be appointed by the Executive after consultation with the leader of each party in the Assembly and each Independent. An instrument of appointment is disallowable by the Assembly. Once appointed, a member of the commission can be removed from office only for misbehaviour or physical or mental incapacity, following a resolution of the Assembly. These provisions will guarantee the independence of the members of the commission.

Madam Speaker, the Electoral Commissioner will be responsible for making most day-to-day decisions, under the guidance of the full commission. Key decisions of the commissioner, or a delegate of the commissioner, will be formally reviewable by the full commission. Key decisions of the commission will, in turn, be reviewable by the Administrative Appeals Tribunal and the courts, except for decisions related to the redistribution process, which properly should be made by the commission alone.

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The commission will have as one of its functions the task of advising the responsible Minister on electoral matters. As the repository of electoral expertise, this is entirely proper and will not threaten the independence of the commission. The commission will also have the function of advising the Assembly on electoral matters, and I anticipate that the commission will assist Assembly committees in their work from time to time. The commission is required to report annually on its operations through the Minister to the Assembly. The commission will properly be required to participate in the normal budgetary process to secure funding for its functions and to account for its financial management. Under the self-government Act it is clearly the role of the Executive to provide for the funding of the commission; but, of course, the Assembly will be able to review the funding of the commission in its budget deliberations.

Madam Speaker, as foreshadowed in the budget papers, the commission will be staffed by a small complement of permanent officers in addition to the full-time Electoral Commissioner and the two part-time members of the commission. The Bill provides for temporary staff to be appointed at election time and allows for officers of the Australian Electoral Commission and the State electoral authorities to be appointed as officers for ACT election purposes, subject to the agreement of the Commonwealth and the States. In this way the ACT will be able to draw on the expertise and resources of the Commonwealth and State electoral bodies while retaining responsibility for the process.

Another key element of the Bill, the enrolment scheme, is based on negotiating a joint electoral roll agreement with the Commonwealth. It is envisaged that the ACT will enter into a joint agreement with the Commonwealth along the lines of the agreements the Commonwealth has with all other States and the Northern Territory. Under a joint roll agreement, the Australian Electoral Commission will, for a price, bear the responsibility for maintaining the electoral rolls and providing the ACT Electoral Commission with the information it requires to enable it to fulfil its obligations under this Bill.

Another important component of the Bill is intended to ensure that ACT politics remains corruption free.

Members interjected.

**MS FOLLETT:** Madam Speaker, I will repeat that. Another important component of the Bill is intended to ensure that ACT politics remains corruption free - the election funding and disclosure of political donations and expenditure schemes.

**Mr Cornwell:** You can repeat it as much as you like; it does not mean to say that it is true.

**MADAM SPEAKER:** Order! The Deputy Speaker, order!

**MS FOLLETT:** I realise that the Liberals find this a huge joke, but we hope that it will keep them honest. Madam Speaker, the requirements for disclosure of donations and expenditure are closely modelled on the Commonwealth requirements. This is intended to avoid unnecessary duplication of effort where political parties are registered at the Commonwealth and ACT levels and consequently will be required to provide returns to both the ACT Electoral Commission and the Australian Electoral Commission.

While much of this Bill is based on Commonwealth practice, some variations of Commonwealth practice are included in the Bill. Some of these variations are intended to streamline the electoral process, in particular by enabling early determination of election results. They include: Ordinary voting in each polling place in each electorate for all three electorates, eliminating the need for electors not in their home electorate to cast a declaration or an absent vote; conducting the preliminary scrutiny of some pre-poll votes before the close of the poll on election day to enable the counting of pre-poll votes on election night. (*Extension of time granted*)

**MADAM SPEAKER:** Chief Minister, before you proceed, I point out that on 17 November last year I asked that "shonk" be withdrawn.

**Mr Humphries:** By whom, Madam Speaker?

**MADAM SPEAKER:** I asked for it to be withdrawn and it was withdrawn. It no longer is a word that I wish to hear in this chamber and I will ask any member who uses it from here on in to withdraw it. Proceed, Chief Minister.

**MS FOLLETT:** Thank you, Madam Speaker. They also include allowing only six days for the receipt of postal votes after polling day compared to the Commonwealth's 13-day limit.

**Mr Moore:** Replacing Robson rotation with Rosemary rotation.

**MS FOLLETT:** These are important issues, Madam Speaker; I really think members should listen.

**MADAM SPEAKER:** It defies anyone else to believe that. Order!

**MS FOLLETT:** Madam Speaker, other variations of Commonwealth practice include simplifying the pre-poll vote criteria to allow any elector who expects to be unable to attend a polling place on polling day to apply for a pre-poll vote; making it an offence to solicit postal vote applications by asking electors to forward such applications to an address other than the Electoral Commissioner's address; providing for a 24-hour period between the close of nominations and the declaration of nominations; and making the Electoral Commissioner the returning officer for all three electorates.

The Bill provides generally for amendments of the Electoral Act 1992. A companion Bill, the Electoral (Amendment) (Consequential Provisions) Bill 1993, provides for transitional provisions related to implementation of the changes made by this Bill, and for amendments to other Acts to make consequential amendments to complement provisions in this Bill. There is one issue which members may have expected to see included in this legislation, namely, arrangements for the conduct of referendums in the Territory. It is clear, Madam Speaker, that there are in this Assembly many views about referendums, and the Government considers that this issue is best dealt with separately from the electoral legislation.

Madam Speaker, members will appreciate that the drafting of this Bill has been an enormous task completed in a very short space of time. The Bill is the largest Bill that has ever been introduced in the Assembly. In order to ensure that the Bill would be available for introduction this year as promised, detailed and comprehensive finetuning of the Bill could not be completed in the time available.

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Members interjected.

**Mr Stevenson:** I take a point of order, Madam Speaker. I believe that the Chief Minister has the right to be heard, and members as well as people in this gallery have the right to hear her. That is not possible.

**MADAM SPEAKER:** Thank you, Mr Stevenson. I am very tempted to name the next person who proceeds to defy that order. We will have order.

**Mr Moore:** Try it on. See how long she will last.

**Mr Kaine:** We are going to have chaos. That is what we are going to have.

**MS FOLLETT:** Thank you, Madam Speaker. However, in the interest of making the Bill available for consideration by members and by the general public - - -

**Mr Berry:** Madam Speaker, Mr Moore just said, "Try it on" when you said that you would be tempted to name people. Mr Moore just said, "Try it on and see how long you will last".

**Mr Humphries:** What is wrong with that?

**Mr Berry:** That is a direct threat to the Speaker and I ask that he withdraw it.

**MADAM SPEAKER:** It is most impertinent, Mr Moore.

**Mr Moore:** Madam Speaker, did you hear me say such a thing? If there was any offence to the Speaker, then I will withdraw whatever caused any offence.

**MADAM SPEAKER:** Now, let us proceed with order.

**Mr Berry:** It was a silly thing to say, Michael.

**Mr Moore:** You had better take note.

**MS FOLLETT:** However, in the interest of making the Bill available for consideration by members and by the general public as soon as possible, I have decided to introduce the Bill in this form.

**Mr Berry:** Madam Speaker, I take another point of order. Mr Moore just said, "You had better take note", repeating his threat to the Speaker.

**Mr Humphries:** Madam Speaker, I think Mr Berry is taking frivolous points of order in this chamber and he should be named.

**MADAM SPEAKER:** Thank you for your advice, Mr Humphries. I do not regard it as frivolous in any way to make threats against the Speaker. Mr Moore has already withdrawn the first comment. I believe that he would wish to withdraw the second one if he was indeed inferring some dishonour against me.

**Mr Humphries:** I am sure that he was not, Madam Speaker.

**MADAM SPEAKER:** It will be up to him to decide.

**Mr Moore:** Madam Speaker, Mr Berry's interpretation of the comment was an attempt simply to do that. It seems to me that what Mr Berry is doing here is reflecting on the Speaker. I think Mr Berry should withdraw.

**MS FOLLETT:** Madam Speaker, my officers will continue to examine the Bill during the recess and any finetuning as a consequence is unlikely to affect the substance of the Bill introduced today.

Members interjected.

**MADAM SPEAKER:** Order! Members, I am standing. I call the Chief Minister. The Leader of the Opposition will desist from making interjections.

**MS FOLLETT:** Thank you. I believe that the introduction of this Bill is a landmark in the evolution of this Assembly. The power to exercise control over our own electoral system is a fundamental one, as is the principle of maximising the ability of individuals to select their preferred candidates in the manner they choose.

**Mr Moore:** That is a misleading statement, and you know it.

**MADAM SPEAKER:** Order, Mr Moore!

**MS FOLLETT:** Madam Speaker, it is incumbent on the Assembly to exercise the power now vested in it responsibly. I believe that this Bill gives expression to that responsibility by providing for a fair, reliable electoral system that is true to the Hare-Clark system chosen for the Territory - - -

Members interjected.

**MADAM SPEAKER:** Order! Members, I am again standing. I now proceed to warn you that I will name the next person who interrupts for defying my orders for silence.

**MS FOLLETT:** Madam Speaker, I believe that this Bill gives expression to that responsibility by providing for a fair, reliable electoral system - - -

**Mr Moore:** I take a point of order, Madam Speaker. I believe that we have had discussion in this house before about interjections. When we look at parliamentary practice, there is room for interjections. They are a healthy part of democracy. To suggest that there be no interjections whatsoever flies in the face of parliamentary practice. I must say that I find such a ruling very difficult indeed.

**MADAM SPEAKER:** I call the Chief Minister.

**MS FOLLETT:** Madam Speaker, I believe that this Bill gives expression to that responsibility by providing for a fair, reliable electoral system that is true to the Hare-Clark system chosen for the Territory by a majority of ACT electors. Finally, Madam Speaker, I repeat the offer that I have already made to Assembly members to meet and to discuss the differences that may arise between us. This process, which was followed in relation to the 1992 Electoral Act, proved successful in reaching a consensus on the greater part of the Bill while isolating the limited areas of real difference. I present the explanatory memorandum for the Bill.

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

**ELECTORAL (AMENDMENT) (CONSEQUENTIAL PROVISIONS) BILL 1993**

**MS FOLLETT** (Chief Minister and Treasurer) (11.01): Madam Speaker, I present the Electoral (Amendment) (Consequential Provisions) Bill 1993.

Title read by Clerk.

**MS FOLLETT**: Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, the Electoral (Amendment) (Consequential Provisions) Bill 1993 provides for transitional provisions related to the amendments of the Electoral Act 1992 to be made by the Electoral (Amendment) Bill 1993, and makes consequential amendments of the Evidence Act 1971, the Freedom of Information Act 1989 and the Juries Act 1967. The transitional provisions provide that any political party entered on the register of political parties kept under the Commonwealth's Australian Capital Territory (Electoral) Act 1988 will automatically be entered on the register of political parties to be kept under our Electoral Act. The transitional provisions also confer eligible overseas elector status on those overseas electors currently treated as eligible overseas electors under the Commonwealth's Australian Capital Territory (Electoral) Act 1988.

An amendment of the Evidence Act 1971 provides that all courts are to take judicial notice of the signature of the Electoral Commissioner. An amendment of the Freedom of Information Act 1989 provides that electoral roll information is not to be made available under the Freedom of Information Act, to ensure that the limits on disclosure and misuse of electoral roll information contained in the electoral legislation will not be circumvented by obtaining information under the FOI Act. This amendment mirrors a recent Commonwealth amendment to the FOI Act. An amendment of the Juries Act 1967 provides that the new ACT electoral roll will be used for compiling jury lists for the ACT Supreme Court. Madam Speaker, I present the explanatory memorandum to the Bill.

**Mr Humphries**: Madam Speaker, I move that the debate on the electoral re-elect Wayne Berry amendment Bill be adjourned.

**Mr Berry**: Madam Speaker, there is no such Bill before the chamber.

**Mr Humphries**: Oh, yes, there is.

**MADAM SPEAKER**: The question remains: That this Bill be agreed to in principle.

**Mr Humphries**: Well, I move that the debate on this Bill, whatever the title, be adjourned, Madam Speaker.

**MADAM SPEAKER**: The question is: That this Bill be agreed to in principle. I have not yet heard anyone move appropriately to adjourn the debate.

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

**SMOKE-FREE AREAS (ENCLOSED PUBLIC PLACES) BILL 1993**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.04):  
Madam Speaker, I present the Smoke-Free Areas (Enclosed Public Places) Bill 1993.

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

Madam Speaker, this represents another promise that was made by the Australian Labor Party. This Labor Government is proud to present this Bill to the people of Canberra. It is with a great deal of pleasure that I can table a Bill which, when passed by this Assembly, will lead to significantly cleaner air in enclosed public places. The ACT Government has made a commitment to create smoke-free public places. There are compelling health reasons and strong community support for carrying through with this commitment.

Over the past year or so I have had extensive consultation with business leaders, the public, and health agencies, among others. In October of this year the Labor Government released a discussion paper to invite formal comment on our proposals for smoke-free enclosed public places. The paper stressed that this policy is about where people smoke, not whether they smoke. Nearly 100 submissions have been received in response to the discussion paper. In examining these responses we found that the supporters of the Government's proposals outweighed the detractors by more than five to one. This result matches numerous surveys which have consistently shown between 70 and 80 per cent support for smoke-free enclosed public places.

It is interesting to look at where objections to the Government's proposals came from. Some individuals raised civil liberties arguments, which I will deal with shortly. However, with these few exceptions, the objections were raised by groups with a perceived interest in perpetuating smoking for economic reasons. Some claimed that a smoking ban would have customers leaving their business in droves, there would be civil disobedience, tourists would no longer visit, jobs would be lost, and so on. A number of others were fearful that a complete ban on smoking in licensed premises, if introduced within a short timeframe, would hurt patronage and employment. I want to make it clear that the discussion paper did not include a proposal for an immediate and total prohibition on smoking in pubs, clubs and bars, and I will have a little more to say about this when I talk about the legislation itself.

I have looked carefully at the available evidence about the experience of cities, countries and regions which have declared public places, including restaurants, smoke free. Invariably, there is no significant change in overall trading figures attributable to a smoke-free law. Madam Speaker, I want to dwell on this because the tobacco industry and the Australian Hotels Association have both claimed economic disaster for the ACT if this legislation goes ahead.

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Indeed, this allegation surfaced again in the local press last month, specifically with reference to the Beverly Hills Restaurant Association's claim of major losses resulting from the introduction of a law prohibiting smoking in restaurants. The incident is worthy of comment because, when the dust had settled, two facts became very clear. The tobacco industry had arranged a consultant to set up the Beverly Hills Restaurant Association to fight the law. More importantly, when sales tax receipts were examined at a later date, there was no change in the trend of restaurant sales during the period the 100 per cent smoke-free environment law was in place. I can only assume that the association was mistaken in its claims. I have yet to be presented with any solid evidence of economic disaster resulting from this or any other smoke-free law.

I have been provided with claims which predict disaster based on the perceptions and predictions of business owners. I have also been provided with hard evidence of sales figures and trends which show that smoke-free laws have an overall neutral economic effect and may even present an advantage to some businesses. Over the years measures to protect and preserve public health may not have been welcomed from a business standpoint. For example, some people in the liquor industry have said that some businesses have never recovered from the drop in sales as a result of random breath testing. However, I do not think any sensible business owner would argue that profit should take priority over protecting lives.

Mr Deputy Speaker, I would also like to lay two other myths to rest - that ventilation will fix the problem and that we are denying freedom of choice. It is true that a high standard of ventilation and air-conditioning can reduce the problem, but it will not eliminate it. Even rigorous standards still leave people exposed to carcinogens, sometimes over 200 times the acceptable level. I would also be reluctant for ACT businesses to have to invest in expensive air-conditioning and then to run it at a high rate in a futile attempt to remove the many small particles which comprise tobacco smoke. The bottom line is that while people are smoking in an enclosed area the air will still have poisonous gases and carcinogens, and the energy bill goes through the roof. This is all unnecessary.

**Mrs Carnell:** There goes the casino.

**MR BERRY:** No, it does not mean that, Mrs Carnell, so do not interject. Do not interject untruthfully. You just cannot say those sorts of things. You have to wait until the end of the speech.

**Mr De Domenico:** I think you should withdraw that.

**MR BERRY:** I withdraw that. Do not interject without the full facts behind your interjection, and you will get them if you wait and listen to the speech. All the experience in Australian and overseas workplaces and public places points to this fact: It is relatively simple to introduce smoke-free environments which people, including smokers, accept and respect.

Secondly, there is the question of free choice. Madam Speaker, a person who smokes has the freedom of choice to smoke. A person who chooses not to smoke can hold his or her breath for only so long in the presence of smoke. As Dr Koop, the then US surgeon-general, said when issuing his 1986 report on involuntary smoking, "Your right to smoke stops where my nose begins".

The concept of discrimination is also not relevant, as smoking is not an intrinsic characteristic of a person, such as skin colour or physical disability. The activity of smoking does not have to accompany a person wherever he or she goes. I have to say, though, that when I smoked it went with me almost everywhere. Every major health and medical organisation in Australia accepts that passive smoking is a significant and entirely avoidable public health problem. The community agrees. The vast majority, more than 90 per cent, is concerned about the effects of passive smoking.

I would like now to turn to the Bill. This Bill will enable the Government to declare various public places to be smoke free. This will be done through a disallowable instrument, which will ensure that members of this Assembly can exercise their judgment on these declarations. At this stage, as a result of public consultation, I intend to table such a declaration when the Bill is passed. This declaration will prohibit smoking in many enclosed public places. The exception will be places, or parts of places, which are primarily for the service of alcohol or for gaming. I intend to look at dining areas and eating houses and, of course, they will be the subject of the declaration which I will later put before this chamber. There is widespread community support for the inclusion of these establishments. Indeed, restaurants, shops and places frequented by children were among the most commonly mentioned by members of the community participating in the consultation process. I consider that this support is well founded. Restaurants form part of the range of enclosed public places which are regularly frequented by Canberrans in the course of their daily lives.

I have been advised that many restaurateurs have expressed the view that they are ready and that their customers are ready, and all that they are waiting for is consistent and uniform legislation. That is a matter for the future and for members of this Assembly to consider. I expect to receive further comment in relation to these matters as we move further towards the tabling of those particular regulations.

Why has the Government stopped at hotels, clubs, pubs and taverns? I have previously indicated that I want to bring the community with us on this issue. Hotels and taverns, gaming facilities and similar places are areas where smoking has traditionally occurred. A transition leading to the phasing out of smoking in these places is likely to involve more challenges for owners and managers. I will continue to work with the relevant peak bodies and businesses in these areas to ensure that public health is not put at risk and to facilitate a transition over time. This consideration has persuaded me not to include these types of places among those where smoking will be initially prohibited. These places will still be subject to occupational health and safety provisions, and are likely to be covered by the conditions in the regulations, including those requiring that certain signs be displayed.

The legislation will allow for a phasing in of the smoke-free requirements so that changes come only after people are informed. It is important, Madam Speaker, to note that the ACT Occupational Health and Safety Council is developing a code of practice on passive smoking in the workplace. The code does not, and is not intended to, substitute for this proposed legislation. The code will serve to protect workers in public places where smoking is still permitted. It will also apply in places where this legislation does not apply - that is, in places where there are workers but not members of the public. This legislation will enable me

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to appoint inspectors to enforce the law. These inspectors will be able to assist managers to encourage compliance. The proposed Bill sets penalties for offences, which will be handled by means of prosecutions. That is not to say that such enforcement mechanisms are commonly used.

Overseas experience over the past 20 years or so indicates that as long as the law's requirements are clear, simple and reasonable the vast majority of people are willing and able to comply without difficulty. To help clarify where smoking is and is not permitted, the proposed legislation will allow the Government to prescribe signage. It will also allow the Government to set conditions on places where smoking is still permitted, such as requiring that clear and obvious signs be displayed. All these elements will be implemented through disallowable instruments.

Madam Speaker, the introduction of this Bill is an historic moment in this country. It represents the first Australian State or Territory action to ensure that the air we breathe in public places is free of the 4,000 chemicals, including the 40-odd carcinogens which make up tobacco smoke. I firmly believe in the inevitability of this legislation, as do many of the individuals, businesses and organisations who have put their views to me. I have no doubt that when non-smoking is assumed to be normal practice in all public places people will be mystified that there was once any objection to government action to protect non-smokers from tobacco smoke.

When the public discussion paper was released Mr Humphries referred, admiringly, I think, to the Government's action as a "fairly game move". The Government considers that formalising non-smoking as the norm in enclosed public places is a sensible and responsible move, and is well overdue. It will mean that the health of Canberrans is protected to the extent that their exposure to other people's smoke is eliminated or substantially reduced. This is particularly important for babies, young children, pregnant women, the elderly, people suffering from heart and respiratory ailments, and a whole host of others whose daily lives no longer will be compromised by having to breathe other people's smoke in public places. Finally, Madam Speaker, as I said at the outset, this is another Government promise which has been implemented. I present the explanatory memorandum.

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

### **JUDICIAL COMMISSIONS BILL 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.18): Madam Speaker, I present the Judicial Commissions Bill 1993.

**Mr Cornwell**: Perhaps we could have one into the Electoral Act, Mr Connolly.

**MR CONNOLLY**: Are you calm over there? Are we settled?

**Mrs Carnell**: No.

**MR CONNOLLY**: Oh well; Christmas is coming.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, prior to the transfer to the Territory of the Supreme Court on 1 July 1992 the Commonwealth, with the concurrence of the Assembly, amended the self-government Act to provide for the removal of judicial officers to be governed by a judicial commission process. I tabled in the second half of last year exposure drafts of the judicial commissions legislation. I would now like to formally introduce into the Assembly the Judicial Commissions Bill 1993 and report to the Assembly on the public consultation process.

The amendments to the self-government Act to which I have just referred amount to the entrenchment in legislation, which cannot be altered by this Assembly, of key constitutional safeguards for the judiciary. In tabling the Bill for exposure I said:

An independent judiciary is free to interpret and enforce the laws independently of the legislature or the Executive; it is the bulwark of freedom in a society such as Australia's. Protection against arbitrary removal from judicial office is an important element of judicial independence.

That is in the ACT, but not in Victoria.

The Bill provides for allegations concerning a judicial officer's conduct or capacity to be investigated by an independent judicial commission of three members, appointed by the Executive and drawn from persons who are, or have been, judges of superior courts of record, including judges of other courts who hold commissions on the Supreme Court as additional judges, but excluding the three resident judges of the Supreme Court, acting judges and sitting High Court judges. One of the members shall be appointed by the Executive to be the presiding member.

A commission's task will be to investigate allegations referred to it by the Assembly or the Attorney-General. A judicial officer will be removed from office by the ACT Executive, but only at the request by motion of the Assembly following the Assembly's consideration of a report of a commission which concludes that the alleged misbehaviour or alleged physical or mental capacity of the judicial officer concerned could amount to proved misbehaviour or incapacity warranting his or her removal from office and the Assembly's acceptance of the findings of the commission.

Madam Speaker, I think it would be helpful if I were to outline the main issues which were identified during the public consultation process. Firstly, there was considerable support for a discretion to be vested in the Attorney-General to decline to act upon a complaint which is frivolous or vexatious. This idea has been included at clause 17 of the Bill, which also includes a discretion conferred upon the Attorney-General to decline to take action where the complainant does not include sufficient relevant material in respect of the subject matter of the complaint.

Secondly, some concern was expressed as to the adequacy of the filtering mechanism. One suggestion was that the Bill should contain a filtering mechanism along the lines of the New South Wales Judicial Commission legislation. Under that model there is a standing commission comprising the heads of each court, on an ex-officio basis, together with a lawyer and a lay member of the community. However, given the smallness of the Territory's judicial system, I believe that a filtering mechanism along the lines of the New South Wales system would not be accepted by the community, notwithstanding that the Ombudsman could perhaps be an independent member on an ex-officio basis. Nevertheless, I recognise that the Attorney being the filtering mechanism may also be open to expressions of concern concerning his or her partiality in a particular matter. On balance I believe that the latter approach, which is in the Bill, is the preferable one.

Having said that, I think that there is considerable merit in the creation of an office of judicial ombudsman who could perform the filtering function as well as investigating and resolving minor complaints which did not merit a judicial commission process. The Swedish Ombudsman, for example, has this role and the issue has been raised several times in the Australian context. I have asked my department to give consideration to this issue.

Madam Speaker, there was a suggestion that the identity of a judicial officer should be protected prior to a commission embarking on an inquiry. Given that under the Bill a judicial officer is excused from duty when a commission is appointed, there is little point in seeking to suppress the judicial officer's name. In any event, I believe that the judicial commission process should be as transparent as possible and a secrecy provision along the lines sought would not engender public confidence in the process.

The fourth issue relates to the removal majority. Paragraph 5(2)(c) of the Bill provides that a simple majority of members present and voting is sufficient for the passage of a removal motion. This was criticised during the consultation process and submissions were made that the removal majority should be changed from two-thirds to four-fifths. In 1988 a Commonwealth working party on the transfer of the courts had recommended a majority of not less than two-thirds of the Assembly members present and voting for the passage of a removal motion. This contrasts with removal provisions under section 72 of the Constitution, the New South Wales Judicial Commission legislation and the Queensland legislation in relation to the commission of inquiry into Justice Vasta and District Court Judge Pratt which operate or operated on the basis of a simple majority to effect removal from office.

Madam Speaker, the removal of a judicial officer is a significant event. The Bill contains substantial protections: The right of written reply to a commission's report, the opportunity to address the Assembly, the fact that a removal motion can be considered by the Assembly only if a commission concludes that there is misbehaviour or incapacity which could warrant removal, and acceptance by the Assembly that the findings by a commission amount to misbehaviour or incapacity. In light of these considerations I do not believe that the unicameral nature of this Assembly or the number of members required for the passage of a removal motion is a significant factor and I believe that a simple majority is appropriate.

Fifthly, concern was expressed that, given the nature of judicial office, it is inappropriate to leave the question of costs to the discretion of the Government or the outcome of the inquiry. In this context subclause 59(2) provides for the reasonable legal costs of an exonerated judicial officer to be paid by the Territory. A parallel was drawn with the High Court's recent decision in Dietrich's case concerning the right of an accused in criminal proceedings to representation and that, from the standpoint of a judicial officer, an inquiry is equivalent to a trial for a serious criminal offence.

The Queensland commission of inquiry into the conduct of Justice Vasta considered that unless special consideration was given to the payment of a judge's costs it would erode judicial independence by putting pressure on judges. Whilst I accept that there is some force in this proposition, I believe that it is inappropriate for the Territory to be exposed to large claims of costs regardless of the merits of the particular case. Accordingly, I believe that it is appropriate that the question of the judicial officers' costs be considered on a case-by-case basis. Subclause 59(2) as drafted would not prevent the grant of financial assistance on an *ex gratia* basis in appropriate cases, even where there has been a finding adverse to the judge.

Madam Speaker, a further matter which I wish to raise relates to the membership of a commission. I mentioned earlier that the members will be judges or retired judges of superior courts of record, including judges of other courts who hold commissions on the Supreme Court as additional judges, but excluding the three resident judges of the Supreme Court, acting judges and sitting High Court judges. As members would be aware, additional judges are judges who hold commissions as Supreme Court judges but whose primary commission is with another court, usually the Federal Court. Additional judges are used to supplement the resources of the three resident judges.

Concern was expressed that additional judges should not be able to form part of a commission. The essential reason is that Supreme Court judges should not be seen to be investigating other Supreme Court judges. Given that additional judges hold their primary commission on another court, I do not think that there is either an actual or a real perception of a conflict of interest in additional judges sitting as part of a commission. There are presently 12 Federal Court judges who are additional judges. If they were precluded from sitting as part of a commission there would be a substantial reduction in the availability of judges to sit on a commission. Accordingly, the Bill does not exclude additional judges from being part of a commission.

The Supreme Court (Amendment) Bill (No. 2) 1993, which I recently introduced into the Assembly, will create a new class of acting judge. The Judicial Commissions Bill excludes a person who holds such a commission from being a member of the commission, since an acting judge's primary functions will be in relation to the Supreme Court. Finally, Madam Speaker, the exclusion of judicial review of a commission's findings attracted criticism. I believe, in view of the nature of the judicial commission process and that the Assembly is the final arbiter, that the exclusion of judicial review is the appropriate course to take. Madam Speaker, I commend the Bill to the Assembly and present the explanatory memorandum to the Bill.

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

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## **JUDICIAL COMMISSIONS (CONSEQUENTIAL AMENDMENTS) BILL 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.27): Madam Speaker, I present the Judicial Commissions (Consequential Amendments) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

The Judicial Commissions (Consequential Provisions) Bill is cognate with the Judicial Commissions Bill 1993 which I have just introduced. The Bill principally proposes a series of amendments to other Territory legislation which affect or refer to judicial tenure. Most importantly, the Bill omits the existing removal provisions in the Supreme Court Act, the Magistrates Court Act and the Administrative Appeals Tribunal Act as removal will be governed by the proposed Judicial Commissions Act.

The legislation relating to the Supreme Court, the Magistrates Court and the Administrative Appeals Tribunal presently provides for retirement by the Executive on the ground of invalidity. These provisions will be amended to take account of the new public sector superannuation scheme. The tenure of a special magistrate is linked to the period specified in the special magistrate's instrument of appointment, subject to retirement on attaining the age of 70. Similarly, a person of that age or over must not be appointed as a special magistrate.

A judicial commission is essentially a specialised royal commission. In conformity with the Royal Commissions Act 1991, the application of the Administrative Decisions (Judicial Review) Act, Freedom of Information Act and Ombudsman Act of 1989 to a judicial commission is excluded. The opportunity has been taken to amend both the Inquiries Act and the Royal Commissions Act in conformity with the provisions of the Judicial Commissions Bill, and to correct a few minor errors in the two existing Acts and to bring them into line with the Judicial Commissions Bill. Madam Speaker, I commend the Bill to the Assembly and present the accompanying explanatory memorandum.

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

**CORONERS (AMENDMENT) BILL (NO. 2) 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.29): I present the Coroners (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

In order to facilitate proceedings, I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 2.*

**MR CONNOLLY:** I present the explanatory memorandum to the Bill.

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

**INTERPRETATION (AMENDMENT) BILL (NO. 3) 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.30): I present the Interpretation (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

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

Leave granted.

*Speech incorporated at Appendix 3.*

**MR CONNOLLY:** I present the explanatory memorandum.

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

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### STATUTE LAW REVISION (PENALTIES) BILL 1993

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.30): I present the Statute Law Revision (Penalties) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

To facilitate timing, I seek leave to have my presentation speech incorporated in *Hansard*. This actually amends 106 other Acts. If we adopted Mr Humphries's approach of one amending Bill to one principal Act, I would be doing this 106 times. I would rather not take up the time of the Assembly.

Leave granted.

*Speech incorporated at Appendix 4.*

**MR CONNOLLY:** I present the explanatory memorandum.

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

### ASSOCIATIONS (INCORPORATION) (AMENDMENT) BILL 1993

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.31): I present the Associations (Incorporation) (Amendment) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard*, and I present an explanatory memorandum to the Bill. I apologise to the chamber staff for the confusion caused when we are doing it at this pace.

Leave granted.

*Speech incorporated at Appendix 5.*

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

**LEGAL AFFAIRS - STANDING COMMITTEE**  
**Report on Traffic (Amendment) Bill (No. 2) 1992**

**MR HUMPHRIES** (11.33): Madam Speaker, pursuant to order, I present report No. 3 of the Standing Committee on Legal Affairs entitled *Traffic (Amendment) Bill (No. 2) 1992*, together with a dissenting report and extracts from the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, the Traffic (Amendment) Bill was a Bill that I introduced into the Assembly approximately a year ago, the object of which was to extend the existing ban in the Traffic Act on bicycles, skateboards, roller-skates and rollerblades to bus interchanges in the ACT. The committee decided that it would call for public submissions on that question when the issue was referred to the committee, and the committee in due course heard the views of the Council on the Ageing, the Youth Affairs Network of the ACT, the Cyclists Rights Action Group, Mr Pat Develin - a pharmacist - and representatives from the Department of Urban Services.

Madam Speaker, the views presented to the committee of the Assembly were fairly polarised. On the one hand, groups such as COTA and Mr Develin indicated that they felt that there were great dangers inherent in skateboarding taking place in public places such as shopping centres. They pointed out the hazard to elderly people in the community and to people with children. They recounted cases of injury to those people. They spoke about apprehension that injury might occur and the implications for things such as the social isolation of the elderly in our community. On the other hand, Madam Speaker, groups such as the Youth Affairs Network and, to a much lesser extent, the Cyclists Rights Action Group pointed out that young people ought to have the same rights as others in the community to use public places. They pointed out that skateboarding is a form of exercise. Members of the Department of Urban Services made it clear that there were considerable enforcement difficulties related to aspects of the Bill.

Madam Speaker, I think all people appearing before the committee agreed, to varying extents, that there was a problem also with the lack of facilities available to young people in the ACT to exercise their skills as skateboarders. The committee took the trouble to view the skateboard facilities on the edge of Lake Ginninderra in Belconnen and also to look at the site of the former skateboard facilities in Woden Valley at Phillip. We took some time to do so because we wanted to see what was available and how that impacted on the surrounding areas. The facilities at Belconnen are of a high order.

**Mr Connolly:** Did you try one again?

**MR HUMPHRIES:** I did not myself try one, Madam Speaker, but I am sure that my previous experience would have stood me in good stead if I had chosen to do so.

**Mrs Carnell:** You would have had to go to Sydney because there are no hospitals here.

**MR HUMPHRIES:** That is right. Madam Speaker, of course those facilities, at that level particularly, are not widespread throughout the ACT. It follows that being unable to supply such facilities in all parts of the ACT, at least at the present time, generates an issue of how the community should deal with the problem of people using alternative venues such as the chess pit in Garema Place, seats in public streets and other public edifices which might form suitable platforms for skateboarding.

Madam Speaker, the recommendations of the committee reflect the concern that there should be facilities of this kind, particularly in Civic, where there is no facility at the moment, and at Woden, where there was such a facility. The committee resolved that a facility should be established by the ACT Government in both those places. The committee also recommended that the section 56 car park near the Griffin Centre, being located near both the bus interchange and the youth centre in Civic, would be an appropriate location for such a Civic based facility. The committee further recommended, in its second recommendation, that there be an education program coordinated through such groups as the Cyclists Rights Action Group, the Council on the Ageing and the Youth Affairs Network to educate people in being appropriate and sensible users of public facilities.

Madam Speaker, the one element of the committee's report with which, regrettably, I have to disagree is the recommendation that the present Bill not be proceeded with at all. There is obviously a range of issues concerning that Bill. There is a range of issues concerning enforcement of the Bill. I can see an interjection coming on, Mr Connolly, so you might as well have it out now rather than wait. Do not hold it in; it is not good for you.

**Mr Connolly:** The logic of Mrs Grassby and Ms Szuty has prevailed.

**Ms Ellis:** Thank heavens for the women.

**Mr Connolly:** Thank heavens for the women, yes, indeed. Trust the women, as they say.

**MR HUMPHRIES:** I hope that you feel better after having got that off your chest. Madam Speaker, it remains my view that there are two quite distinct interests at stake in this legislation. As I have said, we have the views of groups that feel that there is a problem with making our shopping centres and bus interchanges effectively places of public recreation, physical sporting-type recreation, and those who feel that using these places is a right that anybody should be able to exercise. I feel that in supporting the recommendation to reject the legislation out of hand the committee has accommodated the concerns of one side of this debate but not the practical problems of the other.

Madam Speaker, I want to read a few things that were said to the committee in the course of its deliberations. Mrs Sue Doobov of the Council on the Ageing spoke quite forcefully about the problems that older people face when they feel intimidated and possibly isolated by the presence of people travelling at great speed in public places, which is what skateboarding often amounts to. Mrs Doobov stated the problem as follows:

Older people feel very vulnerable with skateboards and bicycles and roller blades rushing around them, mainly because of their frailty and, if there is an accident, the long term effects of an accident. It makes them very nervous. That fear keeps some of them from going into public places.

I think it is worth acknowledging, Madam Speaker, that that is a legitimate concern; that there is a real concern about the impact on the elderly of our community with this kind of activity going on in public places. The impact is not merely apprehended, but it can be, in fact, real even without contact between skateboarders and the elderly.

Mr Develin, the pharmacist who spoke to the committee, has a strong interest in this matter. He related his experience. Again, I quote:

I have attended several mishaps, particularly with the elderly and the young. They have not been struck by a skateboard but they have been frightened by a skateboard. The older people are slower to move, they have impaired hearing in a lot of cases and they get easily startled. One particular case which I recall involved a woman of about 70 to 75 in fairly good health. She was startled by a skateboard, fell over and had to seek medical attention after I had patched her up. She was very shaken. She fell flat on her face and broke her dentures. The whole thing was an unintentional problem with a skateboard. She just got startled and she fell.

The representative of the Council on the Ageing also referred to the number of reports of people actually being injured through direct encounters with skateboards. Three members of the Belconnen Senior Citizens Club were hospitalised, according to the president of the club, following accidents with skateboards and things of that kind. Mr Develin also talked about the problem of the dual use of our shopping centres as recreational centres and as places to shop. He said:

Over recent years since the advent of skateboards and roller blades we have seen a deterioration in the use of that area -

he was talking about Garema Place -

to, I feel, the detriment of, particularly, the pedestrians. I personally have nothing against people being involved in skateboarding - I think it is probably a great sport for a lot of children - but I think it is horses for courses. I do not think the area is really designed for that shared environment.

Madam Speaker, I would submit to the Assembly that the hearings conducted by the Standing Committee on Legal Affairs point to the need for a two-pronged approach to this problem. I believe that we should be looking to offer a carrot - that is, offering young people a suitable alternative venue, with reasonably easy access from their homes, where they can engage in skateboarding and related activity. But I believe that we should also be taking steps to discourage them in a gentle but effective way from using public areas such as shopping centres for this kind of activity.

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Some of the arguments put forward for continuing to allow access of this kind deserve to be looked at very carefully. It was pointed out, for example, that young people use skateboarding as a form of exercise. I quote what Mrs Doobov from the Council on the Ageing said about exercise, on the other side of the ledger:

One of the recreations that a lot of older people like to do is walk. As anyone from Health will say, it is a very healthy activity and it keeps people independent; it keeps them out in the world; it keeps them in the community. If they are frightened to go into public places to go window shopping and things like that, and go to places where they can stop and have a cup of coffee or something, that leads to social isolation, and social isolation leads to ill health and those kinds of consequences.

That is a very genuine concern. Representatives of the Minister's department expressed concern about the problem of enforcement, the difficulty in enforcing a \$40 fine against young people, the difficulties in prosecuting young people under the Children's Services Act, and things of that kind. If we take heed of that advice, we miss the point of the legislation. Of course, a \$40 fine is not worth the Territory's while to collect.

I would hope that if there were such provisions in the Territory's legislation we would very rarely see anybody prosecuted for skateboarding in a public place. But, of course, having a provision of that kind does allow a policeman or a policewoman to direct or request a young person to cease skateboarding in a manner which is particularly dangerous to the community. I believe that our police will exercise discretion and judgment in these matters. I do not believe that they would exercise the power against somebody using a skateboard as a safe form of transport. I believe that they would be tempted to use it in circumstances where skateboarding constituted a potential danger to the public. That is the kind of discretion which we should have in our legislation but which we do not presently have.

I favour a system whereby we can trial the use of this scheme for a limited time in a limited area such as Garema Place, to see whether it would be effective. If it were done in conjunction with the establishment of facilities in the ACT, we could see whether these facilities had the same effect as a ban on this kind of activity in some other place nearby that was inappropriate. That has not been the view of the committee, and no doubt, Madam Speaker, my party will go to the next election with the view that this kind of measure to protect particularly the elderly in our community should be put into law.

I might say in closing, Madam Speaker, that I have some concerns about the way the committee process was able to work on this issue. Of course, the committee sat down at the very beginning of its deliberations on this issue in the face of very strong statements from the Attorney-General that the Government would not countenance this legislation. I believe, although she would not say it, that this put Mrs Grassby and her predecessor, Mr Lamont, in a position where they found it very difficult even to consider this legislation. I also note that there were comments by the Attorney-General in the last two weeks, very near to the reporting date of this committee, making it perfectly clear that the Government would not be considering the legislation which was the subject of this report.

Also, if I heard the radio correctly, he indicated that some facility would be established in the Civic area in the near future. I might be wrong about that, but that seemed to be the impression that came out of this process.

I think it is unfortunate when we get to the stage that the committee is operating in the context of political debate at the same time as it is considering these issues. It would be better if the Assembly resolved as a whole, indeed unanimously, to refer certain issues to committees and if, to the maximum extent possible, those issues were left to the committees to deal with for that period of time. Perhaps that is idealistic. It seems to me, Madam Speaker, that not leaving matters to committees makes the task of those committees much more difficult. The comments I make here could apply to some extent to the debate on the issue of unsworn statements in courts. I think the report is a valuable one, notwithstanding my dissenting comments, and it will provide a good focus for debate on this issue in the coming years.

**MRS GRASSBY (11.47):** Madam Speaker, I would like it made very clear that before the Attorney-General made the statement referred to by Mr Humphries I had felt that bringing in a law against young people was not the right way to go. I would like that put on the record. I can see Mr Humphries's point that he was unhappy about the fact that we thought his Bill should not go ahead, but I firmly believe that the Bill was a mistake. My argument is: Why have a fine if you cannot collect it? That is really what it is all about. It is about not being able to collect the fine. The Cyclists Rights Action Group were the first to make this point when they came to see us. The report states:

While the Bill was intended to deter irresponsible behaviour by minors, it would be ineffective against this age group.

I agree. Paragraph 4.10 of the report states:

The Committee pursued the question of whether the main role of legislation of this nature was actually to apprehend people and fine them or whether such legislation was simply to empower police -

and that is the important part -

to request young people not to carry out those activities in public places.

To me, if you have a law such as that, then you must be able to fine people. We all know that it is very difficult to fine somebody whizzing by on a skateboard. A policeman may pull someone up and say, "We are going to fine you. What is your name and what is your address?". The person may say that his name is John Smith and say that he lives in some street in Dickson. You can forget that. Recently we saw how difficult it was for the police to find those young "gentlemen" who did a most dreadful thing to a lady in the shopping centre. It would be very difficult to fine skateboarders. I believe that a Bill such as this is definitely out of the question. It is Mr Humphries's right to introduce the Bill he introduced, and I will defend his right to do that; but I will also defend my right to speak very strongly against that Bill.

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The area about which most concern was expressed was Garema Place. It was pointed out to the committee by young people skateboarding in that area that it was once a road and that if it had still been a road they would have been able to skateboard on the side. The majority of them, I understand, do not go very close to the shops. Mr Develin mentioned a lady who was startled by a skateboard; he did not say that she was hit by a skateboard. I have been startled by cars. I have been startled by drivers blowing their horns as I come around a corner - and I do not consider myself ancient. I think that elderly people will be startled by - - -

**Mr Connolly:** I have been startled by Mr Humphries when he says some silly things sometimes.

**MRS GRASSBY:** I have been startled by Mr Humphries many a time. Such instances are not an argument for having a Bill of this kind. The committee went out to have a look at the Belconnen skateboard facility. May I say very proudly in this house that I was the Minister who created that, and I am very pleased with it.

The sad part - and I would like the Minister to take note of this because this is very serious - is that the facility that used to be at Woden has now, I understand, been handed over to a football ground. The big well that young people skated down is full of water. We found it very easy to get through the fence to have a look at it. If we found it easy, it would not be hard for a five-year-old or a three-year-old who could not swim to fall into that well and drown. If it is going to be part of a sportsground, then I think it should be filled in or, if it is to be used again for skateboarding, there should be a rail around it so that small children cannot fall in. I found that very dangerous. As we all know - and I have done a survey on it - there are 45,000 people under 35 living in Belconnen, which means that the Belconnen facility is well used. I have been by there - - -

**Mr Connolly:** Mrs Grassby has knocked on all of their doors, too.

**MRS GRASSBY:** That is right. I have, and I am going to continue to do so. No matter where I am on the ticket, I will be there knocking on doors. Wearing out shoe leather has nothing to do with where you are on the ticket.

Sometimes when you go by the Belconnen facility you see 60 to 70 people using it, which means that it is in very good use. I very much support the need for one in Civic, as all on the committee did. I would also support one in Tuggeranong. I am sure that Ms Ellis would be the first to agree that there should be one in Tuggeranong. I think that a lot of the people are coming in from Woden and Tuggeranong to skate in the Civic area. That is what is causing a lot of the problems.

Both Ms Szuty and I feel that education is the way to go. I think this applies to everything with young people. I think we are all so quick to condemn young people, and condemn what they do and what they do not do, without educating them. With education and a place for them to skate in Civic and in Tuggeranong - and I would even go so far as to say to the Minister that something should be put in Woden - I think you would find that the problems in Civic would be overcome. You would not find young people skateboarding there. The Minister, as he has said, is looking at providing a facility in Civic. I would also ask him to look at Tuggeranong and to look at Woden. I think that this, with education, is the way to go.

Mr Humphries has a right to his beliefs - and I will defend that right to the end - but I cannot agree with him on this. It is not a party matter. I just cannot agree with him, because I feel that what he proposes is not the way to go. I thank the members of the committee and our chairman, Mr Humphries. I also thank Ms Szuty - - -

**Mr Lamont:** And previous members of the committee.

**MRS GRASSBY:** And the previous members of the committee, who put in a lot of time. Mr Lamont did a very good job on this. May I say thank you to him. I also say thank you to Ron Owens, who did a very good job putting the report together.

**MS SZUTY (11.54):** I support report No. 3 of the Standing Committee on Legal Affairs on the Traffic (Amendment) Bill (No. 2) 1992, and I would like to address each of the committee's recommendations in turn. The first recommendation was that the Legislative Assembly not proceed with the Traffic (Amendment) Bill (No. 2) 1992. I totally support this recommendation. Although it is usual that committee members keep an open mind about legislation which is referred to Assembly committees, the in-principle debate on this particular Bill certainly seemed to indicate that Assembly members would not support it in principle. I recall particularly that the Minister for Urban Services, Mr Connolly - on behalf of the Government - my colleague Mr Moore and I all suggested that the issue was one which needed to be addressed, but that the means by which Mr Humphries had in mind to address it was not appropriate. In fact, in my motion to refer the Bill to the Legal Affairs Committee, the terms of reference specifically referred to "notwithstanding the provisions of standing order 174". Standing order 174 states:

Immediately after a bill has been agreed to in principle a Member may move that the bill be referred to a select or standing committee.

It was my belief, Madam Speaker, that Mr Humphries's Bill would not have been agreed to in principle. However, I felt that, as Mr Humphries had raised a legitimate issue of public concern, the Assembly could indeed adopt a proactive approach and, through the work of an Assembly committee, seek to resolve the difficulties which we heard about during the public hearing and submission process. Notwithstanding these comments, Madam Speaker, I was happy to hear the views of the people who made representations to the committee about the provisions of the Bill. I found that my views on the matter were confirmed by way of that process.

Recommendation 2 of the committee recommends:

The Youth Affairs Section of the Chief Minister's Department, in conjunction with the Council on the Ageing (ACT), the Cyclists' Rights Action Group and the Youth Affairs Network of the ACT, design and coordinate a public education campaign on the safe use of skateboards, roller blades and bicycles.

Madam Speaker, I enthusiastically support this recommendation, as I believe that all these groups could work extremely well together to raise issues of awareness and responsibility around the safe use of skateboards, rollerblades and bicycles, especially in public places. This recommendation, I believe, best outlines the proactive process which is needed to address the issues of concern which have been raised. I am sure, for example, that young people using skateboards and rollerblades do not necessarily appreciate that the mere use of them near frail elderly people can be extremely frightening for those people. I am equally sure that elderly people do not necessarily view skateboards and rollerblades as a legitimate recreational activity or mode of transport for young people. Drawing these groups together to put together a public education campaign on this issue would be a very worthwhile move, I believe.

Recommendation 3 requests the Government to establish skateboarding facilities in Civic and at Phillip similar in standard to the facility provided at Belconnen. There is no question in my mind, Madam Speaker, as to the success of the Belconnen skateboard facility located on the foreshores of Lake Ginninderra adjacent to Lake Ginninderra College. I know that Mrs Grassby, who as Minister was responsible for establishing that facility, is very proud of it. The facility, which I am sure was expensive to construct, is comprehensive and offers both novice and experienced skateboarders and rollerbladers appropriate means for displays of their skills. While the facility was not heavily patronised at the time committee members viewed it, which was on a weekday, it is extremely well patronised on summer evenings and at weekends whenever I drive past. It is also extremely well situated near the Belconnen bus interchange, the takeaway food outlets on the lake foreshore, Lake Ginninderra College and the tenpin bowling alley across the road. In fact, Madam Speaker, it is a small point, but I believe that better access from the Belconnen bus interchange to the skating facility could be achieved quickly and easily by attention to the pathway which links the two.

There is no question that the provision of a skating facility in Civic and at Woden, given that the small site in Phillip has fallen into disuse and disrepair, would be a welcome initiative by the ACT Government, acknowledging the needs of skaters in these regions by providing them with appropriate recreational facilities and thereby reducing skating activity in Garema Place in particular.

Recommendation 4 suggests that the section 56 car park near the Griffin Centre be considered for the establishment of a skateboard facility in Civic. I support this recommendation also. Three sites were identified by the Department of Urban Services as possible appropriate sites in Civic for the establishment of a suitable facility. These sites were the City Hill long stay service car park sites, a number of which are not being fully utilised; the section 56 car park adjacent to the Griffin Centre; and the area that is currently landscaped between the Boulevard and the car park on section 52, which is between Custom Credit House and the Electric Shadows cinemas. The choice of the section 56 car park site near the Griffin Centre over the other two was also the preferred choice of the Youth Affairs Network of the ACT, which pointed out the proximity of the site to the Griffin Centre, the Civic Youth Centre, Garema Place and the Civic bus interchange - all places in Civic that young people in particular go to.

I note Mr Humphries's dissenting report to the committee's report on this issue. I know that Mr Humphries does not agree with the decision that the committee made to reject the legislation at this stage. However, I think Mrs Grassby and I have outlined to the Assembly our preferred approach of looking at educative ways of resolving the difficulties in Garema Place rather than introducing legislation.

In conclusion, Madam Speaker, I would like to thank the members of the committee for their hard work in addressing a legitimate issue which required, in my opinion, a problem solving approach to be taken. I would particularly like to thank the chair of our committee, Mr Humphries. The committee has produced a report which he has some difficulties with. That is always a difficult position for the chair of a committee to be in. I would also like to thank both Ron Owens and the staff of the Legislative Assembly Secretariat for their assistance in compiling this report. Madam Speaker, I look forward to the Government's response to this report and in particular on whether in the near future they will be able to fund skateboard facilities for both Civic and Phillip.

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

### **POSTPONEMENT OF ORDERS OF THE DAY**

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

That orders of the day Nos 2 to 5, Assembly business, be postponed until the next day of sitting.

### **PUBLIC ACCOUNTS - STANDING COMMITTEE** **Report on Review of Auditor-General's Reports**

**MR KAINE** (12.01): Madam Speaker, I present report No. 7 of the Standing Committee on Public Accounts containing the findings of its examination of six Auditor-General's reports, together with extracts from the minutes of proceedings, and I move:

That the report be noted.

I will be brief. I know that we are a bit short of time today, but there are a few things in connection with these six Auditor-General's reports that I think I should make some brief comment about. Probably the one that warrants most comment is report No. 1 of 1992. That dealt with information technology management policies in the ACT Government Service. If members read this report carefully, they will see that the committee has some concerns about the overall management of information technology within the Government Service. We have summed up our concerns at paragraph 2.46, where we note that the committee would like to see something more than simple assertions of intent in respect of the Auditor-General's recommendations and will be looking for more positive and tangible evidence of support in terms of implementation in the future. While we were given all sorts of assurances of intent by officers before the committee, we have not seen much evidence of them actually putting the Auditor-General's recommendations into practice. So we would like to see something a little more positive there.

The second report that we deal with is audit report No. 4 of 1992, which in fact deals with the management of information technology within the Board of Health. Interestingly enough, that organisation, which seems to be beset by all kinds of problems, has demonstrated a very good understanding of the concepts of IT management against the general run across the breadth of the ACT Government Service and has demonstrated some very good achievements. I believe that they should be commended for improving their use and management of information technology, given all of the troubles that they are otherwise coping with.

The third report is report No. 1 of 1993, which had to do with the management of capital works. There is just one comment that I would like to make in connection with that. It has to do with this question of life cycle costing and doing proper cost-benefit analyses of projects that are put up for inclusion in the capital works program. At paragraphs 4.21 to 4.24 we note everybody's good intent, the recommendations of the Estimates Committee, the recommendations of the Standing Committee on Planning, Development and Infrastructure - recommendations which have in fact been agreed by the Government, yet in this year's capital works program this essential costing information was generally missing. We have noted that, and we would seek to see some improvement in future years.

The next report is the Auditor-General's report No. 2 of 1993, a report on his investigation into the asbestos removal program. The committee was satisfied that, despite what some people might regard as a cost overrun on that project, the management was as good as it could have been under the circumstances. The Auditor-General has made no particular criticism, and we generally support the comments that he has made in that matter. It was a project driven by concerns more for people's health than for costs. In the event it may have been possible to have come out with a less costly exercise, but it was a one-off project and I do not know how you determine whether it could have been done better or not. The Auditor-General seemed satisfied, and so are we.

The next report is Auditor-General's report No. 4 of 1993, and that dealt with a number of matters. It dealt with the management of home loans; it dealt with capital equipment purchases; and it dealt with the human resource management system. There were just a couple of minor comments, particularly in connection with the capital equipment purchase program, that I want to comment on at this time. We make a comment at paragraph 6.31 in connection with the Department of Urban Services. We note that the submission from the Minister in this matter did not address the comments regarding 1992-93 general major plant and equipment purchases in any great depth, and we note that we will be maintaining an interest in future audit reports relating to these issues in the department and we may come back to the issues raised in this report if future reports do not show a greater awareness of the matters raised by the Auditor-General.

The second matter was in connection with the Department of the Environment, Land and Planning. We refer to that at paragraph 6.40. It has to do with a difference of opinion between the Treasury on the one hand and the agency on the other as to what is major plant and equipment. It seems to me, after all these years of purchasing major equipment, that the agencies and the Treasury should

be able to agree on what we mean by major plant and equipment when we seek to purchase it. To the extent that there is a difference, we believe that that needs to be resolved. Perhaps it is a matter for the Treasurer herself to get involved in and make sure that people clearly understand what they are dealing with.

The Auditor-General was satisfied with the processing of the HRMS. So are we, except that the Auditor-General noted that there may be some difficulty in achieving the projected savings in connection with that project. It is an area that the Government may need to look at closely to ensure that the benefits, the pay-offs, that were expected in going ahead with this project are in fact achieved.

The final matter, Madam Speaker, is Auditor-General's report No. 7 of 1993, and that was the annual management report in connection with the Audit Office itself. The Auditor-General made a couple of points that we would ask the Government to look at. The first had to do with audit fees and the suggestion that the Auditor-General may be able to charge fees for financial statement audits that he does. The Government has apparently rejected that proposal from him. The committee sees some merit in the Auditor-General being able to charge fees for this service. If the service was not being provided by the Auditor-General it would have to be bought and paid for from a commercial auditor no doubt. It would allow the Auditor-General to have a source of income to offset costs so that his office would not be funded just by a budget appropriation; he would be justifying his existence by the services that he provided and how much those services were considered to be worth by the people whose books he was auditing.

The other point had to do with audit legislation. We note with some concern at paragraph 7.9 the Auditor-General's comments in relation to the delays in the development of new legislation to replace the Audit Act 1989. The Auditor-General's report states that it is expected that that new legislation will be enacted in 1993-94, but we also note that in public hearings held in connection with the earlier inquiry into the matters raised in audit report No. 5 of 1992 the Treasury advised that the legislation was not expected to be completed until June 1994. There seems to be some lack of urgency on the part of the Treasury in addressing this issue. It is important legislation. It is required legislation. Yet it seems to be taking an inordinate number of years to bring forward some drafts in connection with that new legislation. We would like to see some greater emphasis placed on it.

Madam Speaker, all in all, there are six comprehensive reports. There was not a lot that the Auditor-General was dissatisfied with. We do not, by and large, disagree with the Auditor-General's comments on those matters. In concluding, Madam Speaker, I would simply like to commend our committee secretary, Karin Malmberg. This report is the result of a great deal of work, and most of the work in connection with it was done at the same time as she was the secretary of the Estimates Committee - a very demanding job. Yet she performed her responsibilities in connection with the Estimates Committee admirably and, at the same time, kept work going on all of these matters that the Public Accounts Committee was looking at. I believe that she deserves to be commended for that.

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

## PRECEDENCE TO PRIVATE MEMBERS BUSINESS

**MR HUMPHRIES** (12.12): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 19, private members business, relating to the Long Service Leave (Building and Construction Industry) (Amendment) Bill (No. 2) 1993, being called on forthwith and taking precedence over consideration of orders of the day, Executive business, until the resolution of any question relating to the conclusion of consideration of order of the day No. 19, private members business.

Madam Speaker, the reason for this suspension of standing orders is very simple. We have before the Assembly a Bill presented yesterday by Mr De Domenico relating to a matter of some importance to a particular sector of the ACT's industry, a matter in respect of which a certain degree of urgency has been acknowledged by both the Government and the Opposition in this place and by the Independents. There has been a promise on the part of the Government for action - indeed, a promise on the part of the Government for action by the end of this year.

The industry concerned is anxious to see this measure dealt with. The industry, I understand, has made it very clear to the Government that it is anxious to see this dealt with, and the delay on this matter has been quite unconscionable. Today is the last sitting day of 1993. Action has clearly not been taken or contemplated by this Government, and it is time that action was taken, if not by the Government, then by the Assembly as a whole. The Bill which is before the Assembly is designed to operate as from 1 January 1994 and this, therefore, is the last appropriate day on which it can be dealt with.

Madam Speaker, I think the Assembly is entitled to take the extraordinary step of bringing this matter on for debate today in order to ensure that this matter of importance to the ACT's economy is dealt with today. Anything less is an abrogation of the promises made by this Government. We are used to seeing those sorts of promises being abrogated anyway, Madam Speaker, and today is no exception to that. But we believe that it is important that this matter be honoured, whether it is honoured by this Government that made the promise in the first place or honoured by the Assembly as a whole.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (12.14): Madam Speaker, as usual, Mr Humphries has spun the web, but he has not made out a case for the urgent consideration of this Bill. In the first place, I made it clear in this chamber yesterday that work is well advanced on providing the new arrangements for the collection of money for industry training in the ACT, but members opposite do not choose to accept that explanation. I have also said that, simultaneously with the availability of that Bill, I will be amending the levy charged. Of course, they do not choose to take that in good faith either.

**Mr Humphries:** But when?

**MR BERRY:** That will occur early in the new year, as I have said. What is more significant is that the number that the Liberals have used is most likely the wrong percentage figure and will have to be adjusted in due course. This is half-baked, back-of-the-envelope stuff. As well, Madam Speaker, it deals with only half of the issue. It does not provide for the funding of the industry training council at all, so it is half-baked. It is like everything that Mr De Domenico does. It is a half-baked, grubby little stunt. It is no more than that.

**Mr De Domenico:** You are really endearing yourself to your cause by saying things like that.

**MR BERRY:** You are not interested in the other half - the training of workers through the collection of revenue by another means. It has to be provided for, and it will be provided for by means of the legislation which the Government is well advanced in preparing. It is all right for you to say that you are standing up for business, but there are other parties in businesses and they are the employees. Their training in the current industrial environment is a key part of the development of industry. If you do not care about that, there is not much I can do about it.

The Opposition's procedure here today makes it very clear that they are interested in only one side of the equation. What we are concerned about is both sides of the equation. We accept that there is a necessity for change, but there is a need to keep faith with the other side of the equation - that is, the workers who work in those industries and who pay the revenue to the Long Service Leave Board. We intend to keep faith with both the workers - - -

**Mr De Domenico:** No, it is not the workers who pay the revenue; it is the employers who pay the revenue.

**MR BERRY:** It is the workers who receive the benefits. You are not concerned about their entitlements.

**Mr De Domenico:** I am very concerned.

**MR BERRY:** You are not concerned at all about their entitlements. I am talking about training. Workers receive the benefits of that training. You are not concerned about the workers. I have given a commitment to the representatives of those workers that we will make sure that we provide for the training of those workers in the current industrial environment. It does not surprise me that the Liberals do not care about the work force. It does not surprise me that you would bring forward a half-baked measure such as this. It would be far more sensible, Mr De Domenico, if you waited until the full proposal was on the table. It would then be clear to you that there is a proposal which deals with both sides of the equation. This is half-baked, as is usual.

**Mr Kaine:** Where are your proposals?

**MR BERRY:** Mr Wood will speak on the matter in due course. Madam Speaker, there is no urgency for this Bill. The matter will be dealt with early in the new year, and the proper decisions will be made on the basis of reasonable calculation, not back-of-an-envelope stuff, and will not be half-baked.

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I would be surprised if this Bill sparked the sense of urgency that would cause Mr Stevenson to break his 90-day rule. Mr Stevenson has continuously said that Bills need to lie in this place for 60 or 90 days. This Bill is not urgent. It has been around for one day. It was submitted to this house yesterday. It is not urgent and it is half-baked. The matter is going to be dealt with anyway.

**MR STEVENSON** (12.19): Mr Berry raises a very good point as to how long legislation should lie in this Assembly before being debated. I take his point absolutely. I believe that it should be a minimum of 90 days. Most people in Canberra believe that it should be between 60 and 90 days. It is unfortunate that when I moved to change standing orders to allow a minimum of 60 days Mr Berry voted against my motion, along with all the Liberals who are laughing at the moment and everybody else. It was a 16-1 vote.

However, within my proposed change to the standing orders I did allow for urgent Bills. There obviously are situations - extraordinary, I would agree - where a matter should be heard urgently. The point is: Is this one? First of all, it is a small amendment. It is not an electoral Bill with 188 pages and hundreds and hundreds of clauses. We would certainly not agree with that one being dealt with urgently. The extraordinary event of a Bill passing in one day has happened before in this house, I believe at the instigation of both sides. But the concern of Canberrans would be about whether this unduly affected them.

**Mr Berry:** No.

**MR STEVENSON:** Thank you. Mr Berry says no. I do not believe that it does. It would seem that most people affected by the legislation that this Bill seeks to amend are in agreement with it. Indeed, Mr Berry and his Labor colleagues are in agreement with a change being made. What we are talking about here largely is whether we should wait any longer - until next year or for a few more months - before the change is made. I believe under the circumstances that the matter should be debated. That does not mean that the Bill will be passed, but I believe that it is an urgent matter and that it should be debated. Mr Berry has indicated on behalf of the Government that they will introduce a change and that they would have done so this year but because of other pressures have not got around to it. I think the Assembly is beholden to look at the matter now.

Question resolved in the affirmative, with the concurrence of an absolute majority.

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
(AMENDMENT) BILL (NO. 2) 1993**

Debate resumed from 15 December 1993, on motion by **Mr De Domenico:**

That this Bill be agreed to in principle.

**MADAM SPEAKER:** Before we proceed to debate the Long Service Leave (Building and Construction Industry) (Amendment) Bill (No. 2), I advise members that I have examined the Bill and note that clause 4 is the same in substance as an amendment moved by Mr De Domenico during the detail stage of the Long Service Leave (Building and Construction Industry) (Amendment) Bill 1993 on 17 June 1993. That amendment was negatived by the Assembly. As you know, standing order 136 states:

The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during the calendar year, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded.

Of course, there have been precedents in the Assembly when Bills infringing this standing order have been ruled out of order and ordered to be withdrawn. I rule that the Bill is out of order. However, as standing orders are suspended in relation to this Bill, I believe that the debate may proceed.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.23): Madam Speaker, the Government likes to get agreement on the matters it brings forward in the house. This Bill has been out for discussion with the players for some time. We have not reached agreement quickly on every point; hence discussion has gone on until very recently. I inform the house that tomorrow I will be in a position to release the draft Bill I had indicated would be released this week for further comment. All people will then be able to see the Bill in full. As Mr Berry says, that Bill will cover all aspects that we need to examine; it will not cover just the one point that Mr De Domenico has raised. It will not be confined; it will not be narrow. It will protect the industry and the people who contribute to the long service leave levy. It will protect the interests of training. It will cover absolutely everything.

I think it would be very sensible for this Assembly, before acting on Mr De Domenico's Bill, to see the fairly substantial Bill - the full Bill - that will be released tomorrow. That seems to me to be the sensible way to proceed. I do not know why there seems to be a need to rush this through today as a matter of urgency when the matter is well in hand. I repeat that the Government's Bill will reflect agreement amongst all the players, and for that reason I would urge members to consider seriously whether they need to support this private members Bill today. I think we have the answer.

There are reasons for the time the Government's Bill has taken. I do not think there will be a problem if the industry does not get this measure through today. In February it can be accommodated retrospectively. Indeed, I think the way that Mr Berry indicated we would be proceeding will give a better deal to industry than that proposed by Mr De Domenico. We will get a better deal for the people Mr De Domenico is claiming to represent. I do not think we need to proceed with this today.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (12.26): Madam Speaker, I will go over a few extra points. As I said in speaking to the motion for the suspension of standing orders, the issue is half-baked. Mr Wood has presented what will occur with the other part of the formula, which is most important in this matter. It will provide for the collection of revenue for industry training and will indeed complete the package. If we do not complete the package, we will leave out an important element for those people who are beneficiaries of the legislation - that is, those workers in the industry who receive training from the industry training council. Of course, the collection of money for long service leave would not be affected and those beneficiaries would not be affected. But the other important part of the formula has been abandoned by the Liberals.

Madam Speaker, at the same time we have to consider whether or not the figure that Mr De Domenico is suggesting is right. My preliminary advice is that it is not the right figure and there may need to be adjustments. Mr Wood mentioned that we may even be able to give industry a better deal as a result of those calculations, but the process is incomplete. This pre-emptive strike by Mr De Domenico - - -

**Mr De Domenico:** It has been on since June. It is not pre-emptive. It has been there for six months.

**MR BERRY:** Mr De Domenico interjects that it has been on for six months. He put his Bill on the table yesterday and discovered, after I had addressed this place, that the Government was close to a resolution. He then decided on the pre-emptive strike today. Your pre-emptive strike is not well reasoned. It is only half the package. I do not think it does the Liberal Party or you any good at all to be seen to be dealing with these half-baked, back-of-the-envelope amendments.

**MR MOORE (12.28):** It is interesting, Madam Speaker, that we should get this comment about half-baked, back-of-the-envelope amendments on a day when the Electoral Bill was tabled. It is also interesting, Madam Speaker, to go back to the *Hansard* at the time that Mr De Domenico's amendment was moved. I pointed out at that stage that I had spoken to the Minister and that he had said to me that he would do the best he could to have the effect of this amendment delivered by the end of the year. That has not been the case. That was the reason I did not support Mr De Domenico's amendment at that time. I believe that Mr Berry has had enough time and that that time has come to an end, so I am prepared to support this Bill today.

**MS SZUTY (12.29):** This is a matter which has been ongoing in the Territory for some time. We know that successive actuarial reports have recommended a reduction in the levy for a very long period of time. I note that the matter was debated in the Assembly in June with the expectation that it would be decided by the end of this year. Also the Estimates Committee of the Assembly in 1993 recommended that the Government reduce the rate of the Construction Industry Long Service Leave Board levy as soon as possible, as recommended by successive actuarial reports. I, like my colleague Mr Moore, believe that the Government has had enough time to deal with this issue, and I am prepared to support Mr De Domenico's Bill today.

**MR STEVENSON (12.30):** I am convinced by the compelling arguments raised by Mr De Domenico on whether or not the levy should be reduced. As has been said, basically everybody is in agreement, including the Government. Mr Berry said that it may be that the levy can be reduced even further than has been proposed by Mr De Domenico. Looking at the rates that exist or do not exist around Australia, one could indeed suggest that the rate could be even lower. However, if it were lower, we would hear the claim that it was too low. So I think it was probably a reasonable compromise. Under the circumstances that Mr Berry and the Government have agreed with a reduction, I think it is fair that it happen this year as Mr Berry intended it to.

**MR DE DOMENICO** (12.31), in reply: I thank most members for their support. May I very quickly respond once again to Mr Berry's statement that this Bill is a stunt. I suggest through you, Madam Speaker, that, with any motion, piece of legislation or amendment brought into this Assembly as early as June this year, Mr Berry has been given a chance by this Assembly to do something about it - - -

**Mr Berry:** I did not bring any legislation in.

**MR DE DOMENICO:** I did.

**Mr Berry:** You did.

**MR DE DOMENICO:** Yes, I did. If Mr Berry is given a chance in good faith by this Assembly to do something about it and then does nothing about it, how can he and the Government he represents then expect this Assembly to support them? In no way known can they? How can Mr Berry continue to talk about stunts, continue to play the man on this issue and still expect this Assembly to support him? I ask how he can be supported when, in a letter to him dated 22 September this year, the chairman of the Long Service Leave Board stated:

In accordance with section 37(3) of the Long Service Leave (Building and Construction Industry) Act, the board recommends that you adopt a levy on employees' wages at 1 per cent with effect from 1 July 1992.

This is what the chairman of the board has recommended to Mr Berry for the sixth time, I believe. He recommended as far back as 1991 that Mr Berry should have reduced the levy to one per cent. How can it be a stunt, Mr Berry, in the light of the recommendations that you have been receiving, not just from the chairman of your board but in three consecutive reports of the independent actuary, who also happened to be the Commonwealth Actuary at one stage? The chairman of your board and three actuarial reports all say the same thing. The Auditor-General of the ACT Government says the same thing, and the industry says the same thing. How can that be classified as a political stunt? It is not a political stunt.

Mr Moore, Ms Szuty and Mr Stevenson quite eloquently said that you have had enough time to do what you said to the Assembly that you would do. Time is up. The Assembly will now make sure that what this Assembly decided ought to happen will happen. I commend the members who have spoken for their support for this Bill.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport): I seek leave to make a short response, Madam Speaker.

Leave granted.

**MR BERRY:** Mr De Domenico asked the question yet again. I can tell him why we can delay this. We are going to do it properly and not half-baked. That is the issue that does not seem to have sunk into his head so far. We accept that there will be a need for change. It will be based on a properly calculated outcome in the best interests of the industry and with the entire net in place to look after the training needs of workers in the industry. There has been no effort by you to do any of the other legislation which is required to supplement this Bill. This Bill is half-baked. It deals with only one part of the formula and it makes you look silly - - -

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**Mr De Domenico:** Vote against it.

**MR BERRY:** We will. It will make you look silly, but that is appropriate.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

*AYES, 9*

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

*NOES, 8*

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.38 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Electoral Legislation**

**MR MOORE:** My question is directed to you, Madam Speaker, under standing order 115. Madam Speaker, I refer to the Estimates Committee hearings in 1992 and your study trip to Hobart from 21 to 23 July 1992. I will quote a few words from the Estimates Committee *Hansard* to give the background to my question. You said:

... I wanted to be absolutely sure that I understood how the Hare-Clark system worked ...

Further on you said:

... I was interested in speaking to the Electorate Officer about my responsibilities as Speaker vis-a-vis the Hare-Clark Bill.

Further on still you said:

... I also was very interested to understand what my responsibilities as Speaker were in relationship to Hare-Clark because as the Speaker of the Assembly it is very important that that Bill goes through properly for the appropriate benefits of all.

In a letter that you provided on 1 October to the Estimates Committee you said:

In my meeting with the Electoral Commissioner I asked whether, as an experienced Electoral Officer with detailed knowledge of both the ACT and Tasmania, there were "any particular matters specific to the Electoral system ...

and so on. You gave a quite good background on that matter. Madam Speaker, considering your background and experience following this trip, do you now recognise that this Bill - I am referring to this Bill - in so far as it provides for above-the-line voting, is shonky?

**MADAM SPEAKER:** The answer is quite clear, Mr Moore. No.

**MR MOORE:** I have a supplementary question, Madam Speaker. Apart from how you would describe it in terms of the above-the-line voting, do you consider that above-the-line voting provides, in your words, "benefits of all"?

**MADAM SPEAKER:** The answer to that is yes, Mr Moore.

### **Electoral Legislation**

**MRS CARNELL:** Madam Speaker, my question is to the Chief Minister. Is it true that the dishonest electoral legislation that she tabled this morning carries a provision for public funding for each vote to the value of \$1? If so, is the Chief Minister aware that this provision, on the figures of the last election, would provide over \$65,000 in public funding to her near bankrupt party?

Members interjected.

**MADAM SPEAKER:** The Chief Minister has been asked a question. Perhaps she should be allowed to proceed to answer it.

**MS FOLLETT:** Madam Speaker, the provisions for public funding that are contained in the Electoral (Amendment) Bill which I tabled this morning are modelled on those that apply in the Commonwealth and I believe that that is an appropriate format. I am sure that it is one of those issues which members will want to debate in the debate on that Bill. There is one thing which I would like to draw attention to, Madam Speaker, and that is my offer to all parties in this Assembly to hold discussions and negotiations on this Bill.

**Mr De Domenico:** Gee, thanks.

**Mrs Carnell:** You are trying to abdicate responsibility; that is all.

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**MS FOLLETT:** Madam Speaker, the Liberals, of course, have declined to undertake such a process, although they did take part in such a process in the earlier part of the electoral legislation; so they are being inconsistent. I think the greatest failure on their part is a failure in the task that they set for themselves, and that is to adopt a more non-adversarial approach in this chamber. I have heard the present Leader of the Opposition say on many occasions that she was interested in a non-adversarial approach, a collegiate style of government.

**Mrs Carnell:** And in community consultation and doing what the community wanted.

**MADAM SPEAKER:** Order!

**MS FOLLETT:** A collegiate style. She has said that on many occasions.

**Mrs Carnell:** Doing what the community wants.

**MADAM SPEAKER:** Leader of the Opposition, if you ask a question, perhaps you could listen to the answer. Order!

**MS FOLLETT:** Madam Speaker, the Leader of the Opposition does not want to listen to the answer because she knows that it demonstrates just how fraudulent her claims are and how deceitful her stance to the community is when she continues to say that she wishes to operate in a non-adversarial manner. We have heard her hurling invective, howling like a banshee, all day today, and any suggestion that this is a non-adversarial approach is totally fraudulent.

### **International Year of the Family**

**MS SZUTY:** My question is also to the Chief Minister, Ms Follett. I gave Ms Follett notice earlier today that I would be asking this question. I note that very shortly today the Chief Minister will present a ministerial statement in relation to the International Year of the World's Indigenous Peoples. I note also that the Prime Minister and the Minister for Family Services recently launched 1994 as the International Year of the Family. Can the Chief Minister inform the Assembly as to when she will be announcing the ACT Government's initiatives for the International Year of the Family, especially in response to the nine key priority issues identified?

**MS FOLLETT:** I thank Ms Szuty for the question, Madam Speaker. The Government has given considerable thought to this important year and has undertaken a considerable amount of preparation already. We are continuing to work on a series of initiatives which focus on key issues for families in the ACT. These will also acknowledge and take into account the nine key priority issues that have been identified by the Commonwealth and, as Ms Szuty said, were launched by the Prime Minister some little time ago.

We are working closely with the Commonwealth in preparation for the International Year of the Family, and I have recently written to the Prime Minister accepting his invitation to participate in the development of an Australian agenda for families. This document will reflect the principles of social justice and it will focus on priority areas such as assistance for families experiencing disadvantage.

Madam Speaker, the Government also intends that issues of particular significance for families in the ACT will be priorities in the work that we undertake during this year.

I would like to note that in the 1993-94 budget we did give careful consideration to the International Year of the Family in preparation for it, and we announced a number of initiatives designed to provide support for families. Amongst others, these initiatives included the concessions reforms which deliver benefits to 19,000 Canberra households, the child at risk unit, the campaign to address violence against women, and the new home loan programs such as home entry, home access and home buyer which are aimed at increasing the home ownership opportunities of existing public tenants and low income and first home buyers. Madam Speaker, it is my intention to officially launch the International Year of the Family in the Assembly in February 1994 during our earliest sittings. That launch is designed to ensure the highest profile for the year following the Christmas break and following the wind-up of the current International Year of the World's Indigenous Peoples.

### **Waste Water Scheme**

**MS ELLIS:** My question is directed to the Minister for Urban Services. Can the Minister inform the Assembly of any initiatives in place or under consideration to reuse water in this city?

**MR CONNOLLY:** ACTEW this week launched a very significant project involving expenditure of about \$1.9m, two-thirds of that being Commonwealth money.

**Mr Cornwell:** You can use some of it for washing your hands of the electoral Bill.

**MR CONNOLLY:** Members may think this is not worth listening to, but it is quite significant. It is being used to trial an innovative waste water scheme in North Canberra. The trial involves mining the main sewer, taking the water up at Southwell Park, and treating it in a very innovative form of new mini treatment plant to a quality where it will be extremely safe and can be used for general irrigation and agriculture. The residue will go back into the main sewer and down to the Lower Molonglo. The plant will use an innovative form of Australian technology which is being used in Japan at the moment commercially but which has not been able to achieve significant commercial success in Australia.

The holders of the intellectual property over that innovation have been working very closely with ACTEW to develop a new scheme which is totally new to this plant and which itself has significant export potential throughout Australia and throughout the world. This is part of the Government's plan to significantly reduce Canberra's water use. The plant at Southwell Park will be a world and Australian first. There is great interest in the plant and I look forward to reporting to the Assembly when it is completed. If it meets its expectations, it points to a new way forward for water use and reuse for all of Australia.

### Electoral Legislation

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Chief Minister. I refer the Chief Minister to her dishonest electoral legislation introduced this morning. Is it a fact that this legislation allows the scrutiny of votes to begin five days before polling day? Is this designed to ensure that ALP apparatchiks can begin to monitor the progress of the campaign prior to polling day? How can the Chief Minister ensure that information gained in this exercise will not be used to unfairly influence the conduct of the last days of the campaign?

**MS FOLLETT:** Madam Speaker, Mr De Domenico is seeking to impugn the Electoral Commissioner, which I think is a very serious matter indeed. The Bill as drafted is to be debated in this chamber. If Mr De Domenico and his party would care to take part in the discussions and negotiations that are available to them, we could well discuss these issues. Madam Speaker, any suggestion that the Electoral Commission and the Electoral Commissioner would - - -

**Mr De Domenico:** There has been no suggestion of that. I am suggesting that you may, though.

**MADAM SPEAKER:** Order! The Chief Minister is answering your question.

**MS FOLLETT:** Any suggestion that they would allow the course of events that Mr De Domenico has mentioned to occur is an impugning of those people, Madam Speaker. I think Mr De Domenico has misunderstood the legislation, which is not surprising. The intention of the legislation is that only the details are checked; the votes are not opened. A little bit of briefing, a little bit of discussion on that matter, could well have cleared it up, Madam Speaker; but the totally fraudulent members opposite have no interest in pursuing this matter in a reasonable or consultative way. They are simply continuing - - -

Members interjected.

**Mr Moore:** I take a point of order.

**MADAM SPEAKER:** Yes, Mr Moore. I hope that you are going to point out the excessive noise in the house.

**Mr Moore:** Certainly not, Madam Speaker. It seemed to me to be like normal interjections. Madam Speaker, you ruled this morning on the word "shonky". The Chief Minister is very happily using the word "fraudulent", without applying it to herself. I cannot help wondering to what extent "shonky" is worse than "fraudulent" or vice versa.

**MADAM SPEAKER:** Thank you for wondering, Mr Moore, but I have no problem with "fraudulent". Continue, Chief Minister.

**Mr Moore:** Thank you. Righto.

**MS FOLLETT:** Madam Speaker, I believe - - -

**Mr De Domenico:** We continue with the fraudulent answer, then.

**MADAM SPEAKER:** However, we could have some order.

**MS FOLLETT:** Thank you, Madam Speaker. I have concluded my answer to that question. I will say again that, if members opposite would take part in this debate in an adult fashion instead of chucking a wobbly in the way that they have, they would have some hope of understanding the issues in the legislation.

**Mr De Domenico:** Only when you start telling the truth.

**Ms Follett:** I take a point of order, Madam Speaker.

**MADAM SPEAKER:** I am sorry; I could not hear a word that was said, Ms Follett.

**Ms Follett:** Madam Speaker, the remark by Mr De Domenico was, "Only when you start telling the truth". I believe that that is unparliamentary.

**MADAM SPEAKER:** It is completely out of order. Please withdraw it.

**Mr De Domenico:** I apologise, Madam Speaker, and I will change it to "Only when you stop being fraudulent".

**MADAM SPEAKER:** May I point out that, when there is an imputation against a member, whatever word I have ruled out of order or ruled in order may not be used directly against a member. The use of "fraudulent" was the general use of "fraudulent". Most of the invective I have allowed in the house is in general terms. You will withdraw that, Mr De Domenico.

**Mr De Domenico:** I beg your pardon?

**MADAM SPEAKER:** You are not to call the Chief Minister fraudulent. Will you withdraw that?

**Mr Humphries:** I raise a point of order, Madam Speaker.

**MADAM SPEAKER:** No, there is no point of order. Mr De Domenico has been asked to withdraw.

**Mr De Domenico:** Well, why should I withdraw?

**MADAM SPEAKER:** I have just pointed out why you should withdraw. You may - - -

**Mr Kaine:** No, you have not. You have tried to justify yourself.

**MADAM SPEAKER:** I will go through that again very slowly. If you call legislation fraudulent, if you call the Labor Party fraudulent, if you call the Government fraudulent, that is within the scope of parliamentary carry-on. It is not very pleasant; however, I usually allow it. If you call an individual that within the house it is out of order because there is a personal and direct imputation, and I have asked you to withdraw.

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**Mr De Domenico:** Madam Speaker, in deference to you I will - - -

**MADAM SPEAKER:** Thank you.

**Mr De Domenico:** No, hang on. I will say that - - -

**MADAM SPEAKER:** No, you have no chance to debate, Mr De Domenico.

**Mr De Domenico:** I will withdraw - - -

**MADAM SPEAKER:** Thank you.

**Mr De Domenico:** I will withdraw the word "fraudulent" in terms of the Chief Minister - - -

**MADAM SPEAKER:** Thank you.

**Mr De Domenico:** But not in terms of the Government she represents or the party she represents.

**MADAM SPEAKER:** I did not ask you to do that.

#### **Legislative Assembly - Number of Members**

**MR STEVENSON:** Madam Speaker, my question is also to the Chief Minister. This morning's *Canberra Times* reported that yesterday the Commonwealth Parliament passed the Arts, Environment and Territories Legislation Amendment Bill 1993 which has changes "aimed at bringing the ACT's degree of self-government closer to that of the Northern Territory". The article goes on to say:

Under the changes the ACT Assembly will decide the number of its members ...

On 29 September the paper had already reported the same thing, as follows:

The Assembly will now have the power to decide the number of its members ...

As the Bill does not do that, would the Chief Minister once and for all inform the Assembly as to whether or not you will have the power to increase or decrease its numbers under that legislation?

**MS FOLLETT:** To answer the first part of Mr Stevenson's question first, it is just possible that the earlier report in the *Canberra Times* was slightly premature. Madam Speaker, I wrote to members not so long ago outlining to them all of the changes that I believed were to be brought about by changes in legislation within the Federal Parliament. Part of those changes included the Assembly's ability to vary its numbers. If it is correct, as the paper has reported, that those legislative changes have now passed through the House of Representatives, it is obviously within the province of this Assembly to make those changes. But it is certainly not a matter for the Government to do it. It is a matter for the Assembly. Madam Speaker, I am not aware of any moves - either contemplated or imminent - to make those changes.

## Electoral Legislation

**MR CORNWELL:** Madam Speaker, my question is to the Chief Minister without notice. I refer the Chief Minister to the Government's dishonest electoral legislation. If this fraudulent legislation is supposed to be an enhancement of Robson rotation, why is not the marking of preferences below the line given favoured treatment over the marking of preferences above the line? Well may you frown and try to grasp it, Chief Minister. For example, why is a one, a tick or a cross acceptable above the line, but any error in numbering to five or to seven below the line enough to make the vote informal? Why have you departed from the Senate system which favours the formality of below-the-line voting and which allows a few mistakes not to disqualify an elector's votes below the line?

**MS FOLLETT:** Madam Speaker, as far as I am aware, the rules in the Bill which I have put forward mirror those for the Senate ballot.

Members interjected.

**MADAM SPEAKER:** Order! I am quite willing to not give the Liberal Party any more questions if you are not choosing to listen to the answers. I have called for order.

**MS FOLLETT:** Madam Speaker, as far as I am aware, the above-the-line option is exactly the same as it is in the Senate, and that is a ruling that the Electoral Commissioner has made previously. I have scrutineered many times and I can tell you that there are a great many indications. The test is whether the voter's intention is clear. If there is only one box to be marked, then there are a number of ways in which the voter's marking of that box is accepted. As far as below-the-line voting goes, it is obviously important that there are two conditions satisfied. The first is that the voter votes in as many boxes as there are candidates to be elected. That is very important. The second is that there is a consecutive sequence, Madam Speaker, including a number one and so on. The way that I have seen that dealt with if the voter has made a mistake is that the votes are counted up to the point where the intention is clear; but, Madam Speaker, where there is also a requirement that all boxes be marked up to the number of candidates to be elected, there is clearly a problem with satisfying those two criteria together.

I say again to the Liberals, Madam Speaker, that if they want to discuss these matters, if they want briefing on these matters, if they want to negotiate with other parties on these matters, that opportunity is available to them. If they do not want to do that, they are very much on their own. That clearly is the way that they want to go. They want to continue this debate along the strictly adversarial lines that they have been adopting for some time now, and I think that is extremely regrettable, Madam Speaker. I think this is a very important piece of legislation. There is a huge number of issues contained in the legislation which I am quite sure all members of this house have views on. It seems to me a great shame that members are not prepared to sit down in a reasonable fashion and thrash those issues out.

### St John's Wort

**MRS GRASSBY:** Madam Speaker, my question is to the Minister for the Environment, Land and Planning, Mr Wood. What threat is posed to the ACT by the weed St John's wort and what action is the Government taking about it?

**Mr Humphries:** Cop that, Bill Wood.

**Mr De Domenico:** Zero in on this one.

**MR WOOD:** Madam Speaker, the Opposition wants to treat it lightly; but the fact is that that weed, St John's wort, is a significant problem in large parts of New South Wales and Victoria, and also in the ACT. For those who have a great concern about the quality of our environment, this is a matter of importance. As they drive around the town members may well see St John's wort now in flower. This has become a greater problem in the last 10 years. Before about 1980 it was isolated to some parts of Canberra. Some people speculate that, since the drought in 1983, for some reasons that are not clear it has expanded considerably.

One of the problems we have with it is control. It is one of those plants whose above-ground parts are relatively short lived but which have a large and long-lived store of underground seed that is very difficult to affect by control methods. Achieving effective control, therefore, requires the prevention of seed formation until the seed store decomposes in the soil, and that is a period of some six to 10 years. So control is particularly difficult. Its main threat to environmental values depends on its ability to invade intact native areas. It is certainly the case that the weed invades disturbed areas and seems not so much to invade intact native forests and vegetation.

Over a period there have been a couple of measures to try to control it. Obviously they are not being very successful, but those efforts will continue. The agriculture and landcare section in my department is conducting field trials of a selective herbicide. In doing that we are consulting with the manufacturer in the interests of developing more effective selective control. We would rather avoid the use of herbicides if we could, but it is a measure that has to be tried. There are two biological control agents in place on St John's wort plants in the ACT.

**Mr Moore:** I raise a point of order, Madam Speaker. I draw your attention to standing order 117(e)(ii) and to the fact that this matter is before a committee at the moment. I chair that committee, Madam Speaker, and it is not such a problem, but I think he should finish.

**MADAM SPEAKER:** Thank you, Mr Moore. Proceed, Mr Wood.

**MR WOOD:** Madam Speaker, I thought Mr Moore might have been interested in this. His committee is doing a good job. I might point out also that he is relying, quite properly, on a great deal of advice from the department I am talking about. They provided invaluable information and they have shown leadership in this area. I am about to finish, Madam Speaker - for Mr Moore's benefit. A mite was released by CSIRO in 1991 and that is now in place, but it is also clear that neither the herbicides nor the biological controls at this stage have been particularly successful, because the weed is continuing to expand. It may be the case that it could have been a lot worse if we had not had those measures in place.

I would encourage Mr Moore to continue to work through his committee. Maybe he can explore the matter further, based, as it is, on the advice from the department, and carry the debate on.

**MRS GRASSBY:** I have a supplementary question, Madam Speaker. Is it possible for people to identify this if they have it in their own gardens?

**MR WOOD:** Madam Speaker, anybody who drives past the slopes of Black Mountain, especially on the freeway, will readily be able to see the wort. It was in flower a week ago when I drove past. The identification will be quite clear to people.

### **Electoral Legislation**

**MR HUMPHRIES:** Madam Speaker, I refer the Chief Minister to her answer a moment ago concerning the way in which the Senate system compares with the ACT Assembly system as proposed in her fraudulent electoral legislation. She indicated that a certain number of mistakes were acceptable, as in the Senate system; that the systems were comparable. I refer her to page 43 of a document issued in her name this morning, the Electoral (Amendment) Bill 1993 explanatory memorandum, which says:

Second, a ballot paper that has been marked only in the candidate portion of the ballot paper -

that is, below the line -

is informal if it does not show consecutive preferences starting at "1" for as many candidates as there are vacancies in the election, with none of those numbers repeated.

Will the Chief Minister concede that this is not the Senate system and that she has misled the Assembly?

**MS FOLLETT:** Madam Speaker, no, I have not misled the Assembly.

**Mr Kaine:** No, she just has not read the Bill.

**Mr Cornwell:** She does not understand it.

**MADAM SPEAKER:** Order! You realise that this question is impinging quite close to the line of standing order 117(f) in that we are anticipating debate. I will allow the Chief Minister - - -

**Mr Kaine:** We are not; we are asking questions.

**MADAM SPEAKER:** Order!

**Mr Humphries:** We can suspend standing orders, Madam Speaker.

**MADAM SPEAKER:** Order! You can do whatever you like. I am just pointing out to you that the Chief Minister may choose to answer this question, and she probably will; but when you formulate your questions you have to keep in mind the provisions of the standing orders.

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**MS FOLLETT:** Thank you, Madam Speaker. There are differences between the numbering system that is proposed in the Bill that I have put before the house and the Senate numbering system. In the Senate system you must number all the squares.

**Mr Humphries:** No, you do not. It is not required.

**MS FOLLETT:** Yes, you do. In the Senate system you must number all the squares. For the Hare-Clark system you must number the same number of squares as there are candidates to be elected. So, Madam Speaker, there are differences between them. I am sorry if Mr Humphries has got himself confused on this, but the fact is, Madam Speaker, that in the Senate system there is some degree of error allowed and the test still is whether the voter's intention is clear. Under the Hare-Clark system, as we have put forward, you must number either five or seven squares in order and that provides you with a valid vote.

**Mr Humphries:** You said before that you can make some mistakes.

**MADAM SPEAKER:** Order!

**MS FOLLETT:** Madam Speaker, this is a matter, as you have pointed out, which can be debated in the chamber. I have offered additional discussions, negotiations, whatever, and, as I continually say, I think it is very regrettable that the Liberal Party has declined to take advantage of that.

**MR HUMPHRIES:** I have a supplementary question. Madam Speaker, the Chief Minister has referred to below-the-line voting and she has indicated that this system requires you to number from 1 to 7 or 1 to 5, according to the number of candidates that are to be elected in that particular electorate. She has chosen to translate a vote above the line, however, as a vote for the designated party ticket, which does not necessarily appear on the ballot-paper. In fact, it does not appear on the ballot-paper. Why has she done that rather than allow the above-the-line tick to represent a vote for the candidates in the order they appear on the ballot-paper rather than some other order?

**MS FOLLETT:** Madam Speaker, I have made no secret of the fact that the above-the-line vote is a party ticket vote, and the party ticket vote is in the order as determined by the party.

### **Olympic 2000 Committee**

**MR LAMONT:** Madam Speaker, my question, over the rabble across the chamber, is directed to the - - -

**Mr Kaine:** I take a point of order, Madam Speaker. Mr Lamont has called me rabble before and I took exception to it and you asked him to withdraw it. I would ask him to withdraw it again.

**MADAM SPEAKER:** If he called you rabble, of course. Please withdraw.

**MR LAMONT:** I do withdraw any imputation that they are fit to be rabble.

**Mr Kaine:** Madam Speaker, that is not a withdrawal. He said that I was rabble and I want him to withdraw it. I ask you to require him to do so - not make a conditional withdrawal.

**MR LAMONT:** Mr Kaine could not be described as rabble, Madam Speaker, so obviously I was not referring to him.

**MADAM SPEAKER:** Thank you; so you have withdrawn.

**Mr Cornwell:** Madam Speaker, I take a point of order. I take objection to being called rabble and I ask Mr Lamont to withdraw.

**MR LAMONT:** As they will do it in turn, if there has been any imputation on the people across the room, I would withdraw it, Madam Speaker. My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. Could the Minister inform the Assembly as to the outcomes of the inaugural meeting of the ACT Olympic 2000 Committee?

**MR BERRY:** The members of the Opposition and the Independents have been champing at the bit to ask me a question all day, but they have been so preoccupied with the electoral - - -

**Mr Moore:** I raise a point of order, Madam Speaker. Standing order 118 says:

The answer to a question without notice:

(a) shall be concise and confined to the subject matter of the question;

... ..

Can you please keep Mr Berry to that?

**MR BERRY:** It will be, and Mr Moore is right in raising that matter.

**Mr Kaine:** After a lengthy preamble, of course.

**MR BERRY:** There is no restriction on preambles.

**Mr Humphries:** Oh, yes, there is.

**MR BERRY:** Not in the standing order. You do not have much regard for the standing orders, Mr Humphries.

**Mr Moore:** I take a point of order, Madam Speaker. I draw your attention to the continuation of standing order 118 which allows the Speaker to direct a member to terminate the answer if these provisions are being contravened.

**MADAM SPEAKER:** Thank you very much for pointing that out to me, Mr Moore. If the house ever allows Mr Berry to answer the question, I may be able to listen and to determine whether it is concise or not. Continue, Mr Berry.

**MR BERRY:** Mr Moore is worried that I will say things like 80 per cent of the electorate - - -

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**Mr Moore:** I take a point of order, Madam Speaker.

**MR BERRY:** I told you that he was worried.

**Mr Moore:** Madam Speaker, I draw your attention to the standing orders and I ask you to act appropriately as a Speaker should and hold him to the standing orders.

**MADAM SPEAKER:** Thank you, Mr Moore.

**MR BERRY:** At the inaugural meeting of the ACT Olympic 2000 Committee - a committee set up by me following Sydney's great win of the Olympics in the year 2000 - we were able to highlight many of the exciting opportunities which are available to the ACT in the lead-up to, during and after the 2000 Olympic Games. By then, if the Electoral (Amendment) Bill which was tabled today is passed, we will have a government possibly elected by above-the-line voting. Eighty per cent of the community support that.

**Mr Humphries:** I take a point of order, Madam Speaker.

**MADAM SPEAKER:** Yes, Mr Humphries.

**MR BERRY:** Some of the many issues considered - - -

**MADAM SPEAKER:** Just a minute, Mr Berry. We appear to have another point of order.

**Mr Humphries:** Madam Speaker, Mr Berry, not just today but over a number of years, has consistently breached that ruling about keeping to the point. I ask you to take appropriate action and to name Mr Berry.

**MADAM SPEAKER:** I am not finding anything that Mr Berry is saying not to the point. Please continue, Mr Berry.

**MR BERRY:** It is about governing. There will be a government in the ACT.

**Mr Moore:** I take a point of order, Madam Speaker. In fact Mr Berry is talking about the year 2000. That, of course, is a hypothetical matter and as such the question is out of order.

**MR BERRY:** Sydney would not be too happy about that, because they think they have just won the Sydney 2000 Olympic Games. You should write them a little note.

**MADAM SPEAKER:** It is a spurious point of order. Continue, Mr Berry.

**MR BERRY:** Some of the many issues considered at the meeting included the need to develop a tourism marketing strategy to maximise international visitation to the region over the next 10-year period.

**Mr Cornwell:** Is Sports House on the committee?

**MR BERRY:** I heard an interjection from Mr Cornwell over there about whether Sports House is on the committee.

**Mr Cornwell:** I am asking whether Sports House is represented.

**MR BERRY:** Mr Cornwell, if we put on the committee everybody who stuck their hand up we would have to hold every meeting in the Convention Centre. We had to make a choice, and there are lots of people out there who want to participate. They will be given the opportunity to participate, but we cannot have a committee that it would take the Convention Centre to house to look at this issue. All of those people who have put up for it will have the opportunity to participate in one way or another throughout the process. We will have the opportunity to develop the cultural side of sport, which is most important, and partnerships between sporting federations and the Government in bidding to host sporting events.

The committee has agreed to form several subcommittees which will enable those people to whom you refer, from community groups, sporting groups and so on, to participate in considering all of those matters which will provide opportunities for the ACT. The ACT Olympic 2000 Committee and its subcommittees will meet monthly to produce its report to government by August 1994. What we have, Madam Speaker, is a pretty exciting committee with a pretty exciting job. With the win by Sydney of the Olympic Games in the year 2000 there is much work to do. I expect that those who are participating on it are keen and eager. As well, there are a lot of other people out there in the community who are keen and eager to help. We welcomed all of their interests, but we just could not have a committee of a size which would accommodate all of them. The selection has been made. There are good people there and I know that the subcommittee process will enable people to advance their ideas and participate in the development of those exciting opportunities which are available to the ACT.

**Mr Stevenson:** I have a supplementary question, Madam Speaker. Was one of the several subcommittees formed to address the proposal - - -

**MADAM SPEAKER:** Hang on, Mr Stevenson. You are out of order. It was a good try.

**Mr Stevenson:** But Mr Lamont does not want it.

**MADAM SPEAKER:** You are out of order.

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

### **Legislative Assembly - Number of Members**

**MS FOLLETT:** I would like to add briefly to the answer to the question from Mr Stevenson concerning the amendments in the Federal Parliament. I regret to inform the house that the *Canberra Times* has it wrong - just to shock you all. Madam Speaker, the amendment to allow the change in the number of Assembly members was knocked back in the Senate. The Bill which was passed by the house yesterday does not change the existing Act on this subject.

### **Land Tax**

**MS FOLLETT:** Madam Speaker, I also have some answers to questions which I took on notice. The first is from Mr Stevenson. It concerns the ability to rent a residential property for which a certificate of occupancy and use has not been issued, and the liability for land tax. The short answer to Mr Stevenson is that where there is not a certificate of occupancy and use issued in respect of a dwelling it cannot be occupied. Accordingly, such a dwelling cannot be rented until such time as the certificate has been issued. There is a lengthier answer which I would seek leave to have incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix 6.*

### **Postal and Customs Services**

**MS FOLLETT:** Madam Speaker, I have an answer to a question, also from Mr Stevenson, relating to the potential for re-establishment of a customs section at the Fyshwick Mail Exchange. At the time I noted that this was not within my portfolio responsibilities, but I undertook to make some inquiries. I again have a fairly lengthy response to Mr Stevenson's question and I would seek leave to have it incorporated in *Hansard* as well.

Leave granted.

*Answer incorporated at Appendix 7.*

### **Government Service - Home-Garaged Vehicles**

**MS FOLLETT:** Finally, Madam Speaker, I have a response to a question from Mr Kaine relating to the review of arrangements under which ACT Government owned vehicles were home garaged and the timing of the report on that matter. My advice, Madam Speaker, is that the findings from the review on home garaging will be available for Government consideration in March 1994 and, as I have said, I will report the results to the Assembly. I seek leave to have that answer incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix 8.*

### **LEAVE OF ABSENCE TO MEMBER**

Motion (by **Ms Szuty**) agreed to:

That leave of absence from 23 December 1993 to 21 January 1994 inclusive be given to Ms Szuty.

**AUDITOR-GENERAL - REPORT NO. 11 OF 1993**  
**Financial Audits with Years Ending to 30 June 1993**

**MADAM SPEAKER:** I present, for the information of members, Auditor-General's report No. 11 of 1993, "Financial Audits with Years Ending to 30 June 1993".

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

That the Assembly authorises the publication of Auditor-General's report No. 11 of 1993.

**SUBORDINATE LEGISLATION**  
**Papers**

**MR BERRY** (Deputy Chief Minister): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations of criteria eligibility for leases.

*The schedule read as follows:*

Land (Planning and Environment) Act -

Determination of criteria eligibility for certain classes of leases - No. 175 of 1993 (S266, dated 15 December 1993).

Determination of criteria for direct grants of Crown Leases - No. 174 of 1993 (S266, dated 15 December 1993).

**BILL OF RIGHTS**  
**Issues Paper**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.13): Madam Speaker, for the information of members, I present a discussion paper entitled "A Bill of Rights for the ACT". I move:

That the Assembly takes note of the paper.

Madam Speaker, I present an issues paper proposing a Bill of Rights for the ACT. Bills of Rights have been an essential part of liberal democratic societies for the last 200 years. In the United States the Bill of Rights was enacted soon after the new nation was born, in 1791. In France, following the revolution, the Declaration of the Rights of Man and the Citizen formed the cornerstone of the new republic. The constitutions of many countries provide protection for individual rights and freedoms. Since the Second World War, protection for individual rights has been developed extensively at an international level. More recently, Canada and New Zealand - two countries with similar histories and legal systems to our own - have enacted Bills of Rights. These now enjoy high levels of popular support.

In Australia there have been several attempts to enact a Federal Bill of Rights but none have yet succeeded. Several States, and now the Australian Capital Territory, are beginning to look at the issues involved, with a view to enacting their own. In Queensland the Electoral and Administrative Review Commission has recently recommended the adoption of a Queensland Bill of Rights. The South Australian Government - or the former South Australian Government - has been considering the possibility of a Bill of Rights, and Victoria, under a previous government, also carried out such a review. In other countries these developments at a State and provincial level preceded moves towards a national Bill of Rights, and the same may yet prove true of Australia. An ACT Bill of Rights would form a part of the comprehensive human rights package already existing in this Territory. It would give guidance to future legislators by giving them a set of standards against which to measure proposed laws. It could also give citizens a right to challenge laws which infringe their basic rights.

This issues paper does not represent Government policy. It is intended to raise issues for discussion and comment. It examines Bills of Rights in other countries and the effect a Bill of Rights could have in the ACT. I believe that the debate about whether the ACT should enact a Bill of Rights or not is both important and timely. If the people of this Territory decide that they want a Bill of Rights following informed debate, it is likely to enjoy a high degree of legitimacy in the community. If, on the other hand, they do not, they will know more about the human rights protection they already enjoy and will have made an informed decision to retain the status quo. This very comprehensive paper is the best single volume summary of the state of law in relation to human rights in the ACT. Members, even if they are not interested in a Bill of Rights, will find it a useful reference for what the law is on a range of human rights areas in the ACT. Mr Deputy Speaker, these issues and others are canvassed in the issues paper, and I look forward to hearing from members of the Assembly and the ACT community.

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

## **SURROGACY AGREEMENTS**

### **Discussion Paper**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.15): Mr Deputy Speaker, for the information of members, I present a discussion paper entitled *Surrogacy Agreements in the ACT* and move:

That the Assembly takes note of the paper.

Mr Deputy Speaker, this discussion paper, *Surrogacy Agreements in the ACT*, outlines proposed legislation relating to the making of agreements under which a woman agrees to bear a child for someone else. The paper is intended to generate community discussion and establish an approach which has broad community acceptance. The proposal is that the state disapproves of surrogacy arrangements; the state should not punish surrogacy agreements by themselves -

that is, it would not be an offence to make such an agreement; however, the state should not condone any surrogacy agreements - that is, they should have no legal standing and should not be enforceable; commercial surrogacy would be illegal; it would be illegal to advertise in relation to surrogacy; assistance in making a surrogacy agreement by third parties would also be prohibited and a form of professional misconduct for professional health carers; and in any action relating to the custody or guardianship of a child the law would give paramount consideration to the welfare of the child.

The proposed legislation defines the term "surrogacy agreement" as agreement to become, or attempt to become, pregnant with the intention that the child is being gestated for someone else. This term also applies to an agreement by a person who is already pregnant that the child will become the child of another. The woman who is to carry the child thus agrees that on birth she will give the child to the commissioning parent or parents. The proposed legislation targets agreements regardless of whether the parties involved intend to adopt the child or to have the care, control or guardianship of the child. It also applies whether the parties to the agreement are relatives or not.

Mr Deputy Speaker, there is no doubt about the distress and loss felt by many of those who cannot have children. Infertility can be a serious disability, and it is often untreatable. Until recently, most couples who were infertile and wanted children adopted them. The decrease in children being relinquished for adoption over the last 10 years and the simultaneous development of reproductive technology have resulted in these couples now looking to alternative means of dealing with infertility. Thus a couple can arrange not only for a third person to bear a child for them but also for the child to be their own genetic offspring through embryo or gamete transfer. Such arrangements necessarily include many more individuals than formerly would have been the case and can involve major invasive medical treatments.

Some people argue that surrogacy agreements are contrary to the best interests of women in general and of those children involved in the agreements. Thus, they say, the state should prohibit them or at least not be seen to uphold them. Others say that surrogacy should be permitted out of compassion for couples who are infertile and contend that surrogacy, where it provides loving parents and a satisfactory home for a child, is a perfectly reasonable thing to do, even a noble act of generosity by a woman who is concerned for the happiness of others. These arguments are considered in the discussion paper, as well as a rationale for adopting the approach we have proposed.

Several approaches to surrogacy have been considered by nine different reports which have come from every State of Australia and two reports commissioned by the Federal Government. These are outlined in the discussion papers, so I will not go into them here. The approach favoured by 10 of the reports is the one which this Government is proposing - that is, the rendering of surrogacy agreements in themselves void and unenforceable at law as well as making commercial surrogacy and the assistance of it an offence. This is the approach we are putting to the ACT community for discussion.

This approach is also endorsed by the combined health and welfare Ministers of Australia, who in addition resolved that penalties and sanctions be applied to third parties through the classification of assistance of surrogacy as professional misconduct and the withdrawal of licences or approval to practise reproductive

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medicine from medical organisations which participate in facilitating surrogacy arrangements. We have made provisions for these resolutions in the proposed legislation but must note that the proposed approach is not the only way this may be achieved. As with other proposals in the paper, a different approach to the method of making assistance to surrogacy agreements professional misconduct for some health carers may be favoured. We are interested in the community's approach as to which way we should go.

Mr Deputy Speaker, the proposed law is considered necessary because currently in the ACT surrogacy contracts are prohibited by implication only. Agreements which do not give reward or profit are not an offence, but where a party to a surrogacy agreement refuses to honour the agreement courts would in all likelihood not recognise the contract and would follow instead the principle of the child's best interest. Adoption legislation prohibits arranged adoptions. Legislation in Victoria, Queensland, Tasmania and South Australia expresses State disapproval of surrogacy agreements and is in line with our proposal.

Mr Deputy Speaker, I am pleased to release this discussion paper for community comment. This legislation is the result of careful consideration of the laws in other Australian jurisdictions and the particular needs of this community. The community's views are important not only to ensure that the proposal reflects the interests of as many sections of the community as possible but also to ensure wider acceptance of the approach eventually adopted by this Assembly. The aim is to design legislation that is appropriate and effective for this jurisdiction. Mr Deputy Speaker, the Government has set aside a period of three months to allow for comment on the proposal, and I look forward to receiving comments from the community on this very important and, we think, pressing change and bringing the legislation before the Assembly.

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

### **COMMUNITY LAW REFORM COMMITTEE Report on Mandatory Reporting of Child Abuse**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.21): Mr Deputy Speaker, for the information of members, I present the Community Law Reform Committee report No. 7 entitled *Mandatory Reporting of Child Abuse* and move:

That the Assembly takes note of the paper.

Mr Deputy Speaker, all members of the community should abhor violence against children. Unfortunately, history has shown that we cannot rely on criminal or other traditional sanctions alone to reduce the instances of child abuse. Increasingly, the ACT and other jurisdictions have come to rely on careful intervention in the child's family to partially meet this problem. Sometimes welfare workers can resolve the problem within the family unit by providing support, even preventive services, to the child and family. Sometimes the child must be protected in other ways.

In 1986 the law was changed in this Territory to give full civil and criminal protection to a person who voluntarily reports to the Community Advocate and thereby brings the full resources of the Territory into play to protect the interests of a child in need of care. However, concurrent measures which would have required professionals to report child abuse have never become law.

The issue considered by the Community Law Reform Committee in the seventh report of the committee, which I am tabling today, is not whether voluntary reporting is a desirable practice. The issue is whether the law should go further than voluntary reporting and require professionals working in the children's services area to report child abuse when they become aware of it. Unfortunately, in Canberra the sad reality is that, despite voluntary reporting of abuse, professionals do not report all instances of child abuse. Sometimes this is because the professional is unsure that abuse has occurred, sometimes because the professional believes that intervention by the Territory would be unwarranted or counterproductive, sometimes because the professional is unaware of his or her power to make a voluntary report and sometimes because the professional does not wish to damage his or her professional or commercial relationship with the child's parents or guardians.

In considering this issue, the Community Law Reform Committee has considered whether a mandatory reporting law can be an effective means of changing what may be deep-seated reluctance on the part of some professionals to report cases of child abuse. In preparing the report, the committee has made a detailed study of reporting practices in this Territory and other jurisdictions. It has also assessed the potential financial costs of introducing mandatory reporting.

The committee is not unanimous in all of its recommendations. The majority view is that there should be a phased approach to mandatory reporting. This strategy would begin with targeted education and, if this does not work, would move toward mandatory reporting. It is argued that requiring professionals to report will lead to the welfare services of the ACT being overwhelmed by new cases. Each report of child abuse must be investigated. Investigations take time and resources. In the final result, not every report of abuse may be confirmed. The majority argues that staff and resources which are presently used to great effect in supporting families in need might be redirected into policing mandatory reporting. A minority of the committee which supports the immediate introduction of mandatory reporting has provided its views in a chapter of the report. The Community Law Reform Committee has weighed up the potential value of mandatory reporting with the potential social costs of the redirection of services.

The report of the committee deals with difficult and divisive issues. I welcome further debate in the Assembly on this subject as the result of the committee's report and look forward to presenting the Government's response to the committee's recommendations early next year. I commend the report to members.

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

**WORLD'S INDIGENOUS PEOPLES - INTERNATIONAL YEAR**  
**Ministerial Statement**

**MS FOLLETT** (Chief Minister and Treasurer): I seek leave to make a ministerial statement on the International Year of the World's Indigenous Peoples.

Leave granted.

**MS FOLLETT:** I thank members. Mr Deputy Speaker, 1993 was designated by the United Nations as the International Year of the World's Indigenous Peoples. As this year draws to a close, I believe that it is appropriate to highlight what the ACT Government has done to mark this important year. The theme of the international year has been "Indigenous Peoples - a new partnership". The international focus of the year was involving indigenous peoples in the planning, implementation and evaluation of policies and programs affecting them. Naturally, there was an emphasis on enhancing the relationship between indigenous Australians and the wider community and on increasing knowledge and understanding of Aboriginal and Torres Strait Islander cultures as part of our unique national heritage.

Mr Deputy Speaker, in celebrating the year, the ACT Government has focused its attention on developing initiatives which achieve a number of objectives. We have been mindful of the need for initiatives which strengthen consultative links, redress disadvantage, promote an awareness and understanding of issues affecting Aboriginal and Torres Strait Islander peoples and serve as a lasting reminder of the international year and the Government's commitment to Aboriginal and Torres Strait Islander peoples in the ACT.

Consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the Government's commitment to social justice, the Government has implemented a number of initiatives aimed at strengthening consultation with Aboriginal and Torres Strait Islander peoples. Such consultation is vital to the achievement of self-determination for Aboriginal and Torres Strait Islander peoples.

The formation earlier this year of the ACT Aboriginal and Torres Strait Islander Advisory Council, which advises me on issues relevant to the Aboriginal and Torres Strait Islander communities in the ACT, has been a crucial step. The council provides a link to government by providing a forum in which members of the communities can raise issues of concern and, conversely, through which government agencies are able to seek community comment and advice in formulating and reviewing key policy documents.

I am very pleased with the work of the council during its first year of operation. Its achievements during the year have been significant. The council has worked closely with ACT government agencies in relation to a wide range of matters and has participated in legislative reform and had significant input into the development and implementation of numerous policies and programs in areas such as employment, education, training, the administration of justice and the planning of Gungahlin. The council also provided me with advice in relation to initiatives which the Government has implemented to celebrate the international year.

As you will recall, Madam Speaker, last year the Government set aside \$2.5m of the casino premium for the development of a keeping place and cultural centre and announced its intention to seek advice from the Aboriginal and Torres Strait Islander Advisory Council. I am pleased to advise the Assembly that the advisory council has consulted and continues to consult widely with the Aboriginal and Torres Strait Islander communities in the ACT in relation to this matter. The council believes that it is of the utmost importance that the communities be involved in meaningful consultation about the implementation of such a significant initiative. Accordingly, the council has sought to involve as many members of the community as possible by adapting its methods of consultation to suit the particular needs of the different Aboriginal and Torres Strait Islander communities in the ACT. I am confident that the council's dedication to this task and the commitment to their peoples which it demonstrates will result in the establishment of facilities which truly meet the needs of Aboriginal and Torres Strait Islander peoples.

Earlier this year the Department of Education and Training established a departmental advisory committee on Aboriginal and Torres Strait Islander education, consisting of Aboriginal and Torres Strait Islander parents, students and community members as well as departmental representatives and Aboriginal education workers. The committee provides a point of reference to the development and review of policy and curriculum. Working parties have been established to provide policy advice on specific issues, and public consultation is currently under way on the development of anti-racism policy. A number of Aboriginal language projects are currently being piloted. These projects involve conducting research into Aboriginal languages and including the languages in the language programs of two primary schools.

Madam Speaker, it is unfortunately a fact that Aboriginal and Torres Strait Islander peoples experience disadvantage. I am pleased to note that a number of initiatives introduced this year are aimed at redressing this. Over the past year the ACT Government has been involved in the national Aboriginal health strategy. A joint Commonwealth-ACT funding package was announced in recognition of the need for action in the areas of health and housing for people from Aboriginal and Torres Strait Islander backgrounds. The package included funding for a coordinator for the Winnunga Nimmityjah Aboriginal Health Service, an Aboriginal drug and alcohol worker, an Aboriginal mental health worker, an Aboriginal hospital liaison worker, training for mainstream health workers and the promotion of immunisation services. Under this strategy the Government is also committed to jointly fund an Aboriginal emergency accommodation project to ensure the adequate provision of housing to Aboriginal and Torres Strait Islander peoples.

Earlier this year I announced, as part of the 1993-94 ACT budget, funding for an Aboriginal and Torres Strait Islander employment initiative and an equity training allowance. These programs are aimed at increasing the opportunities for Aboriginal and Torres Strait Islander peoples to participate in employment programs. The ongoing implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody by ACT government agencies is aimed at redressing the many aspects of disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

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This week Australia is hosting the third World Indigenous People's Conference on Education in Wollongong. The conference is a major event on the calendar for the international year and over 3,000 delegates will be attending from around the world to discuss and learn from the educational and life experiences of indigenous peoples throughout the world. The conference will initiate the drafting of an international charter of indigenous education rights and will be a celebration of the oldest continuous cultures in the world.

I am pleased to advise the Assembly that the ACT Government has provided financial assistance to enable a delegation of Aboriginal and Torres Strait Islander peoples from the ACT to attend the conference. Members of the delegation are keen not only to contribute to the conference but also to ensure that the ideas discussed are reported back to the relevant ACT government agencies so that existing policies and programs can better meet the needs of indigenous Australians.

In reviewing the international year it is important that we reflect upon the High Court's Mabo decision and its implications. Members will be aware that I have consistently agreed that a national response to the High Court's decision is needed. It is in this context that I welcome the introduction of the Commonwealth's Native Title Bill into the Federal Parliament. The Government believes that, based upon its assessment of a necessarily complex piece of legislation and without the insights that would be available from seeing the proposed law in operation, the Commonwealth Bill has struck an appropriate balance between certainty of land administration and justice for the peoples who were inhabitants of Australia before European settlement.

In particular, the Bill creates a manageable framework within which existing titles may be validated and native title determined and managed. It also offers to Aboriginal and Torres Strait Islander peoples an important practical recognition of their rights and interests in native title land as well as an acknowledgment of the extent of dispossession of lands that has occurred. Of course there are issues in relation to the Commonwealth's legislation that remain to be settled. These include any amendments that may result from the debate in the Senate; and, as acknowledged by the Prime Minister in his second reading speech, negotiation with the States and Territories regarding the costs of the overall scheme is needed.

From an ACT perspective, these discussions will need to recognise that in the ACT the Commonwealth Government itself had complete responsibility for land management prior to self-government. Overall I am confident that, subject to a satisfactory resolution of financial issues and timely passage of an acceptable Bill through the Senate, the ACT will be participating in the national system and introducing complementary ACT legislation early in 1994.

Madam Speaker, as members will be aware, there will be very many Aboriginal and Torres Strait Islander peoples for whom the Mabo decision and the provisions of the Commonwealth Bill dealing with native title will do little. These are the people for whom dispossession is complete and for whom native title does not survive. So, while the practical effect of the High Court's decision will not touch these people, I hope that its symbolic impact and in particular the key role played by Aboriginal and Torres Strait Islander representatives in negotiating a national response will create a platform for broader reconciliation.

It would be fitting indeed if the international year and the High Court's Mabo decision were to combine in this way and provide increased impetus for long-term initiatives in the ACT to address the disadvantage faced by Aboriginal and Torres Strait Islander peoples.

Madam Speaker, an important focus of the international year has been to increase knowledge and understanding by non-indigenous Australians of Aboriginal and Torres Strait Islander cultures. Consistent with this theme, I established a parliamentary awareness group on Aboriginal and Torres Strait Islander issues. This initiative will enable interested members of the Legislative Assembly to meet in a non-partisan manner to discuss issues relating to local Aboriginal and Torres Strait Islander peoples. The group provides an informal forum for the raising of awareness on issues affecting Aboriginal and Torres Strait Islander peoples and for the exchange of ideas.

Aboriginal awareness programs have been established within ACT government agencies for members of the Australian Federal Police, magistrates and school principals. The course for principals has proven to be so popular that similar courses have now been established for teachers in government schools. An ACT Government Service-wide program called "Diversity and Cross Cultural Training: Valuing Differences", which includes a component on Aboriginal and Torres Strait Islander cultures, is currently being introduced.

During National Aboriginal and Islander Day of Observance Committee Week, widely referred to as NAIDOC Week, many schools participated in activities celebrating the week. These activities included a variety of performers, visiting speakers and the raising of Aboriginal flags. I am also pleased to note that during NAIDOC Week the Aboriginal flag was flown from a number of flagpoles in the ACT, including on City Hill. Members may have seen the ACTION bus featuring local Aboriginal artwork which I launched during NAIDOC Week. The designs on the bus depict different stories, including the migration of the bogong moth, the Aboriginal spirit world, the logo for the international year, the multicultural nature of modern Australia and the bus network. Translations of the stories appear on the panels inside the bus.

Madam Speaker, the Government also assisted the local Aboriginal and Torres Strait Islander communities in mounting a display at Floriade that provided an insight into Aboriginal and Torres Strait Islander cultures, including the use of native plants for food and medicinal purposes. A further initiative was the playing of music by local Aboriginal artist Mr Bobby McLeod on the ACT Government's telephone system.

While the international year has focused our attention on the significance of recognising Australia's indigenous cultures and promoting an understanding of issues affecting Aboriginal and Torres Strait Islander peoples, it is important that the recognition and understanding extend beyond 1993. A number of the initiatives which the Government has implemented this year in close consultation with the Aboriginal and Torres Strait Islander Advisory Council will act as lasting reminders of the international year.

Madam Speaker, the naming of the new ACT electorates - Brindabella, Ginninderra and Molonglo - is an important commemorative initiative. These names were adopted by the ACT Electoral Commission as they are commonly recognised geographic names of Aboriginal origin which are associated with each electorate. I am pleased to advise the Assembly that a piece

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of artwork will be commissioned from a local Aboriginal artist and displayed in the new Legislative Assembly building as a lasting reminder of the year and of the Government's commitment to the ACT Aboriginal and Torres Strait Islander communities.

The Government has produced a poster to commemorate the initiatives undertaken in celebration of the international year. The artwork on the poster was produced by a local Aboriginal artist who is currently an artist-in-residence in the Department of Education and Training, Mr Dale Huddleston. The poster highlights the significance of the year and provides us with a lasting reminder of what can be achieved when government and Aboriginal and Torres Strait Islander peoples work together in partnership.

The International Year of the World's Indigenous Peoples has raised awareness of the richness of Aboriginal and Torres Strait Islander cultures - cultures that Australians should be proud of. It has also heightened our awareness of the Aboriginal and Torres Strait Islander communities here in the ACT. The year has provided us with an opportunity to enter into a new partnership with Aboriginal and Torres Strait Islander peoples. I am delighted to note from my discussions with members of the Aboriginal and Torres Strait Islander Advisory Council only last week, Madam Speaker, that the role that they perform in the ACT is unique throughout the country and is held by Aboriginal and Torres Strait Islander peoples nationally in high esteem as a great achievement. No other government has involved its Aboriginal and Torres Strait Islander communities in advising them in so significant a way, and I look forward to continuing to enhance this critical partnership.

I present the following paper:

World's Indigenous People - International Year -

Ministerial Statement, 16 December 1993.

I move:

That the Assembly takes note of the paper.

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

### **EVIDENCE BILL 1993 - COMMONWEALTH Paper**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, I ask for leave of the Assembly to table a ministerial statement on the Commonwealth Evidence Bill 1993 and its application to the Australian Capital Territory.

Leave granted.

**MR CONNOLLY**: I table that statement. I seek leave to have it incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 9.*

## LEAVE OF ABSENCE TO MEMBER

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

That leave of absence from 31 December 1993 to 28 January 1994 inclusive be given to Mr Cornwell.

## ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE Report on Article in the *Canberra Times*

**MADAM SPEAKER:** I present the report of the Standing Committee on Administration and Procedures on the matter of privilege referred to it by the Assembly on 24 November 1993, together with a copy of extracts of the minutes of proceedings.

**MR MOORE** (3.42): Madam Speaker, I move:

That the report be adopted.

This report of the Administration and Procedures Committee with reference to the matter of privilege is a quite important report. It draws members' attention to one of the most difficult issues within our committee system. One of the most significant things about this parliament, Madam Speaker, compared to other parliaments - those of us who have looked at the workings of other parliaments realise this - is the extent of the committee work that is done here and the positive contribution that that has made to the community. When members feel that they are not able to trust another member on a committee - and that is what this matter of privilege is about - then the work of that committee will largely be undone. It is for those reasons that I recommend that members read the report of the Committee on Administration and Procedures closely and take care to observe the recommendations of that committee.

**MR LAMONT** (3.43): I suppose that the thing that we must be concerned about is that matters deliberated on by committees of this Assembly not be forwarded to outside parties - members of the media, as an example - prior to their tabling in this Assembly. There are a number of matters which have been raised by Ms Szuty. As an example, I think it would be outrageous if this report tabled now had been released, say, to the media prior to its tabling here in the Assembly. While it would be easy to narrow down the number of people who may have been in a position to do that, it would nevertheless constitute a gross abuse of process in this chamber. I think we need to take that into account when considering this matter formally at a later date.

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

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**GOVERNMENT'S PERFORMANCE DURING 1993**  
**Discussion of Matter of Public Importance**

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

The ACT Government's performance during 1993.

**MR HUMPHRIES (3.45):** Madam Speaker, I am afraid that the jury has come back and things are not looking too good. I was trying to think of some evidence, Madam Speaker, to help me work out what the ACT people really think about this Government. I flicked on the radio this morning at about 10 to 9, and I must say that it was not too good. There were a lot of angry people on the telephone. They were ringing up a certain radio station, the name of which slips my mind for the moment.

Madam Speaker, I think it is fair to acknowledge that the last year, 1993, has been a difficult year for the Follett Government. We can see some of the problems that have beset this Government in the course of the last year. In September it delivered its budget - probably the worst received budget in any community since the beginning of self-government.

**Mr Connolly:** But you say that every year, Mr Humphries.

**MR HUMPHRIES:** It is true every year, I am afraid. Madam Speaker, I must concede that the budget situation is in part due to the fact that there has been a severe worsening of the ACT's position in terms of Commonwealth funding of the ACT, particularly in the last 12 months as a result of the recent Grants Commission report and decisions made by the Commonwealth Government. That is a factor to be taken into account.

There has been a growth, or a fluctuation at least, in youth unemployment in the ACT. Although unemployment generally is probably better in the ACT than it is in the rest of Australia, there are still some very worrying trends. We have had rising industrial unrest under the ACT Labor Government - a matter which always strikes me as being rather strange. There has been a breakdown of relations with the union movement since this Government came to power. Of course, we have seen some considerable fighting within the Australian Labor Party concerning their preselection system and no doubt many other things as well. Madam Speaker, I do not think I need mention the small matter of the Electoral (Amendment) Bill brought down today.

In my remarks today I want to focus on Ms Rosemary Follett herself, because she is the Chief Minister of this Government. She is the person who bears chief responsibility for its affairs. She has had a very hands-off style in dealing with the issues faced by government. She has been the leader of the Government, and it is a government that has been in some difficulty; so naturally there has been some focus on her, on her role and on her style. That has tended to lead to some criticism of her.

Madam Speaker, there are two main problems with Ms Follett's approach to government. One is that she seems to have a very hands-off approach towards the problems of her Ministers. She is not willing to step in and take a direct decision to bring her Ministers into line and knock some heads together when that is appropriate. She is also, unfortunately, beset by a tendency to let things

drift when that suits her purposes. I want to refer to a few paragraphs from the Auditor-General's report which was tabled only today in the Assembly which I think point up some of those problems. The summary of issues raised in this report on page 2 makes a few points of some interest. It states:

The amount of the Building and Construction Industry Long Service Leave Board's investments and the level of income being generated indicate that that Board continues to have more than sufficient funds to meet its current and future legislative obligations.

**Mr De Domenico:** When was that said?

**MR HUMPHRIES:** That report by the Auditor-General was tabled today. He said that there is a problem with having too much money in that pot; that we need to do something about it. Ms Follett is the Treasurer. Where was her action on the obvious lack of action on the part of her own Minister responsible? I think it must have been Mr Berry. Where was the action on this matter? Unfortunately, it was not present. Some things, unfortunately, are within Ms Follett's own bailiwick. Almost \$1m of funds provided by the Commonwealth for the NEIS program, an employment program, remained unspent as at 30 June 1993.

**Mr Kaine:** Yes; that is their contribution to helping small business - \$1m underspent.

**MR HUMPHRIES:** Exactly. Here in a central program about employment, about creating jobs, \$1m is unspent. On past spending patterns that amounts to two years' expenditure. The ACT Government's unfunded superannuation liabilities at 30 June 1993 were approximately \$196m. That is a \$43m increase from the amount estimated at 30 June 1992. That is a bit of bad news, Madam Speaker, and I am afraid that the problem lies squarely at the feet of the Chief Minister and Treasurer.

There has been a certain sense of drift in this Government which is best characterised by the words of Mr George Snow when he resigned from the Economic Priorities Advisory Committee earlier this year:

... I believe that the ... Committee ... had the possibility of an effective role in advising Government, of improving its fiscal position, but its advice has been ignored and I see no reason why I should continue to commit time and enthusiasm to a cause that is no longer considered relevant by the present Government. Why talk if no-one listens?

They were the words of a prominent member of the Economic Priorities Advisory Committee who resigned earlier this year.

In the area of economic management, Madam Speaker, I am afraid that the report card is not too good. Let us look at the course of this year. Redundancies worth \$17m were budgeted for in the ACT budget. That might seem not too bad, unless you contrast that with statements by the present Chief Minister that she thought that 400 positions and \$6m being cut in 1990 when Mr Kaine was Chief Minister was "bad news hidden very deep in Mr Kaine's budget". She talked about the then Treasurer being sacked for that kind of decision. What can we say?

The Chief Minister has imposed 2 per cent restraint cuts on her administration, but she has not done that consistently and she has not explained the rationale for it. This year in her budget she attempted to impose a heavy increase in diesel fuel obligations on citizens of the ACT in a way which in fact amounts to a form of taxation on heating fuel in this Territory which does not exist in other jurisdictions or does not exist on fuel of the same sort in this jurisdiction. It also amounts to a heavy impost on the capacity to create jobs. We have seen a massive rates rise under this Government - quite extraordinary and quite excessive rises in rates. Those sorts of problems - - -

**Ms Follett:** Not as massive as yours. What about the 16 per cent under the Liberals?

**MR HUMPHRIES:** I know that this is painful and I apologise for that; but, Madam Speaker, despite all those things I was prepared to give Ms Follett, the Chief Minister, a quite high mark. She does face enormous difficulties. After all, she has Wayne Berry in her Cabinet. I really cannot expect too much in the circumstances. I was prepared to give the Chief Minister and Treasurer a mark of seven out of 10 - until today. Today, Madam Speaker, I am afraid that she fluffed badly. Today she tabled her electoral legislation - legislation which causes a few problems in the ACT.

**Mr De Domenico:** The fraudulent electoral legislation.

**MR HUMPHRIES:** The fraudulent electoral legislation, Madam Speaker, which I am afraid did cost her quite a few marks on our polling. Ms Follett had a few things to say about that legislation before it came in. She said in May of last year:

... I consider myself bound by the terms of the referendum.

... ..

I can assure Ms Szuty that the terms that are provided for a system of rotation will certainly be adhered to.

On 23 June she said:

I accept absolutely the decision of the people of Canberra as to their preferred electoral system.

... ..

I will implement the decision of the people of Canberra.

Madam Speaker, I am sorry. Everybody who watches this debate knows, the media know, people interested in the electoral system know and I think at this stage the general public of the ACT also know that a swiftie is being pulled on us. A swiftie is being pulled on the community. Ms Follett is trying to get away with what she would never have dared to say to the ACT population before the election. Why did she not say to people before the referendum in 1992,

"My concept of Hare-Clark includes above-the-line voting"? Why did she not say, "My concept of Hare-Clark also includes how-to-vote cards. My concept of Hare-Clark allows for party tickets to be lodged."? Why did she not say those things before we went to the referendum? She did not want people to know that that is what she had in mind for us as a community. I am afraid that Ms Follett's mark has dropped from seven out of 10 to four out of 10.

**MS FOLLETT** (Chief Minister and Treasurer) (3.55): I welcome the opportunity, Madam Temporary Deputy Speaker, to contribute to this matter of public importance discussion today. In contrast to the Opposition, whose leader is apparently not confident or not convinced enough to actually lead their criticism of the Government's performance, I am proud, as the Chief Minister, to stand and defend the Government's record in 1993. Madam Temporary Deputy Speaker, 1993 can best be characterised as having been a year of solid achievement - - -

**Mr Moore:** As the year of the shonky electoral Bill.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): Do you think we could have some quiet from you, Mr Moore. We have had a lot of interjections and I would like to hear the Chief Minister without them.

**Mr Moore:** It will continue, Madam Temporary Deputy Speaker.

**MS FOLLETT:** Madam Temporary Deputy Speaker, I think that is a contempt of the Chair. Mr Moore, you have just been asked to stop interjecting and you said that it would continue.

**MADAM TEMPORARY DEPUTY SPEAKER:** I would appreciate it, Mr Moore, if the Chief Minister could be heard. You seem to be interjecting a lot.

**MS FOLLETT:** Madam Temporary Deputy Speaker, 1993 can best be characterised as having been a year of solid achievement and stability for the Government, and insufferable childishness by members opposite. The virtue of stability is particularly pronounced when contrasted with an opposition which, as I will comment upon later, is persistently convulsed by uncertainty as to who is actually leading the party. In September I brought down a budget which achieved that important balance between responsibly tackling the ongoing dramatic cuts in Commonwealth funding and building upon our commitment to social justice in the community. As members will recall, the ACT in 1993 and 1994 faced by far the highest single reduction in Commonwealth funding of any State or Territory in history, with the Premiers Conference resulting in a \$78.4m cut in the ACT's general revenue grant.

In response to this extremely harsh financial environment, the Government developed a budget which placed the ACT on a solid, medium-term path of restructuring to accommodate this adjustment in a way that will avoid the social dislocation occurring in some other States. I would remind members of the redefinition of the three R's in Victoria - reading, rioting and 'rithmetic. Key features of our budget included a recurrent budget surplus which will ensure that no borrowings are required for day-to-day activities; improvements in our government efficiency; capital works which will generate 3,000 jobs; capital borrowings to fund income producing assets and savings initiatives; and maintenance of a policy of setting aside funds to meet superannuation liabilities.

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The budget also built upon the Government's enduring commitment to create a socially just community in the ACT. Assistance was provided to the unemployed through extra funding for employment programs; special assistance to disadvantaged youth, Aboriginals and the long-term unemployed; small business training for older retrenched workers; and industry assistance to locate or expand operations in the ACT. Measures to protect the most vulnerable in our community, a group forgotten by the Opposition, were also introduced, including expansion of the child at risk unit; a new Tuggeranong youth centre; extended winter electricity concessions for 19,000 Canberra households; deferment of pensioner concessional rates; more child-care places, including centres at Tuggeranong and Weston; a women's alcohol and drug abuse halfway house; and an after-hours crisis service for mentally and intellectually dysfunctional people. New initiatives to address educational priorities, such as the expanded integration of students with special needs into mainstream schools, and measures to provide better municipal services, such as improvements in waste collection and recycling and library user services, also figured prominently in our budget.

Turning to the ACT economy, the second part of 1993 continues the pattern of strong economic growth revealed for the 1992-93 financial year. In 1992-93 the ACT's gross State product - a measure of the value of all goods and services produced in the Territory - grew by 4 per cent, well above the budget forecast of 2 per cent. Budget forecasts predict an overall GSP growth of 3 per cent in real terms for 1993-94, rising to 4 per cent by 1996-97. On the employment front, in 1992-93 some 6,500 more people had jobs than in the previous year - a 4.4 per cent increase. Since June 1993 employment has grown by a further 3,500 persons or 2.2 per cent. Retail trade, which is the major component of private spending, has also grown strongly over the year, amounting to some 5.6 per cent growth. When this picture is coupled with the continuing strong performance in tourism throughout the year, we are left with undeniable evidence of the soundness of the Government's economic management.

Madam Temporary Deputy Speaker, the Government's legislative agenda for the year was challenging, and its delivery on that agenda impressive. In purely statistical terms, some 106 Bills were introduced into the Assembly by the Government during the course of 1993. Around 70 per cent of the Government's first priority legislative proposals identified in the two published legislation programs were among the Bills introduced into the Assembly in 1993. These figures compare favourably with previous years and previous governments' statistics; yet, as is often the case, it is the story behind the statistics that is most revealing. The nature of the legislation introduced by the Government reveals our forward looking and reformist nature.

I will take the opportunity to remind members of a few of the more prominent items of legislation. There was an amendment to the Discrimination Act to prohibit age discrimination. The Animal Diseases Bill brings the ACT into line with the States and the Northern Territory in the control of exotic animal diseases and, therefore, meets the Commonwealth's requirements for the ACT's participation in a cost sharing agreement. The Boxing Control Bill establishes a statutory requirement for the protection of the health and safety of boxers. There was the package of legislation to implement a range of uniform regulatory arrangements to apply to health professionals across Australia; the package of legislation designed to upgrade the law relating to food in the Territory; the Health Complaints Bill, which puts in place a regime to deal with complaints against health providers in the ACT; the Commissioner for the Environment Bill,

which provides an environmental ombudsman role to investigate complaints and to produce annual state of the environment reports; the Tobacco Products (Health Warnings) (Amendment) Bill, which gives effect to the national agreement on a new health warning labelling system for tobacco products; a Bill to regulate providers of education services for overseas students; and the Sports (Drug Testing) Bill, which established a statutory regime for testing for evidence of drug use as an artificial aid to sport performance. In addition to these Bills, a number were introduced which reformed many aspects of the criminal law and law relating to our legal system. The Attorney-General will provide more detail on these shortly.

Of course, Madam Temporary Deputy Speaker, much of the business of government is not glamorous or reported in the media. It involves the day-to-day matters which do not feature in Assembly debate. Many of these matters of daily administration were the subject of commitments by this Government prior to the 1992 election. The Government has been quietly working on the implementation of these commitments, with a great number coming to fruition in 1993. I will provide you with a brief sample of these achievements. There was an additional small business incubation centre opened this year; extra funding has been provided for walking trails, interpretative signs and the provision of maps and information leaflets to help people enjoy our parks and nature reserves; the introduction of a purchasing policy for recycled paper; the establishment of a committee to assist ACT cultural groups to obtain sponsorship and to market their work and performance; the promotion of an annual Australian Theatre Festival; the provision of long-term shared housing for young people; the introduction of a safety house scheme; the further development of initiatives to enable people with disabilities to live as independently as possible; and further extension of the "park and ride" and "three for free" schemes. This represents only a small sample of the many unheralded achievements of the Government this year.

Madam Temporary Deputy Speaker, no description of the Government's proud record of achievement in 1993 would be complete without a reference to the launch of the new Territory Plan in October. This represented the culmination of four years of work to produce a plan that would provide a clear vision for Canberra's development into the future. Nor could I let the opportunity pass without reminding members of my statement earlier highlighting the Government's achievements in marking the International Year of the World's Indigenous Peoples.

Madam Temporary Deputy Speaker, I can only repeat my opening comments. The Government's performance in 1993 has been excellent, marked on any measure by solid runs on the board across the full range of government activity. This is in stark contrast to the Opposition, whose performances ranged from the ineffective, through the irrelevant to the irresponsible. Their irresponsibility was dramatically underscored in relation to the budget when, unable to come up with a coherent alternative financial strategy, the infamous amendment - - -

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**Mr Moore:** I raise a point of order, Madam Temporary Deputy Speaker. I draw your attention to the possibility that the Chief Minister might be about to reflect on a vote of the Assembly. I draw your attention to the fact.

**MADAM TEMPORARY DEPUTY SPEAKER:** No. I think you will find that it is a reflection on the *Canberra Times* editorial.

**MS FOLLETT:** Madam Temporary Deputy Speaker, the infamous amendment to the Appropriation Bill was made. The shortsightedness of this measure - - -

**Mr Moore:** I take a point of order, Madam Temporary Deputy Speaker. That is a reflection. The Chief Minister, her attention having been drawn to the standing orders, deliberately went there. I think you should name her, actually.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Moore, I gave my ruling on that.

**Mr Kaine:** Go on. I dare you, Madam Temporary Deputy Speaker.

**MADAM TEMPORARY DEPUTY SPEAKER:** Just a moment, Mr Kaine. I will deal with that next. This is the silly season, I know, Mr Moore; but I would prefer it if you did not carry on like that in the house.

**Mr Moore:** I take a point of order, Madam Temporary Deputy Speaker. I find that quite objectionable. I very sensibly drew attention to a point of order.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Moore, I gave a ruling on it.

**Mr Moore:** You have blatantly ignored it.

**MADAM TEMPORARY DEPUTY SPEAKER:** I intend to stick to that ruling, Mr Moore. Mr Kaine, I would ask you to withdraw the remark against the Chair.

**Mr Kaine:** What did I say that I have to withdraw? Madam Temporary Deputy Speaker, I have no idea what I said to offend; but, whatever it was, I withdraw.

**MADAM TEMPORARY DEPUTY SPEAKER:** Thank you, Mr Kaine. I appreciate that.

**MS FOLLETT:** Madam Temporary Deputy Speaker, the events that I have just referred to were commented upon extensively in the media, and the report card from the media for the Opposition was not only that they had given up all hope of ever being in government but also that they were unfit to govern. In conclusion, I stand by the Government's performance in 1993 and I look forward to building upon it in 1994.

**MRS CARNELL (Leader of the Opposition) (4.07):** Madam Temporary Deputy Speaker, if anybody needed a measure of the performance of the Follett Government during 1993 they need look no further than today's events. Today we witnessed a death in Canberra, the death of community consultation. This travesty of an Electoral (Amendment) Bill showed how Ms Follett and her minority Government have turned their backs on Canberrans.

**Mr Connolly:** Say it with feeling in an MPI. Do not just read what somebody has written; say it with feeling.

**Mr Cornwell:** You have been pretty quiet on this one.

**Mr Kaine:** Yes, we have not heard much from Mr Connolly on this fraudulent Bill.

**MRS CARNELL:** We will just have a little chat. I have some advice for Labor members in 1994: You had better be looking over your shoulders over there. The Canberra electorate will not be terribly far behind you, because now they simply do not trust you. There is absolutely no reason to. The *Canberra Times* today showed the Chief Minister desperately searching on the floor of her office.

**Mr Kaine:** You will feel the hot breath on the backs of your necks.

**Mr Lamont:** I would have to bow to your experience on that one, Mr Kaine.

**Mr Moore:** Trevor, hold your sheet up.

**MRS CARNELL:** Trevor, hold up your sheet. Trevor, show him the sheet. Yes, that is it. There she is, desperately searching on the floor of the office for credibility. I think that Ms Follett really should get up off the floor and give up the search, because the credibility is gone. They have no credibility and after today's effort I think they will never get it back. This year, 1993, certainly sees the end of community consultation by Labor. They might as well forget it, because they obviously pay absolutely no attention to it. Today Labor buried it under the Electoral (Amendment) Bill.

It falls to me today, though, to measure the performance of a Minister whose performance never ceases to amaze me, and that is, of course, Mr Berry. When Mr Berry took office in June 1991 he promised a brave new world for ACT Health. Reduced waiting lists were a priority. Budget blow-outs were to be a thing of the past. The promises kept coming. Today we can examine the Minister's record on this point and, Madam Speaker, his record certainly "ain't healthy". The health budget is a moveable feast. Already it has blown out by \$3m in just three months.

**Mr Kaine:** That was in September.

**MRS CARNELL:** That was in September; that is right. Imagine what it is now. That is \$1m per month, on the figures that we know about, and this is a Minister who promised that budget blow-outs were a thing of the past. Last financial year we saw a blow-out of in the vicinity of \$9m. Things are not improving this year. The Minister was unable to give any indication to this Assembly, or to the Estimates Committee, of where he was going to find savings, of how he was going to rein in his cost blow-outs in Health. So we probably will not see any improvement whatsoever. Mr Berry says, of course, that he is on track with his health budget - on track to another disaster. That is what the figures show.

Let us look at measures of hospital performance, such as waiting lists, Minister. You accept that waiting lists are a measure of hospital performance. We have seen a 91 per cent increase since the Minister came to office, and that was before the current VMOs dispute. That is a total of 3,418 people. You are right, Mr Kaine; that was to the end of September and, since then, we have seen virtually no elective surgery. There are 3,418 people waiting.

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Let us have a look at hospital beds. The ACT still has the lowest number of hospital beds, both public and private, in this country. Only two months ago we saw another nine short-stay beds closed at Woden Valley Hospital. With occupancy rates prior to the VMOs dispute running at close to 100 per cent, our hospital just cannot see more people, or see them any faster, without shoving people out before they are ready to go home. What has the Minister done about that? Absolutely nothing.

Where is the extra money in community nursing? It simply is not there. What about activity levels, Minister? You proudly said this year that you were not going to budget for any increase in activity levels. He was right, was he not, because he does not have any doctors. This is probably the only thing that the Minister was right about.

**Mr Kaine:** He does not have any bus drivers.

**MRS CARNELL:** No.

**Mr Kaine:** He does not have any nurses.

**MRS CARNELL:** He does not have very many nurses. In the first three months of this year, when he did have doctors, what did we see? We saw activity go up 2 per cent, almost exactly the same as it did in the first quarter last year. So, wrong again, Minister. Activity levels actually did go up, until you got rid of the doctors, and now you might be coming in on track.

There is a huge number of promises, Madam Speaker, that this Minister simply has not kept. If we look at the traditional Christmas closures in Canberra, he has managed that very well. We have to start calling them not Christmas close-downs but summer shut-downs. Instead of closing for four weeks this year, we now see a six-and-a-half weeks closure at Woden Valley Hospital. They really shut down almost indefinitely. In Victoria, Madam Speaker, a State that has embraced reform in their health system, a State that has embraced case-mix funding, we see waiting lists going down by a thousand over the last year and we also see Christmas close-downs virtually eliminated, or at least dramatically reduced, because people want to work. They want to work over Christmas because they want to see patients. What a dramatic difference from our health system here! I nearly forgot to mention that our hospital operating costs are still some 30 per cent above national averages.

**Mr Berry:** They are not, you know.

**MRS CARNELL:** On all available figures our costs are still some 30 per cent above national averages. I must, however, and I think it is important, congratulate the Minister on the issue of staffing. The Minister single-handedly has united staff in ACT Health like no-one else. They are united on one thing - they hate the Minister's guts. Visiting medical officers, nurses, allied health professionals, salaried doctors - the list goes on. What do they agree on? They agree that Mr Berry cannot run Health. That is also what the *Canberra Times* said in, I think, March 1992. They said:

When Rosemary Follett forms her new Cabinet, she would do well to think of shifting Wayne Berry into a new portfolio. Health, it seems, is a little too much for him ... Mr Berry, in short, is himself one of the major problems in ACT Health.

I do not think it is any wonder, Madam Speaker, that half of the ACT is either on strike or in dispute, or, alternatively, before the Industrial Relations Commission.

The Minister did make one promise to all Canberrans, and that was the promise to get a hospice. What has happened with the hospice? We do not have a hospice because the Minister has bluffed, stonewalled and blustered. He will do anything but get a site that is agreeable to everybody. If you do not want to go to Calvary, Minister, just find a site and build a hospice. We need one. What did we see happen with the Health Promotion Fund? We saw it reduced. In 1992 it was 8.1 per cent of the tobacco revenue that was gained by the ACT Government. This year it is only 4 per cent. This is a Minister who claims that he cares about health promotion.

Minister, to sum up your performance, you told ABC radio in August, "We are on the way to a better health system". Well, we are not. Under your stewardship, ACT Health has gone backwards in 1993. I was going to give you two out of 10 for your performance this year. However, after hearing your comments on the Matt Abraham show this morning about Hare-Clark, I can give you only one out of 10. I gave him the one for that one caller who rang up in support of Mr Berry.

**Mr De Domenico:** Kate from O'Connor. I wonder who she was.

**MRS CARNELL:** Kate from O'Connor. It would not be Kate Lundy from the Trades and Labour Council. Just to give Mr Berry the benefit of the doubt, I think he should get a big one, and that is for turning up.

**MR MOORE (4.17):** Madam Speaker, in speaking to the matter of public importance today I have chosen to use parody as my method. I would like to congratulate the Assembly on the fine work it has done through this year. However, whilst doing so, I feel the need to express a few concerns on a number of consequential problems that I do not believe the Assembly really meant to cause.

It has come to my attention that an unemployed de facto couple were forced to give birth to their child in a Housing Trust stable at Gordon, as there were no obstetricians available in the Woden Valley Hospital. As it turned out, the birthing centre was full, as babies were finding their own ways out all over Canberra. However, apart from a few disgruntled Gordon neighbours screaming, "We were ripped off", the birth went without complications and mother and child are well. A short time after the birth, mother, babe and her male companion were visited by three strange men who had been under surveillance by the police since their arrival in this country from South East Asia. They were in dire need of a wash, and they had no passports or any other identification on them. After questioning and extensive body searching, it was discovered that these men were found in possession of an illicit substance called myrrh. They were duly charged with possession, distribution and supply of an illegal drug, with bail set at 20 barrels of the stuff. They will face trial, probably in about 1997.

A local shepherd who drove over to the stable on his tractor to pay a visit to the newly arrived neighbours was charged by police for driving an unregistered vehicle. "This is the only time the whole year that I have taken the tractor off the property", he said. "The ACT Government insists that I pay full rego for a tractor that travels only 40 yards across a street twice a year. Of course it is unregistered.

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You want me to register a tractor that crosses the road once in a Halley's comet when some straggler comes from interstate! You've got to be joking". The shepherd made such a racket that he was also charged with driving a vehicle using diesel that was meant for use only on the property. His tractor was impounded.

Meanwhile, up at Mount Stromlo, the viewing decks were crammed full of those wanting to see Halley's comet as it lit up the sky. Unfortunately, it came and went without anybody seeing it at all. "What did you expect?", said a spokesman from the North Duffy residents group. "We told you that you would not see anything up there if the development went ahead in that area. So you do not get to see the comet. Tough!".

Having recovered from the birth, the woman decided to cook a meal on an old wood stove. After 20 minutes there was a knock on the door, which set the family scrambling and the baby wailing. A representative from the Environmental Protection Agency mumbled something about the chimney smoking for more than 15 minutes and they had to pay a fine of \$30,000, or something like that. The new mother, Mary, got such a shock that she threw cold water on the stove to put it out. Smoke billowed out and up the chimney. Alas, another fine was forthcoming. A nearby neighbour, seeing the smoke, called the fire brigade, or was it the ambulance or perhaps the police? In any event, they all turned up and discussed the situation while the stable burnt to the ground.

Mother, babe and the male companion made their way into town and they were taken in by the Salvation Army. The next morning being a Monday, a social worker accompanied the mother to Social Security, where she assisted her in applying for the sole parent's allowance. Seven hours later the allowance was still not forthcoming. Apparently the mother experienced great frustration in trying to prove paternity, which is a requirement of the Child Support Agency. This family has been an inspiration to our community, as they have inspired compassionate and humane responses to legislative change. As next year, Madam Speaker, is the Year of the Family, I would like members to keep in mind that group as a possible Family of the Year for 1994.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.21): Madam Speaker, it is more than strange that the Opposition has chosen to bring forward this remarkable matter of public importance today. In responding to this foolishness, I want to refer to the budget reply given by Mrs Carnell some months ago. I think it is rather disgraceful for the Liberal Opposition to raise this matter in the same year that Mrs Carnell gave an entirely irresponsible reply to the budget. Ms Follett, in her address in this debate, indicated the good sense and the responsibility of the Government's budget. It was a budget brought down in most difficult circumstances and it appropriately addressed the funding difficulties as a result of the reduction from the Federal Government. At the same time it met the needs of the ACT.

I was rather appalled two days later when Mrs Carnell gave her reply. It was very well considered, it had obviously had a lot of work, but it was entirely political and irresponsible. I read through it again just a little while ago. What Mrs Carnell did was to pull out every item of tax that she could think of, every little bit extra that the ACT community was required to pay just to bring us up to State levels of revenue raising - - -

**Mr Kaine:** I raise a point of order, Madam Speaker. It is with some regret that I interrupt the Minister, but perhaps you would like to point out to the Minister, Madam Speaker, that the subject is the ACT Government's performance during 1993. What Mrs Carnell did, said or otherwise is totally irrelevant to the debate. Perhaps you would direct the Minister to keep to the point, which is the Government's performance, not the Opposition's performance.

**Mr Lamont:** I rise to support the point of order. What Mr Kaine said - that what Mrs Carnell said is irrelevant - is true.

**MADAM SPEAKER:** I think Mr Wood knows what he is talking about. Continue, Mr Wood.

**MR WOOD:** I am not so sure that I agree that it was irrelevant. Mr Kaine wants to avoid a free-flowing debate in this Assembly, and I am not surprised.

To go on about Mrs Carnell's response, she picked on every item of expenditure; she picked on a number of areas where we should be spending more money, which is a constant cry from the Opposition. She picked every tax and then she listed numbers of places where we were not spending more money. Nowhere in that speech by the Leader of the Opposition was there a responsible attitude taken. Nowhere did she say, "This is the direction in which we ought to be going in raising revenue; this is our accommodation - - -"

**Mr Moore:** That is your job.

**MR WOOD:** No, it is not - not if you want to be responsible. We know that. Nowhere in this speech did she reflect an alternative strategy. Nowhere was there some leadership on the part of the Liberal Party as to the direction in which we should be going. It may be that the Liberal Party has no real sense of direction. They cannot say where they would go as a government. It is certainly the case that if Mrs Carnell was magically transformed into Chief Minister she could not pursue the argument she ran in her reply to the budget. It was somewhat of a contrast to the replies that Mr Kaine used to give. To give Mr Kaine his credit, he would always acknowledge the financial limitations imposed on the Territory.

There has been a significant change in the Liberal attitude. I guess that it is entirely possible for Mrs Carnell to have come up with an alternative strategy. There would be strategies that the Liberals could pursue that were in accordance with their philosophy, but a factor has entered into this since Mrs Carnell arrived as Leader of the Opposition - perhaps it is the reason she did arrive as leader of the Liberal Party - and that is the careful strategy upon which they have now embarked to tell the ACT community exactly what they want to hear; to give out only good news, and never to suggest anything that might make it slightly uncomfortable for the ACT voter to take on board.

**Mr Connolly:** Total abdication of leadership.

**MR WOOD:** What was it, Mr Connolly?

**Mr Connolly:** Total abdication of political leadership.

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**MR WOOD:** I think that is certainly the case. They have resigned from offering any responsible alternative leadership. At the time I thought it was the worst speech I had heard in four years in this Assembly. That is certainly the case. It completely abandoned any responsible approach.

Then, two months later, we get this MPI in which they criticise the performance of the ACT Government. In the face of that performance by Mrs Carnell, the speeches that we have heard from those opposite are simply reprehensible. They are not sustainable. There is absolutely no credibility on that side to criticise this Government in relation to performance during this year. If Mrs Carnell wants to restore her standing in the community she should look to a responsible approach to the finances of the ACT. Instead of that, they moved an amendment to a very sensible education budget.

**Mr Moore:** I take a point of order, Madam Speaker.

**MR WOOD:** There he goes again.

**Mr Moore:** Mr Wood says, "There he goes again". Madam Speaker, the reason he is concerned is that the point of order I raise is a serious one. I raised it before in this debate when the Temporary Deputy Speaker was here. I refer to standing order 52. This is a reflection on a vote of the Assembly. It is clearly out of order, Madam Speaker, and I ask you to make that clear to the Minister.

**MR WOOD:** Madam Speaker, this has been debated. I can quote from some of the references we refer to, namely:

This rule is not interpreted in such a way as to prevent a reasonable expression of views on matters of public concern.

It is a standing order and there are particular reasons for it, so that we do not revisit whole areas; but it does not exclude them. I am going to move away from it, Mr Moore, so you need not jump up ad infinitum.

**MADAM SPEAKER:** Thank you. I believe that Mr Wood has made a fair explanation of his intentions, Mr Moore, and as such did not intend to reflect badly on a vote.

**MR WOOD:** Just do not keep jumping up about it. Madam Speaker, the Opposition is simply in no position - - -

**Mr Moore:** I take a point of order, Madam Speaker. Madam Speaker, standing order 58 provides that - - -

**Mr Kaine:** The Opposition is in a position. It is right here.

**Mr Moore:** That is not the one I am after. That is the digression one.

**Mr Humphries:** Yes, digression.

**Mr Moore:** Yes, standing order 58 was right. The Minister is supposed to be talking about the Government, Madam Speaker, not the Opposition. I believe that he is digressing.

**MADAM SPEAKER:** The advice has been taken. Mr Wood will proceed.

Debate interrupted.

## ADJOURNMENT

**MADAM SPEAKER:** Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

## GOVERNMENT'S PERFORMANCE DURING 1993 Discussion of Matter of Public Importance

Debate resumed.

**MR WOOD:** The Opposition is in no position to maintain a spurious argument such as they have done.

**MR CORNWELL (4.31):** Madam Speaker, it is fortunate - - -

**Mr Wood:** You are not going to talk about the education budget, surely. How could you?

**MR CORNWELL:** It is fortunate that I am following Mr Wood, because it is my unpleasant but regrettable duty - I say regrettable really, not unpleasant - to judge Mr Wood's and this Government's performance in the field of education. I would have to say that if I were to identify one word that would sum up this Government's role in education, particularly under its Minister for Education, Mr Wood, it would have to be "indecisive". It would have to be indecisive, particularly in relation to maths, because this began, Madam Speaker, early in the year when Mr Wood was unable to recognise that 34 was not a primary number, at least inasmuch as Griffith Primary was concerned. The problem with maths was followed in April by Mr Wood mislaying some 9,000 surplus government school spaces. These still have not been found, even though they are probably a little over a quota for the next election. Mr Wood also had difficulty in handling subtractions, because he made a significant mistake, Madam Speaker, in trying to deduct 80 teachers from 2,958 and ended up with zero.

**Mr Humphries:** That is "Wood" maths.

**MR CORNWELL:** That is very good maths indeed, Mr Humphries. He is also having great difficulty with fractions. I said fractions, not factions. I say that because Mr Wood cannot recognise that 66 per cent equals two-thirds of the electorate, and that is the percentage of people who voted in favour of Hare-Clark with Robson rotation being in the Electoral (Amendment) Bill that was tabled this morning in this house in such a dishonest fashion.

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**Mr Kaine:** And they were conned.

**MR CORNWELL:** Yes, they were conned. Apart from problems with indecision and with numeracy, Mr Wood lacked some clarity in important areas of policy. For example, in the matter of school closures he said during the Estimates Committee:

I am considering - I think I made that clear - that it remains a consideration for us ahead of the next election as we will further examine this year, we will come back out and make a statement as to what our policy will be on rationalisation of schools.

One wonders, with that convoluted comment, whether Mr Wood had some input into the Electoral (Amendment) Bill that was tabled this morning, or at least into providing answers to questions which were posed this afternoon.

I turn now to an important area of education, and that is social interaction with other children. Mr Wood often seems alone in the playground and one suspects that he does not have many friends there. Rosemary, Wayne, David and Roberta are friends, as are Terry and Annette. Ellnor also has her own friends. Bill Wood seems to be by himself in the playground. Bill Wood also does not appear to be close to his bigger - - -

Members interjected.

**MR CORNWELL:** Hey, who has the floor here?

**Mr Kaine:** Who knows?

**Mr De Domenico:** Who cares?

**MR CORNWELL:** Bill Wood also does not appear to be close to his bigger, more powerful peers, such as Rosemary, who, among other things - - -

**Mr Lamont:** Madam Speaker, I rise to take a point of order.

**Mr Moore:** Come on; sit down. We have had a lot of frivolous points of order today.

**Mr Lamont:** No, it is not a frivolous point of order. I ask that Mr De Domenico be requested to withdraw the comment, "Who cares?", when Mr Cornwell asked, "Who has the floor here?". It is certainly a reflection on the Speaker.

**MADAM SPEAKER:** I will ponder on that one, Mr Lamont. I do not think it is out of order. Continue, Mr Cornwell.

**MR CORNWELL:** This is an important point, Madam Speaker. Mr Wood does not appear to be close to his bigger, more powerful peers, such as Rosemary, who, among other things runs the tuckshop. Unfortunately, this leads to Mr Wood being bullied into things he fundamentally disagrees with; otherwise he does not have access to the tuckshop to the same extent as the other children. This lack of peer support, it seems, also leads Bill Wood into attempts to curry favour, often in support of actions which are alien to his honest ethical nature. Indeed, one wonders whether Mr Wood really is happy in this Assembly classroom of politics.

In view of the foregoing reservations, Madam Speaker, it is difficult to accurately predict Mr Wood's future. He does not lack ability or integrity. However, his poor choice of playmates, his finding himself in bad company, ultimately might be to his detriment. The alternative, of course, if he succumbs to peer pressure, will be the loss of independence and the refreshing non-aligned approach he brings to his Labor. Hopefully, 1994 will see these doubts about Mr Wood settled. Meantime, recognising the problems I have outlined, I have awarded four points for his capacity to survive to date, and an additional point as a bonus for the effort this survival obviously takes.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.37): This year will be recognised as the year that those opposite moved to take away choice from Canberra electors. Eighty-four per cent of the electorate here in the ACT support above-the-line voting. In New South Wales it is 90-odd per cent. So it is popular. They want it, and this is the government that intends to give it to them. We said that we would deliver the referendum result, and, as always with our promises, we deliver. We will deliver them the referendum result. We will deliver them more. We are providing them with another option. There is more for the people of the ACT. These people opposite are setting out to take it away from them. Mr Moore and his crowd are very nervous about their position because they know that they are coming unstuck. Those people opposite want to take away from the people of the ACT the right to use a less complex system. They want to make sure that they have a more complex system. That is what they are setting out to do. They do not want the community to have the easy way out.

This year has been a very good year for Labor in many ways. Most importantly, we have been able to expose the weaknesses of the new Leader of the Opposition. She is absolutely hopeless; she is not fit to govern. We have shown up throughout the community the divisions amongst them. We know about those divisions. Will Mrs Carnell survive? I hope so. I hope so, because we need her. We need her badly. All of you are very nervous because you know how popular is the Government's decision in relation to the Electoral (Amendment) Bill. The people out there want an easy way of voting and they are going to take it.

Anyone who had a close look at our performance in 1993 could only be impressed. We would not expect the Liberals opposite to be impressed. They are not meant to be impressed. In fact, they are not even meant to be happy.

**Mrs Carnell:** But we are.

**Mr De Domenico:** We are. We are delighted.

**MR BERRY:** Well, it would be only because you have been drinking something - it is not natural happiness - or you have wind. You are not meant to be happy. There has been a great range of progress and reform introduced throughout the whole of government, as outlined by the Chief Minister, but in relation to health, sport and industrial relations there have been many advances as well.

ACT Health is well poised to be one of the leading health systems in Australia as we approach the year 2000. There is no question about that. Despite claims of inactivity by those opposite, there has been an extraordinary amount of work carried out. The hospital redevelopment is continuing to progress. The paediatric unit is completed and tomorrow I will open the forecourt and entry precinct. The diagnostic and treatment block is scheduled to open in the first half of next year, and the refurbished areas of the hospital are proving their value. Earlier this year ACT Health signed a memorandum of understanding with the University of Sydney to establish a clinical school in the ACT. Nobody else had the courage to do that. The progress of the redevelopment - - -

**Mrs Carnell:** But you need doctors.

**MR BERRY:** We do not need doctors with a blank cheque. We are not going to have them with a blank cheque. There will be no blank cheques from this Government. It is all right for those opposite to be irresponsible. We saw how irresponsible they were when they were dealing with the Government's budget. They are not fit to govern. They were irresponsible in dealing with the Government's budget. There is no question about it. It is well recognised out in the community. You are on the slippery slide downhill, and a good thing too. Community health has improved, but I will list just some of the achievements. There are extended hours at the Dickson day care centre; there was the establishment of a family day care centre at Monash; expansion of the methadone program; introduction of community health complaints; and, of course, the elderly injury prevention project.

The Health Complaints Unit legislation was carried yesterday. There is the pilot language group for older children and a nutritional clinic; an early intervention outreach program at Melba preschool; establishment of a clinic for adolescents with disabilities; the public health infectious and notifiable diseases regulations were amended; there was the extension of the immunisation program to include HIV, and the introduction of the HIV strategic plan for the ACT. Madam Speaker, these are just a few. We have reached an agreement with the Family Planning Association whereby they will provide minor surgical procedures in one of our establishments. That is something that has been demanded in the ACT for many years. All of these things were condemned by those Liberals opposite.

All of this progress in both the public hospitals and in community health would not be possible without the successful negotiation of the Medicare agreement. Those opposite would have supported the undoing of the Medicare agreement. They tried to knock Labor over in the last election; but they failed, thankfully, and the people of Australia are grateful for that. Before the Medicare agreement was signed we had the Opposition whingeing and complaining, as they always do. I suppose that that is what we can expect from those opposite. There is no doubt in my mind, and there should be no doubt in the minds of the community, that what they were about was undoing our universal health care system. That is what they were on about. There is no question about it. That was the big hidden agenda. In the end the agreement provides bonuses for the ACT because it makes sure that our public health system is properly funded and that the profitable parts are not handed over to the private sector, are not privatised. The profitable parts are all you would be interested in privatising.

Early in the year the ACT Health Bill was debated and passed, reverting ACT Health from a statutory authority to departmental status. This was made necessary by the actions of the Liberals opposite in destabilising the previous Board of Health. The introduction today of smoke-free areas legislation is an historic event for the whole of Australia because it will provide smoke-free areas - something which is not provided elsewhere in Australia. I was happy in my radio interview this morning to get out loudly and clearly the message about those opposite who are trying to take something away from the people of Canberra - the right to have an uncomplicated means of voting for the candidates of their choice.

**MADAM SPEAKER:** The time for the discussion has expired.

### ADJOURNMENT DEBATE

**MR BERRY** (Deputy Chief Minister) (4.46): Madam Speaker, I do not have my heart in this, but I move:

That so much of the standing and temporary orders be suspended as would prevent the whole of the adjournment debate extending for a period no longer than 1 hour and 20 minutes, at which time the Speaker shall forthwith adjourn the Assembly.

Question resolved in the affirmative, with the concurrence of an absolute majority.

### ADJOURNMENT

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

That the Assembly do now adjourn.

### Valedictory

**MS SZUTY** (4.47): Madam Speaker, in years gone by I have been known to muse at this time of year about the experiences and work of the people around me by way of popular song titles. The song titles I have chosen for both 1992 and 1993, because I did not get this opportunity last year, have, I believe, something to say about the members of this Assembly and their activities, and they also bear a resemblance to the time of my upbringing and exposure to music.

**Mr Stevenson:** Trevor probably will not understand any of it.

**MS SZUTY:** If anyone would like an explanation of where some of these titles come from, please see me afterwards. I will need to move through this fairly speedily, as I am aware that other people would like to speak on this Christmas adjournment motion.

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The order that I will proceed in relates to the call of the Assembly we hear so often from the Clerk. Mr Berry: The fitness conscious Mr Berry warranted *Running Bear* in 1992, although it is acknowledged that he has not been known to run in the nude. This year *Doctor, Doctor* seems appropriate. Mrs Carnell: For the lone woman among the Liberals elected to this Assembly in 1992, *I am woman* and *Sisters are doing it for themselves* apply. However, this year Mrs Carnell has graduated to Mr Kaine's former title as *Leader of the pack*. Mr Connolly: 1992 saw the birth of Mr Connolly's first daughter Lara. Stevie Wonder's *Isn't she lovely?* comes to mind. A reprise of *Isn't she lovely?* comes to mind in 1993 for the second daughter, Madeline. In more recent times petrol has dominated Mr Connolly's agenda, conjuring up visions of *Classical gas* and the immortal line from *Do you know the way to San Jose* which goes, "And all the stars that ever were, were parking cars and pumping gas".

In 1992, Mr Cornwell's concerns about public housing and the Housing Trust threw up *Little boxes*. This year I have mused with *I can't tell you why* in relation to why Mr Cornwell asked so many questions on notice. I simply could not go past *Short people* for Mr De Domenico, no matter how hard I tried to think of alternatives. For Ms Ellis in 1992 it was *Jump*, to reflect Ms Ellis's fast footwork in getting to her feet during question time. This year her relationship with her Tuggeranong constituency conjures up visions of *Fanfare for the common man*, a compliment to Ms Ellis for her electoral work. Ms Follett: In 1992 a *Canberra Times* article pointed out how hard Ms Follett was working, and *Holiday* came to mind as an appropriate title for her. This year she is decidedly *Turning Japanese*. Mrs Grassby: *The Joker* in 1992. Mrs Grassby continued to tell endless numbers of jokes in 1993, so I will continue the theme with, *I started a joke*.

Mr Humphries: *From a jack to a king* in 1992 describes Mr Humphries's engagement, which progressed quickly in 1993 to *She's having my baby*. Mr Kaine: *From Leader of the pack* in 1992 to *If I could turn back time* in 1993. Mr Lamont: For 1992 *The lion sleeps tonight* seems fitting, especially the extension of that line which goes, "In the jungle, the mighty jungle, the lion sleeps tonight". This year I have Mr Kaine to thank for the inspiration for *The dedicated follower of fashion*. Madam Speaker: As a new Speaker in 1992 I was taken with *We can work it out*, in recognition of your valiant attempts at keeping order. With the impending move of the Assembly in March next year, *You're moving out today* comes to mind. Mr Moore: It was drugs in 1992, and death in 1993. Russell Morris's *The real thing* conjures up visions of the former, while *Better off dead* relates to my colleague's work in 1993. Mr Stevenson: Due to Mr Stevenson's frequent absences from the chamber in 1992 *Nowhere man* seemed applicable, while this year it is definitely *Power to the people* through the Voice of the Electorate Bill.

I can hardly leave myself out of this process, Madam Speaker. *The new kid in town* represents my election as the seventeenth member of this Assembly in 1992, while the *Year of the cat* acknowledges the cat curfew house I was very kindly presented with during Planning Committee hearings on the North Watson draft variation.

(*Extension of time granted*) My son, who helped me with these song titles last night, considered *Eight days a week* to be appropriate as a reflection of my workload. I think that says it all. Mr Westende: *Mr Businessman* seemed appropriate in 1992. This year I desperately searched for a furniture theme to reflect Mr Westende's devotion to Instant Office Furniture commemorated on a Christmas card he recently sent me. The only line that comes to mind from *Beautiful people* goes, "The garden's full of furniture, the house is full of plants". Finally, Madam Speaker, Mr Wood. At this time in 1992 I was thinking of Alice Cooper's *School's out*. This year an even more appropriate theme comes to mind. Mr Wood will be 80 teaching positions better off in 1994, and *Teacher, I need you* by Elton John seems fitting.

**MADAM SPEAKER:** I rather wish that *Sounds of Silence* had featured, but I might reserve that for next year.

### Valedictory

**MR MOORE (4.53):** I thought I would finish the season this year, Madam Speaker, with a little alliteration, combined with a couple of well-known one-liners from members and Ministers. For Speaker McRae, a magistral mainbrace that manages the manic and machinating members. Follett, a fermenting finance finagling figure of flare and foggy factions. Her one-liner is, "It is just the same, only different". For Berry, a bugle blowing bloke beset with bedside battles and boxing bouts, the one-liner is, "Don't you worry about that". For Connolly, a cajoling cagey caliph with calamitous consumer and constable concerns, "What the Opposition always fails to realise is ...". For Wood, a warden of weeds, waterways and waifs who have well-founded worries, "Let me make myself absolutely clear".

For Carnell, a contentious chemist with categorical claims of cardiac cases and casualty causes, "Why don't you answer the question?". That is the end of the one-liners, Madam Speaker, so I will just stick to the alliteration. For De Domenico, a diatribic deputy determined to defend development, deter deviates and derail departments. For Humphries, a heuristic hidalgo with humanistic, high-flown, highbrow hallucinations.

**Mr Humphries:** What?

**MR MOORE:** I can give it to you in writing so that you can look it up. For Cornwell, a community conscious colonel who consistently coerces in corridors. For Kaine, a contrite conveyor of clarigates with a kaleidoscopic career. Westende, a wily wanderer of wondrous and wonderful witticisms. For Lamont, a loquacious, left aligned laconic with leanings towards lion liberation and lateral lobbying. Ellis, an enigmatic emissary with encouraging edible entities, particularly jelly babies.

**Mr Humphries:** Edible entities. We never knew about that.

**Mr Stevenson:** You could take a point of order in case.

**Mr De Domenico:** In case what?

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**Mr Humphries:** That is why they keep going to her drawer.

**MR MOORE:** We are referring to the jelly babies actually, and Mr Humphries there refers to people going to her drawer.

**Mr Humphries:** Her drawers?

**MR MOORE:** I used the singular. Grassby, a garrulous, graphic garbler who gambles with gags. Stevenson, a soothsayer of sophistry and soporific scorn. Szuty, a zealous, zelubrious celebrity sweating on state spending with zest. For me, Moore, a member of the mumbling, metaphysical mob who maintains a moustache and mousse mashed mouth.

**Mr Kaine:** I bet *Hansard* will have a hell of a lot of hassles with that.

**MR MOORE:** No; I will provide them with a copy.

### Valedictory

**MR HUMPHRIES** (4.56): Madam Speaker, it seems to me that the common aspiration of all politicians all over the world is fame. Sometimes notoriety is what they actually find, but fame is what they actually seek. The American, Oliver Wendell Holmes, described fame as follows:

A fitful tongue of leaping flame;  
A giddy whirlwind's fitful gust,  
That lifts a pinch of mortal dust.

The ultimate level of fame, of course, is immortality. In Australia we do not mark immortality, as they do in other countries, by erecting a statue or using your name as an adjective. No, in this country you know that you have made the big time when they name a suburb after you. So, forget the *Who's Who*; it is the Gregory's or the UBD we really want to get into.

**Mr Connolly:** But not for a long time.

**MR HUMPHRIES:** Not for a long time. I take that point. Shudder though they may, many Canberrans may one day live in suburbs named after members in this very chamber tonight.

**Mr Kaine:** I want to be here when they name one after me.

**MR HUMPHRIES:** You probably will be, Mr Kaine. To assist those planners yet unborn whose job it will be to choose localities for our immortality, may I make a few suggestions.

I see the suburb of Follett as an ample and gracious place, an address reserved for the creme de la creme. It will be a suburb with many photographic opportunities. It will also be the site of Canberra's first Tim Tam factory. And what would be more appropriate than to rename Fyshwick Westende? That way people in Canberra, as in London, could say that they were going to the Westende to have a good time, or to work.

Comrade Lamont's suburb - he is gone; where is he? - would have lots of bus-stops, but not many buses, and a six-theatre cinema complex. As the location of the headquarters for the Trades and Labour Council, it would, however, have to be located well away from the suburb of Follett. Downtown Szuty would be a very lively place, full of colourful characters, skateboard ramps and graffiti-enriched public facilities. It would also have more than its fair share of jewellery shops and cosmetics outlets.

Madam Speaker, can anyone doubt the location of the suburb of Ellis? Indeed, Madam Speaker, I understand that Ms Ellis is so omnipresent in Tuggeranong, so well known for appearing, without warning and unannounced, in people's living rooms and backyards down there, that I feel sure that in future the very word "Tuggeranong" will be modified to reflect her passion for the valley. Her name will live forever in the area renamed Annetanong. I cannot be so definite about the location of Carnell, Madam Speaker. Its site is to be determined by referendum.

**Mr Stevenson:** Optional or preferential.

**MR HUMPHRIES:** Optional preferential, of course. I do not foresee a site being chosen for Wood until Mr Lamont and Mr Townsend get around to approving it. The danger, of course, is that Wood might become a down-market version of Forrest. The suburb of De Domenico is to be one of Canberra's smaller urban areas, located at the big end of town. It will have a cheap swimming pool, a private bus service and plenty of ethnic eateries. The suburb of Connolly will be located just about everywhere, with lots of knocked-up-overnight petrol stations. Petrol will be very cheap here, but regrettably the proprietors do not make any money from this as they are held up every second night. Moore, Madam Speaker, will be a lakeside suburb. On which side of the lake? That I cannot tell you, Madam Speaker. The funny thing about Moore is that it will change sides from time to time.

The suburb of Grassby will, like Szuty, be one of Canberra's more colourful areas. It will have lots of winding roads which seem to take a long time to get to the final point of your destination, and will provide views which no other Canberra suburb can provide. *Hansard* reporters will choose not to live in Grassby. The people who patronise the jewellery shops of Szuty will actually live in Grassby. The suburb of Cornwell will be a quiet suburb - with no public house, no primary school, no sex shops and no brothels. At this rate I expect that there will be no residents either.

Mr Berry has been waiting patiently over there for his chance, and here it is. Berry will be an exclusive place in which to live, Madam Speaker. (*Extension of time granted*) In deference to Mr Berry's career, those groups he has made it his life's work to oppose will be excluded from that suburb. Thus it will be illegal for doctors, tobacconists, hoteliers, the ALP Right, the Liberal Party, representatives of the TWU, the AMEU, the NCPA, the AFP, the Right to Life Association, the Industrial Relations Commission, the ACTTAB, the Trades and Labour Council or members of the kick boxing fraternity to buy houses in this suburb. You may think, Madam Speaker, that a suburb with only Sue Robinson living in it would be less than viable, but it will be exclusive.

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Kaine will be an inner, older suburb, a rather sleepy hollow. Madam Speaker, every house in the suburb of McRae will have a balcony. Finally, to Mr Stevenson. Unfortunately, Madam Speaker, we have run out of suburbs in Canberra, so I have bad news. I have to say that I will be recommending to the Government of Queensland - the only remaining Labor government in Australia apart from the Labor Government in Canberra - that Chinchilla be renamed in his honour. So here you have it, Madam Speaker, the new Canberra; a metropolis of delightful and varied localities with a colourful history to every one.

I should let you know, Madam Speaker, that these speeches of mine at Christmas are not wholly fanciful. I am reminded that in my 1991 Christmas valedictory I predicted the formation of a legal firm of Messrs Collaery, Stefaniak and Connolly. Since that speech, two-thirds of the prediction has come to pass. My erstwhile colleagues advise me that the third suite is waiting. Madam Speaker, the peace and goodwill of Christmas leads me to wish all members the joys of the season and a happy new year. I must say, on behalf of my colleagues on this side of the house, that it was a touching gesture on the part of the Chief Minister to give those of us on this side of the chamber an early Christmas present in the form of Executive business notice No. 1. Merry Christmas.

### Valedictory

**MR STEVENSON (5.04):** On a slightly different note, I want to talk about where we are heading in this Assembly, in Canberra and in Australia as a whole. In this place we often have our attention on problems. It is hard to imagine that we could all live in harmony, but I believe that that is where we are heading. I believe that the way to achieve that is to work together. I think we all agree that we want peace. I read recently that the way to achieve peace is not to hate war, but to love peace. I think the answer to achieving success in our lives is to work together and to understand that all can be achieved, funnily enough, through love and not through hate. I see more and more of that occurring.

As I said, this is not the best place to see it from, but in the areas that I look at I see the changes in people's hearts. In the very near future I think there will be momentous changes not only in Australia but around the world. I think we have seen that heralded over the last few years with the removal of the Berlin Wall, the change in communist countries, and the awareness in this country and other countries of a need to get on well together. I am not particularly a supporter of what is going on in the area of anti-discrimination, but I think that area has drawn a lot of people's attention. To all members, whoever their God is, may he or she - in deference to the Labor Party - be with you and your families throughout Christmas and the new year. We all understand that God is with us no matter whether we know it or not.

### Valedictory

**MR LAMONT (5.06):** Madam Speaker, I rise to place on the record my appreciation for the contribution that has been made to the conduct of this chamber by the staff of the secretariat.

**Mr Connolly:** You speak on behalf of us all.

**MR LAMONT:** I understand that I speak on behalf of this side of the house for that purpose. In quite difficult and trying times throughout the year they have performed their functions admirably, quite often above and beyond that which should reasonably be expected of them by members of the house because of the pressures that we find ourselves under from time to time. I believe that I speak for all members of the house in saying that. I would appreciate that comment and that appreciation being passed on to any of the members of the secretariat who are not in the chamber this afternoon.

However, I cannot be as gracious in relation to Mr Humphries's valedictory comments. Because of the light nature of what is generally the adjournment debate, I had not intended to say anything. I do not necessarily like it, but I find it acceptable that Mr Humphries may care to make jocular comments about me or other members of the chamber. But, quite frankly, I find it offensive when he names staff of members of this house and attempts to ridicule them.

### Valedictory

**MR DE DOMENICO (5.08):** On behalf of members on this side of the house, I want to endorse Mr Lamont's first comments about the hardworking members of the secretariat and other staff in this place. Madam Speaker, a lot has been said about how hard members of parliament work. We all work very hard. But I think very little is said from time to time about the hardworking staff that we all have behind us. I am sure that I speak for everyone on this side of the house. Without the dedicated staff that members of parliament have behind them from time to time we would not be able to do what we do as elected members. In the spirit of Christmas and the time of year, I wish everybody - I mean this sincerely - a happy and holy Christmas and a happy new year.

### Valedictory

**MS FOLLETT (Chief Minister and Treasurer) (5.08):** Madam Speaker, I want to thank all of the staff of the secretariat and the chamber staff, of course, for their hard work throughout the year. I also want to thank all of the staff in all of our departments who have worked extraordinarily hard in a difficult year to make sure that we had what we needed in this chamber. I consider that the work of those public servants has been of an extremely high standard. I certainly hope that at least some of them are able to get a nice holiday over the Christmas and new year break. I would also like to wish all members of the Assembly, and you, Madam Speaker, a very happy Christmas and new year. I will not miss any of you one bit until February, but I look forward to rejoining the debate in February.

Question resolved in the affirmative.

**Assembly adjourned at 5.09 pm until Tuesday, 22 February 1994, at 2.30 pm**

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**ANSWERS TO QUESTIONS**  
**MINISTER FOR EDUCATION AND TRAINING**  
**LEGISLATIVE ASSEMBLY QUESTION.**

**QUESTION NO 1023**

**Griffith Primary School - Survey**

MR CORNWELL - asked the Minister for Education and Training on notice on 13 October 1993:

In relation to your commitment upon the closure of Griffith Primary School that you would survey the school community in October to see if the school should reopen -

- (1) Has the survey been conducted; and if so, what were the numbers surveyed and the result.
- (2) What were the questions. asked.
- (3) What is the Governments decision in. response to the survey.
- (4) If the survey has not been conducted, why not.

MR WOOD - the answer to Mr Cornwells question is:

- (1) Yes. Of the 171 families surveyed, 76 responded. In relation to the question "would your children attend the Griffith campus if classes were resumed?" 68 of the responses were no and 8 were yes.
- (2) See the attached pro forma.
- (3) The Government has decided not to resume operations at Griffith campus at this stage..
- (4) Not applicable

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ACT Department of Education and Training

Survey of Parents in Griffith

Office 20-93 Use Only

All responses to this survey are confidential. No individuals will be identified as a result of this survey.

1. For each preschool and primary school age child living with you, please indicate their sex and age this year. Please place a tick in the box indicating Male or Female and write the child's age, in years, in the space provided.

Child No 1. Male 1-1 Female F-1 Age this year

. Child Not. Male a Female F] Age this year

- Child No3. Male a Female Age this year

Child No4. Male a Female F-1 Age this year.

If you have more than four primary school age children, please continue on the other side of this page.

Please answer the following question by placing a tick in the appropriate box.

2. Would your children attend the Griffith campus, if classes were resumed?

YES No

Please return your survey response in the reply-paid envelope by 9 November 1993

Thank you for your co-operation.

(c) School Performance Review and Development Section - ACT Department of Education and Training 1993

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 1054**

**Health Portfolio - Staff Recruitment**

Mr Moore - asked the Minister for Health - In relation to staffing in ACT Health:

- (1) How many staff were recruited from outside Australia since 1 July 1991?
- (2) What were (a) the reasons and (b) the costs for recruiting from outside Australia?

Mr Berry - the answer to Mr Moores question is:

- (1) Ten staff have been recruited from outside Australia since 1 July 1991.
- (2a) The positions were advertised nationally and internationally and the successful applicants were appointed following the normal merit selection process. In some cases positions were first advertised within Australia and no Australian applicant, with the appropriate skills was available.
- (2b) \$113,914. The normal Public Service Recruitment Policies applied in all cases. Expenses varied in line with the distance from Canberra, quantity and value of possessions.

16 December 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1060**

**Housing Trust - Debt Collection Contract**

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

- (1) What has been the success to date, in financial terms, of the debt collection service for outstanding ACT Housing Trust rent defaulters.
- (2) How much money was outstanding when the debt collectors began operations.
- (3) Which particular group of rent defaulters are being targeted by the debt collection agency.
- (4) How long will the agency be contracted and what commission is payable.
- (5) What is the name of the agency and what process led to its selection.

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

- (1) A contract was signed with Laurens & Co (NSW) P/L on 21 October 1993. Debt recovery action commenced on 6 December 1993. I am prepared to provide a progress report on recovery action once the new arrangements have become properly established.
- (2) There was \$3.068m in outstanding vacated arrears as at 6 December 1993.
- (3) At this time, the debt collection service covers all arrears relating to former tenants of the ACT Housing Trust. At this stage, current tenants will not be referred to the collection agency.
- (4) The contract is for 12 months. It provides for a flat commission on all moneys successfully collected. Commission details remain commercial in confidence.
- (5) The contracted agency is Laurens & Co (NSW) P/L, which was selected in an open tender process. Selection was based on a number of criteria including, current operational presence and size within the ACT, national network, experience, recovery procedure methodology, cost, on line computer facility, company registration, its commercial standing and a current mercantile licence.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1066**

**Housing Trust Properties - Purchases**

MR CORNWELL: Asked the Minister for Housing and Community Services -In relation to the Schedule of Leases granted to 30 September 1993 pursuant to the Land (Planning and Environment) Act -

- (1) Why was a property at block 17, section 7, Garran purchased for \$450,000 by the Commissioner for Housing.
- (2) Is it normal for the Commissioner for Housing to pay amounts of this magnitude for properties.
- (3) How many properties have been purchased by the Commissioner for Housing for amounts above \$400,000 in (a) 1991-92; (b) 1992-93 and (c) 1993 to 30 September.

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

- (1) This property was not purchased for \$450,000. The dwelling at this location was constructed as public housing by the Commonwealth in March 1966.
  - (2) No.
  - (3) None
- .

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1068**

**Child Abuse**

MR CORNWELL: Asked the Minister for Housing and Community Services

- (1) What was the gender of the informant in the 425 substantiated cases and 547 unsubstantiated cases of child abuse listed in the Bureaus 1992-93 Annual Report on Page 74?
- (2) If such detail is not recorded why not?

MR CONNOLLY: The answers to Mr Cornwells questions are as follows

- (1) The gender of informants is recorded on each notification file, but is not aggregated. A manual file search would be required to provide this information and 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.
- (2) It is not aggregated because the gender of the informant has no relevance to the credibility of the notification

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1071**

**Concrete Cricket Wickets**

Mr Cornwell - asked the Minister for Sport -

- (1) How many concrete cricket pitches are there in the ACT for use in junior competition.
- (2) What is the cost per pitch of (a) mats, (b) glazing and (c) synthetic covering.
- (3) What progress is being made to cover these concrete pitches.
- (4) Is the Government aware that special balls, imported from the United Kingdom, are required for bowling on concrete pitches.

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

- (1) There are 58 concrete wickets on ACT Government managed sportsgrounds for use in the junior cricket competition. There are a further 13 synthetic wickets used in junior competition.
- (2) (a) Mats are not used on Government sportsgrounds but I understand that they cost in the order of \$350 to \$400 for each wicket.
- (b) A normal concrete wicket with a "glazed" steel trowel finish costs approximately \$3950.
- (c) A synthetic covering as used on Government sportsgrounds costs approximately \$3500, including installation, when installed on existing concrete wickets

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- (3) At this stage it is not intended to install any further synthetic wickets due to the high costs involved and relatively short life span of the material. On average each synthetic wicket is replaced every three to four years through wear and tear and/or vandal damage.
- (4) I am aware of the differing cricket ball constructions which may be used for different surfaces. Whether or not the balls are a requirement is a matter for the individual clubs and the ACT Cricket Association.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1074**

**Rent and Rates Arrears**

MR CORNWELL: Asked the Chief Minister upon notice on 23 November 1993 - In relation to subsection 22AAA(1) of the Rates and Land Tax Act 1926

- (1) How many tenants in 1992-93 were asked to pay their rent direct to the Commissioner for Revenue and how much money did this represent ?
- (2) Is a tenant protected against eviction for non-payment of rent to the landlord in such cases as in (1) ?
- (3) Is an agent of a landlord protected in respect of his fee or responsibility for managing the property in such cases as in (1) ?
- (4) Can the Commissioner also compel a debtor of a person liable for rates to make payment direct to the Commissioner for other debts than rent, say instalments upon a motor vehicle ?
- (5) How much money is outstanding in (a) commercial and (b) residential rates for 1992-93 ?
- (6) Is action at (1) being taken against all rates debtors at (5) and, if not, why not ?

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

- (1) Summary records of action taken under section 22AAA are not maintained and it would be costly to reconstruct specific data. However, for 1992-93, approximately 30 tenants were required to pay their rent to the Commissioner amounting to about \$90,000.
- (2) Yes, tenants are protected against eviction for payment of rent direct to the Commissioner. Subsection 22AAA(5) of the Rates and Land Tax Act 1926 provides that a payment made in accordance with a statutory garnishee notice shall be taken to have been made with the authority of the ratepayer or taxpayer (landlord).
- (3) Although not specifically provided for under the Act, the Commissioner does allow agents to retain their management fees, and as in the case of the tenant, payments made by an agent to the Commissioner are taken to be made with the authority of the ratepayer or taxpayer.

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- (4) The Commissioner can compel any debtor of a person liable to pay general rates or land tax to make payment direct to the Commissioner. The statutory garnishee provisions are usually applied to rentals, however the provisions can be applied to any situation where the ratepayer or taxpayer is owed monies.
- (5) The current level of arrears in respect of 1992-93 general rates and land tax is (a) \$34,989 and \$63,820 respectively for commercial lessees and (b) \$340,572 and \$54,342 respectively for residential lessees.
- (6) Various forms of recovery action are currently being undertaken on all general rates and land tax accounts that have arrears for 1992-93. The section 22AAA provisions of the Act are applied where other forms of recovery action have been unsuccessful and it can be established that the ratepayer or taxpayer is owed monies by a third party

**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1076**

**Housing and Community Services Portfolio -  
Child Abuse Staff**

MR CORNWELL: Asked the Minister for Housing and Community Services

How many staff, by gender, were employed in the Departments child abuse section of Regional Services in (a) 1990-91, (b) 1991-92, and (c) 1992-93.

MR CONNOLLY: The answer to Mr Cornwells question is as follows:

- (a) In 1990-91, Regional Services, Family Services Branch employed four males and twenty-nine females.
- (b) In 1991-92, Regional Services, Family Services Branch employed seven males and twenty-eight females.
- (c) In 1992-93, Regional Services, Family Services Branch employed seven males and twenty-nine females.

These figures reflect the nation wide nature of the community services industry

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

**Question No. 1078**

**Flag - Use of Coat of Arms**

MR CORNWELL - Asked the Chief Minister upon notice on 23 November 1993:

In relation to the Canberra Coat of Arms -

- (1) Is it a fact that the Coat of Arms shall only be used in its entirety
- (2) If so, how was the ACT flag approved without the crown and portcullis.

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

- (1) Use of the Canberra City Coat of Arms is governed by the City of Canberra

Arms Act 1932. Administrative guidelines have been developed by my Department for reproduction of the Coat of Arms by agencies or community groups within the ACT, with authority delegated by me under that Act. Those Conditions of Use specify that the Coat of Arms should be used in its entirety.

- (2) Before the ACT flag process was initiated my Department approached the

College of Arms in London about the use of the Coat of Arms on an ACT flag. The College advised that a correct heraldic flag for the Coat of Arms would feature only the central (shield) elements of the Coat of Arms. As you know, the design for an ACT flag commissioned by the then Chief Minister in 1990/91 featured detail additional to those shield elements - the two supporters (swans) and the Southern Cross.

The Norroy and Ulster King of Arms advised my Department that although it is not normal practice for a city Coat of Arms to be used on a "county" flag, if by the power vested in me under the Act I had no objections to its use in that context, there was no heraldic impediment to any of its elements being incorporated on an ACT flag. Given the support by Members of the Legislative Assembly for that particular design to be included in the options presented to the community, I had no objections to the use of part of the Coat of Arms in the way depicted on the flag. All of the States in Australia use elements of their Coats of Arms on their flags.

**MINISTER FOR HEALTH**

**QUESTIONS TAKEN ON NOTICE ON  
23 NOVEMBER 1993**

**QUESTION NUMBER 1079**

**Health Portfolio - Equal Employment Opportunity**

Mr Cornwell - Asked The Minister For Health:

In relation to page 145 of ACT Health Annual Report 1992-1993, Volume 1 which states that "women are well represented throughout all levels of ACT Health"

1. Noting that the 102 high level GSO positions are dominated by male staff, is there a reason for the turnaround which shows dominance of females in the 500 GSO 1 to 4 positions, assuming most of these positions would be occupied by more recent recruits.
2. What steps are being taken to address the apparent imbalance between numbers of male and female employees in all categories of ACT Health.
3. How long will it take for ACT Healths EEO Plan to address this imbalance.
4. On page 145, EEO information to be loaded onto PERSPECT does not include gender, why is this so.
5. Which other EEO designated groups are referred to in the statement "statistics from the 1991 EEO survey indicate that the other EEO designated groups are not similarly [compared to females] represented in the workforce in appropriate numbers nor at levels of classification", and what steps are being taken to address them.

Mr Berry The Answer To Mr Cornwells Question Is:

1. The GSO workforce includes many of the non traditional areas for women such as the trade areas (plumbers, electricians, carpenters), and other areas with a high proportion of men such as chefs and wardspersons. The GSO workforce includes areas that-are heavily female dominated such as some groups of the kitchen staff, and housekeepers. It is difficult to break down the barriers around what is traditionally considered by the community to be "womens work" or "mens work". However, it would appear that ACT Health is experiencing some success at reflecting a gender balance in the GSO classifications as the following figures indicate.

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May 1991

Dec 1992

GSO 1-4

31.4% were women

61.4% were women

GSO 5-10

No women at all,

100% men

37.2% were women

This comparison of GSO staff by gender indicates that the representation of women in the higher GSO classification has improved dramatically.

2. The Chief Ministers Policy statement Setting the Agenda - EEO in the ACT Government Service includes the needs of target groups as a key issue facing the ACTGS. ACT Health is currently following these guidelines in conjunction with those set out in the ACT Government publication Making it Happen - EEO Strategies for Managers and Supervisors. In addition, the ACT Health 1993-1994 EEO Plan is being implemented. This Plan includes;

- 21 specific action plans that directly address the status of target group employees of ACT Health,
- 38 specific action plans which indirectly address the status of target group members in ACT Health.

3. The 1993-1994 EEO Plan is a two year plan. Following the completion of the current EEO plan a further plan will be formulated according to the particular needs of staff in ACT Health. The EEO Plan will continue to address the needs of women as well as other target group members working ACT Health, as appropriate. An estimate in terms of actual time needed to address any imbalances in staff representation ranges from the short term strategies in the EEO Plan to longer term strategies being implemented across government employment areas.

4. I am pleased to advise the Assembly that gender will be included in the data to be loaded on PERSPECT.

5. The designated groups other than women include; people of non English speaking background, Aboriginals and Torres Strait Islanders, and people with disabilities.

As previously mentioned, the Chief Ministers Policy statement Setting the Agenda includes the needs of target groups as a key issue facing the ACTGS. The ACT .Health 1993-1994 EEO Plan specifically addresses the needs of target group members through direct and indirect action plans.

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

**Question No. 1083**

**Government Schooling Program - Audit Report**

Mr. Cornwell - Asked the Chief Minister upon notice on 23 November 1993:

Can a copy of the report by Arthur Andersen on the audit that led to Auditor-Generals Report No. 6 Government Schooling Program, be provided to interested persons, including myself; if not why not.

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

The Auditor-General has advised that the draft report prepared by Arthur Andersen in relation to the audit of the Government Schooling Program is available in his Office and can be perused by legitimately interested parties. The facility to photocopy pages of particular interest will be made available.

The Auditor-General has also advised that it needs to be recognised that the Andersen draft was not prepared for publication. Its use was as the basis for subsequent discussion, consultations and reviews which involved the Auditor-General, his staff, Andersen, Education Department officials and the quality reviewer contracted by the Auditor-General, Professor Fenton Sharpe. As a result any comparison of the Andersen draft with the final Report 6 will produce many variations. These variations will include subject additions, deletions and expansions; rearranged sequence of chapters and altered expression, emphasis etc

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**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1085**

**Government Schools - Average Per Student Costs**

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

In relation to your reply to question on notice No. 921 on the 1991-92 average cost per student at Government schools - -

- (1) What financial charges are taken into account in reaching this average, eg is a component for superannuation included.
- (2) If superannuation is included, what is the component in costs per student in (a) primary; (b) high school and (c) college.
- (3) If a superannuation component is not included in these costs, why not. .

MR WOOD - the answer to Mr Cornwells question is:

(1) Expenditure included in the average per student cost in Government schools comprises salaries, provision of buildings and grounds, facilities, goods and services and other operating expenditure. As Government expenditures are on a cash accounting basis, provisions for long service leave; depreciation, interest and superannuation are not included.

The model used to calculate the average per student expenditure is pre-specified by the Australian Education Council (AEC). The AEC gathers comparable data from all States and Territories and publishes national comparisons annually.

The AEC figures are always quoted as official financial data at the state level. to maintain a high level of consistency and avoid confusion which could arise from using different figures published in various sources.

- (2) Not applicable.
- (3) Salary on-costs such as superannuation are not included in the average cost per student because each State and Territory. treats superannuation differently.

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

**QUESTION NO 1087**

**Noise Pollution Standards**

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

- (1) What noise emission standards apply to (a) motor sports conducted at Fairbairn and Sutton Parks and  
(b) motorboat sports conducted on the Molonglo River above the Dairy Flat Bridge.
- (2) If those standards are not consistent, why not.
- (3) How far is it between (a) the motor racing track at Fairbairn and Sutton Parks and the nearest housing and (b) the area used for motorboat sports on the Molonglo River and the nearest housing.

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

- (1) The Provisions of the Noise Control Act 1988 (the Act) and the Noise Control Regulations apply to motor sports conducted at Fairbairn and Sutton Parks and motorboat sports conducted on the Molonglo River above the Dairy Flat Bridge.

The Act provides that inspectors may issue noise direction notices directing that the emission of "excessive noise" be ceased. "Excessive noise" is interpreted from the Act and Regulations as noise above background noise level plus 5 dB(A) for the period between 7.00am and 10.00pm and as noise above the background noise level for the period between 10.00pm and 7.00am on the following day.

A Noise Control Manual has been prepared pursuant to Section 17 of the Act. This document sets out the methodology and the instrumentation to be used when carrying out noise measurements. The Noise Control Manual is subsidiary to the Act and does not take precedence over the provisions of the Act.

- (2) It should be noted that while complaints about motorboat noise have been received very occasionally, there have not been problems from this noise source of a similar extent to that experienced from motorsports at the time when a trackside noise level was used. However, it should also be noted that Section 11 of the Noise Control Manual, which deals with motorboat noise, is currently being reviewed.

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The Noise Control Manual has a section on motorboat noise measurement (Section 11). It does not currently have any section on motorsports noise measurement. The motorboat noise measurement section specifies maximum noise levels at 30 metres.

The Noise Control Manual had a section on motorsports noise measurement for a short period. This section was introduced for a trial period and it specified a trackside maximum noise level at 30 metres. Noise measurements taken at the Ridgeway during this trial period showed that certain tracks at Fairbairn Park generated noise levels in the range of 15 dB(A) to 18 dB(A) above background at affected premises even though they met the trackside maximum noise level specified in the Noise Control Manual. It was therefore considered that the section on motorsports noise measurement resulted in a conflict between the Act and the Noise Control Manual. As the Noise Control Manual is subsidiary to the Act and does not take precedence over the provisions of the Act, the section on motorsports noise measurement was subsequently removed from the Noise Control Manual.

(3) (a) There are a number of tracks at Fairbairn Park. The one which is nearest to houses is the Formula 500 Circuit. The distance between this track and Oaks Estate is 1168.8 metres.

The distance between the track at Sutton Park and the nearest housing (at the Ridgeway) is 1583.9 metres.

(b) The distance between the area used for motorboat sports on the Molonglo River and the nearest housing is approximately 200 metres.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1095**

**Housing Trust Properties - Braddon Redevelopment**

Mr Cornwell: Asked the Minister for Housing and Community Services - Is it the intention of the ACT Housing Trust to redevelop block 7, section 58, Braddon (44 Henty Street) and, if so, (a) when will the redevelopment take place and (b) what form will it take.

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

Yes (a) The contract was let with effect from 7 December 1993 and demolition of the existing dwelling can take place at any time after this date.

(b) The development consists of 4 aged persons units.

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**ATTORNEY GENERAL  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1097**

**Weapons Legislation - Compensation Payments**

MR CORNWELL - asked the Attorney General

- (1) What was the cost of compensation in 1992/93, under provisions of the Weapons Act, for the surrender of firearms?
- (2) What is the total cost of compensation to date and how many weapons does this represent?
- (3) Were a number of deactivated Bren guns surrendered at one time and, if so, how many and what was the compensation amount paid for each Bren?

MR CONNOLLY - the answers to Mr Cornwells questions are as follows

- (1) \$106,000
- (2) Total cost of compensation to date: \$223,500 (Oct 1991- Dec 1993)  
Number of weapons handed in for compensation to date: 474
- (3) No person has handed in more than one Bren gun at a time, although one person did hand in a Bren gun on two different occasions, several months apart.

In total, eleven Bren guns have been handed in for compensation since October 1991, and the average amount paid out in compensation for these items is \$3,327.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1098**

**Housing Trust Properties - Duffy**

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

- (1) Why is there a delay in effecting repairs to ACT Housing Trust properties at the Forestry Settlement, Cotter Road, Duffy.
- (2) Is the delay occasioned by a decision on the housing infill proposal for North Duffy/Holder.
- (3) Is the policy still to give priority to forestry workers occupying properties at this settlement and, if not, why not, and when was the policy changed.

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

- (1) There is no delay in effecting repairs to ACT Housing Trust properties at the Forestry Settlement, Cotter Road, Duffy. Urgent repairs and minor repairs are actioned on tenant request. Ten properties are scheduled for cyclical external repairs and painting during 1993/94. The remaining properties were repaired and painted during 1992/93.
- (2) Not applicable.
- (3) Of the 19 houses on the site, only one is job-tied, for allocation to a Forestry worker nominated by ACT Forests. All of the other houses are allocated, on vacancy, to people on the Housing Trusts waiting list. The practice of allocation changed gradually during the 1970s and 1980s as the then Housing Branch took over management of the houses, on behalf of the ACT Administration. The practice was confirmed as policy following the enactment of the Housing Assistance Act in 1987.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1100**

**Abattoir Holding Paddocks**

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

Is the ACT Government the owner of the entire area known as the "abattoir paddocks" or are there parts of this area owned by the Commonwealth Government and only managed by the ACT Government.

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

The Abattoir Holding Paddocks are part National Land and part Territory Land.

Territory Land comprises part of Block 596 Majura, Blocks 597 and 598 Majura, Section 51 Fyshwick, Blocks 1035 and 2067 Jerrabomberra and part of Block 1 Section 18 Pialligo.

Blocks 590, 591, 592 and part of Block 596 Majura, and part of Block 1 Section 18 Pialligo, are National Land within the Canberra Airport Defence Zone. My Department manages these areas on behalf of the Commonwealth Government.

As with a number of split blocks around and within the Zone, agreement has been reached that the Abattoir Holding Paddocks will be leased as a single parcel.

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**ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1101**

**Legal Aid - Eligibility Criteria**

Mr Cornwell- Asked the Attorney General upon notice on 8 December 1993:

In relation to Legal Aid in the ACT-

- (1) What factors are taken into account when eligibility for legal aid is being determined.
- (2) If assets are a consideration, (a) which ones (eg house, car, money in bank etc) and (b) what is the value limit.
- (3) If income is a consideration, what limits are applied (eg is spouses income considered).
- (4) Are prospective users of Legal Aid whose assets rule them ineligible advised to sell of assets (for example their car or their home) in order to be able to pay their legal costs.

Mr Connolly - The answer to the members question is as follows:

- (1) Compliance with the Legal Aid Act and Legal Aid Commission Guidelines are required of an applicant for legal assistance.

In summary, the Legal Aid Act requires the Legal Aid Office to be satisfied that it is reasonable in all the circumstances to grant legal assistance. This in part requires that the applicant has satisfied the Office that he or she is unable to afford the cost of private representation. In making this assessment the Office is bound by the Legal Aid Commission Guidelines which cover issues such as the means of the applicant, and the merits of the case. The Guidelines are drafted with consideration to the funds available to the Commission for legal assistance. My Department has arranged for a copy of the Guidelines to be forwarded to Mr Cornwell.

- (2) The Commissions Guidelines specifically, and the Legal Aid Act (Section 28(2)) generally, include the assets of an applicant in the relevant matters to be considered when granting legal aid.
  - (a) The assets included are the total assets of the applicant including those of any spouse, if owned in common, including a de facto spouse. Amounts are deducted for such things as household furniture, clothing, motor vehicles needed for private or domestic use, the equity in the principal home to a maximum amount equal to the median cost of an established three bedroom house in the ACT, lump sum compensation payments in hand and lump sum child or spouse maintenance in hand.
  - (b) The assets allowance for a single applicant is \$685 and for an applicant with dependents is \$1,365.

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(3) Income is a consideration. The maximum income level is dependent upon the estimated cost of the case, however, due to the Commissions obligation to have regard for its income when assessing a grant an effective income ceiling of \$156.73 per week is currently being applied. \_

A spouses income may be considered, however, this would not be done where there was a contrary interest in the matter for which legal aid was sought; where disclosure of the legal proceedings could prejudice the applicants and spouses relationship or there are special circumstances that would make it inappropriate to have regard for the spouses income.

(4) I am advised that as a matter of policy the Legal Aid Office does not advise unsuccessful applicants to sell their assets, although it will advise, when asked, precisely what assets were thought to place the applicant outside the assets test.

4792

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

**QUESTION NO 1102**

**Firebreaks - Tharwa Drive**

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

What precautions are being taken to protect young trees planted along Tharwa Drive, among other places, from destruction by fire due to the high grass surrounding these trees.

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

In relation to the trees along Tharwa Drive, City Parks is mowing a fire break between the road and the trees as well as between the trees and the rear of properties along the road. This is the general policy for similar situations around Canberra. This provides a reasonable level of protection for small trees like these.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1106**

**Medium and High Density Housing Limits**

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

In relation to urban infill in the ACT - Have limits been placed upon the percentage of suburbs or regions which can be developed as medium or high density housing; if so, what are there percentages by suburb or region; if not, why not.

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

The direct answer is no. The reasons why require an understanding of the needs and processes of urban development and change, and of how the new Territory Plan has been designed to meet those requirements.

The new Territory Plan makes provision for a full range of housing types in all residential areas across Canberra, subject to a two storey height limit. It also introduces new performance based design and siting policies aimed at protecting amenity and ensuring an appropriate standard of development.

In line with national trends and the changing demographic characteristics and housing preferences of the community, it is likely that an increasing proportion of all new or redeveloped dwellings will be in various forms of medium density housing (townhouses, villas, etc). Opportunities for higher density housing (that is housing in buildings higher than two storeys but generally limited to three storeys) however are effectively limited to a relatively few locations under the Territory Plan (eg Kingston and the so-called B1 areas in North Canberra).

The underlying objective is to facilitate the provision of a range of housing to meet the diverse needs of the whole of the community whilst protecting residential amenity and making efficient use of public infrastructure. It is not regarded as desirable to set prescriptive quantum limits on specific housing types in suburbs or regions as these are likely to be seen as targets and imply tacit support for any proposal which fell within the limits. Proposals will be assessed on their merits taking into account all relevant matters for consideration under the Plan. In all cases involving redevelopment which would increase the dwelling density on the land, there will be a requirement for public notification of the proposal and an opportunity for third party appeal.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1107**

**Ainslie Transfer Station**

Mr Cornwell - asked the Minister for Urban Services: In relation to the Ainslie Transfer Station - .

- (1) How many staff are, employed to operate this facility.
- (2) What was the cost in (a) 1991-92 and (b) 1992-93 of operating this facility.
- (3) What volume of waste, by broad classifications, was collected at this facility in  
(a) 1991-92 and (b) 1992-93. .
- (4) Does the Department's strategy for waste management in the coming years include this facility in its current form; if not, what changes to its operation are envisaged in the next five years.

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

(1) Operations are contracted to Waste Hawk and TL Distributors which have a combined staff of three at the facility. In addition, Revolve has one employee at the site.

(2) The total cost to operate the facility including re-establishment, payments to contractors and maintenance was:

1991-92 \$156 484

1992-93 \$194 666

(3) The amounts of materials collected at the facility in tonnes were:

Material	1991-92	1992-93
Waste (to landfill)	1725	2880
Recyclables -		
Organics	1610	2900
Paper	145	260
Glass	36	75
Revolve	45	95
Plastics/Cans/Cartons	2	5
Total	1838	3335

(4) There are no current plans to change to operation of this facility.

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**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION .NO 1109**

**High Schools - Examinations Timetable**

MR CORNWELL - asked the Minister for Education and Training on notice on 8 December 1993 -

In relation to your reply to question on notice No 1053:

- (1) How many high schools concluded examinations by 19 November 1993; and if so, why.
- (2) Is this date some four weeks before the official end of the school year.
- (3) If it is four weeks prior to the end of the school year, what incentive is there for students to continue attending high school after the exams and what procedures are in place to ensure that students do continue to attend.
- (4) Has this early end to exams and the possible lack of incentive to attend high school resulted in complaints by working parents; and if so, how many complaints have been made.
- (5) Is it intended to correct this early end to the 1993 high school examinations in future years; if so, why.
- (6) If it is not intended to correct this problem in future years, why not.

MR WOOD - the answer to Mr Cornwells question is:

- (1) Assessment for Year 10 students concluded on 19 November 1993. Ten working days are required for compilation of student scores and entering the scores onto the Student Record Keeping System. Grades were available for checking by students on 6 December 1993.. Certificates were printed and made available to schools on 8 December 1993 and most schools presented the Year 10 certificates on either 10 December or 13 December. Assessment for students in Years 7, 8 and 9 continues up to the last day of the schools academic program and the day of issuance of school reports, which takes place in the final week of term.
- (2) In 1993 the last day for Year 10 students was 3 December.
- (3) Not applicable

(4) No (5) No. (6) Not applicable.

4797

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1111**

**Cycling - Regulations and Education Programs**

Mr Cornwell - asked the Minister for Urban Services: In relation to bicycle riders in the ACT

- (1) - Are there regulations which control the use of bicycles on roads; if so, where can they be found.
- (2) Are there regulations which control the use of bicycles on bike paths; if so, where can they be found.
- (3) Do cyclists and pedestrian have equal rights when using bike paths; if not, how do the rights of each differ.
- (4) Has the Department operated programs to educate motorists about the rights and responsibilities of cyclists who use roadways; if so, when and, where.
- (5) Has the Department operated programs to educate cyclists about the rights and responsibilities when using roadways; if so, when and where.
- (6) Has the Department operated any programs to educate cyclists and/or pedestrians about the rights of others who use the cycle paths; if so, when and where.
- (7) How successful have programs in (4), (5) and (6) been and if such programs have not been undertaken, why not, and will they be considered.

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

- (1) Yes. The operation of bicycles on the road is governed by provisions of the Motor Traffic Act 1936 and the Traffic Act 1937.
- (2) Yes. Bike paths are not specifically defined in legislation. Bike paths as they are commonly referred to are defined in legislation as either footpaths or public places depending on their proximity to a public street (Motor Traffic Act 1936 and Traffic Act 1937). Operation of a bicycle on a footpath is governed by provisions of the Traffic Act 1936. Operation of a bicycle in a public place is governed by the common law of negligence.
- (3) No. Bicyclists are not permitted to ride within 10 metres of an entrance to a shop at a time when that shop is open for sale of goods to the public. All parties who use footpaths are governed by provisions of the Traffic Act 1937 while persons using public places are governed by the common law of negligence.
- (4) Yes. The ACT Traffic Handbook specifically addresses the responsibilities of drivers in regard to cyclists using the road. This responsibility is also covered in the draft ACT Road Safety Strategy.

The Department of Urban Services, Roads and Transport Branch, is preparing a draft ACT Bicycle Strategy which will also address the rights and responsibilities of cyclist who use the road.

- (5) Yes. Information in the ACT Traffic Handbook is relevant to cyclists. The Road Safety Unit (DUS) conducts bicycle safety/bicycle helmet programs for pre-school/primary school children. RSU Officers provide/support lessons using information from the ACT Bicycle Helmet Kit. The Australian Federal Police operate the Belconnen Traffic Demonstration Centre for school based groups on demand.

The Department of Urban Services, Roads and Transport Branch is currently developing a Draft ACT Bicycle Strategy which addresses the issue of the rights and responsibilities of cyclists who use the road.

The Cyclist Group Pedal Power has produced a brochure detailing the rights and responsibilities of cyclists titled *Cycling and the Law in the Australian Capital Territory*.

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(6) Yes. There are no designated cycle paths, however, programs to educate users of footpaths and public places in respect to the rights of cyclists and others are addressed in the ACT Traffic Handbook, Draft ACT Road Safety Strategy, the Canberra 1990 Cycleways map and will also be addressed in the Draft ACT Bicycle Strategy.

(7) There has been a general decline in road fatalities and accident rates in the ACT over the past 10 years. It is not possible to quantify which particular program has been most responsible for this reduction, nor it is possible to allocate reductions to one particular program.

Based on questionnaire responses from teachers the school based safety education programs are successful.

The draft Road Safety Strategy and ACT Traffic Handbook have not been in the public arena for sufficient time to assess their impact. Improved road user behaviour and a continued reduction in vehicle accidents will be a measure of the success of these programs.

The National Road Safety Strategy, Draft ACT Road Safety Strategy and the National Bicycle Strategy all include provisions for monitoring of initiatives to assess their impact.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1112**

**Bicycle Paths - Construction and  
Maintenance Costs**

Mr Cornwell - asked the Minister for Urban Services:

- (1) In (a) 1990-91, (b) 1991-92 and (c) 1992-93 how much did the Government spend on (i) building and (ii) maintaining bicycle paths in the ACT.
- (2) How much is proposed to be spent on (i) and (ii) in 1993-94.

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

- (1) The maintenance and construction costs for bicycle paths over the past three financial years are as follows:

Maintenance    Construction

1990-91 \$0.2 million \$1.0 million  
1991-92 \$0.1 million \$0.6 million  
1992-93 \$0.1 million \$0.7 million

- (2) In 1993-94 it is expected that the following amounts will be spent on maintenance and construction of bicycle paths:

Maintenance: \$0.1 million    Construction: \$0.6 million

4801

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1113**

**Water Usage - Meter-Beater Trials**

Mr Cornwell - asked the Minister for Urban Services:

In relation to the recent ACTEW suggestion that people be charged for the amount of water used as a means of controlling usage -

- (1) What is the current situation with the Meter-Beater fixtures trial in six ACT Housing Trust properties at Gordon.
- (2) Has a similar Meter-Beater trial been undertaken by ACTEW, and if so, what were the results and if not, why not.

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

- (1) The ACT Housing Trust installed meter-beaters in three similar houses in Gordon in September 1992. Water consumption for these three houses is currently being monitored and compared to six houses in Gordon and Banks of similar design, built by the same builder, and with normal taps. Other factors affecting comparative water consumption, such as house occupancy numbers, usage patterns, area and type of gardens, etc, are yet to be evaluated. The trial to date has proved inconclusive due to insufficient monitoring time (Nov. 92 - May 93 ) and the other factors that have a bearing on consumption as mentioned above. The trial is continuing with a monitoring period of 12 months. This will take into account other relevant factors, and the results will be used to evaluate the performance of the meter-beaters with regard to water conservation.
- (2) Meter-Beaters have been installed by ACTEW in its energy efficient house in Banks which was opened in January 1993. The house has been exhibited at weekends as a means of providing a practical demonstration to Canberrans on ways of making their houses more energy and water efficient. The house is to be sold shortly and trials on consumption carried out.

4802

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 1115**

**Housing Trust Properties - Fires**

MR CORNWELL: Asked the Minister for Housing and Community Services -  
In relation to your decision to sell smoke detectors at cost to ACT Housing  
Trust tenants -

- (1) How many tenants have purchased detectors since the August 1993 Assembly debate.
- (2) How many fires have occurred in Trust properties since that debate.
- (3) What is the total estimated damage from (2).
- (4) How many people have required medical assistance for problems or injuries suffered in fires in (2).

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

- (1) Numbers are not available. Tenants may install the units themselves or have the ACT Fire Brigade install the units. The Fire Brigade do not record requests in sufficient detail to determine whether dwellings are private or are owned by the ACT Housing Trust.
- (2) Nine
- (3) \$122,300.
- (4) Eight individuals are reported as attending hospital as a consequence of four of the incidents

4803

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1116**

**Holder High School Site**

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

In relation to the proposed development of North Duffy/Holder for residential purposes, on what evidence was the statement made by you in a letter to a constituent of 21 October that: "It is interesting to note that the Residents Action Group concluded that the Holder High School site should be developed for housing instead of the pine forest."

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

At a meeting in my office on 2 September 1993, representatives of the North Duffy/Holder Residents Action Group expressed to me the view that housing on the Holder High School site would be preferable to housing on the pine forest site at North Duffy/Holder.

4804

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

**QUESTION NO 1117**

**Air Pollution - Bus Interchanges**

Ms Szuty - asked the Minister for the, Environment, Land and Planning -

- (1) Is air quality monitoring conducted at bus interchanges.
- (2) If so, (a) at which interchanges; (b) how often and (c) at what times of the day.
- (3) From what sites are readings taken within bus interchanges; (a) in what way are readings taken; (b)-which officers take the readings; and (c) what qualifications and/or experience do the officers have.
- (4) In relation to the readings obtained are they in :excess of (a) national standards of air-quality and (b) national standards of air quality for bus interchanges.
- (5) Has the Department received any complaints about the. air quality in bus interchanges and is the Minister aware of any complaints being received by ACTION or the Department of Urban Services.
- (6) Is the Department aware of any-studies which explore the relationship between air quality and the design. of bus interchanges.

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

- (1) No.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) I am not aware of any recent complaints about air quality at bus interchanges received by my Department, by the Department of Urban Services, or by ACTION.

In 1990/91 there were complaints that fumes from Civic interchange were being drawn into the ACT Shopfront premises. The complaints were investigated and resulted in the relocation of the air intake for the airconditioning system for the shopfront. There have been no further complaints of this type.

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I understand that some concerns were previously raised about the Leyland-National buses, which emitted heavy exhaust fumes. However, the last of these buses was disposed of in 1990.

The new buses now being delivered, Renault PR 100-3s, conform to the strictest European exhaust emissionstandards which I understand are three years. ahead of the Australian Design Rule standards.

(6) No

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 1118**

**Belconnen Remand Centre - Psychiatric  
Nurse Positions**

MRS CARNELL - asked the Minister for Housing and Community Services Are there two vacant positions for psychiatric nurses at the Belconnen Remand Centre; if so,

- (a) how long have these positions been vacant;
- (b) what efforts are being made to fill these positions and
- (c) what effects have these vacancies had on the treatment of mentally disturbed patients at the Remand Centre.

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

- (a) There are two psychiatric nurse positions attached to the Belconnen Remand Centre. Of these two positions, one has been vacant since 3 June 1993, following the resignation of the nominal occupant. The second position has been vacant from 5 July 1993, following redeployment of the nurse on medical grounds. The position is nominally held by this officer, and is thus not available for permanent filling.
- (b) Alternative arrangements have been made. A Welfare Officer has been employed full-time at the Centre since September 1993 to counsel and address the needs of all detainees at the Centre, and to ensure that these needs are addressed. The Forensic Psychologist employed by Mental Health Branch also attends detainees on request.

In addition, a permanent part-time general health nurse based at the facility administers medication prescribed by the visiting general practitioner or psychiatrist. A medical officer is also available to attend to the needs of detainees, on request. As well all detainees have unrestricted access to their own doctors and medical support services. Should it be deemed necessary, in the event of a critical incident occurring, detainees are seen at the Remand Centre by a psychiatrist or transported to the Woden Valley Hospital Psychiatric Unit.

- (c) There have been no adverse effects on the treatment of remandees.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 1119**

**Community Nursing Service -  
Funeral Director Advice**

Mrs Carnell - asked the Minister for Health:

- (1) Is it normal practice for palliative care nurses to recommend a particular Funeral Director when a patient dies?
- (2) What mechanisms are in place to ensure this does not happen?
- (3) Is there a code of practice for palliative care nurses to follow when a patient dies?
- (4) What is the procedure followed when a patient dies?
- (5) Are records kept on which Funeral Director is used for deceased palliative care patients?

Mr Berry - the answer to Mrs Carnells question is:

It is not normal practice for palliative care nurses to recommend a particular Funeral Director when a patient dies. However there are times when a family will ask the nurse for advice, and in that situation all options are given and the family is responsible for contacting a Funeral Director.

(2) The General Policy for Community Nursing does not allow nurses to recommend a particular product or business in preference to another.

(3 & 4) The code of practice and procedure for palliative care nurses, if they are present in the patients home at the time of death is to

Note the time of death. Notify the deceaseds medical officer. Notify the police if the patient has died under suspicious circumstances. Notify appropriate religious support - on request of the family. Notify their immediate supervisor. Complete nursing records.

(5) No records are kept on which Funeral Director is used for deceased palliative care patients

**ATTORNEY-GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1121**

**Police Force - Legal Advisers at Interviews**

MR MOORE: asked the Attorney-General -

In relation to Part 1C of the Federal Crimes Act 1924 which provides special conditions for interviewing persons in custody - Do ACT Federal Police keep statistics of the number of times persons have requested the presence of a legal adviser during interviews; if so what are the figures for the first half of 1993.

MR CONNOLLY: The answer to Mr Moores question is as follows -

No. The information would be part of the record of interview in written and/or audio/video form. However, it is not stored in any easily retrievable format.

4809

16 December 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1122**

**Supported Accommodation Assistance Program**

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

- (1) Have "growth funds" been forthcoming from the Federal Government; if so, were such funds matched by the ACT.
- (2) If growth funds have been received and matched where are they being distributed through Supported Accommodation Assistance Program (SAAP) services.
- (3) When is it proposed for the Ministerial Advisory Committee to discuss the proposed "Deed of Grant" for services to SAAP.
- (4) How will the promised consultation between the Ministerial Advisory Council and the SAAP services be conducted.

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

- (1) Yes; yes.
- (2) A portion of the growth funds will be allocated to a single mens service. The remaining funds will be allocated to funding priorities advised by the Ministerial Advisory Committee and to priority projects determined by relevant ACT and Commonwealth Ministers.
- (3),(4) All services currently have a service agreement. It is expected that a new Commonwealth - State/Territory Supported Accommodation Assistance Program Agreement will be negotiated in 1994. No decision can be made on new service agreements until Governments have agreed on new arrangements, and hence a new form of service agreement. The new arrangements and service agreements are expected to be in place by 1 July 1994. Preliminary consultation has commenced, the Ministerial Advisory Committee will conduct information sessions for services in the first six months of 1994.

4810

**MINISTER FOR HEALTH**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1124**

**Methadone Program**

Mrs Carnell - asked the Minister for Health:

How many persons registered in the A.C.T.s methadone program have transferred or been transferred from the comprehensive program to the low intervention program since the changes to the methadone payments policy in August 1993?

Mr Berry - the answer to Mrs Carnells question is:

Since August 1993, three clients have moved permanently from the comprehensive program to the low intervention program and six have moved temporarily. These latter six have since commenced payment for methadone and have returned to the comprehensive program.

A further five people on the comprehensive program occasionally miss out on take away doses when they do not make payment.

4811

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

**QUESTION NO 1127**

**National Parks and Nature Reserves - Fees**

Mrs Carnell - asked the Minister for the Environment, Land and Planning - In relation to entrance fees for parks -

- (1) Is the Department examining proposals to charge entrance fees for some or all national parks under its control including the Namadgi National Park and Tidbinbilla Nature Reserve; if so (a) in respect of which parks, and at what rates and (b) what is the expected revenue to be gained by these entrance fees, and what is the associated costs of collection.
- (2) Is the Department examining proposals to charge fees for the ranger conducted night walks at the Tidbinbilla Nature Reserve, and any other park, if so (a) in respect of which parks, and at what rates; and (b) what is the expected revenue to be gained by these fees, and what is the associated costs of collection.

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

- (1) The Government is not currently examining any proposals for the introduction of entrance fees for ACT national parks or nature reserves. However as indicated in the 1993-94 Budget papers the implementation of fees to enter national parks-and nature reserves in the ACT and Googong Foreshores will be examined as one component of a marketing strategy funded by the Government this year.

The framework for the marketing strategy has been designed by the Department of the Environment, Land and Planning in close consultation with the ACT Tourism Commission and will involve extensive public input.

A number of community organisations have been invited to participate in a community working group to give advice on the marketing strategy. These include the National Parks Association, Mulangarri Aboriginal Corporation, Conservation Council of the-South-east Region and three ecotour operators.

Dependent on the recommendations of the marketing strategy, entrance fees to some national parks or nature reserves may be introduced in 1995/96.

- (2) There is no proposal at this stage to implement fees for ranger conducted night walks at Tidbinbilla Nature Reserve or any other reserve or national park managed by the Department.

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

**Question No. 1129**

**Rates Revenue**

MRS CARNELL - Asked the Treasurer upon notice on 14 December 1993:

- (1) Did the Government consider not varying the rate in the dollar when setting the 1993-94 general rates.
- (2) If so, what was the expected revenue for 1993-94 if the same rate in the dollar had applied for general rates as had applied in 1992-93.
- (3) What was the expected revenue for 1993-94 if the same rate in the dollar had applied for general rates as had applied in 1992-93 in relation to the principal place of residence.
- (4) What was the expected revenue for 1993-94 if the same rate in the dollar had applied for general rates as had applied in 1992-93 in relation to properties other than the principal place of residence.
- (5) What is the expected revenue for 1993-94 in respect of each of the categories of (3) and (4) based on the rates set for 1993-94.

TREASURER - The answer to the Members question is as follows:

- (1) The Government considered a range of options when determining the rate in the dollar in 1993-94. If the rate had remained unchanged, the average rate bill would have risen by 8.7%. The Government reduced the rate in the dollar to ensure that the average increase was only 5% in 1993-94.
- (2) General rates revenue for 1993-94 would have been approximately \$84.9m if the rate in the dollar had remained unchanged, compared to the Governments Budget estimate of \$82.1m for 1993-94.
- (3) Principal places of residence represent 71% of the total general rates revenue base and would have contributed approximately \$60.5m in 1993-94 if the 1992-93 rate had applied.
- (4) Properties other than principal places of residence represent 29% of the total general rates revenue base and would have contributed approximately \$24.4m in 1993-94 if the 1992-93 rate had applied.
- (5) Expected revenue for 1993-94 from principal place of residence properties is \$58.5m, with all other properties expected to contribute \$23.6m.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION N0.1134**

**Emergency Services - Ambulance Officer Reports**

Mr Humphries - asked the Minister for Health:

(1) Have any officers of the ACT Ambulance Service filed complaints, reports or other documents expressing criticism of the conduct of officers of the Fire Brigade in respect of accidents or other emergencies in the ACT since 1 March 1993; if so, what is the import of these complaints, reports or other documents.

(2) Will the Minister table these documents or so much of them as relates to the agreement currently in place between ACT emergency services dealing with road accidents in the Territory.

Mr Berry - the answer to Mr Humphries question is:

(1) Since 1 March 1993, officers of the ACT Ambulance Service have filed several reports on events involving members of the ACT Fire Brigade in respect of road traffic accidents or other emergencies.

The import of the reports has reflected issues regarding operating procedures, care of patients and interservice communications.

Reports from officers attending incidents with multi-service responses are not unusual and provide a valuable opportunity for emergency services to review and improve the provision of services to the community.

There is a liaison process established between the Ambulance, Fire and Police Services to support this need.

(2) Reports received from Ambulance Officers do not directly relate to the agreement currently in place between ACT Emergency Services dealing with road accidents in the Territory.

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 1135**

**Health Grants Program**

Mrs Carnell - asked the Minister for Health - In relation to the 1992-93 ACT Health Grants Program

- (1) What procedures were used to evaluate each and every program and organisation?
- (2) For each and every program, was expenditure in accordance with the purpose of the grant?
- (3) What was the outcome of each and every program in relation to its objective?

Mr Berry - the answer to Mrs Carnells question is:

- (1) Programs and organisations funded by the ACT Health Grants Program in 1992/93 were evaluated in the following stages:
  - A. Applications were given priority ratings by an appropriate service provider or policy area within ACT Health.
  - B. The more highly ranked applications were assessed in terms of priority client groupings or health services as identified from the ACT Health business plans and the then Draft Corporate Plan.
  - C. Grantees entered into a service agreement outlining a negotiated project summary which includes performance indicators.
  - D. The Service Agreement required that grantees provided quarterly financial and activity reports and an annual evaluation report in March 1993.
  - E. Grantees were also required to provide audited financial statements annually and copies of the annual report of their organisation.
- (2) Expenditure against the service agreement was monitored through the quarterly financial and activity reports provided to the Department against the agreed project summary.

Contact was maintained with grantees throughout the year by visits to services, phone contact and by meeting with representatives when indicated or at the request of the grantees. In this way the Department worked with the community organisations to

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ensure that the performance of all grantees was satisfactory and that expenditure was in accordance with the purpose of the grant.

(3) Abortion Counselling Service - Provided support, education and information services to women and the community.

ACT Cancer Society Inc - Provided education, patient support and information for people in the ACT and surrounding region who have cancer, their families and friends. Provided education and information to promote a healthy lifestyle and assist in the prevention of cancer.

Australian Cardiacs Association - Provided support, information, education, supervision, medical guidance and a post-hospital exercise program for people with cardiac disease at winter and summer venues.

Childbirth Education Association - Provided pregnancy fitness, preparation for birth and postnatal fitness.

Diabetes Australia ACT - The Association provided education to the community, clients and health professionals on diabetes and its prevention via client contact and public awareness campaigns.

Family Planning Association - Provided training in sexuality and reproductive health to the community (in particular women and young people) and health professionals.

Grow Canberra - Facilitates self-help groups and personal growth in a community based organisation for people rehabilitating from mental and emotional disorders, and the prevention of these.

Headway - Coordination of programs and activities including education, counselling advocacy and support for people with brain injuries and their carers. Provided a learning environment for living independently, developing social skills and enabling access to services.

Homebirth Canberra - A centre was established to provide a resource for homebirth and natural childbirth. Education support and equipment provided to Canberra Homebirth Association members planning a homebirth.

Inanna Inc./Medea Inc. - Provided 24 hour supported accommodation to women and their children with special needs as a result of emotional and mental distress.

Mental Health Foundation ACT Inc. - Provided information, referral and counselling for mental illness sufferers and their families. Provided administrative support to the Mental Health Foundation and mental health support groups.

Mental Health Service - Psychiatric Rehabilitation Service - Northside contractors provided a rehabilitation part-time and casual employment program for people with psychiatric.

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Noahs Ark Inc. - Provided a resource centre, toy library, therapeutic assessment, treatment programs and integrated playgroups for children with special needs.

Nursing Mothers Association - Provided support, encouragement and counselling to breast feeding women through individual counselling and groups. The benefits of breast feeding were promoted in the community.

Pregnancy Support Service ACT Inc - Provided counselling, support, information and practical assistance to pregnant women. Information and education was provided to students and members of the community.

Richmond Fellowship ACT - Provided residential services for young people with social and behavioural problems, as well as work training for people with special vocational training needs.

South East NSW and ACT Hydatid Control Campaign - Promoted the prevention of hydatid disease in the ACT and surrounding region, in particular at schools and agricultural shows

Torture Rehabilitation & Network Service ACT (TRANSACT) - Provided counselling and advocacy for those who have experienced torture and trauma. TRANSACT also provided information and training to service providers.

Winnunga Nimmityjah/Aboriginal Health Clinic - Primary health care services provided to Aboriginal and Torres Strait Islander people.

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

**QUESTION NO. 1136**

**Health Grants Program**

Mrs Carnell - asked the Minister for Health - In relation to the 1992-93 ACT Health Grants Program:

- (1) Which organisations received grants.
- (2) What is the amount of funding each organisation received.
- (3) For what purpose or program was each grant made.
- (4) What contribution is each program expected to make to improving public health.

Mr Berry - the answer to Mrs Carnells question is:

- 1) ABORTION COUNSELLING SERVICE INC.
  - 2) Funding received in 1992/93: \$44,000
  - 3) Purpose of Grant: Funding provided for non directive counselling to women facing unplanned or unwanted pregnancies including information on abortion procedures and facilities, post abortion counselling, contraception information and community education.
  - 4) Contribution to improving Public Health: Facilitates informed decision making on pregnancy/termination.
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- 1) ACT CANCER SOCIETY INC.
  - 2) Funding received in 1992/93: \$41,000
  - 3) Purpose of Grant: Funding contributed to the services offered by the ACT Cancer Society. These include cancer information, education, prevention and early intervention in workplaces, schools and the community. Education was provided on skin cancer, smoking, womens health and cancer generally.
  - 4) Contribution to improving Public Health: Improves community awareness and action in preventing cancer.

1) ACT HOSPICE PALLIATIVE CARE SOCIETY INC.

2) Funding received in 1992/93: \$41,000

3) Purpose of Grant: Funding provided for a co-ordinator for the volunteer support service and bereavement counselling for the terminally ill and their carers

4) Contribution to improving Public Health: Improves quality of life for the dying and their carers.

1) AUSTRALIAN CARDIACS ASSOCIATION LTD (ACT BRANCH).

2) Funding received in 1992/93: \$995

3) Purpose of Grant: Funding provided for the purchase of a mobile phone to improve access to emergency services should they be required as a result of people with cardiac disease participating in a cardiac rehabilitation exercise program.

4) Contribution to improving Public Health: Improves length and quality of life of people who are recovering from cardiac disease.

1) CHILDBIRTH EDUCATION ASSOCIATION.

2) Funding received in 1992/93: \$10,000

3) Purpose of Grant: Funding contributed to the provision of support, encouragement, resources and education to women during their childbearing years, through pregnancy fitness classes, birth preparation classes and post natal fitness classes.

4) Contribution to improving Public Health: Facilitates optimum birthing experiences through improved fitness and birth preparation.

1) DIABETES AUSTRALIA (ACT).

2) Funding received in 1992/93: \$87,800

3) Purpose of Grant: Funding contributed to salaries for the nurse educators to assist with diabetes education, screening and diagnosis programs throughout the ACT.

4) Contribution to improving Public Health: Assists in diagnosis and optimum selfmanagement of diabetes and increases community awareness of diabetes.

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1) FAMILY PLANNING ASSOCIATION ACT INC.

2) Funding received in 1992/93: \$101,999

3) Purpose of Grant: Funding supported the activities of the education unit and a centre for training community health and education professionals ensuring wide availability of effective services in sexuality and reproductive health.

4) Contribution to improving Public Health: Improves sexual and reproductive health in the community.

1) GROW CANBERRA.

2) Funding received in 1992/93: \$9,000

3) Purpose of Grant: Funding provided to assist in maintaining the GROW community/administration centre and GROW mutual help groups.

4) Contribution to improving Public Health: Reduces the impact of mental health conditions on the community.

1) HEADWAY ACT.

2) Funding received in 1992/93: \$750.00

3) Purpose of Grant: Funding contributed to the operational costs for a learning environment for independent living skills, group support, social gatherings and outings, individual support and advocacy.

4) Contribution to improving Public Health: Improves health status and quality of life for people with head injuries and their friends/relatives.

1) HOMEBIRTH CANBERRA.

2) Funding received in 1992/93: \$9,320

3) Purpose of Grant: Promotes homebirth and natural birth, assists women and their families to birth at home. Grant provided for the purchase of equipment and payment of rent to assist the organisation in meeting its goals.

4) Contribution to improving Public Health: Women supported to safely birth at home.

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1) INANNA/ MEDEA INC.

2) Funding received in 1992/93: \$96,808

3) Purpose of Grant: Contributed funding with SAAP for a short to medium term supported accommodation service for women and their children who have special needs due to emotional and mental distress.

Inanna has changed by auspices from Medea Inc. during 1993.

4) Contribution to improving Public Health: Improves the transition from hospital to the community for psychiatrically affected women, minimising the need for readmission and facilitating independent living.

1) MENTAL HEALTH FOUNDATION (ACT) INC.

2) Funding received in 1992/93: \$45,200

3) Purpose of Grant: Funding contributed to salaries for the Foundation which supports mental health groups and activities, and provides information, advice, advocacy, referral, telephone services, liaison, education and awareness on mental health issues to individuals and the community.

4) Contribution to improving Public Health: Improves access to mental health services, minimising the impact of psychiatric episodes on individuals and the community.

1) MENTAL HEALTH SERVICE - PSYCHIATRIC REHABILITATION SERVICES.

2) Funding received in 1992/93: \$72,500

3) Purpose of Grant: Funding provided for a vocational rehabilitation program to assist people with psychiatric disabilities to live successfully in the community. The Community Work Project provides casual and part-time work for people with psychiatric disabilities through Northside Contractors and is a registered business.

4) Contribution to improving Public Health: Improves the quality of life of people with mental illness, and facilitates their return to independent living in the community.

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1) NOAHS ARK CANBERRA INC.

2) Funding received in 1992/93: \$16,700

3) Purpose of Grant: Funding contributed to providing a resource centre, toy library (including a mobile service) therapeutic assessment services, treatment programs and integrated playgroups to support children and young adults (0-18 years) who have special needs.

4) Contribution to improving Public Health: Improves the quality of life of children and young people with special needs and their families.

1) NURSING MOTHERS ASSOCIATION OF AUSTRALIA - ACT BRANCH.

2) Funding received in 1992/93: \$8,000

3) Purpose of Grant: Funded to produce promotional and educational material, quarterly branch newsheets and to reimburse the out-of-pocket expenses to volunteers. Provides a wide range of primary health services for mothers such as, breastfeeding counselling, encouragement, support, and the promotion of the health benefits of breastfeeding to the community.

4) Contribution to improving Public Health: Maintain and increase the number of breastfeeding women in the ACT. Increased knowledge in the community about breast feeding.

1) PREGNANCY SUPPORT SERVICE (ACT) INC.

2) Funding received in 1992/93: \$14,000

3) Purpose of Grant: Funding contributed to providing salaries, operational costs and equipment for the service which provides counselling, emotional support, practical assistance, free pregnancy testing, information and education to students and community groups.

4) Contribution to improving Public Health: Improves support and decision making on pregnancy/termination

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1) RICHMOND FELLOWSHIP OF THE ACT INC

2) Funding received in 1992/93: \$62,300

3) Purpose of Grant: Funding provided residential services for young people with social and behavioural problems. Assistance was also provided for young people in developing living, social and vocational skills.

4) Contribution to improving Public Health: Improves the quality of life for people with social or behavioural problems and facilitates their return to independent living in the community.

1) SOUTH EAST NSW AND ACT HYDATID CONTROL CAMPAIGN.

2) Funding received in 1992/93: \$15,500

3) Purpose of Grant: Funding contributed to the salaries of field workers, operational costs, promotional and educational literature to provide hydatid education in schools, at agricultural shows, field days and presentations to community groups.

4) Contribution to improving Public Health: Improves awareness of hydatids as a health issue, reducing incidence and impact of hydatid disease. -

1) TRANSACT (TORTURE REHABILITATION AND NETWORK SERVICE ACT).

2) Funding received in 1992/93: \$28,350

3) Purpose of Grant: Provides rehabilitation to survivors of torture and trauma in the form of advocacy and counselling. A community development worker also provides information and training to mainstream organisations. Funding provided for a counsellor/advocate salary, on-costs and operational costs.

4) Contribution to improving Public Health: Improves quality of life for people who have been affected by torture and trauma.

1) WINNUNGA NIMMITYJAH ABORIGINAL HEALTH SERVICE.

2) Funding received in 1992/93: \$107,000

3) Purpose of Grant: Winnungah Nimmityjah Aboriginal Health Clinic provides community based curative and preventive health programs to Aboriginals and Torres Strait Islanders. Funding provided for salaries, administration and travel.

4) Contribution to improving Public Health: Improves health status of Aboriginal people by improving access to health services.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO.1138**

**Emergency Management Centre - Communications  
Equipment**

Mr Humphries - asked the Minister for Health:

1. Did several ambulance units report communication difficulties between the vehicles and the operation centre on the weekend of 10-12 December 1993.
2. If so, (a) did these communication difficulties result in some confusion about destinations of units responding to priority calls and (b) have these difficulties now been resolved.
- (3) Has any assessment been made of the effectiveness of communications equipment at the new Curtin headquarters of ACT Emergency Management; if so, what are the results of this assessment.

Mr Berry - the answer to Mr Humphries question is:

- (1) Several ambulance units did report some variation in the quality and volume of transmissions between the vehicle and the Co-Ordination Centre on the weekend of 10-12 December 1993.
- (2) (a) There were no reports that the variation in quality or volume of transmissions resulted in any confusion about destinations of units responding to priority calls.  
(b) Technical support persons are working to ensure the new radio equipment is operating appropriately and providing high quality radio transmissions.
- (3) Informal assessment of the effectiveness of communications equipment has been ongoing since the move to the North Curtin Centre reflecting the continuing work to maximise the quality of the system. Formal commissioning and testing of the operating effectiveness of the communications equipment forms part of the installation contract. This will be undertaken following the complete installation of all radio systems.

APPENDIX 1:

(Incorporated in Hansard on 14 December 1993 at page 4589)

**THE CANBERRA WEEKLY DECEMBER 9-15 1993**

Electronic copy of this page is not available but it is included in the printed Hansard.

*16 December 1993*

APPENDIX 2:

(Incorporated in Hansard on 16 December 1993 at page 4699)

**1993**

**AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY**

**CORONERS (AMENDMENT) BILL (NO 2)1993**

**PRESENTATION SPEECH**

by

TERRY CONNOLLY MLA  
ATTORNEY

GENERAL

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CORONERS (AMENDMENT) BILL (NO 2)1993

MADAM SPEAKER, I MOVE THAT THIS BILL BE AGREED TO IN PRINCIPLE.

THE CORONERS (AMENDMENT) BILL (NO 2) 1993 BILL WAS PREPARED TO GIVE EFFECT TO THE GOVERNMENTS RESPONSE TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY AND AS A CONSEQUENCE OF A REVIEW OF THE CORONERS ACT 1956.

THE CORONERS COURT IS ONE OF THE OLDEST OF OUR LEGAL INSTITUTIONS. IN EARLIER TIMES, THE CORONER WAS AN AGENT OF THE CROWN APPOINTED, AMONG OTHER THINGS, TO COLLECT CERTAIN REVENUES AND TO HOLD AN INQUISITION TO FIND THE IDENTITY OF A PERSON FOUND DEAD AND THE CAUSE AND PLACE OF THE DEATH. FINES PAID AND GOODS FORFEITED BY ANY PERSON SUBSEQUENTLY HELD RESPONSIBLE FOR THE DEATH WERE COLLECTED AND HELD BY THE CORONER.

THE CORONIAL JURISDICTION HAS MOVED ON FROM THESE EARLY BEGINNINGS, BUT AN INQUISITORIAL HEARING TO FIND OUT THE IDENTITY OF A DECEASED PERSON, AND THE PLACE AND CAUSE OF THE DEATH REMAINS THE CHIEF ASPECT OF THE JURISDICTION. TODAY THE EMPHASIS IS ON UNCOVERING THE CAUSES AND CIRCUMSTANCES SURROUNDING A SUDDEN, NON-NATURAL OR SUSPICIOUS DEATH FOR THE BENEFIT OF THE COMMUNITY. THE CORONER HAS AN IMPORTANT FUNCTION IN INFORMING THE COMMUNITY ABOUT NON-NATURAL DEATHS SO THAT SIMILAR FATALITIES CAN BE PREVENTED IN THE FUTURE.

IN TABLING THE GOVERNMENTS RESPONSE TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY, THE CHIEF MINISTER NOTED THE NEED FOR REFORM IN THE AREA OF CORONIAL RESPONSIBILITIES AND THE LAW GOVERNING CORONIAL INQUESTS WHICH THE ROYAL COMMISSIONS RECOMMENDATIONS HAD IDENTIFIED. THE CHIEF MINISTER FORESHADOWED THE AMENDMENT OF THE CORONERS ACT 1956 TO IMPLEMENT THE RELEVANT RECOMMENDATIONS.

THE MEMBERS OF THE ASSEMBLY WILL RECALL THAT ON 17 JUNE 1993

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I TABLED AN EXPOSURE DRAFT CORONERS (AMENDMENT) BILL FOR COMMUNITY COMMENT AND CONSULTATION. THE LEGAL AFFAIRS COMMITTEE IS CONSIDERING THE EXPOSURE DRAFT OF THE BILL AND HAS INDICATED THAT IT WILL REPORT ON THE BILL BY 31 MARCH 1994. THE PERIOD FOR COMMENT OF THE EXPOSURE DRAFT OF THE BILL WAS FOR THREE MONTHS FROM JUNE THIS YEAR. THE GOVERNMENT SEES IT AS IMPORTANT THAT THE TERRITORY'S RESPONSE TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY IS IMPLEMENTED AS SOON AS POSSIBLE AND HAS, ACCORDINGLY, DECIDED TO PROCEED WITH THE BILL.

COMMUNITY INVOLVEMENT WAS DESIRED AS TO THE MANNER IN WHICH THE RECOMMENDATIONS OF THE ROYAL COMMISSION RELATING TO CORONIAL INQUESTS WERE TO BE ADDRESSED. THE RESPONSES OF THE COMMUNITY TO THE DRAFT BILL ARE APPRECIATED. THE BILL WAS SIGNIFICANTLY REFINED FOLLOWING THE CLOSE OF THE CONSULTATION PERIOD TO PRODUCE THE BILL I PRESENT TODAY.

HOWEVER, I RECENTLY ANNOUNCED A NEED TO REVIEW THE PRACTICES AND PROCEDURES OF THE CORONIAL JURISDICTION IN RELATION TO THE CONSIDERATION OF RELIGIOUS AND TRADITIONAL BELIEFS OF CERTAIN MEMBERS OF THE COMMUNITY AT DEATH AND ANY APPROPRIATE CONCERNS THE COMMITTEE HAS COULD BE CONSIDERED AS PART OF THAT EXERCISE IN THE NEW YEAR. I HAVE WRITTEN TO THE CHAIR, OF THE COMMITTEE, MR HUMPHRIES IN THESE TERMS. MY DEPARTMENT WILL CONSULT WITH THE ETHNIC COMMUNITIES COUNCIL AND OTHER COMMUNITY BODIES IN FORMULATING THIS FUTURE LEGISLATION.

THE CHIEF MINISTER MADE AN UNDERTAKING THAT INITIATIVES PROPOSED IN RESPONSE TO THE ROYAL COMMISSIONS RECOMMENDATIONS WOULD INVOLVE ABORIGINAL PEOPLE FROM THE PLANNING STAGE TO FINAL IMPLEMENTATION. THE A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COUNCIL, WHICH WAS ESTABLISHED EARLIER IN THE YEAR, REVIEWED THE BILL AND I THANK THE MEMBERS OF THE COUNCIL FOR THE TIME AND CONSIDERATION THEY HAVE GIVEN TO THE DEVELOPMENT OF THIS BILL.

AMENDMENTS RELATING TO DEATHS IN CUSTODY

MADAM SPEAKER, AS I MENTIONED PREVIOUSLY, THE BILL AMENDS THE CORONERS ACT 1956 TO PROVIDE FOR CORONIAL PROCEDURES IN RESPECT OF DEATHS IN CUSTODY.

THE BILL DEPARTS FROM THE RECOMMENDATIONS OF THE ROYAL COMMISSION IN THREE RESPECTS. THESE RELATE TO THE RECOMMENDATIONS THAT CORONIAL REPORTS ARE TO BE PROVIDED AUTOMATICALLY TO ALL PARTIES WHO APPEARED AT AN INQUEST; THAT A CORONER BE GIVEN POWER TO REQUIRE THE MINISTER RESPONSIBLE FOR THE AGENCY IN WHOSE CUSTODY A PERSON HAS DIED TO GIVE FURTHER EXPLANATIONS IN RESPONSE TO A CORONIAL REPORT; AND THAT A CORONER BE REQUIRED TO APPOINT A LEGAL PRACTITIONER TO ASSIST IN AN INQUEST INTO A DEATH IN CUSTODY NOT LATER THAN 48 HOURS AFTER RECEIVING ADVICE OF THE DEATH. THESE DEPARTURES ARE NOTED IN THE EXPLANATORY MEMORANDUM TO THE BILL.

THE DEPARTURES FROM THESE RECOMMENDATIONS ARE MADE TO PROTECT THE PRIVACY OF THE FAMILY OF THE PERSON WHO HAS DIED AND WHERE TO LEGISLATE STRICTLY ACCORDING TO THE WORDING OF THE RECOMMENDATION WOULD NOT BE ADMINISTRATIVELY FEASIBLE. HOWEVER, PROVISIONS ARE INCLUDED IN THE BILL WHICH DO IMPLEMENT THESE RECOMMENDATIONS SO AS TO GIVE EFFECT TO THE SPIRIT AND INTENT OF THE RECOMMENDATIONS.

A WIDE MEANING IS GIVEN IN THE BILL TO A DEATH IN CUSTODY. THE DEFINITION OF THIS TERM INCLUDES THE DEATH OF A PERSON WHO DIES IN A REMAND CENTRE; WHILE CARRYING OUT A COMMUNITY SERVICE ORDER; WHILE DETAINED OR IN CARE UNDER THE MENTAL HEALTH ACT 1983 OR THE CHILDRENS SERVICES ACT 1986; OR IN THE CUSTODY OF A SHERIFF OR A MEMBER OF THE POLICE FORCE. THE DEATH OF A PERSON WHILE IN, BEING TAKEN INTO OR AFTER BEING TAKEN INTO CUSTODY, OR WHILE ESCAPING OR TRYING TO ESCAPE FROM CUSTODY COMES WITHIN THE MEANING OF A DEATH IN CUSTODY. ALSO INCLUDED IN THE DEFINITION IS THE DEATH OF A PERSON AS A RESULT OF A FATAL INJURY SUSTAINED WHILE IN CUSTODY.

THE BILL PROPOSES THAT THE OFFICE OF CHIEF CORONER OF THE TERRITORY BE ESTABLISHED AND THAT THE CHIEF CORONER IS TO BE RESPONSIBLE FOR ARRANGING FOR THE BUSINESS OF THE COURT, IN PARTICULAR THE HOLDING OF INQUESTS INTO DEATHS IN CUSTODY.

THE BILL SPECIFICALLY PROVIDES THAT CERTAIN CONSIDERATIONS ARE TO BE GIVEN TO THE IMMEDIATE FAMILY OF A PERSON WHO HAS DIED IN CUSTODY. THE CORONER WILL BE REQUIRED TO NOTIFY THE FAMILY OF THE DECEASED PERSON OF THE HOLDING OF AN INQUEST INTO THAT DEATH.

WHERE THE DECEASED PERSON WAS AN ABORIGINAL PERSON OR TORRES STRAIT ISLANDER, THE CORONER WILL BE REQUIRED TO ALSO NOTIFY THE ABORIGINAL LEGAL SERVICE OF THE HOLDING OF AN INQUEST.

SUBJECT TO THE INTERESTS OF JUSTICE, THE IMMEDIATE FAMILY OF SUCH A PERSON WILL BE GIVEN CERTAIN RIGHTS UNDER THE ACT, INCLUDING: THE RIGHT TO VIEW THE BODY OF THE DECEASED; TO INSPECT THE SCENE OF THE DEATH; TO BE PRESENT AT THE POST-MORTEM; AND TO HAVE A FURTHER POST-MORTEM EXAMINATION OF THE DECEASED UNDERTAKEN.

A CORONER HOLDING AN INQUEST INTO A DEATH IN CUSTODY IS TO BE REQUIRED TO APPOINT A LEGAL PRACTITIONER TO ASSIST AT THE INQUEST.

THE RECORDS OF AN INQUEST INTO A DEATH IN CUSTODY WILL BE REQUIRED TO BE KEPT FOR A PERIOD OF NOT LESS THAN 7 YEARS. AN AGENCY IN WHOSE CUSTODY A PERSON DIES WILL ALSO BE REQUIRED TO KEEP THE RECORDS RELATING TO THAT PERSON FOR A PERIOD OF NOT LESS THAN SEVEN YEARS.

THE BILL PROVIDES THAT THE FINDINGS OF AN INQUEST INTO A DEATH IN CUSTODY MUST INCLUDE FINDINGS AS TO THE QUALITY OF CARE, TREATMENT AND SUPERVISION OF THE DECEASED PRIOR TO THE DEATH WHICH THE CORONER BELIEVES CONTRIBUTED TO THE CAUSE OF THE

DEATH.

COPIES OF THE CORONERS REPORT ARE TO BE MADE AVAILABLE ON REQUEST TO A MEMBER OF THE IMMEDIATE FAMILY OF THE DECEASED OR TO A WITNESS WHO APPEARED AT THE INQUEST. WHERE THE DECEASED PERSON WAS AN ABORIGINAL PERSON OR TORRES STRAIT ISLANDER, THE CORONER WILL BE REQUIRED TO GIVE A COPY OF THE FINDINGS TO THE ABORIGINAL LEGAL SERVICE.

A COPY OF THE CORONERS FINDINGS IS ALSO TO BE GIVEN TO THE AGENCY IN WHOSE CUSTODY THE DEATH OCCURRED AND TO THE MINISTER RESPONSIBLE FOR THAT AGENCY. THE AGENCY WILL BE REQUIRED TO GIVE A WRITTEN RESPONSE TO THE FINDINGS TO THE RESPONSIBLE MINISTER WITHIN THREE MONTHS OF RECEIPT OF THE COPY OF THE CORONERS FINDINGS.

THE FINDINGS AND THE RESPONSES TO THE FINDINGS OF AN INQUEST INTO A DEATH IN CUSTODY ARE TO BE INCLUDED IN AN ANNUAL REPORT TO BE PREPARED BY THE CHIEF CORONER FOR TABLING IN THIS HOUSE. THE INTENTION IS THAT, WHERE A CORONER FINDS THAT ANY ELEMENT OF THE CIRCUMSTANCES OF THE OFFICIAL CARE OR TREATMENT OF A PERSON WHO HAS DIED IN CUSTODY HAS CONTRIBUTED TO THE DEATH, THE RESULTING ACTION TAKEN BY THE AGENCY IS MADE PUBLIC.

A PROVISION IS INSERTED INTO THE ACT WHICH WILL REQUIRE THAT, WHERE PRACTICABLE, POLICE ASSISTANCE IS TO BE GIVEN TO A CORONER IN RELATION TO AN INQUEST OR INQUIRY. IT GIVES A STATUTORY BASE FOR WHAT IS CURRENTLY BOTH POLICE PRACTICE AND REQUIRED UNDER THE COMMON LAW. THE PROVISION WILL GIVE EFFECT TO RECOMMENDATION 29 OF THE ROYAL COMMISSION AND BRING THE TERRITORY INTO LINE WITH THE MAJORITY OF THE AUSTRALIAN JURISDICTIONS.

THE EXPLANATORY MEMORANDUM TO THE BILL NOTES THE PROVISIONS WHICH FACILITATE THE IMPLEMENTATION OF THE RELEVANT RECOMMENDATIONS OF THE ROYAL COMMISSION AND INCLUDES AN APPENDIX WHICH GIVES THE RELEVANT RECOMMENDATIONS IN FULL.

AMENDMENTS RELATING TO A REVIEW OF THE CORONERS ACT

MADAM SPEAKER, IN ADDITION TO IMPLEMENTING THE GOVERNMENT'S RESPONSE TO THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY, THE BILL INCORPORATES A RANGE OF AMENDMENTS ARISING OUT OF A REVIEW OF THE CORONERS ACT 1956.

THE ACT HAS NOT BEEN REVIEWED SINCE ITS ENACTMENT IN 1956. AS I HAVE SAID, THIS REVIEW PROCESS WILL BE ONGOING AND THIS BILL ADDRESSES IMPORTANT ADMINISTRATIVE AND PROCEDURAL MATTERS IN RELATION TO THE CORONIAL JURISDICTION.

AMONG THESE AMENDMENTS ARE STRONGER POWERS OF SEARCH AND ENTRY GIVEN TO A CORONER. THESE INCLUDE A POWER TO RESTRICT ACCESS TO A PLACE WHERE A DEATH OR A FIRE HAS OCCURRED AND TO ISSUE A WARRANT TO SEARCH AND ENTER, TO SEIZE ITEMS, AND TO RETAIN ITEMS REASONABLY BELIEVED TO BE RELEVANT TO AN INQUEST OR INQUIRY.

STRONGER POWERS ARE GIVEN TO A CORONER IN RESPECT OF THE GIVING OF EVIDENCE IN AN INQUEST OR INQUIRY. A CORONER WILL BE ABLE TO REQUIRE A WITNESS TO BE SWORN, TO ANSWER QUESTIONS AND TO PRODUCE DOCUMENTS TO THE INQUEST OR INQUIRY.

THE BILL INSERTS PROVISIONS INTO THE ACT WHICH CREATE OFFENCES RELATING TO THE GIVING OF EVIDENCE, INCLUDING THE GIVING OF FALSE OR MISLEADING EVIDENCE, IMPROPER DEALING WITH EVIDENCE, AND THE INTIMIDATION OR BRIBERY OF A WITNESS.

REVISED CONTEMPT OF COURT PROVISIONS ARE ALSO INSERTED INTO THE ACT. THESE PARALLEL THE CONTEMPT PROVISIONS IN THE MAGISTRATES COURT ACT 1930 AND ARE LIMITED TO CONTEMPT IN THE FACE OF THE COURT. THE PROVISIONS WILL ALLOW A CORONER TO DEAL IMMEDIATELY WITH A PERSON WHO IS IN CONTEMPT; TO TAKE THE OFFENDER INTO CUSTODY; TO REMAND THE PERSON; OR TO RELEASE THE PERSON ON

BAIL.

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THE BILL WILL ALSO GIVE A CORONER POWER TO MAKE AN ORDER IN RESPECT OF A PERSON CHARGED WITH, OR CONVICTED OF, CONTEMPT OF COURT. A CORONER WILL BE ABLE TO ORDER THAT A PERSON REMAIN OUTSIDE THE COURT BUILDING OR ENVIRONS, AND THAT THE PERSON NOT APPROACH A CORONER, A COURT OFFICER OR A WITNESS.

THE PROPOSAL THAT THE ACT BE AMENDED TO REQUIRE A CORONER TO REPORT TO THE DIRECTOR OF PUBLIC PROSECUTIONS IF THE CORONER BELIEVED THAT AN INDICTABLE OFFENCE HAD BEEN COMMITTED IN CONNECTION WITH A SUBJECT INVESTIGATED BY THE CORONER, HAS BEEN DROPPED FROM THE BILL. SUCH A PROVISION WOULD NOT ACCORD WITH THE POWER TO COMMIT FOR TRIAL GIVEN TO A CORONER IN THE ACT.

AN EXPANDED REGULATION MAKING POWER IS INSERTED INTO THE ACT TO ALLOW THE MAKING OF REGULATIONS RELATING TO THE PRACTICE AND PROCEDURES OF THE CORONERS COURT. IT IS INTENDED THAT REGULATIONS WILL BE MADE WHICH WILL ORDER THE PRACTICE AND PROCEDURE OF THE CORONERS COURT IN PARTICULAR CIRCUMSTANCES AND IN RESPECT OF CERTAIN DEATHS WHICH COME WITHIN THE CORONERS JURISDICTION. SUCH REGULATIONS WOULD INCLUDE PROCEDURES SPECIFICALLY DIRECTED TO INQUESTS INTO DEATHS IN CUSTODY.

IT IS ALSO PROPOSED THAT THE INFORMATION PAMPHLET ISSUED BY THE CORONERS COURT WILL BE REDRAFTED TO COVER CORONIAL PROCEDURES RELATING TO DEATHS IN CUSTODY AND OTHER MATTERS ARISING FROM THE BILL. THE A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COUNCIL AND OTHER RELEVANT COMMUNITY GROUPS WILL BE CONSULTED IN THE DEVELOPMENT OF BOTH THE PROPOSED REGULATIONS AND THE REVISED PAMPHLET.

MADAM SPEAKER, THE CORONERS (AMENDMENT) BILL (NO 2)1993 STRENGTHENS THE POWERS OF A CORONER AND OF THE CORONIAL JURISDICTION AND PLAYS A CRUCIAL PART IN IMPLEMENTING THE GOVERNMENTS RESPONSE TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY.

I PRESENT THE EXPLANATORY MEMORANDUM FOR THE BILL.

*16 December 1993*

APPENDIX 3:

(Incorporated in Hansard on 16 December 1993 at page 4699)

**PRESENTATION SPEECH**

**INTERPRETATION (AMENDMENT) BILL 1993**

To be presented by:

Terry Connolly MLA  
Attorney-General

MADAM SPEAKER, -

I AM INTRODUCING TWO BILLS IN THE ASSEMBLY TODAY. THEY

THE INTERPRETATION (AMENDMENT) BILL 1993, AND THE STATUTE LAW,  
REVISION (PENALTIES) BILL 1993.

THE INTERPRETATION (AMENDMENT) BILL 1993 WILL INTRODUCE A SYSTEM OF  
PENALTY UNITS FOR FINES IN A.C.T. LEGISLATION.

THIS MEANS THAT MONETARY PENALTIES IN STATUTES WILL BE REFERRED TO IN  
PENALTY UNITS. THE BILL PROVIDES THAT THE VALUE OF A PENALTY UNIT IS  
TO BE \$100.

IN FUTURE, THE FINE FOR AN OFFENCE WILL BE ASCERTAINED BY MULTIPLYING  
\$100 BY THE NUMB OF PENALTY UNITS SPECIFIED IN THE OFFENCE PROVISION.  
IN INTRODUCING A SYSTEM OF PENALTY UNITS THE ACT IS COMING INTO LINE WITH LEGISLATION IN OTHER JURISDICTIONS SUCHAS THE COMMONWEALTH; NEW SOUTH WALES, VICTORIA AND QUEENSLAND ARE CURRENTLY SPECS IN PENALTY UNITS. IN QUEENSLAND, THE VALUE OF A UNIT IS \$50, AND IN OTHER JURISDICTIONS; IT TS \$100.

THE ADVANTAGE OF HAVING FINES SPECS IN UNITS IS THAT BY AMENDING THE  
INTERPRETATION ACT 1967 IN THE FUTURE TO CHANGE THE VALUE OF THE  
PENALTY UNIT; IT POSSIBLE TO REVISE THE LEVEL OF FINES ACROSS ALL PIECES  
OF A.C.T. LEGISLATION.

THIS; SIMPLE AND EASY METHOD OF ADJUSTING FINES WILL  
RESULT IN SAVINGS IN ADMINISTRATIVE AND LEGISLATIVE EFFORTS. THE RESOURCE IMPLICATIONS OF AMENDING SEVERAL  
STATUTES AT DIFFERENT TIMES IS SIGNIFICANT. THIS BILL  
DIES THIS SITUATION: - . .

I COMMEND THE BILL TO THE ASSEMBLY.

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*16 December 1993*

APPENDIX 4:

(Incorporated in Hansard on 16 December 1993 at page 4700)

**PRESENTATION SPEECH**

**STATUTE LAW REVISION (PENALTIES) BILL 1993**

To be presented by:  
Terry Connolly MLA  
Attorney-General

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MADAM SPEAKER,

A MAJOR REVIEW OF PENALTIES IN A.C.T. LEGISLATION WAS STARTED BY A.C.T. AGENCIES THIS YEAR. THE FOCUS OF THE REVIEW IS ON PROVIDING UP-TO-DATE AND CONSISTENT PENALTIES IN ALL ACT LEGISLATION. .

THE BILL GIVES EFFECT TO THE OUTCOME OF THE FIRST STAGE OF THE REVIEW OF PENALTIES. IN THIS FIRST STAGE, THE MORE IMPORTANT PENALTIES WERE REVIEWED. BY AGENCIES. THESE ARE PENALTIES IN ACTS OF SOCIAL IMPORTANCE SUCH AS THE OCCUPATIONAL HEALTH AND SAFETY ACT 1989 AND THE .CHELDRENS SERVICES ACT 1986.

THE SECOND STAGE OF THE REVIEW IS IN PROGRESS AND I HOPE TO INTRODUCE A FURTHER BILL IN THE ASSEMBLY NEXT YEAR TO UPDATE ALL THE REMAINING PENALTIES IN ACT LEGISLATION.

THE NEED FOR THIS INITIATIVE HAS BEEN APPARENT FOR SOME TIME. PENALTIES IN SOME ACTS WERE FIXED MANY YEARS AGO . AND ARE OUT OF DATE. ALSO, DIFFERENT POLICIES HAVE BEEN ADOPTED IN THE PAST IN SETTING FINE .AMOUNTS AND TERMS OF IMPRISONMENT IN LEGISLATION. THIS REVIEW AIMS TO .APPLY A CONSISTENT POLICY ON PENALTIES .THROUGH OUT ACT LEGISLATION. .

THE PENALTIES REVIEW HAS BEEN SUCCESSFUL IN ADDRESSING WEAKNESSES, DEFICIENCIES AND INCONSISTENCIES IN PENALTIES IN A.C.T. LEGISLATION. IN SOME STATUTES THERE ARE PENALTIES WHICH ARE CLEARLY NOT CONSISTENT WITH THE SEVERITY OF THE OFFENCES AND IN SOME INSTANCES PENALTIES ARE INTERNALLY INCONSISTENT. THIS BILL WILL REMEDY THOSE DEFECTS

IN REVISING MAXIMUM. PENALTY LIMITS THE BILL WILL ENSURE THE COURTS WILL HAVE MORE FLEXIBILITY IN IMPOSING APPROPRIATE PENALTIES IN TERMS OF SENTENCING POLICIES.

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THE PENALTY LEVELS IN ACT LEGISLATION HAVE BEEN REVIEWED IN ACCORDANCE WITH A SET OF GOVERNMENT APPROVED REVIEW PRINCIPLES AND PENALTY SCALE. THESE PRINCIPLES AND THE SCALE ARE INCLUDED IN THE EXPLANATORY MEMORANDUM TO THE BILL.

IN SOME CASES THE APPLICATION OF THE PRINCIPLES AND THE PENALTY SCALE HAVE RESULTED IN SIGNIFICANT INCREASES IN THE MAXIMUM PENALTY FOR SOME OFFENCES. IN EXAMINING THESE INCREASES IT IS IMPORTANT TO BEAR IN MIND THAT SOME EXISTING PENALTIES HAVE NOT BEEN QED SINCE THE

OFFENCES WERE CREATED MANY YEARS AGO. THE EFFECTS OF.

INFLATION HAVE TO BE CONSIDERED. IN ADDITION ONE MUST REMEMBER THAT THE SETTING .OF PENALTIES IN THE PAST WAS SOMEWHAT HAPHAZARD AND INCONSISTENT. IN ALL CASES WHERE THE BILL INCREASES PENALTIES FOR OFFENCES, THIS IS A RESULT OF THE APPLICATION OF THE PRINCIPLES AND PENALTY SCALE TO IMPOSE CONSISTENT PENALTIES FOR SIMILAR OFFENCES.

THE PENALTY PRINCIPLES AND SCALE WILL BE APPLIED IN ALL FUTURE GOVERNMENT LEGISLATION. I URGE MEMBERS OF THE ASSEMBLY WHO PREPARE PRIVATE MEMBERS BILLS IN FUTURE TO HAVE REGARD TO THE PRINCIPLES AND THE SCALE. IT IS IMPORTANT THAT PENALTIES FOR SIMILAR OFFENCES ARE CONSISTENT ACROSS ALL LEGISLATION IN THE TERRITORY:

I BELIEVE THE COMBINED EFFECT OF BOTH THESE BILLS, NAMELY THE STATUTE LAW REVISION (PENALTIES) BILL AND THE INTERPRETATION (AMENDMENT) BILL, WILL BE

TO MAINTAIN A.C.T. PENALTIES. GENERALLY CONSISTENT WITH CRIMINAL LAW POLICY, AND .

TO FACILITATE EASY ADJUSTMENT OF FINES TO TAKE ACCOUNT OF THE EFFECT OF INFLATION..

I COMMEND THE BILL TO THE ASSEMBLY.

APPENDIX 5:  
(Incorporated in Hansard on 16 December 1993 at page 4700)

**1993**

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1993**

**PRESENTATION SPEECH**

Terry Connolly

Attorney General

*16 December 1993*

THE ASSOCIATIONS INCORPORATION ACT 1991 REFORMED THE LAW RELATING TO INCORPORATED ASSOCIATIONS IN THE A.C.T. IT INTRODUCED A MODERN CODE OF MANAGEMENT REQUIREMENTS AND STRUCTURES FOR RUNNING THOSE ASSOCIATIONS WHICH TOOK THE OPTION OF INCORPORATION.

AS WITH ANY SUBSTANTIAL NEW PIECE OF LEGISLATION SOME PROVISIONS HAVE COME TO LIGHT WHICH DO NOT OPERATE EXACTLY AS INTENDED OR WHICH CAUSE UNFORESEEN PROBLEMS TO SOME WHO SEEK TO USE IT. THESE ISSUES ARE NOTED BY THE REGISTRAR-GENERAL WHO ADMINISTERS THE ACT AND WILL BE CONSIDERED BY MY DEPARTMENT WHEN IT REVIEWS THE LEGISLATION.

ONE PROBLEM HAS COME TO LIGHT WHICH IS CAUSING CONSIDERABLE DIFFICULTIES FOR A SMALL NUMBER OF ASSOCIATIONS. BECAUSE OF THE NATURE OF THE PROBLEM I BELIEVE THAT IT SHOULD BE DEALT WITH STRAIGHT AWAY ALTHOUGH IT REQUIRES ONLY A MINOR CHANGE TO THE ASSOCIATIONS INCORPORATION ACT.

THE PROBLEM I REFER TO IS THAT VOTING PROVISIONS, SPECIFICALLY THOSE ABOUT SPECIAL RESOLUTIONS, DO NOT CONTEMPLATE A MEMBER OF AN ASSOCIATION HAVING MORE THAN ONE VOTE. IN FACT WE HAVE A NUMBER OF ASSOCIATIONS INCORPORATED UNDER A.C.T. LEGISLATION WHICH ARE LIKELY TO ALLOCATE A NUMBER OF VOTES TO EACH MEMBER.

THESE ARE THE FEDERATED ASSOCIATIONS - NATIONAL ASSOCIATIONS WHOSE MEMBERS ARE THEMSELVES INCORPORATED ASSOCIATIONS FROM EACH OF THE STATES AND TERRITORIES. THE FEDERATED ASSOCIATIONS CHOOSE TO INCORPORATE HERE BECAUSE OF CANBERRAS POSITION AS THE

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NATIONAL CAPITAL AND BECAUSE THE A.C.T. LEGISLATION IS LESS RESTRICTIVE IN SOME WAYS THAN THAT IN OTHER JURISDICTIONS.

THE FEDERATED ASSOCIATIONS MAY ALLOCATE EACH MEMBER ASSOCIATION A NUMBER OF VOTES WITH THOSE VOTES BEING CAST BY DELEGATES ATTENDING MEETINGS AS REPRESENTATIVES OF THE MEMBER. DELEGATES MAY BE ENTITLED TO VOTE AS THEY CONSIDER APPROPRIATE, SO THAT THE MEMBER MAY NOT HAVE ALL ITS VOTES EITHER IN FAVOUR OR AGAINST A MOTION.

THE PROBLEM BECOMES APPARENT WHEN CONSIDERING THE PROVISION ABOUT SPECIAL RESOLUTIONS. A THREE-QUARTERS MAJORITY IS NEEDED TO PASS A SPECIAL RESOLUTION. AS THE ACT STANDS IT MUST BE A THREE-QUARTERS MAJORITY OF MEMBERS WHO ARE IN FAVOUR. THE AMENDMENT IN THIS BILL WILL MAKE IT A THREE-QUARTERS MAJORITY OF VOTES OF MEMBERS WHICH MUST BE IN FAVOUR FOR A SPECIAL RESOLUTION TO BE PASSED.

THAT CHANGE WILL CLEARLY SOLVE THE PROBLEM FOR THE FEDERATED ASSOCIATIONS. IT WILL NOT ADVERSELY AFFECT ANYONE ELSE AS WHERE EACH MEMBER HAS ONLY ONE VOTE THE EFFECT OF THE PROVISION WILL REMAIN AS IT WAS BEFORE THE AMENDMENT.

SPECIAL RESOLUTIONS ARE NEEDED FOR IMPORTANT DECISIONS OF INCORPORATED ASSOCIATIONS SUCH AS CHANGING THE RULES. ONE FEDERATED ASSOCIATION HAS POINTED OUT TO ME THAT IT CANNOT CHANGE ITS RULES TO COMPLY WITH THE NEW ASSOCIATIONS INCORPORATION ACT UNTIL THE REQUIREMENTS FOR SPECIAL RESOLUTIONS ARE CHANGED. THE REGISTRAR-GENERAL HAS BEEN NOTIFIED OF

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*16 December 1993*

SITUATION AND IS NOT PRESSING FOR COMPLIANCE BUT THIS IS NOT A SATISFACTORY SITUATION.

FOR THESE REASONS I BELIEVE THAT THE ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1993 IS AN IMPORTANT PIECE OF LEGISLATION DESPITE ITS APPEARANCE OF BEING LESS THAN SUBSTANTIAL

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APPENDIX 6:

(Incorporated in Hansard on 16 December 1993 at page 4732)

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

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**24 NOVEMBER 1993**

MS FOLLETT On 24 November 1993 Mr Stevenson asked me a question concerning the ability to rent a residential property for which a Certificate of Occupancy and Use has not been issued and the liability of such a property for land tax.

MY ANSWER IS : Where a Certificate of Occupancy and Use has not been issued in respect of a residential dwelling then that dwelling cannot be occupied. Accordingly such a dwelling obviously could not be rented until such time as a Certificate has been issued.

If the dwelling is being constructed as the intended principal place of residence of the owner then there is no limit imposed by the Rates and Land Tax Act on the period of exemption from land tax during construction.

If the dwelling is being constructed for sale then the period of exemption from land tax during construction is limited to two years

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*16 December 1993*

In the case that prompted these questions a Certificate of Occupancy and Use was issued by the Building Controller on 31 May 1988. Residential land tax was introduced in the ACT as from 1 August 1991. In this instance the owner did not use these premises as his principal place of residence and has been, quite correctly, assessed as being liable for land tax.

APPENDIX 7:

(Incorporated in Hansard on 16 December 1993 at page 4732)

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

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**20 OCTOBER 1993**

MS FOLLETT: On 20 October 1993 Mr Stevenson asked me a question relating to the potential for re-establishment of a Customs section at the Fyshwick Mail exchange and for dead letters to be dealt with in the ACT. I noted at the time that these, matters were not my portfolio responsibility but I undertook to make some inquiries.

MY ANSWER IS: Since the closure of the Customs section at the Fyshwick Mail. Exchange international letters and parcels destined for the ACT are inspected at the International. Mail Centre in Clyde and the majority, I understand, are forwarded onto their destination without further delay or cost. If a postal item has duty or sales tax payable, or it requires customs clearance for any other reason, it is held at Clyde and the addressee is informed of this by post. Clearance can then be arranged through the office of the Sub-Collector of Customs for the ACT in Fyshwick, or the recipient can employ a Customs Clearance Agent, who will charge for this service.

After clearance, which can be done by facsimile, the item can be released and then forwarded to the post office closest to its final destination for collection. Sales tax and/or duty charges can be paid either at Fyshwick (for amounts over \$1000) or at the local post office upon collection of the item. The only additional charges may be demurrage, which are an Australia Post charge levied on goods that are not collected within two weeks of the notification being sent from Clyde. These charges are cumulative.

Letters which cannot be delivered and are without an apparent return address, known as dead letters, are sent to Sydney on a daily basis where they are opened and then returned to the

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*16 December 1993*

sender where possible. Australia Post informed my Department that dead letters are a priority item and are not unduly delayed. It also advised that the responsibility for dealing with such letters was removed from the Canberra GPO as a costcutting measure due to the small numbers involved.

I am not aware of any complaints from businesses on either of these new arrangements. Should evidence be given to me demonstrating that this is a significant issue affecting the operation of business in the ACT, I will take it up with the Federal Government.

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APPENDIX 8:

(Incorporated in Hansard on 16 December 1993 at page 4732)

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

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**8 DECEMBER 1993**

MS FOLLETT: On 8 December 1993 Mr Kaine asked me a question relating to a review of arrangements under which ACT Government owned vehicles were home garaged and I undertook to provide him with an answer.

MY ANSWER IS: I am advised that findings from the review of home garaging will be available for Government consideration in March 1994. As I said last week I will report the results of the review to the Assembly.

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*16 December 1993*

APPENDIX 9:

(Incorporated in Hansard on 16 December 1993 at page 4742)

**1993**

**AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY**

**Ministerial Statement on  
the Commonwealth Evidence Bill 1993  
and its application to the Australian Capital Territory**

To be delivered by  
Terry Connolly MLA  
Attorney

General

MADAM SPEAKER, I WISH TO ADVISE THE LEGISLATIVE ASSEMBLY OF MOVES TO REFORM THE LAWS OF EVIDENCE IN THE AUSTRALIAN CAPITAL TERRITORY.

FOR SOME YEARS NOW IT HAS BEEN APPARENT THAT THE LAWS OF EVIDENCE IN THE VARIOUS AUSTRALIAN JURISDICTIONS ARE SERIOUSLY IN NEED OF THOROUGH REFORM. IN 1979 THE COMMONWEALTH GOVERNMENT ASKED THE AUSTRALIAN LAW REFORM COMMISSION TO REVIEW THE LAWS OF EVIDENCE THAT OPERATE IN FEDERAL AND TERRITORY COURTS.

AT ONE LEVEL, THE COMMONWEALTHS INTEREST STEMMED FROM THE FACT THAT THE LAWS OF EVIDENCE THAT APPLY IN FEDERAL COURTS ARE THE LAWS OF THE JURISDICTION WHERE THE COURT IS SITTING. THIS LEADS TO THE FARCICAL SITUATION WHERE, FOR EXAMPLE, THE FEDERAL COURT TRYING A CASE IN BRISBANE APPLIES QUEENSLAND EVIDENCE LAW, WHEREAS IF THE CASE WAS TRIED IN SYDNEY THE LAWS OF EVIDENCE OF NEW SOUTH WALES WOULD APPLY. THE DIFFERENCES IN THE EVIDENCE LAW COULD PRODUCE DIFFERENT OUTCOMES.

THE PROBLEM GOES BEYOND THE FEDERAL COURTS, HOWEVER. THE FACT THAT THERE ARE SIGNIFICANT DIFFERENCES IN THE LAWS OF EVIDENCE BETWEEN THE VARIOUS AUSTRALIAN JURISDICTIONS CAN PRESENT PROBLEMS FOR THOSE BUSINESSES THAT OPERATE IN MORE

THAN ONE JURISDICTION, AND FOR INDIVIDUALS AND BUSINESSES THAT ARE BASED IN ONE JURISDICTION AND BECOME INVOLVED IN LITIGATION IN ANOTHER.

AND BECAUSE MUCH OF THE LAW OF EVIDENCE IN EACH JURISDICTION IS CONTAINED IN THE COMMON LAW -THAT IS, THE BODY OF LAW DEVELOPED BY THE COURTS - THAT LAW IS UNCERTAIN AND RELATIVELY INACCESSIBLE. AS A RESULT, MOST PEOPLE WHO BECOME INVOLVED IN LITIGATION FIND IT ALMOST IMPOSSIBLE TO REPRESENT THEMSELVES IN COURT.

IN ADDITION, THE STATE OF THE LAW OF EVIDENCE ACROSS AUSTRALIA IS AN IMPEDIMENT TO THE DEVELOPMENT OF A NATIONAL LEGAL PROFESSION. THE LAWS OF EVIDENCE OF EACH JURISDICTION ARE HIGHLY COMPLEX AND TECHNICAL. IT IS A DAUNTING PROSPECT FOR A LEGAL PRACTITIONER WHO WISHES TO PRACTICE IN THE COURTS OF SEVERAL JURISDICTIONS TO MASTER A SERIES OF DIFFERENT AND SOMETIMES CONFLICTING LAWS OF EVIDENCE.

IN ITS INTERIM REPORT IN 1985 THE LAW REFORM COMMISSION CONFIRMED THAT THERE WERE ENORMOUS DIFFERENCES IN THE LAWS OF EVIDENCE BETWEEN THE VARIOUS AUSTRALIAN JURISDICTIONS, WHICH WERE CAPABLE OF AFFECTING THE OUTCOME OF LITIGATION ACCORDING TO THE STATE OR TERRITORY IN WHICH THE TRIAL WAS HELD. IT SAID IT HAD ALSO FOUND SIGNIFICANT

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UNCERTAINTY IN ALL AREAS OF THE LAWS OF EVIDENCE WHICH COULD ONLY BE ADDRESSED BY COMPREHENSIVE UNIFORM LEGISLATION.

IN ITS FINAL REPORT IN 1987 THE COMMISSION, IN ADDITION TO MAKING RECOMMENDATIONS ABOUT EVIDENCE LAW IN FEDERAL COURTS, SAID THAT THE LAW OF EVIDENCE IN AUSTRALIA IS BADLY IN NEED OF REFORM IN ALL AREAS. IT SAID THAT THE PRESENT LAW OF EVIDENCE IS THE PRODUCT OF UNSYSTEMATIC STATUTORY AND JUDICIAL DEVELOPMENT, AND THAT IT CONTAINS TRAPS AND PITFALLS WHICH ARE LIKELY TO LEAVE THE UNREPRESENTED LITIGANT BAFFLED, FRUSTRATED AND DEFEATED.

THE COMMONWEALTH DECIDED TO ACT ON THE RECOMMENDATIONS OF THE LAW REFORM COMMISSION AND REFORM THE LAWS OF EVIDENCE THAT APPLY IN FEDERAL COURTS. AT THAT TIME, RESPONSIBILITY FOR EVIDENCE LAW IN THE AUSTRALIAN CAPITAL TERRITORY REMAINED WITH THE COMMONWEALTH, AND A DRAFT EVIDENCE BILL PREPARED BY THE COMMONWEALTH IN 1991 APPLIED TO A.C.T. COURTS. THE COMMONWEALTH, MINDFUL OF THE FACT THAT RESPONSIBILITY FOR EVIDENCE LAW IN THE A.C.T. WOULD TRANSFER TO THE TERRITORY ON 1 JULY 1992, STATED THAT IT SAW THIS AS FULFILLING ITS RESPONSIBILITY TO PROVIDE THE A.C.T. WITH AN UPTO-DATE BODY OF EVIDENCE LAW.

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TOWARDS THE END OF 1991, HOWEVER, CIRCUMSTANCES CHANGED, AND THE 1991 BILL WAS NOT ENACTED. IN OCTOBER THAT YEAR THE STANDING COMMITTEE OF ATTORNEYS-GENERAL AGREED IN-PRINCIPLE THAT THERE SHOULD BE SUBSTANTIALLY UNIFORM EVIDENCE LAW ACROSS AUSTRALIA. THE NEW SOUTH WALES AND COMMONWEALTH GOVERNMENTS AGREED THAT THEY WOULD COMBINE TO JOINTLY DEVELOP A UNIFORM EVIDENCE BILL TO BE ENACTED IN BOTH THOSE JURISDICTIONS.

THE COMMONWEALTH PROPOSED TO THE A.C.T. THAT THE BILL COULD, WITH TERRITORY AGREEMENT, FOLLOW THE SAME APPROACH AS THE 1991 BILL AND APPLY TO TERRITORY COURTS. THE COMMONWEALTH SAW THIS AS FULFILLING ITS PREVIOUS AGREEMENT TO PROVIDE THE TERRITORY WITH UP-TO-DATE EVIDENCE LAW. IN CONTEMPLATION OF THE THEN FORTHCOMING TRANSFER OF RESPONSIBILITY FOR EVIDENCE LAW TO THE A.C.T., THE COMMONWEALTH PROPOSED THAT THE BILL SHOULD CONTAIN A PROVISION THAT ITS APPLICATION TO THE TERRITORY COULD BE TERMINATED BY PROCLAMATION. THE COMMONWEALTH ATTORNEY-GENERAL GAVE AN UNDERTAKING THAT THE COMMONWEALTH WOULD MAKE SUCH A PROCLAMATION AT THE REQUEST OF THE A.C.T. GOVERNMENT

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ON THE BASIS OF THAT UNDERTAKING. THE GOVERNMENT HAS AGREED THAT THE COMMONWEALTH EVIDENCE BILL 1993, WHICH IS THE CULMINATION OF THE JOINT COMMONWEALTH - NEW SOUTH WALES DRAFTING PROJECT, SHOULD APPLY IN A.C.T. COURTS. THE COMMONWEALTH MINISTER FOR JUSTICE INTRODUCED THE BILL INTO THE PARLIAMENT YESTERDAY.

THIS ARRANGEMENT HAS CONSIDERABLE ADVANTAGES FOR THE TERRITORY. THE COMMONWEALTH AND NEW SOUTH WALES HAVE BEEN ABLE TO DEVOTE A FAR GREATER LEVEL OF RESOURCES TO THE PROJECT THAN THE TERRITORY WOULD BE ABLE TO. IT MAKES A LOT OF SENSE FOR US TO TAKE ADVANTAGE OF THAT SITUATION AND "PIGGY-BACK" ON THE JOINT EXERCISE. ENACTMENT OF THE LEGISLATION WILL NOT BE THE END OF THE EXERCISE. WITH LEGISLATION OF THIS COMPLEXITY, IT IS ONLY TO BE EXPECTED THAT SOME AMENDMENTS MIGHT BE NEEDED TO RESOLVE MATTERS THAT COULD NOT BE ANTICIPATED AT THE DRAFTING STAGE. ANY SUCH AMENDMENTS WILL BE HANDLED BY THE COMMONWEALTH AND APPLY TO THE AUSTRALIAN CAPITAL TERRITORY.

THE GOVERNMENTS INTENTION IS THAT, ONCE THE LEGISLATION HAS BEEN IN FORCE FOR SOME TIME AND ANY PROBLEMS IRONED OUT, THE GOVERNMENT WILL INTRODUCE INTO THE LEGISLATIVE ASSEMBLY AN A.C.T. EVIDENCE BILL. THAT BILL WOULD MIRROR THE UNIFORM

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COMMONWEALTH AND NEW SOUTH WALES LEGISLATION. IF THAT BILL WAS PASSED BY THE ASSEMBLY, THE GOVERNMENT WOULD ASK THE COMMONWEALTH TO END THE APPLICATION OF COMMONWEALTH EVIDENCE LAW TO THE TERRITORY.

A FURTHER ADVANTAGE OF THIS APPROACH IS THAT IT LENDS A.C.T. SUPPORT FOR THE MOVE TOWARDS UNIFORM EVIDENCE LAW ACROSS AUSTRALIA. I SINCERELY HOPE THAT OTHER JURISDICTIONS WILL FOLLOW THE LEAD OF THE COMMONWEALTH, NEW SOUTH WALES AND THE A.C.T. AND REFORM THEIR OWN LAWS OF EVIDENCE IN WAYS THAT ARE SUBSTANTIALLY UNIFORM WITH THE PRESENT PROJECT.

I PRESENT FOR THE INFORMATION OF MEMBERS A COPY OF THE COMMONWEALTH EVIDENCE BILL 1993.

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